الأمانة العامة للجان الزكوية والضريبية والجمركية
General Secretariat of Zakat, Tax and Customs Committees

Decisions Issued by Customs Committees for the year 2025

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بسم الله الرحمن الرحيم

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Introduction

Praise be to Allah, the Lord of the Worlds, and prayers and peace be upon the most honorable messengers and the Last Prophet, our Prophet Muhammad, and upon his family, companions and followers, and therefore.

In recent time the efforts made by the courts and judicial Committees and the rulings and Decisions issued by them constitute a priceless jurisprudential and judicial wealth, and a result that should be given attention and care. Considering the commercial and industrial revolution that of Saudi Arabia is experiencing under Vision 2030, many people are facing numerous challenges in customs cases. From the perspective of social responsibility that the General Secretariat of the Zakat, Tax, and Customs Committees adopts, it has sought to establish a solid foundation and reference for committee members, taxpayers, and interested parties through the publication of the "Final Decisions Issued by Customs Committees for 2025" which effectively contributes to addressing customs disputes, thereby reducing the prolongation of litigation; as these documents clarify what the committees have settled on in their decisions. This will reflect on shortening the duration of litigation for concerned parties, easing the burden on the judge, and achieving the principle of transparency that the General Secretariat pursues, in addition to providing practical aspects for the relevant authorities in legal and regulatory research, especially academic and training institutions, among others.

We ask Allah, the Almighty, to make our work purely for Him, and to support our efforts and endeavors for what is good, as He is indeed a gracious benefactor.

Speech of His Excellency the Secretary General of the Zakat, Tax and Customs Committees

Praise be to Allah alone. Therefore:

Based on the vision and values of the General Secretariat of the Zakat, Tax and Customs Committees, which has undertaken the commitment to excel in resolving zakat, tax, and customs disputes, adopting innovative and effective methods, promoting transparency and neutrality, fostering cooperation among the stakeholders of the zakat, tax, and customs ecosystem, and playing an active role in enhancing the efficiency of legal adjudication. This aims to enable the Zakat, Tax, and Customs Committees in the prompt adjudication of pending disputes, and providing support and assistance to the Committees at all stages through the conduct of studies and research, and by serving taxpayers through clarifying the applicable laws, regulations, and judicial precedents, and regularly updating them.

The General Secretariat also placed special emphasis on the Final Decisions issued by the Customs Committees, as they represent a summary of the established jurisprudence and are characterized by their constant possibility of development and change according to the developments in the real world, because their decisions are aimed at resolving disputes before the judicial committees. Moreover, the knowledge of these decisions prevents disputes and conflicts, which is a prevention, protection and assistance to them in their stance before the Committees, including the project of classifying and tabulating the Decisions issued by the Customs Committees.

This prestigious status of the Decisions calls for working to extract and disseminate them to the Public; in order to achieve the principle of transparency, highlight the ongoing efforts, and enrich the scientific arena; to make it a fertile ground for scholars, specialists, and research centers.

The Secretariat's role in disseminating these Decisions is an affirmation of its relentless endeavor to achieve all that would raise the level of justice as befits it, thanks to the support and guidance of the blessed leadership, which spares no effort in its generous support for the legislative and regulatory framework.

In conclusion, I would like to thank the Custodian of the Two Holy Mosques King Salman bin Abdulaziz and His Royal Highness Crown Prince Mohammed bin Salman bin Abdulaziz, Prime Minister, for their unlimited care and support for judicial activities in various fields. I would also like to thank the staff of the General Secretariat for their outstanding efforts in issuing this publication, which I hope will achieve its objectives and be a qualitative addition in the legal field.

Secretary-General

Abdullah bin Abdulrahman Al-Suhaibani

Methodology

The General Secretariat has been careful to select judgments with a comprehensive nature of their subjects in order to achieve the desired benefit. In view of the importance of the characterization of the case before the adjudication and appeal committees and its impact on the reasoning and basis for the Decision, which is the result sought by the parties to the case, and because customs cases have different facts and circumstances; it was necessary to tabulate the final decisions issued by the Customs Committees for 2025 to enable researchers to review the opinion of the Committees on these defenses.

Based on the role of the General Secretariat of Zakat, Tax and Customs Committees in adopting and applying the principles of continuous improvement and development in the management of Zakat, Tax and Customs disputes, with the aim of enabling the speedy resolution of these disputes, the Secretariat paid attention to stapling and publishing the final decisions issued by the Customs Appeals Committees. Therefore, the work required a solid plan to produce it in an easy and accessible manner, the work was divided into several stages as follows:

- **The final Decisions issued by the Customs Committees were carefully inventoried during 2025 AD, the total number of which stood at (4200), from which we extracted (109) decisions.**
- **Keywords have been set to make it easier to search through them.**
- **The name of the circuit issuing the decision, the number of the decision, and the date of issuance were listed.**
- **A summary of the case which summarizes the most important parts of the case was developed.**
- **Ensuring the deletion of all data indicating the parties to the case or other parties without affecting the Decision.**
- **Verifying the integrity of the Decision from a linguistic and spelling perspective.**
- **Categorize decisions thematically as appropriate and place them under the most relevant category. Before starting this project, it is advisable to define the defenses and their sections:**

Procedural decisions

The Customs Appeals Committee in Riyadh

Decision No. CAR-2025-261999

Case No. PC-2025-261999

Keywords:

Customs - Procedural - Expiration of the Regulatory Time Limit

Summary:

- **The importers requested the annulment of the initial decision No. (CSR-2022-2170) of the year 1444 AH issued by the Second First Instance Customs Committee in Riyadh, which found the importers guilty of customs evasion and obligated them jointly to pay a customs fine of (248,000) riyals, and ordered the confiscation of the non-compliant goods. The Appeals Committee, based on the case file, determined that the importers submitted their appeal against the initial decision (the subject of the appeal) on 26/1/2025 AD, while the notification of the issuing committee's decision (the subject of the appeal) was on 4/5/2023 AD. This indicates that the appeal was submitted after the statutory deadline, rendering it without supporting evidence and therefore requiring its rejection. Consequently, the appeal is rejected on procedural grounds due to the expiration of the statutory deadline.**

Document:

- Articles (34-46) of the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/ 04/1445 AH.
- The Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH.

Facts:

This is to consider the two appeals submitted by each of: ...., ID No. (........), and.............., Resident ID No. (.............), and (.............) and Resident ID No. (.............) by their representative, National ID No. (...), Attorney's License No. (...), pursuant to Power of Attorney No. (.............) issued on 20/ 01/2025 AD, against the initial decision No. (CSR-2022-2170) issued by the Second First Instance Customs Committee in Riyadh, whose ruling states the following:

"1- The defendants/................, ... nationality, Resident ID No. (................), and the defendant/................, nationality, Resident ID No. (................), and the defendant/................, nationality, Resident ID No. (................), are found guilty of customs smuggling.

2- They are jointly and severally liable for a customs fine equivalent to twice the value of the quantity of tobacco. The seized goods, a sum of (248,000 Riyals) two hundred and forty-eight thousand Riyals.

3- Confiscation of the seized quantity of tobacco that is the subject of the case".

On Wednesday, 28/1/1447 AH, corresponding to 23/07/2025 AD, at 3:01 PM, the Customs Appeals Committee in Riyadh held its hearing via Video conferencing in accordance with remote visual litigation procedures; based on what was stated in item number (1) of Article fifteen of the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH, to consider the two appeals submitted by /................ and................, against Decision No. (CSR-2022-2170) dated 20/ 04/2022 AD, issued by the Second First Instance Customs Committee in Riyadh, and after reviewing the case file and the two appeals submitted by the appellants, therefore the committee decided to close the pleadings.

Grounds:

The jurisdiction of customs committees, as stipulated in Article (162) of the Unified Customs Law, is limited to reviewing customs smuggling offenses and related matters.

Decision:

Non-acceptance of the two appeals procedurally.

May Allah's peace and blessings be upon our Prophet Muhammad and upon his family and companions.

The Customs Appeals Committee in Riyadh

Decision No. CAR-2025-247529

Case No. CF-2025-247529

Keywords:

Customs - Procedural - Lack of Standing

Summary:

- **The importer is requesting the annulment of the initial decision No. (CSR-2024 - 242728) of 1446 AH, issued by the Second First Instance Customs Committee in Riyadh, which ruled that the plaintiff had abandoned its claim. The Appeals Committee, after reviewing the case file, found it lacked any evidence of the appellant's legal standing. The General Secretariat of the Customs Committees requested the appellant on 11/ 03/ 2025 AD to submit proof of legal standing, but it failed to comply. Therefore, the appeal filed without supporting evidence and must be rejected. Consequently, the appeal is inadmissible on procedural grounds because it was submitted by someone without standing.**

Document:

- The Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH.
- Paragraph (1) of Article (76) of the Law of Sharia Procedures, issued by Royal Decree No. (M/1) dated 22/ 01/1435 AH.

Facts:

This is to consider the appeal submitted by/................, National ID No. (...), on the initial decision No. (CSR-2024-242728), Issued by the Second First Instance Customs Committee in Riyadh, the ruling states the following:

"The plaintiff is considered to have abandoned her claim, in accordance with the reasons explained in the following".

On Wednesday, 14/01/1447 AH, corresponding to 09/07/2025 AD, at (01:43) PM, the Customs Appeals Committee in Riyadh held its hearing via Video conferencing in accordance with remote visual litigation procedures; based on what was stated in item number (1) of Article fifteen of the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/ 04/1445 AH, regarding the appeal submitted by ... company, a Sole proprietorship company, against Decision No. (CSR-2024-242728) dated 18/12/2024 AD, issued by the Second First Instance Customs Committee in Riyadh, and after reviewing the case file and the appeal submitted by the appellant, the Committee decided to close the pleadings.

Grounds:

As one of the preliminary matters that is decided before entering into the subject of the case is to ascertain the status of the parties to the case , which the committee rules on its own initiative, in accordance with paragraph (1) of Article (76) of the Law of Sharia Procedures, which states: "1- A plea of lack of jurisdiction of the court due to the absence of its authority, or due to the nature or value of the case , or a plea of inadmissibility of the case due to lack of standing, capacity, interest, or any other reason, as well as a plea of inadmissibility of the case due to prior adjudication, may be raised at any stage of the proceedings, and the court shall rule on it ex officio." Furthermore, based on Article (10) of the Implementing Regulations for Methods of Appealing Judgments, which states: "1- The memorandum of appeal must include the grounds on which the appeal is based and the appellant's requests, and must be accompanied by the document proving the standing of the appellant's representative – if any. 2- If the memorandum of appeal does not fulfill the requirements of paragraph (1) of this article, the court shall rule ex officio that the case is inadmissible." Upon reviewing the case file, it was found to be devoid of any evidence proving the legal standing of the appellant. As the General Secretariat of the Customs Committees requested the appellant, on 11/3/2025 AD, to submit proof of legal standing, but the appellant failed to comply. Therefore, the appeal is deemed inadmissible as it was submitted by an unauthorized party. Accordingly, the Appeals Committee unanimously resolved the following:

Decision:

Non-acceptance of the appeal procedurally.

May Allah's peace and blessings be upon our Prophet Muhammad and upon his family and companions.

The Customs Appeals Committee in Riyadh

Decision No. CAR-2025-133

Case No. PC-2025-246716

Keywords:

Customs - Procedural - Rejection of the Request for Reconsideration

Summary:

The importer requested a review of Appeal Decision No. (CR-2023-142273), issued by the Customs Appeals Committee in Riyadh, which found the importer guilty of customs smuggling and imposed a customs fine of (140,331) riyals. However, the Appeals Committee determined that the submitted arguments did not fall within the legally defined grounds for accepting a review request and did not affect the outcome of the decision. Therefore, the request for review was deemed unfounded and must be rejected. Consequently, the request for review was denied.

Document:

- The Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH.
- The Rules of Operation for Zakat, Tax, and Customs Committees, issued by Royal Decree No. (25711) dated 08/04/1445 AH.
- Article (200) of the Law of Sharia Procedures, issued by Royal Decree No. (M/1) dated 22/01/1435 AH.

Facts:

This is to consider the appeal for reconsideration submitted by the owner of the appellant establishment, [................], National ID No. [Number [........], against Appellate Decision No. (CR-2023-142273) issued by the Customs Appeals Committee in Riyadh, whose ruling states the following:

"1- The appeal is accepted procedurally, submitted by [.........] Commercial Establishment, Commercial Registration No. [........], owned by [.........], National ID No. [........], against Initial Decision No. [2/ 320] of 1443 AH, issued by the Second Riyadh Customs Initial Committee.

2- The appeal is rejected on its merits, and the Initial Decision is upheld in all its provisions regarding the appellant's conviction for customs smuggling and the resulting penalties, with the amendment of the imposed customs fine to be twice the customs duties, bringing the total amount claimed by the importer to (140,331) one hundred forty thousand three hundred thirty-one riyals, for the reasons and grounds stated in this decision."

Upon reviewing the submitted petition, the Customs Appeals Committee found that it included, in summary, arguments based on Articles (40/41) of the Customs Committees' Rules of Procedure and Article (200) of the Law of Sharia Procedures. It also argued that the incident was not properly described, as the conviction was based on conjecture and speculation. Furthermore, the decision neglected to include the relevant parties, namely the company /................................, as it merely stated that the certificates were not listed in its electronic system without addressing the validity of the seal and signature. The petition concluded by requesting the reversal of the initial decision in its entirety and a ruling of No Conviction for the petitioner. Alternatively, it requested the reversal of the initial decision and the remand of the case to The First Instance Committee to include the relevant parties in the proceedings.

On Wednesday, 09/11/1446 AH, corresponding to 07/05/2025 AD, at 3:21 PM, the Customs Appeals Committee in Riyadh held its hearing via Video conferencing in accordance with remote visual litigation procedures; based on what was stated in item number (1) of Article fifteen of the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH, to consider the petition submitted by the (..................................) Foundation on Decision No. (2023-142273-CR) dated 18/02/1445 AH, issued by the Customs Appeals Committee in Riyadh. After reviewing the case file and the petition submitted, the Committee decided to close the pleadings.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing the Law of Sharia Procedures issued by Royal Decree No. (M/1) dated 22/01/1435 AH, and after reviewing the Criminal Procedures Law issued by Royal Decree No. (M/2) dated 22/01/1435 AH, and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/4/1445 AH, and the related laws and regulations and their amendments.

Since it is established by law that a petition for reconsideration is an exceptional procedure in the review of judicial rulings to rectify errors or specific procedures carried out contrary to the law, this is only permissible within narrow frameworks established by the legislator. Within these frameworks, the means of reviewing final judicial rulings or decisions are defined. Furthermore, the request for reconsideration of final rulings is restricted to specific cases, after which reconsideration is justified. This is in accordance with the conditions that permit the petitioner to request reconsideration of final rulings, without deviating from what is stated in paragraph (1) of Article (200) of the Law of Sharia Procedures, which stipulates that: "Any litigant has the right to request reconsideration of final rulings in the following the cases: a) If the ruling was based on documents that were subsequently found to be forged, or based on testimony that was ruled – by the competent authority after the ruling – to be perjury. b) If the petitioner obtained, after the ruling, conclusive documents in the case that he was unable to present before the ruling. c) If the opposing party committed fraud that could influence the outcome of the proceedings." The ruling. d- If the ruling orders something not requested by the litigants or orders more than what they requested. e- If the wording of the ruling contradicts itself. f- If the ruling was issued in absentia. g- If the ruling was issued against someone who was not properly represented in the case". The committee found that everything the petitioner mentioned in his memorandum lacked a statement of the legal basis for requesting a review of his petition, due to the non-applicability of any of the legally stipulated the case s that would justify reviewing the decision by way of a petition for reconsideration, as defined by the Law of Sharia Procedures in this regard. The submitted petition contained nothing more than a substantive argument by the concerned party challenging the committee that issued the decision, based on its established conviction and the conclusion it reached after weighing the evidence and indications upon which it relied to form its opinion and adjudicate the case as it did. Therefore, the committee unanimously decided the following:

Decision:

The request for reconsideration was denied.

May Allah's peace and blessings be upon our Prophet Muhammad and upon his family and companions.

The First Instance Customs Committee in Riyadh

Decision No. CFR-2025-263557

Case No. PC-2025-263557

Keywords:

Customs - Procedural - Lack of jurisdiction.

Summary:

- **The Public Prosecution's claim against the First Instance Customs Committee in Riyadh against the defendant/ ...., ... nationality, resident ID No. (...), pursuant to seizure report No. (...) dated 08/10/1445 AH, and where it was established by the First Instance Customs Committee in Riyadh – according to the case file – that considering the location of the incident in question (...), it was not found by the Committee to be within the customs area over which the Committee has jurisdiction, and since the Committee's jurisdiction is limited to a specific area, the Committee concludes that it lacks jurisdiction to hear the case , resulting in: the case is not accepted due to lack of jurisdiction.**

Document:

- Article (20) of the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH.
- Article (2) of the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH.
- Article (76) of the Law of Sharia Procedures issued by Royal Decree No. (M/1) dated 22/01/1435 AH.
- Article (126) of the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH.

Facts:

The facts of this case are summarized in the indictment submitted by the Public Prosecution in the Jazan region, No. (..................) dated 16/10/1446 AH, which states that, with reference to the letter from the Director of Police of .... Governorate, information was received about a farm consisting of a yard and inside it a fortified house in the northern neighborhood, where a person .... was receiving and distributing smuggled customs goods of cigarettes and tobacco. The information was confirmed by a collaborator, and after obtaining permission from the

Public Prosecution and searching the house, (45,000) grams of tobacco were found. Accordingly, seizure report No. (.............) dated 08/10/1445 AH was prepared, and the plaintiff requests that the defendant be found guilty and sentenced to imprisonment, a customs fine, and confiscation of the seized items.

On Sunday, 31/8/2025, the First Instance Customs Committee in Riyadh convened to consider the case. Upon calling the parties, the Public Prosecutor, [.........], National ID No. [........], appeared by virtue of authorization No. [........], dated 25/8/1443 AH. The defendant, or his representative, failed to appear despite having been duly notified of the hearing date. After verifying the Public Prosecutor's legal standing and reviewing the case file, the Committee determined it was ready for adjudication. The Committee then asked the Public Prosecutor if he wished to add anything beyond what he had already presented, to which he replied that he had already done so. Accordingly, the Committee decided to close the pleadings in preparation for issuing its decision.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH, and the related laws and regulations.

The committee, After reviewing the papers and documents included in the case file, and based on what is stipulated in Article (126) of the Unified Customs Law, which states that: "Investigations into smuggling, seizure of goods, and investigation of customs violations may be carried out with respect to all goods throughout the territory of the State in the following cases: 1- Within the land and sea customs zones. 2- Within customs offices, ports, airports, and all places subject to customs control. 3- Outside the land and sea customs zones when pursuing and continuously chasing smuggled goods by the officials responsible for that," and based on paragraphs (9) and (10) of Article (2) of the Unified Customs Law, which defined the customs zone as: the part of the land or sea subject to specific customs control and procedures in this Law, and based on Ministerial Resolution No. (158) dated 15/01/1424 AH, which defined the land customs zone as a distance of ten kilometers extending from the customs line into the Kingdom, Based on paragraph (1) of Article (76) of the Law of Sharia Procedures, which stipulates that: "The plea of lack of jurisdiction of the court due to the absence of its authority, or due to the nature or value of the case , or the plea of inadmissibility of the case due to lack of standing, capacity, interest, or for any other reason, as well as the plea of inadmissibility of the case due to prior adjudication, may be raised at any stage of the proceedings, and the court shall rule on it ex officio."

Whereas, considering the location of the incident in question (a house in the northern district...), the committee has not determined that it falls within the customs zone over which the committee has jurisdiction, and given that the committee's jurisdiction is limited to a specific customs zone, the committee concludes that it lacks jurisdiction to hear the case.

Regarding the defendant's or his representative's failure to appear at the hearing despite being duly notified, And given that Article (20) of the Rules of Operation for Zakat, Tax, and Customs Committees stipulates that: "If the defendant, his agent, or his representative is notified of the summons or the hearing date – in accordance with Article (Twelve) – or if he, his agent, or his legal representative submits a memorandum of defense and fails to appear, or if he, his agent, or his representative attends any hearing and then is absent thereafter, the decision issued against him shall be considered as rendered in his presence," the committee concludes that it will issue its decision in the defendant's presence.

For these reasons, and after deliberation, the committee unanimously decided the following:

Decision:

The case was dismissed due to lack of jurisdiction.

May Allah's peace and blessings be upon our Prophet Muhammad and upon his family and companions.

The Customs Appeals Committee in Riyadh

Decision No. CR-2025-241621

Case No. PC-2025-241621

Keywords:

Customs - Procedural - prior adjudication.

Summary:

The importer requested the annulment of the initial decision No. (ITR-2024-237459) of 1446 AH, issued by the Second First Instance Customs Committee in Riyadh, which found the importer guilty of customs smuggling and obligated him to pay a customs fine equivalent to the value of the shipment as compensation for confiscation. Since the Appeals Committee found the importer's claim in his memorandum to be true—that the matter had already been decided by the Third First Instance Customs Committee in Riyadh under Decision No. (CTR-2024-211155)—the appeal was accepted procedurally and substance. Consequently, the initial decision—the subject of the appeal—was annulled due to the prior adjudication of the case.

Document:

- Article (163) of the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH.
- Article (142) of the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH.
- Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH.
- Article (76) of the Law of Sharia Procedures issued by Royal Decree No. (M/1) dated 22/01/1435 AH.

Facts:

The facts of this case are as follows: The appellant company exported a shipment through Al-Batha Customs, declaring it as "preparations added to cement, mortar, or concrete" under declaration number (..................) dated 11/05/1444 AH. Upon sending a sample to laboratory (................), the result was positive, indicating the presence of diesel fuel at a rate of (92.59%). Another sample sent to laboratory (..................) also tested positive for diesel fuel at a rate of (89.46%). The First Instance Committee issued its decision—the subject of this appeal—which reads as follows:

"First: The defendant/company .... (Commercial Registration No. ....), owned by .... (National ID No. ....), is found guilty of customs smuggling.

Second: The defendant/company .... (Commercial Registration No. ....) is ordered to pay a fine equivalent to the value of the undeclared diesel fuel as compensation for confiscation.

Third: The return of Apart from that, there are no other requests."

Upon reviewing the appeal brief submitted by the agent, the Customs Appeals Committee found that it included the following summary: the case had already been decided by the Third First Instance Customs Committee in Riyadh, Decision No. (CTR-2024-211155), which necessitates a ruling that the case is inadmissible due to the prior decision. Furthermore, there is a discrepancy in the laboratory analysis results of the samples regarding the determination of the diesel content between the report of Laboratory (...................) and the report of Laboratory (...................), which proves that the samples sent to the laboratory were different and did not belong to a single importer. The brief concluded with a request to overturn the initial decision in its entirety and to rule that the case is inadmissible due to the prior decision.

After requesting a response from the respondent (the Public Prosecution) and allowing it the right to reply, it failed to provide the required response. Based on paragraph (1) of Article (35) of the Rules of Operation for Zakat, Tax, and Customs Committees, the committee decided to consider the case in light of the available documents.

On Wednesday, 27/08/1446 AH, corresponding to 26/02/2025 AD, at (01:53) PM, the Customs Appeals Committee in Riyadh held its hearing via Video conferencing in accordance with remote visual litigation procedures; based on what was stated in item number (1) of Article fifteen of the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH, to consider the appeal submitted by the .... Establishment against Decision No. (ITR-2024-237459) dated 08/08/2024 AD, issued by the Second First Instance Customs Committee in Riyadh, and after reviewing the case file and the appeal submitted by the respondent, the committee decided to close the pleadings.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing The Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/4/1445 AH, and the related laws and regulations.

Whereas the appellant was notified of the initial decision on 18/08/2024 AD, and filed an appeal against the decision on 04/09/2024 AD, the appeal is therefore accepted procedurally, as it was submitted by a party with standing within the period stipulated for its filing, in accordance with Article (163) of the Unified Customs Law.

After reviewing the case file and its contents, and the decision of the initial committee, and whereas Article (76) of the Law of Sharia Procedures stipulates that: "The plea of res judicata may be raised at any stage of the proceedings, and the court shall rule on it ex officio..."

Whereas it was established that the subject of the case had already been adjudicated by the Third First Instance Customs Committee in Riyadh under Decision No. (CTR-2024-211155) issued in the case No. (PC-2023-211155), whose ruling states the following: "1- Conviction of the company ...., Commercial Registration No. (.................), in absentia, of customs smuggling, in accordance with Article (142) of the Unified Customs Law. 2- Imposing a customs fine equivalent to the value of the contraband items, amounting to (61,108,08) riyals, in accordance with Article 145/4 of the Unified Customs Law. 3- Imposing the value of the contraband item as compensation for confiscation, amounting to (61,108,08) riyals, in accordance with Article (145/5) of the same law, bringing the total amount claimed to (122,216,16) one hundred twenty-two thousand two hundred and sixteen riyals." Sixteen halalas." Therefore, this committee has decided to overturn the initial decision and rule anew that the case is inadmissible due to prior adjudication. Accordingly, the committee unanimously reached the following decision:

Decision:

First: Acceptance of the appeal procedurally submitted by [Company ....], Commercial Registration No. .... , owned by [Owner ....], National ID No. .... , against the initial decision No. (ITR-2024-237459) issued by the Second First Instance Customs Committee in Riyadh.

Second: On the merits, the initial decision is overturned, and the case is dismissed due to prior adjudication, for the reasons and grounds stated in this decision.

May Allah's peace and blessings be upon our Prophet Muhammad and upon his family and companions.

The Customs Appeals Committee in Riyadh

Decision No. CAR-2025-247288

Case No. AC-2025-247288

Keywords:

Customs - Procedural - Claims with a Value Not Exceeding 50,000 Riyals

Summary:

The Zakat, Tax and Customs Authority is requesting the annulment of the initial decision No. (CFR-2025-244558) for the year 1446 AH, issued by the Customs Appeals Committee in Riyadh, which rejected the request for reconsideration. The Appeals Committee determined that the appealed decision had become final, as the case was considered minor, based on paragraph (1) of Article (33) of the Rules of Operation for Zakat, Tax and Customs Committees. Consequently, the appeal was deemed inadmissible on procedural grounds, as the claim did not exceed 50,000 riyals.

Document:

- Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH.

Facts:

This is to consider the appeal submitted by the Zakat, Tax and Customs Authority, against the initial decision No. (CFR-2025-244558) issued by the First Instance Customs Committee in Riyadh, the text of which states the following:

"The request for reconsideration was rejected."

On Sunday, 04/01/1447 AH, corresponding to 29/06/2025 AD, at 1:08 PM, the Customs Appeals Committee in Riyadh held its hearing via Video conferencing in accordance with remote visual litigation procedures; based on what was stated in item number (1) of Article fifteen of the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH, to consider the appeal submitted by the Zakat, Tax, and Customs Authority against Decision No. (CFR-2025-244558) dated 05/01/2025 AD, issued by the First Instance Customs Committee in Riyadh. After reviewing the case file and the appeal submitted by the appellant, the committee decided to close the pleadings.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/4/1445 AH, and the related laws and regulations;

And after reviewing the case file and the appeal submitted by the appellant, and since it is established according to the case file that the value of the disputed amount is (12,163,000) riyals, and the objection does not indicate otherwise, and since the amount of the disputed amount in the lawsuit is less than fifty thousand riyals; This proves that the decision of the adjudication committee has acquired the final character, as the case is considered one of the simple cases based on paragraph (1) of Article (thirty-three) of the Rules of Operation for Zakat, Tax, and Customs Committees, which stipulated: "The decisions of the adjudication departments acquire the final character in the following cases: 1- Cases in which the value of the amounts due to be paid does not exceed (fifty thousand riyals); and where Article (forty-eight) of the Rules of Operation for Zakat, Tax, and Customs Committees stipulated that: "The rules apply to all procedures of the case. In matters not explicitly addressed, the courts shall apply the provisions of the Law of Sharia Procedures, the Law of Criminal Procedures, the Law of Procedures before the Board of Grievances, and the regulations and decisions issued thereunder, provided that this does not contradict the nature of the case, nor conflict with the jurisdictions, powers, and nature of the work of the courts. Based on Article (49) of the Implementing Regulations for Methods of Appealing Judgments, which stipulates: "An appeal may be submitted by way of a petition for reconsideration of judgments issued in minor cases. An appeal may not be filed against a decision rejecting the petition in such cases, nor against a judgment on the merits of the case after the petition has been accepted," the appeal shall be deemed inadmissible on procedural grounds, as the appealed decision shall become final. Accordingly, the Appeals Committee unanimously concluded the following:

Decision:

Non-acceptance of the appeal procedurally.

May Allah's peace and blessings be upon our Prophet Muhammad and upon his family and companions.

The Customs Appeals Committee in Riyadh

Decision No. CAR-2025-246553

Case No. PC-2024-246553

Keywords:

Customs - Procedural - Appeal Pleading Lacks Appellant's Information

Summary:

The importer is requesting the annulment of the initial decision No. (CSR-2024-240076) of 1446 AH, issued by the Second First Instance Customs Committee in Riyadh, which rejected the request for reconsideration. The Appeals Committee, after examining the case file, found it lacked the commercial registration document and a copy of the company's articles of incorporation. The General Secretariat of the Customs Committees requested the applicant, on 23/01/2025, to provide a copy of the commercial registration No. (...) and a copy of the articles of incorporation, but the applicant failed to comply. Therefore, the appeal is without merit and must be rejected. Consequently, the appeal is inadmissible due to the absence of the appellant's information.

Document:

- Article (34) of the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH.

Facts:

This is to consider the appeal submitted by/ .... National ID No. (.................), Licensed Attorney No. (..........................), acting as agent for the manager of the appellant company, pursuant to Power of Attorney No. (...............................) issued on 18/03/1443 AH, against the initial decision No. (CSR-2024-240076) issued by the Second First Instance Customs Committee in Riyadh, whose ruling states the following:

"The request for reconsideration submitted by .... Company, (Commercial Registration No............................) is rejected."

On Wednesday, 22/12/1446 AH, corresponding to 18/06/2025 AD, at (01:09) PM, the Customs Appeals Committee in Riyadh held its hearing via Video conferencing in accordance with remote visual litigation procedures, based on what is stated in Item No. (1) of Article Fifteen of the Rules of Operation for Zakat, Tax and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH; to consider the appeal submitted by the company.......................... against Decision No. (CSR-2024-240076) dated 30/ 10/2024 AD, issued by the Second First Instance Customs Committee in Riyadh, and after reviewing the case file and the appeal submitted by the appellant, the committee decided to close the pleadings.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/4/1445 AH, and the related laws and regulations.

And whereas the Customs Appeals Committee has reviewed the case file and its attachments, and whereas it is established from the documents that the case file lacks a commercial registration document and a copy of the company's articles of incorporation, and in accordance with Article (34) of the Rules of Operation for Zakat, Tax, and Customs Committees, which stipulates that, without prejudice to what is stated in paragraph (2) of Article (33) of the Rules

The appeal application must be submitted within (thirty) days from the day following its receipt, through the General Secretariat's electronic system. It must include details of the appealed decision, the grounds for the appeal, and the appellant's requests. The appeal application is considered registered from the date of submission. If the required information is incomplete, the applicant must provide the missing information within (fifteen) days of being notified of the deficiency. If the applicant fails to provide the requested information within this period, the court may rule the appeal inadmissible. The appellant was requested on 23/01/2025 to submit a copy of Commercial Registration No. (..........................) and a copy of the Articles of Association. However, she failed to submit these documents by the expiry date of the document request period. The committee has not established the authority of the principal to authorize the agent to submit the present appeal. Therefore, the committee concludes that the appeal is inadmissible on procedural grounds. Accordingly, the Appeals Committee unanimously decides the following:

Decision:

Non-acceptance of the appeal procedurally.

May Allah's peace and blessings be upon our Prophet Muhammad and upon his family and companions.

The First Instance Customs Committee in Riyadh

Decision No. CFR-2025-266369

Case No. PC-2025-266369

Keywords:

Customs - Procedural - Withdrawal of the case at the Request of the Petitioner

Summary:

The importer requested a review of the initial decision No. (CFR-2022-2576) issued by the First Instance Customs Committee in Riyadh. However, the First Instance Customs Committee in Riyadh, based on the case file, determined that the applicant had requested to withdraw his appeal. Therefore, the request for review lacks supporting grounds and must be rejected. Consequently, the request for review is inadmissible on procedural grounds, as the applicant withdrew the appeal at his own request.

Document:

- Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH.
- Articles (92-93) of the Law of Sharia Procedures issued by Royal Decree No. (M/1) dated 22/01/1435 AH.

Facts:

The facts of this case are as follows: ...., National ID No. (......................), filed a petition for reconsideration of the decision of the First Instance Customs Committee in Riyadh, No. (CFR-2022-2576). During the filing of the case, the petitioner submitted a request to withdraw from the case.

On Sunday, 07/09/2025, the First Instance Customs Committee in Riyadh held its hearing via Video conferencing in accordance with remote visual litigation procedures, to consider the case before it. After reviewing the case file and the petitioner's request to withdraw from the case, submitted in accordance with the system by the petitioner, ..., a Saudi national holding National ID No. (................), the Committee issued its decision.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/4/1445 AH, and the relevant laws and regulations.

Based on Article (92) of the Law of Sharia Procedures, which stipulates that: "The plaintiff may withdraw the litigation by notifying the opposing party, or by submitting a report to the competent clerk of the court, or by an explicit statement in a memorandum signed by him or his representative, with the opposing party being informed thereof, or by making the request orally in court and recording it in the hearing minutes. Withdrawal is not valid after the defendant has presented his defenses except by his acceptance." Furthermore, Article (93) of the Law of Sharia Procedures stipulates that: "Withdrawal results in the cancellation of all litigation procedures, including the statement of claim, but such withdrawal does not affect the claimed right." And since it is established through the case that the petitioner requested the withdrawal of the petition submitted by him,

It is also established that the respondent did not present her defenses, nor did she accept or reject the petitioner's request to withdraw from the case; therefore, the case is to be withdrawn at the petitioner's request.

For these reasons, and after deliberation, the committee unanimously decided the following:

Decision:

The case was dropped; at the request of the petitioner.

May Allah's peace and blessings be upon our Prophet Muhammad and upon his family and companions.

The First Instance Customs Committee in Riyadh

Decision No. CFR-2025-263135
Case No. PC-2025-263135

Keywords:

Customs - Procedural - Dismissal of the case through amicable settlement.

Summary:

The Public Prosecution filed a claim with the First Instance Customs Committee in Riyadh against the defendant, / ..., a Saudi national, National ID No. (...), pursuant to seizure report No. [........] dated 12/09/1446 AH. The First Instance Customs Committee in Riyadh determined, according to the case file, that the defendant had settled the outstanding fine as per the amicable settlement agreement. Therefore, the committee concludes that the case is dismissed due to the amicable settlement. Consequently, the case is inadmissible as it has been dismissed due to the amicable settlement.

Document:

- Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH.
- Article (153) of the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH.

Facts:

The facts of this case are summarized in the indictment submitted by the Public Prosecution in the Riyadh region, No. (...............) dated 19/09/1446 AH, which states that while the defendant was arriving at the King Khalid International Airport customs, and during the inspection of his luggage, (20) boxes of nicotine and Shisha tobacco sachets weighing (20,5) kilograms were found. Accordingly, seizure report No. (..................) dated 12/09/1446 AH was prepared. The plaintiff requests that the defendant be found guilty and sentenced to imprisonment, a customs fine, and confiscation of the seized items.

On Thursday, 28/08/2025 AD, the First Instance Customs Committee in Riyadh held its hearing to consider the case. Upon calling the parties, the Public Prosecutor, / ... National ID No. (....), appeared by virtue of the authorization issued under No. (...), dated 25/08/1443 AH. The defendant, / ..., National ID No. (...), appeared in person. After verifying the parties' identities and reviewing the case file, the committee asked the Public Prosecutor if he wished to add anything beyond what he had already presented. He replied that he had nothing further to add. The committee then asked the defendant if he wished to add anything beyond what he had already presented, and he also replied that he had nothing further to add. Therefore, the committee decided to close the pleadings in preparation for issuing its decision.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH, and the relevant laws and regulations.

Procedurally; and after the Committee reviewed the subject matter of the case, and having determined that this is a customs dispute, it is considered a dispute falling within the jurisdiction of this Committee.

Since it is established from the case documents that the plaintiff filed the case with legal standing, the case must be accepted procedurally.

On merits, the committee found that upon the defendant's arrival at King Khalid International Airport Customs, a search of his luggage revealed (20) boxes of nicotine and Shisha tobacco sachets weighing (20.5) kilograms, as documented in seizure report number (..........................) dated 12/09/1446 AH.

Based on Article (153) of the Unified Customs Law, which stipulates: " the case is dismissed after the completion of the settlement procedures," and paragraph (a) of Article (151) of the same law, which stipulates: "a - The Director General or his designee, upon a written request from the concerned party, may conclude a settlement in smuggling the cases, whether before filing the case or during its consideration and before the issuance of the initial judgment, by substituting the customs penalties and fines stipulated in Article (145) of this Law."

Based on the foregoing, and since it is established for the committee, after reviewing the case file, that the defendant has complied with the settlement of the fine in question, as per the attached document, which indicates that the matter has been resolved and completed, it is therefore decided to establish the dismissal of the case through the settlement. For these reasons, and after deliberation, the committee unanimously decided the following:

Decision:

Proof of dismissal of the case; through amicable settlement.

May Allah's peace and blessings be upon our Prophet Muhammad and upon his family and companions.

The First Instance Customs Committee in Riyadh

Decision No. CFR-2025-265696

Case No. CF-2025-265696

Keywords:

Customs - Procedural - Withdrawal of the case

Summary:

The importer filed a claim with the First Instance Customs Committee in Riyadh against the defendant, the Zakat, Tax and Customs Authority, to suspend the implementation of Decision No. (190/1439 AH) issued by the 1st First Instance Customs Committee in Jeddah. The First Instance Customs Committee in Riyadh, based on the case file, determined that the importer had explicitly requested to withdraw the case and expressed his lack of desire to continue the proceedings. The defendant agreed to this request. Therefore, the committee concludes that both the plaintiff and the defendant have forfeited their right to pursue the case, resulting in the withdrawal of the case at the importer's request.

Document:

- Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH.
- Article (92) of the Law of Sharia Procedures issued by Royal Decree No. (M/1) dated 22/01/1435 AH.

Facts:

The facts of this case are as follows: ...., a Saudi national, National ID No. (..................), submitted a request to suspend the execution of Decision No. (190/1439 AH) issued by the Jeddah First Instance Customs Committee. He stated that the execution had recently taken place despite the issuance of a final bankruptcy certificate No. (..................) dated 15/01/1446 AH, which is a subsequent and independent legal event that establishes a legal protection preventing any enforcement action.

On Sunday, 03/08/2025 AD, the First Instance Customs Committee in Riyadh held its hearing via Video conferencing in accordance with remote visual litigation procedures. To consider the case before it, and after the committee reviewed the case file and the request submitted by the plaintiff, ..., to withdraw the case No. (WL-141), which reads: (Based on the text message and communication from the Zakat, Tax and Customs Authority regarding the cancellation of the suspension of services on the plaintiff's record, [.........], and since it has been confirmed via the message and the Absher platform that the suspension has been lifted, we hereby submit this request to withdraw the case). The committee also reviewed the correspondence sent by the Zakat, Tax and Customs Authority regarding the decision on the plaintiff's request. Article (92) of the Law of Sharia Procedures stipulates that "The plaintiff may withdraw the case by notifying the opposing party, or by submitting a report to the competent clerk at the court, or by an explicit statement in a memorandum signed by him or his representative, with the opposing party being informed thereof, or by making the request orally in court and recording it in the hearing minutes. Withdrawal after the defendant has presented his defenses is not valid unless the defendant accepts it." The plaintiff has submitted an explicit request to withdraw the case, indicating his withdrawal of the claim and his lack of desire to proceed. In the dispute, and since the defendant decided to agree to this request with his request to decide the case, and since the principle is that leaving the case puts an end to the dispute without the need to decide on its subject matter, and since the defendant's agreement to leave it forfeits his right to insist on continuing the case, unless he has original independent requests, according to the statement submitted by the defendant via the email referred to above; the circuit approves leaving the case, and decides to dismiss it without prejudice to the original right against him. The committee decided to close the pleadings; in preparation for issuing the decision.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH, and the related laws and regulations.

Based on the foregoing, and after the committee reviewed the case file and the request submitted by the plaintiff, ..., to withdraw the case No. (WL 141), which states: "Based on the text message and communication from the Zakat, Tax and Customs Authority regarding the cancellation of the service suspension on the plaintiff's record (..............................), and since the message and the Absher platform have confirmed that the suspension has been lifted, we hereby submit this request to withdraw the case." The committee also reviewed the correspondence from the Zakat, Tax and Customs Authority regarding the decision on the request submitted by the defendant. Article (92) of the Law of Sharia Procedures stipulates: "The plaintiff may withdraw the case by notifying the opposing party, submitting a report to the competent clerk at the court, or by an explicit statement in a memorandum signed by the plaintiff or their representative, with the opposing party being informed thereof, or by making the request orally in court and recording it in the hearing minutes. Withdrawal after the defendant has presented their defenses is not valid unless the defendant accepts it." The plaintiff has submitted an explicit request to withdraw the case, indicating their withdrawal of the claim and their loss of desire to proceed. In the course of the proceedings, And given that the defendant agreed to this request, while also requesting a ruling on the case, And given that the principle is that abandoning a case terminates the litigation without the need for a ruling on its merits, And given that the defendant's agreement to abandon the case forfeits his right to insist on continuing the proceedings, unless he has independent original claims, as per the statement submitted by the defendant via the aforementioned email address, it is therefore decided to establish the abandonment of the case.

For these reasons, and after deliberation, the committee unanimously decided the following:

Decision:

Proof of abandonment of the case.

May Allah's peace and blessings be upon our Prophet Muhammad and upon his family and companions.

The First Instance Customs Committee in Riyadh

Decision No. CFR-2025-265321
Case No. PC-2025-265321

Keywords:

Customs - Procedural - Expiration of the criminal case.

Summary:

- **The Public Prosecution in the Eastern Province filed a claim with the First Instance Customs Committee in Riyadh against the defendant, / ..., a Saudi national, National ID No. (....), after inspecting the shipment imported under Import Declaration No. [........] dated 12/09/1446 AH, and receiving confirmation from the competent authority dated 02/03/2025 AD that it was counterfeit. The First Instance Customs Committee in Riyadh established—according to the case file—that a settlement agreement had been reached between the Zakat, Tax and Customs Authority and the defendant, which was paid, and that the Public Prosecutor had accepted the settlement. Consequently, the criminal case is dismissed.**

Document:

- Article (9) of the Rules of Operation for the Zakat, Tax and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH.

Facts:

The facts of this case are summarized as follows: The complaint submitted by the Public Prosecution in the Eastern Province, No. (.................) dated 22/12/1446 AH, stated that a shipment was received consisting of: (Flashlights - Mobile Phones - Accessories - Screens) according to import declaration No. (..................) dated 23/08/1446 AH, and upon actual inspection it was found that the shipment contained a mobile phone and a game controller bearing the trademarks of (..................) and upon presenting samples to the Intellectual Property Authority, the statement dated 02/03/2025 AD was received, stating that they were counterfeit, and accordingly, seizure report No. (.................) dated 15/10/1446 AH was prepared, and the plaintiff requests proof of the defendant's guilt and a sentence of imprisonment, customs fine, and confiscation of the seized items.

On Sunday, 02/11/2025, the First Instance Customs Committee in Riyadh held its hearing to consider the case. Upon calling the parties, the Public Prosecutor, [.........], National ID No. (...), appeared by virtue of authorization No. [........

], dated 25/08/1443 AH. The defendant, ..., National ID No. (.....), also appeared in person. After verifying the parties' identities and reviewing the case file, the committee questioned the Public Prosecutor about the settlement between the Authority and the defendant, noting that the fine had been paid. When asked if he wished to add anything beyond what he had already stated, he replied that he was satisfied and accepted the settlement. The committee then decided to close the pleadings in preparation for issuing its decision.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH, and the related laws and regulations, and based on what is stipulated in Article (9) of the Rules of Operation for Zakat, Tax, and Customs Committees, which states: "A settlement may be reached in customs smuggling the cases, in accordance with the provisions of the Unified Customs Law and its Implementing Regulations, upon a written request from the concerned party, whether before filing the case or during its consideration and before the issuance of the initial judgment. The case shall be dismissed after the completion of the settlement procedures, and the concerned party has the right to refuse the settlement."

Upon reviewing the case file and its contents, the First Instance Customs Committee found a settlement agreement between the Authority and the defendant, which had been paid. When the Public Prosecutor was questioned about this, he confirmed his acceptance of the settlement; therefore, the criminal case is dismissed. For these reasons, and after deliberation, the Committee unanimously decided the following:

Decision:

Expiration of Criminal case.

May Allah's peace and blessings be upon our Prophet Muhammad and upon his family and companions.

The First Instance Customs Committee in Riyadh

Decision No. CFR-2025-247537
Case No. AC-2025-247537

Keywords:

Customs - Procedural - Dismissed - the case is considered as if it never existed.

Summary:

The importer filed a claim with the First Instance Customs Committee in Riyadh against the defendant, the Zakat, Tax and Customs Authority, requesting a review of the Authority's decision rejecting the request for a refund of customs duties for Customs Declaration No. (...) dated 17/06/1444 AH. The First Instance Customs Committee in Riyadh determined that the case wasn't ready for adjudication due to the plaintiff's absence. Therefore, the Committee dismissed the case pursuant to Paragraph (2) of Article (19) of the Rules of Operation for Zakat, Tax and Customs Committees. Consequently, the case is considered as if it never existed.

Document:

- Article (19) of the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH.

Facts:

The facts of this case are summarized as follows: Company ………………………………, Commercial Registration No. (………………), The plaintiff filed a case, including all its claims, against the Zakat, Tax and Customs Authority. the case 's statement of claim summarized the plaintiff's objection to the decision issued by the Zakat, Tax and Customs Authority regarding the rejection of her request for a refund of customs duties for customs declaration number (………………) dated 17/06/1444 AH. The plaintiff had submitted her objection to the Authority under number (………………) dated 03/04/2023 AD, and the Authority subsequently issued its decision rejecting the plaintiff's objection on 16/11/2023 AD.

The plaintiff then filed her objection, and the First Instance Customs Committee in Riyadh issued its decision number (CFR-2024-227900), which stated: “the case is inadmissible due to lack of jurisdiction." Accordingly, the plaintiff appealed the aforementioned decision, and the Customs Appeals Committee issued Decision No. (CR-2025-235162), whose ruling states the following: "...Secondly: On the merits, the initial decision is overturned, and the case is returned to the Customs Primary Committee for consideration on its merits, for the reasons and grounds stated in this decision."

On Sunday, 22/06/2025, the First Instance Customs Committee in Riyadh held its hearing via Video conferencing in accordance with remote visual litigation procedures, to consider the case before it. Upon calling the parties to the case, no representative of the plaintiff appeared, despite proof that she had been duly notified of the session date. [......... of person] appeared, holding National ID No. (................), representing the defendant, the Zakat, Tax, and Customs Authority, pursuant to authorization issued by the Authority's Legal Affairs and Compliance Agency under No. (.................) dated 19/03/1445 AH. After verifying the representative's credentials and reviewing the case file, the committee found that the case had been returned from the Appeals Committee by decision No. (CR-2025-235162) of the year 2025. The committee asked the Authority's representative if he wished to add anything beyond what he had already stated. He replied that they had submitted a request to stay the proceedings, and due to the plaintiff's absence, they requested the case be dismissed. After reviewing the case file, the committee determined that the case wasn't ready for adjudication. Following deliberation, the committee unanimously decided to: Dismiss the case in accordance with Article (19) of the Rules of Operation for Zakat, Tax, and Customs Committees.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH, and the related laws and regulations.

Based on paragraph (2) of Article (19) of the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH, which stipulates that: "If a case is not ready for adjudication, the committee shall dismiss it. If (thirty) days have passed from the date of dismissal and the plaintiff has not requested to proceed with the case after its dismissal, or has not appeared at any subsequent session after its resumption, the committee shall issue a decision considering the case as if it had never been filed. This decision shall be final and not subject to appeal. The plaintiff may, without prejudice to the period specified for hearing the case, file a new the case with a new registration."

Whereas it has been established by the committee that the plaintiff did not request to resume the case within (thirty days) from the date of the session dated 22/06/2025 AD, the committee concluded that the case should be considered as if it had never been filed.

For these reasons, and after deliberation, the committee unanimously decided the following:

Decision:

the case is considered as if it never existed.

May Allah's peace and blessings be upon our Prophet Muhammad and upon his family and companions.

The First Instance Customs Committee in Riyadh

Decision No. CFR-2025-262990

Case No. PC-2025-262990

Keywords:

Customs - Procedural - Dismissal of the case

Summary:

The Public Prosecution in Jeddah requested the First Instance Customs Committee in Riyadh to establish the importer's guilt, based on seizure report number (...) dated 11/04/1446 AH, which stated that the shipment, as declared in declaration number (...) dated 18/08/1445 AH, contained (11%) diesel fuel. The 1st First Instance Customs Committee requested the plaintiff to submit the laboratory results proving that the shipment exceeded the permissible limit, but the plaintiff failed to do so. Therefore, the committee determined that there was a fundamental defect that could not be rectified. Consequently, the case was dismissed.

Document:

- Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH.
- Article (191) of the Law of Criminal Procedures issued by Royal Decree No. (M/2) dated 22/01/1435 AH.

Facts:

The case was submitted by the Head of the Public Prosecution in Jeddah, No. (................) dated 09/09/1446 AH, and the requests contained therein, stated that samples were taken from a shipment for which a statistical statement issued by a Saudi origin, No. (.................) dated 18/08/1445 AH, was issued. The shipment was declared as hydrocarbons and belonged to the defendant company. The first sample was sent to the .... laboratory, and the result was positive, indicating that it contained (11%) diesel fuel. Accordingly, seizure report No. (.......) dated 11/04/1446 AH was prepared. The plaintiff requests that the defendants be found guilty and sentenced to imprisonment, a customs fine, and an amount equivalent to the value of the confiscated diesel fuel.

On Thursday, 04/09/2025, the committee convened. Upon calling the parties to the case, the Public Prosecutor, [.........], National ID No. [...], appeared by virtue of the authorization issued under No. [........], dated 25/08/1443 AH.

The defendant, [.........], Resident ID No. [........], appeared in person and as the representative of the defendant, as per the commercial registration attached to the case file. [.....] does not speak Arabic.

[.........], Resident ID No. [....], accompanied the defendant for translation. After verifying the identities of both parties and reviewing the case file, the committee asked the Public Prosecutor if he wished to add anything beyond what he had already presented. He replied that he had nothing further to add. Similarly, the committee asked the representative of the defendant if he wished to add anything beyond what he had already presented, and he replied that he had nothing further to add. The committee then decided to close the pleadings in preparation for issuing its decision.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH, and the related laws and regulations.

Procedurally, and based on Article (191) of the Law of Criminal Procedures, which states: "If the court finds a fundamental defect in the case that cannot be rectified, it must issue a ruling dismissing the case. This ruling does not preclude its refiling if the legal conditions are met."

Since it is established in jurisprudence that "the burden of proof lies with the plaintiff, who is obligated to provide evidence for their claim," and since the existence of evidence is undoubtedly the most important stage of litigation, and upon reviewing the hearing minutes, it was found that the legal representative stated that the shipment belonged to the company and that they conduct inspections before exporting it, and since the plaintiff did not submit the laboratory results proving that the shipment exceeded the permissible limit, despite being requested to do so, and since the laboratory results are considered essential documents in the case, according to Article (191) of the Law of Criminal Procedures.

For these reasons, and after deliberation, the committee unanimously decided the following:

Decision:

the case was dismissed.

May Allah's peace and blessings be upon our Prophet Muhammad and upon his family and companions.

The Customs Appeals Committee in Riyadh

Decision No. CAR-2025-247473

Case No. PC-2025-247473

Keywords:

Customs - Procedural - the case not accepted due to lack of proper filing

Summary:

The Zakat, Tax and Customs Authority requested the annulment of Initial Decision No. (CSR-2024-243052) of 1446 AH, issued by the Second First Instance Customs Committee in Riyadh, which deemed the plaintiff to have abandoned her the case. The Appeals Committee found the appellant's claim that the rules governing the work of the Zakat, Tax and Customs Committees were not applicable to her the case to be unfounded. the case (the subject of the appeal) was returned by Decision No. (CR-2024-201568) issued on 24/09/2024 AD, a date subsequent to the issuance of the new rules. Furthermore, the Committee, after reviewing the case file, found that the General Secretariat of the Customs Committees had requested the appellant to resubmit her claim on 07/11/2024 AD, but she submitted the same pleadings as in the original the case. Therefore, the appeal lacks supporting evidence and must be rejected. Consequently, the appeal is inadmissible due to the failure to resubmit the claim.

Document:

- Article (11) of the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH.
- Article (76) of the Law of Sharia Procedures issued by Royal Decree No. (M/1) dated 22/01/1435 AH.

Facts:

This is The facts of this case are summarized as follows: A shipment of clothing belonging to the defendant arrived through Al-Batha Customs under import declaration number (.................) dated 23/12/1433 AH. It was released under a pledge not to dispose of it until it was approved by the competent authority. Upon examination of the sample by the laboratory, the report number (.................) dated 05/01/1434 AH was received, stating that it did not conform to specifications in terms of quantitative and qualitative analysis of fibers and tensile strength. The importer was notified of the result by several letters, but he did not respond. Accordingly, the Second First Instance Customs Committee in Riyadh issued its decision No. (CSR-2022-2731), whose ruling states the following: "1- The defendant/Company ...., Commercial Registration No. (.................), is not found guilty in absentia of customs smuggling. 2- It is obligated to pay a fine of (1,000) riyals for violating customs procedures."

The Zakat, Tax and Customs Authority submitted an appeal against the aforementioned decision, and the Customs Appeals Committee issued its decision No. (CR-2024-201568), whose ruling states the following: "First: The appeal is accepted procedurally, submitted by the applicant/Zakat, Tax and Customs Authority, against the primary decision No. (CSR-2022-2731) issued by the Second First Instance Customs Committee in Riyadh. Second: On the merits, the primary decision is overturned, and the case is returned to the First Instance Customs Committee for consideration on its merits, for the reasons and grounds stated in this decision."

After the case was reviewed by the Second First Instance Customs Committee in Riyadh, it issued its decision—the subject of this appeal—No. (CSR-2024-243052), whose ruling states the following:

"The plaintiff is considered to have abandoned her claim, as explained in the reasoning."

Since the appellant (the Zakat, Tax and Customs Authority) did not accept the appealed decision, it submitted its objection to the Customs Appeals Committee in Riyadh, which reviewed it.

It was found that it included the following summary: This case had already been reviewed by The First Instance Committee according to its previous rules of procedure and the established practice of accepting the request to initiate criminal proceedings, in accordance with the regulations filed in the case file, which had been previously archived by the Secretariat. The rules of procedure for committees issued on 08/04/1445 AH do not apply to it, as this case was registered on 24/09/1443 AH. Therefore, it is inconceivable that Article (11) of the Rules of Operation for Zakat, Tax, and Customs Committees could be applied. It was also found that a statement of claim dated 1439 AH was submitted, and the General Secretariat registered the case on 24/09/1443 AH. This implies the application of the rules of procedure for Customs Committees issued on 25/02/1441 AH. The appeal concluded with a request to convict the respondent of customs smuggling, obligate her to pay a customs fine equivalent to three times the value of the goods, and confiscate the goods or the ruling is for the equivalent of its value in the event of its seizure.

Upon requesting a response from the respondent (the establishment ...) and enabling it to exercise its right to reply, it failed to provide the required response. Based on paragraph (1) of Article (35) of the Rules of Operation for Zakat, Tax, and Customs Committees, the committee decided to consider the case in light of the available documents.

On Thursday, 06/02/1447 AH, corresponding to 31/07/2025 AD, at (08:41) am, the Customs Appeals Committee in Riyadh held its hearing via Video conferencing in accordance with remote visual litigation procedures; based on what was stated in item number (1) of Article fifteen of the rules of operation for the Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH. To consider the appeal submitted by the Zakat, Tax and Customs Authority against Decision No. (CSR-2024-243052) dated 10/12/2024 AD, issued by the Second First Instance Customs Committee in Riyadh, and after reviewing the case file and the appeal submitted by the appellant, the committee decided to close the pleadings.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/4/1445 AH, and the related laws and regulations;

And given that the appellant was notified of the initial decision on 31/12/2024 AD, and filed an appeal against the decision on 28/01/2025 AD, the appeal is therefore accepted procedurally, as it was submitted by a party with standing within the period stipulated for such proceedings, in accordance with Article (163) of the Unified Customs Law. After reviewing the case file and its contents, and the decision of The First Instance Committee, and considering that there is no reproach against the reviewing authority for the appeal for adopting the Grounds of the decision subject to the appeal without addition whenever it sees in these Grounds what suffices to avoid presenting anything new; because in upholding it, based on its Grounds, it indicates that it did not find in the objections raised against it anything that deserves a response beyond what those Grounds contained , this conclusion is not affected by the appellant's argument that the rules governing the work of the Zakat, Tax, and Customs Committees issued on 08/04/1445 AH are not applicable. This is because the case under appeal was returned by the Customs Appeals Committee under Decision No. (CR-2024-201568) dated 24/09/2024 AD, which is after the issuance of the new rules. Furthermore, the appellant was requested by the General Secretariat of the Zakat, Tax, and Customs Committees on 07/11/2024 AD to prepare the case, yet she submitted the same pleadings previously submitted in The appeal was dismissed, and since the grounds for the appealed decision were sufficient to support its ruling, it was deemed necessary to declare that the submitted defenses had no effect on the outcome of the decision. Therefore, the appeal was without merit and must be rejected. However, the Appeals Committee noted that the appealed decision concluded by considering the plaintiff to have abandoned her claim, based on the plaintiff's failure to file the claim in accordance with Article (11) of the Rules of Operation for Zakat, Tax, and Customs Committees. Paragraph (1) of Article (76) of the Law of Sharia Procedures stipulates that: "The plea of lack of jurisdiction of the court due to the absence of its authority..."

Or due to the nature or value of the claim, or the plea of inadmissibility of the claim due to lack of standing, capacity, interest, or for any other reason, as well as the plea of res judicata; this may be raised at any stage of the proceedings and the court may rule on it ex officio." Therefore, this committee must amend the wording of the initial committee's decision to read: "The claim is inadmissible due to its not being properly filed."

Based on the foregoing, and after deliberation, the committee unanimously decided the following:

Decision:

First: The appeal submitted by the Zakat, Tax and Customs Authority against the initial decision No. (CSR-2024-243052) issued by the Second First Instance Customs Committee in Riyadh is accepted procedurally.

Second: On the merits, the appeal is rejected, and the wording of the initial committee's decision is amended to read: " The case is inadmissible due to lack of proper documentation," for the reasons and grounds stated in this decision.

May Allah's peace and blessings be upon our Prophet Muhammad and upon his family and companions.

The Customs Appeals Committee in Riyadh

Decision No. CAR-2025-247596
Case No. CF-2025-247596

Keywords:

Customs - Procedural - Dismissal of the case.

Summary:

- The importer requested the annulment of the initial decision No. (CSR-2024-243273) of 1446 AH, issued by the Second First Instance Customs Committee in Riyadh, which deemed the plaintiff to have abandoned her claim.

- The Appeals Committee, after reviewing the case file, determined that the appellant's arguments did not affect the outcome of the decision. Therefore, the appeal was deemed unfounded and must be rejected. Consequently, the appeal was accepted procedurally but rejected on its merits, and the initial decision was amended to read: " The case dismissed."

Document:

- Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH.
- Article (191) of the Law of Criminal Procedures issued by Royal Decree No. (M/2) dated 22/01/1435 AH.

Facts:

The facts of this case are as follows: The plaintiff filed an objection before the First Instance Customs Committee against the collection decision issued by the Zakat, Tax and Customs Authority under number (46536/1445) for the year 1445 AH, which resulted in customs differences amounting to a total of (191,354.88) one hundred ninety-one thousand three hundred fifty-four riyals and eighty-eight halalas. Accordingly, the Second First Instance Customs Committee in Riyadh issued its decision – the subject of this appeal – which states the following:

"The plaintiff is considered to have abandoned her claim, as explained in the reasons."

Upon reviewing the submitted appeal brief, the Customs Appeals Committee found that it included, in summary, the argument that the requested information had been submitted within the specified timeframe, given that the response had been successfully submitted to the system within the allotted time. The agent also argued that it was impossible to prove delivery of the memorandum within the legal deadline, that the case concerned an objection to a collection decision, which has a specific timeframe for submission according to the regulations, and that the decision issued considering the plaintiff to have abandoned her claim was unjust and detrimental to his client's interests. The appeal concluded with a request to accept the objection procedurally, reconsider the initial decision considering the plaintiff to have abandoned her claim, reopen the pleadings and defenses, take the necessary measures to prove receipt of the memorandum within the legal timeframe, and not consider the company's right to object to the collection decision to be time-barred.

Upon reviewing the respondent's reply memorandum, the Customs Appeals Committee found that it contained a summary argument that the customs duties owed by the company were due to the state treasury, thus rendering the company's appeal inadmissible. The memorandum concluded with a request to dismiss the appeal on procedural grounds, and alternatively, to dismiss it on its merits.

On Wednesday, 19/02/1447 AH, corresponding to 13/08/2025 AD, at 1:41 PM, the Customs Appeals Committee in Riyadh held its hearing via Video conferencing in accordance with remote visual litigation procedures; based on what was stated in item number (1) of Article fifteen of the rules of operation for the Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH, to consider the appeal submitted by the company .... against Decision No. (CSR-2024-243273) dated 18/12/2024 AD, issued by the Second First Instance Customs Committee in Riyadh, and after reviewing the case file and the appeal submitted by the appellant, the committee decided to close the pleadings.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/4/1445 AH, and the related laws and regulations;

And given that the initial decision was issued on 09/01/2025 AD, and the appeal against the decision was submitted on 05/02/2025 AD, the appeal is therefore accepted procedurally, as it was submitted by a party with standing within the period stipulated for such proceedings, in accordance with Article (163) of the Unified Customs Law.

And since there is no reproach against the reviewing authority for the appeal for adopting the Grounds of the decision subject to the appeal without addition whenever it sees in these Grounds what suffices to avoid presenting anything new; because in upholding it, based on its Grounds, it indicates that it did not find in the objections raised against it anything that deserves a response beyond what those Grounds contained, and this is not affected by the defenses presented by the appellant's representative, which do not change the outcome reached in the appealed decision, and since the reasons for the appealed decision are sufficient to support its ruling, it is therefore necessary to declare that the defenses presented have no effect on the outcome of the decision, which means that the appeal is without basis and must be rejected. Therefore, the committee unanimously concluded to decide the following:

Decision:

First: Acceptance of the appeal procedurally submitted by [Company ....], Commercial Registration No. [Company ....], against the initial decision No. (CSR-2024-243273), issued by the Second First Instance Customs Committee in Riyadh.

Second: The appeal is rejected on its merits, with the wording of the initial decision amended to read "Dismissal of the case" for the reasons and grounds stated in the decision under appeal.

May Allah's peace and blessings be upon our Prophet Muhammad, his family, and all his companions.

Customs Penalties

Prohibited Items

The First Instance Customs Committee in Riyadh

Decision No. CFR-2025-262825

Case No. PC-2025-262825

Keywords:

Customs - Prohibited - Medicines - Not registered with the Food and Drug Authority - Conviction.

Summary:

The Public Prosecution in Jeddah Governorate filed a claim with the First Instance Customs Committee in Riyadh against the defendant, [.........], [Nationality ....], residency ID No. [........], pursuant to seizure report No. [........] dated 12/08/1446 AH, which detailed his apprehension in possession of 117 boxes of [Type ....] medication. The First Instance Customs Committee determined that these medications are prohibited from entering the Kingdom. Consequently, the defendant was found guilty of customs smuggling and ordered to pay a customs fine equivalent to ten percent of the value of the smuggled goods, which were also ordered to be confiscated.

Document:

- Article (20) of the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH.
- Articles (142-145) of the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH.

Facts:

The statement of claim submitted by the Head of the Public Prosecution in Jeddah Governorate, No. (.............) dated 28/08/1446 AH, and the requests contained therein, which include that the defendant, ..., ... nationality, passport No. (..................), passed through the entry gate at King Abdulaziz International Airport Customs, and upon manual inspection of his bags, (133) boxes of a medical drug of the type (..................) were found inside the bags, and accordingly, seizure report No. (................) dated 12/08/1446 AH was prepared, and the plaintiff requests that the defendant be found guilty and sentenced to the penalty stipulated in paragraph (3) of Article (145) of the Unified Customs Law, and that the seized items be confiscated.

On Thursday, 31/07/2025 AD, the committee convened. Upon calling the parties to the case, the Public Prosecutor, [......], appeared pursuant to the authorization issued by the Public Prosecution Office in the Riyadh region under number [.........], dated 25/08/1443 AH. The defendant, or his representative, failed to appear despite having been duly notified of the hearing date.

After verifying the Public Prosecutor's legal standing and reviewing the case file, the committee determined it was ready for adjudication. The committee then asked the Public Prosecutor if he wished to add anything beyond what he had already presented. He replied that he had already stated his position. The committee then decided to close the pleadings in preparation for issuing its decision.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH, and the relevant laws and regulations.

Procedurally; and after the Committee reviewed the subject matter of the case, and having determined that this is a customs dispute, it is considered a dispute falling within the jurisdiction of the Customs Committee.

Since it is established from the case documents that the plaintiff filed the case with legal standing, the case shall be accepted procedurally.

On merits, the committee found that, upon the defendant's passage through the entry gate at King Abdulaziz International Airport Customs, a manual inspection of his luggage revealed (133) boxes of a medical drug of the type (.................). Accordingly, seizure report number (.................) was prepared, dated 12/08/1446 AH.

Based on the text of Article (142) of the Unified Customs Law, which stipulated that: “Smuggling is the entry or attempted entry of goods into the country or their exit or attempted exit from it in a manner contrary to the applicable legislation without paying customs duties in whole or in part or contrary to the provisions of prohibition or restriction contained in this law and other regulations and laws,” as paragraphs (6,12,13) of Article (143) of the same system stipulated that: “The entry or exit of goods through the customs circle without declaring them, and the transport or possession of prohibited and restricted goods without providing evidence supporting their importation or passage in a legal manner, or the transport or possession of goods subject to the authority of customs without a legal document,” as paragraph (5) of Article (145) of the same system stipulated: “The goods subject to smuggling shall be confiscated or a judgment shall be issued for the equivalent of their value in the event that they are not seized.” Paragraph (5) of Article (145) of the same system stipulates: “The goods subject to smuggling shall be confiscated, or a judgment shall be issued for an amount equivalent to their value if they are not seized.” Paragraph (3) of Article (145) of the same system stipulates: “If the smuggled goods are not subject to customs duties (exempt), the penalty shall be a fine of not less than ten percent of the value of the goods and not exceeding their value, and imprisonment for a period of not less than one month and not exceeding one year, or one of these two penalties.”

Based on the foregoing, and since the committee has established, according to the seizure report in question, that upon inspecting the defendant's bags, (133) boxes of a medical drug of the type (..................) were found.

Therefore, the defendant's attempt to import the seized items constitutes customs smuggling, which leads to the defendant's conviction for customs smuggling, and his being obligated to pay a customs fine equivalent to ten percent of the value of the seized smuggled goods, and the confiscation of the seized smuggled goods.

Regarding the plaintiff's request for a prison sentence, And given that his record is clean of prior convictions, and because imprisonment is a custodial sentence with far-reaching consequences, the committee concluded that the sentence already imposed was sufficient and rejected all other requests. Regarding the defendant's or his representative's failure to attend the hearing despite proof of proper notification, And given that Article (20) of the Rules of Operation for Zakat, Tax, and Customs Committees stipulates that: "If the defendant, his agent, or his representative is notified of the statement of claim or the hearing date – in accordance with Article (Twelve) – or if he, his agent, or his legal representative submits a memorandum of defense and fails to appear, or if he, his agent, or his representative attends any hearing and then is absent thereafter, the decision issued against him shall be considered as if he were present. Since the defendant did not provide an excuse justifying his absence from the committee session convened to consider his the case, and since the committee deemed the case ready for adjudication based on the evidence in its file, it concludes by issuing its decision in the case under consideration as if the defendant were present.

For these reasons, and after deliberation, the committee unanimously decided the following:

Decision:

First: The defendant, ..., of .... nationality - Passport No. (................), is found guilty of customs smuggling.

Second: He is ordered to pay a fine equal to ten percent of the value of the smuggled goods, amounting to (665) six hundred and sixty-five Saudi Riyals.

Third: The smuggled goods are to be confiscated.

Fourth: All other requests are dismissed.

May Allah's peace and blessings be upon our Prophet Muhammad and upon his family and companions.

The Customs Appeals Committee in Riyadh

Decision No. CR-2025-234607

Case No. PC-2024-234607

Keywords:

Customs - Prohibited - Captagon pills - No conviction.

Summary:

The Authority requests the annulment of the initial decision No. (CTR-2024-226739) of 1445 AH, issued by the Third First Instance Customs Committee in Riyadh, which dismissed the case due to its not being properly filed. The Appeals Committee has established that the Authority submitted the judgment issued by the Criminal Court against the convicted party during the appeal stage, pertaining to the initial decision under appeal. It is therefore not permissible to consider the case on its merits at this stage, as this would deprive the parties of a level of litigation. Consequently, the initial decision is annulled, and the case is returned to the First Instance Customs Committee for consideration on its merits.

Document:

- Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH.
- Article (163) of the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH.

Facts:

The facts of this case are as follows: While the defendant was driving a vehicle of a (..........) type, red and beige in color, bearing license plate number (...............), through the Al-Haditha Customs, the vehicle was suspected, and upon inspection, (42,000) pills suspected to be Captagon were found hidden inside a foam pillow wrapped in cloth and tape within a secret compartment under the metal box of the coffee, tea, and cooking utensils the case, as well as inside a portable gas cylinder. Accordingly, seizure report number (.................) was prepared on 28/11/1432 AH, and The First Instance Committee issued its decision, whose ruling states the following:

"Dismissal of the case due to its not being prepared in the required legal manner."

Upon reviewing the submitted appeal, the Customs Appeals Committee found that it included the following points: the Sharia ruling was attached to the case file; the defendant's attempt to import prohibited materials constituted attempted customs smuggling, as stipulated in Article (142) of the Unified Customs Law; and the defendant's actions constituted a criminal offense under Article (3) of the Law on Combating Narcotics and Psychotropic Substances. The appeal concluded with a request to accept the appeal, overturn the initial decision, and remand the case to the issuing primary committee for reconsideration.

The respondent was requested to reply on 25/06/2024 AD, And given (45) days to submit a response. Since the respondent failed to do so, and pursuant to Paragraph (1) of Article (35) of the Rules of Operation for Zakat, Tax, and Customs Committees, the committee decided to adjudicate the case based on the available documents.

On Thursday, 23/07/1446 AH, corresponding to 23/01/2025 AD, at (10:03) AM, the Customs Appeals Committee held its hearing to consider the appeal submitted by the Zakat, Tax and Customs Authority against Decision No. (CTR-2024-226739) dated 01/09/1445 AH, issued by the Third First Instance Customs Committee in Riyadh. After reviewing the case file and the appeal submitted by the appellant, the committee decided to close the pleadings.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/4/1445 AH, and the related laws and regulations;

And given that the appellant was notified of the initial decision on 13/03/2024 AD, and filed an appeal against the decision on 04/04/2024 AD, the appeal is therefore accepted procedurally, as it was submitted by a party with standing within the period stipulated for such proceedings, in accordance with Article (163) of the Unified Customs Law.

Whereas it is established from the account of the facts and reasons for the initial decision that the initial committee issuing the decision based its reasons on the Authority's failure to submit a copy of the Sharia ruling, which made it impossible to consider and decide on the case, and whereas upon reviewing the electronic the case file by the Appeals Committee it became clear that the Authority had submitted the ruling issued by the Criminal Court against the convicted person - during the appeal stage - related to the incident in question, and whereas it is not appropriate to consider the case on its merits at this stage, as this deprives the litigants of a level of litigation, this committee concludes to cancel the initial decision and return the case to the initial Customs Committee for consideration on its merits in light of the documents that were submitted, and whereas the matter was as stated, the committee concluded to decide as follows:

Decision:

First: The appeal submitted by the Zakat, Tax and Customs Authority against Initial Decision No. (CTR-2024-226739), issued by the Third First Instance Customs Committee in Riyadh, is accepted procedurally.

Second: On the merits, the Initial Decision is overturned, and the case is remanded to the First Instance Customs Committee for consideration on its merits, for the reasons and grounds stated in this decision.

May Allah's peace and blessings be upon our Prophet Muhammad and upon his family and companions.

The First Instance Customs Committee in Riyadh

Decision No. CFR-2025-262308

Case No. PC-2025-262308

Keywords:

Customs - Prohibited - Counterfeit Currency - Conviction.

Summary:

The Public Prosecution in Jeddah Governorate filed a claim with the First Instance Customs Committee in Riyadh against the defendant, [.........], [Nationality ....], passport number [Passport ....], pursuant to seizure report number [........] dated 22/11/1445 AH, which included his arrest in possession of 200 counterfeit UAE dirhams. The First Instance Customs Committee determined that the seized items were prohibited from being brought into the Kingdom. Consequently, the defendant was found guilty of customs smuggling and ordered to pay a customs fine equivalent to the value of the seized items, which were also ordered to be confiscated.

Document:

- Article (20) of the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH.

- Articles (142-145) of the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH.

Facts:

The statement of claim submitted by the Head of the Public Prosecution in Jeddah Governorate, No. (................) dated 06/08/1446 AH, and the requests contained therein, which include the arrival of the defendant/ ...., ... nationality, passport No. (........................), at King Abdulaziz International Airport Customs, and upon passing through the entry gate arriving from the United Arab Emirates, his luggage was suspected. Therefore, his luggage was manually searched, and (200) counterfeit banknotes (UAE Dirhams) were found inside. Accordingly, seizure report No. (................) dated 22/11/1445 AH was prepared. The plaintiff requests that the defendant be found guilty and sentenced to imprisonment and a fine as stipulated in paragraph (4) of Article (145) of the Unified Customs Law, and that the seized items be confiscated.

On Sunday, 27/07/2025 AD, the committee convened. Upon calling the parties to the case, the Public Prosecutor, [.........], National ID No. [........], appeared by virtue of authorization No. [........], dated 25/08/1443 AH. The defendant, or his representative, failed to appear despite having been duly notified of the hearing date.

After verifying the Public Prosecutor's legal standing and reviewing the case file, the committee determined it was ready for adjudication. The committee then asked the Public Prosecutor if he wished to add anything beyond what he had already presented. He replied that he had already stated his position. The committee then decided to close the pleadings in preparation for issuing its decision.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH, and the related laws and regulations.

Procedurally, after reviewing the subject matter of the case, the committee determined that this is a customs dispute, and therefore falls within the jurisdiction of the Customs Committee. Furthermore, the case documents establish that the plaintiff has standing, thus necessitating the acceptance of the case procedurally.

On merits, the committee found that the defendant arrived at King Abdulaziz International Airport Customs. Upon passing through the entry gate from the United Arab Emirates, his luggage aroused suspicion. A manual search of his bags revealed (200) counterfeit UAE dirham banknotes. Accordingly, seizure report number (..................) was prepared, dated 22/11/1445 AH.

Based on Article (142) of the Unified Customs Law, which states:

"Smuggling is the entry or attempted entry of goods into the country, or their exit or attempted exit from it in violation of applicable legislation without paying customs duties, in whole or in part, or contrary to the prohibitions or restrictions stipulated in this Law and other regulations and laws," and paragraphs (6, 12, 13) of Article (143) of the same law state that: "Smuggling includes bypassing the customs zone during entry or exit without declaring the goods, transporting or possessing prohibited or restricted goods without providing evidence supporting their importation or legal transit, or transporting or possessing goods subject to customs authority without proper documentation," and paragraph (4) of Article (145) of the same law states that: "Without prejudice to any more severe penalty stipulated by other applicable provisions in the country, smuggling and related offenses, and attempts thereof, shall be punishable as follows: 4- If the goods The penalty for smuggling prohibited goods is a fine of no less than the value of the goods and no more than three times their value, and imprisonment for a period of no less than six months and no more than three years, or one of these two penalties. Paragraph (5) of Article (145) of the same law stipulates the confiscation of the smuggled goods or a judgment of their equivalent value if they are not seized.

Based on the foregoing, and since the committee established, according to the seizure report in question, that after the customs inspector searched the defendant's bag, (200) counterfeit banknotes (UAE Dirhams) were found.

Therefore, the defendant's attempt to import the seized items constitutes customs smuggling, which warrants his conviction for customs smuggling. He is ordered to pay a customs fine equivalent to the value of the smuggled goods, and the goods are to be confiscated.

Regarding the plaintiff's request for a prison sentence, given his clean criminal record, and because imprisonment is a custodial sentence with far-reaching consequences, the committee concludes that the sentence already served is sufficient and rejects all other requests. Regarding the defendant's or his representative's failure to appear at the hearing despite being duly notified, And given that Article (20) of the Rules of Operation for Zakat, Tax, and Customs Committees stipulates that: "If the defendant, his agent, or his representative is notified of the statement of claim or the hearing date – in accordance with Article (Twelve) – or if he, his agent, or his legal representative submits a memorandum of defense and fails to appear, or if he, his agent, or his representative attends any hearing and then is absent thereafter, the decision issued against him shall be considered as if he were present," and since the defendant did not provide an excuse justifying his absence from the committee session convened to consider his the case, and since the committee deemed the case ready for adjudication based on the evidence in its file, it therefore: issued its decision in the case under consideration as if the defendant were present.

For these reasons, and after deliberation, the committee unanimously decided the following:

Decision:

First: The defendant, [.........], [Nationality], passport number: [Passport Number], is found guilty of customs smuggling.

Second: He is ordered to pay a customs fine equivalent to the value of the smuggled goods, amounting to [Amount] forty thousand eight hundred and forty-nine Saudi riyals and thirty-three halalas.

Third: The smuggled goods are to be confiscated.

Fourth: All other claims are dismissed.

May Allah's peace and blessings be upon our Prophet Muhammad and upon his family and companions.

The First Instance Customs Committee in Riyadh

Decision No. CFR-2025-262760

Case No. PC-2024-262760

Keywords:

Customs - Prohibited Items - Audio eavesdropping devices and incriminating cameras.

Summary:

The Public Prosecution in Al-Qurayyat Governorate filed a claim with the First Instance Customs Committee in Riyadh against the defendant, [.........], [Nationality ....], passport number [Passport ....], pursuant to seizure report number [........] dated 21/10/1445 AH, which included his arrest in possession of (3) eavesdropping devices, (2) cameras, and (1) storage unit. The First Instance Customs Committee determined that the seized items were prohibited from being brought into the Kingdom. Consequently, the defendant was found guilty of customs smuggling and ordered to pay a customs fine equivalent to the value of the seized items, which were also ordered to be confiscated.

Document:

- Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH.
- Articles (142-145) of the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH.

Facts:

The indictment submitted by the Head of the Public Prosecution in Al-Qurayyat Governorate, No. (............) dated 03/01/1446 AH, and the requests contained therein, included the arrival of the defendant, ..., ... nationality, passport No. (............................), at Al-Haditha Customs, in a vehicle of type (..........) bearing license plate No. (............). During inspection, (3) audio eavesdropping devices, (2) cameras, and (1) storage unit were found hidden under the floor of the front passenger seat and the driver's seat. Accordingly, seizure report No. (.................) dated 21/10/1445 AH was prepared. The plaintiff requests that the defendant be found guilty and sentenced to imprisonment, a fine, and confiscation of the seized items and the vehicle.

On Sunday, 31/07/2025 AD, the committee convened. Upon calling the parties to the case, the Public Prosecutor, [.........], appeared pursuant to the authorization issued by the Public Prosecution Office in the Riyadh region under number [.........], dated 25/8/1443 AH. [.........], national ID number [.........], appeared as the attorney for the defendant, pursuant to power of attorney number [.........] issued in Jordan and pursuant to his law license number [.........], dated 09/07/1442 AH. After verifying the identities of both parties and reviewing the case file, the committee asked the Public Prosecutor if he wished to add anything beyond what he had already presented. He replied that he was satisfied. The committee then asked the defendant's attorney if he wished to add anything beyond what he had already presented, and he also replied that he was satisfied. The committee then decided to close the pleadings in preparation for issuing its decision.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH, and the related laws and regulations.

Procedurally, and after reviewing the subject matter, the committee determined that this is a customs dispute, thus falling within the jurisdiction of the Customs Committee. Furthermore, the case documents establish that the plaintiff has standing, and therefore the case must be accepted procedurally.

On merits, the committee found that the defendant arrived at Al-Haditha Customs in a vehicle of a (.................) type, bearing license plate number (.................). Upon inspection, (3) audio listening devices, (2) cameras, and (1) storage unit were found concealed beneath the floor of the front passenger seat and the driver's seat. Accordingly, seizure report number (.................) was prepared, dated 21/10/1445 AH.

Based on Article (142) of the Unified Customs Law, which states: "Smuggling is the entry or attempted entry of goods into the country, or their exit or attempted exit from it in violation of applicable legislation without paying customs duties, either wholly or partially, or in contravention of the prohibitions or restrictions stipulated in this Law and other regulations and laws," and paragraphs (6, 12, 13) of Article (143) of the same law, which state: "Smuggling includes bypassing the customs circle in entry or exit without declaring the goods, transporting or possessing prohibited or restricted goods without providing evidence supporting their importation or legal transit, or transporting or possessing goods subject to customs authority without proper documentation," and paragraph (4) of Article (145) of the same law, which states: "Without prejudice to any more severe penalty stipulated by other applicable provisions in the country, smuggling and related offenses, and attempts thereof, shall be punishable as follows: 4- If the smuggled goods Regarding prohibited goods, the penalty is a fine of no less than the value of the goods and no more than three times their value, and imprisonment for a period of no less than six months and no more than three years, or one of these two penalties." Paragraph (5) of Article (145) of the same system also stipulates: "Confiscation of the smuggled goods or a judgment of their equivalent value if they are not seized."

Based on the foregoing, and since it was established by the committee, according to the seizure report in question, that after the customs inspector searched the defendant's bag, (3) audio eavesdropping devices, (2) cameras, and (1) storage unit were found.

Therefore, the defendant's attempt to import the seized items constitutes customs smuggling, which warrants his conviction for customs smuggling and his imposition of a customs fine equivalent to twice the value of the seized goods, in addition to the confiscation of the goods.

Regarding the plaintiff's requests for the confiscation of the vehicle and the imposition of a prison sentence, And given that it has not been proven that the defendant concealed the seized items using any sophisticated method, And given that the rationale for applying the penalty of confiscation or its equivalent lies in the fact that the vehicle was intended for smuggling, And given that his record is free of prior criminal convictions, and because imprisonment is a custodial sentence with far-reaching consequences, the committee concluded that the sentence imposed upon him is sufficient and rejected all other requests.

For these reasons, and after deliberation, the committee unanimously decided the following:

Decision:

First: The defendant, ... - .... nationality - passport number (...................), is found guilty of customs smuggling.

Second: The defendant is ordered to pay a customs fine equal to twice the value of the smuggled goods, amounting to (12,000) twelve thousand Saudi Riyals.

Third: The smuggled goods are to be confiscated.

Fourth: All other claims are dismissed.

May Allah's peace and blessings be upon our Prophet Muhammad and upon his family and companions.

The First Instance Customs Committee in Riyadh

Decision No. CFR-2025-262300
Case No. PC-2025-262300

Keywords:

Customs - Prohibited - Areca grass (Betel nut) - conviction.

Summary:

The Public Prosecution in Jeddah filed a claim with the First Instance Customs Committee in Riyadh against the defendant/..................., Commercial Registration No. (...), and the defendant/............., nationality ...., Passport No. (...), pursuant to seizure report No. (...) dated 17/06/1446 AH, which stated that the shipment in Customs Declaration No. (...) dated 06/06/1444 AH contained (6060) areca nut (Betel nut). The First Instance Customs Committee determined that the seized contraband is prohibited from entering the Kingdom. Consequently: the defendant/....................., nationality ...., Passport No. (...), was not convicted of customs smuggling, while the defendant/..............., Commercial Registration No. (...), was convicted of customs smuggling and ordered to pay a customs fine equivalent to the value of the smuggled contraband, and its confiscation was ordered.

Document:

- Article (142-145) of the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH.

Facts:

The case was submitted by the Head of the Public Prosecution in Jeddah Governorate, No. (........) dated 06/08/1446 AH, and the requests contained therein, included the following: A shipment arrived under Customs Declaration No. (..................) dated 06/06/1444 AH, belonging to .... Company, Commercial Registration No. (................), declared as containing (pineapple, olives, guava, etc.). However, upon customs inspection, it was found to be Areca grass (Betel nut) in the quantity of (6060) six thousand and sixty pieces. Accordingly, seizure report No. (.........................) dated 17/06/1446 AH was prepared. The plaintiff requests that the defendants be found guilty and sentenced according to the penalty stipulated in Paragraph (2) of Article (145) of the Unified Customs Law, and that the goods be confiscated.

On Thursday, 24/07/2025 AD, the committee convened. Upon calling the parties to the case, the Public Prosecutor, [.........], National ID No. [........], appeared by virtue of authorization No. [........], dated 25/08/1443 AH. The defendants, or their representatives, failed to appear despite having been duly notified of the hearing date. After verifying the Public Prosecutor's capacity to attend and reviewing the case file, the committee determined it was ready for adjudication. The committee then asked the Public Prosecutor if he wished to add anything beyond what he had already presented. He replied that he had already stated his position. The committee then decided to close the pleadings in preparation for issuing its decision.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH, and the relevant laws and regulations.

Procedurally; and after reviewing the subject matter of the case, the Committee has determined that this is a customs dispute, and therefore falls within the jurisdiction of the Customs Committee.

As it is established from the case documents that the plaintiff filed the case with legal standing, the case must be accepted procedurally.

On merits, the Committee has found that restricted items were received that were not declared under Customs Declaration No. (..................), and accordingly, Seizure Report No. (..................) dated 17/06/1446 AH was prepared.

Based on Article (142) of the Unified Customs Law, which states: "Smuggling is the entry or attempted entry of goods into the country, or their exit or attempted exit from it in violation of applicable legislation without paying customs duties, in whole or in part, or contrary to the prohibitions or restrictions stipulated in this Law and other regulations and laws," and paragraphs (13, 12, 6) of Article (143) of the same law state: "Smuggling includes bypassing the customs circle in entry or exit without declaring the goods, transporting or possessing prohibited or restricted goods without providing evidence supporting their importation or legal transit, or transporting or possessing goods subject to customs authority without a legal document," and paragraph (2) of Article (145) of the Unified Customs Law states: "2- As for other goods, the penalty shall be a fine of not less than twice the customs duty due, and not exceeding the value of the goods, and imprisonment for a period of not less than one month and not exceeding one year or "One of these two penalties," Paragraph (5) of Article (145) of the same system stipulates: "Confiscation of the smuggled goods or a ruling equivalent to their value in the event that they are not seized." The Anti-Commercial Fraud Law defines a counterfeit product in its first article as any product that does not conform to approved standard specifications. Article Two of the Anti-Commercial Fraud Law stipulates that anyone who imports a counterfeit product is considered in violation of the law. Paragraph (b) of the Implementing Regulations of the Anti-Commercial Fraud Law states: "A product is considered counterfeit if it does not conform to approved standard specifications or any of their provisions."

Based on the foregoing, and since the committee has established, according to the seizure report in question, the arrival of restricted items that were not declared, therefore, the defendant's attempt to import the seized items constitutes customs smuggling. Consequently, the defendant is found guilty of customs smuggling and is obligated to pay a customs fine equivalent to the value of the non-compliant items, and the smuggled non-compliant items are to be confiscated.

Regarding the legal representative, the plaintiff has not provided any evidence of his connection to the shipment, and he stated in the hearing that the goods belong to For the company, it was decided that he would not be convicted of customs evasion.

For these reasons, and after deliberation, the committee unanimously decided the following:

Decision:

First: The defendant, [.........], [Nationality], ID No. [ID Number], is found not guilty of customs smuggling.

Second: The defendant, [Company ....], Commercial Registration No. [Company ....], is found guilty of customs smuggling.

Third: [Company ....] is ordered to pay a fine equivalent to the value of the smuggled goods, amounting to (26,500) twenty-six thousand five hundred Saudi Riyals.

Fourth: The smuggled goods are to be confiscated.

Fifth: All other claims are dismissed.

May Allah's peace and blessings be upon our Prophet Muhammad and upon his family and companions.

The First Instance Customs Committee in Riyadh

Decision No. CFR-2025-261549

Case No. PC-2022-261549

Keywords:

Customs - Prohibited - Nutmeg - Conviction.

Summary:

The Public Prosecution in Riyadh filed a claim with the First Instance Customs Committee in Riyadh against the defendant, [.........], [Nationality ....], [Residence Permit No. ....], pursuant to seizure report No. .... and dated 26/05/1446 AH, which included his arrest in possession of (19,000) grams of nutmeg. The First Instance Customs Committee determined that the seized contraband is prohibited from being imported into the Kingdom. Consequently, the defendant, [.........], [Nationality ....], [Passport No. ....], is found guilty of customs smuggling and is obligated to pay a customs fine equivalent to the value of the seized contraband, which is to be confiscated.

Document:

- Article (20) of the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH.
- Articles (142-145) of the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH.

Facts:

The case was submitted by the Head of the Public Prosecution in the Riyadh region, No. (.................) dated 05/07/1446 AH, and the requests contained therein, included the following: The defendant, ..., ... nationality, residence permit No. (................), arrived at King Khalid International Airport Customs. During the inspection of the defendant's bag, a nutmeg weighing (19,000) grams was found in a visible location and was not declared by the defendant. Accordingly, seizure report No. (.................) dated 26/05/1446 AH was prepared. The plaintiff requests that the defendant be found guilty and sentenced to imprisonment, a fine, and confiscation of the seized items.

On Sunday, 13/07/2025 AD, the committee convened. Upon calling the parties to the case, the Public Prosecutor, [.........], appeared pursuant to the authorization issued by the Public Prosecution Office in the Riyadh region under number [.........], dated 25/08/1443 AH. The defendant, or his representative, failed to appear despite having been duly notified of the hearing date. After verifying the presence of the plaintiff's representative and reviewing the case file, the committee asked the Public Prosecution representative if he wished to add anything beyond what he had already presented. He replied that he had already stated his position. Therefore, the committee decided to close the pleadings in preparation for issuing its decision.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH, and the relevant laws and regulations.

Procedurally; and after reviewing the subject matter of the case, the Committee has determined that this is a customs dispute, and therefore falls within the jurisdiction of the Customs Committee.

As it is established from the case documents that the plaintiff filed the case with standing, the case must be accepted procedurally.

On merits, the Committee found that the defendant arrived, and during the inspection of his bag, a nutmeg weighing (19,000) grams was found in a visible location and was not declared by the defendant. Accordingly, seizure report No. (.................) dated 26/05/1446 AH was prepared.

Based on Article (142) of the Unified Customs Law, which states: "Smuggling is the entry or attempted entry of goods into the country, or their exit or attempted exit from it in violation of applicable legislation without paying customs duties, either wholly or partially, or in contravention of the prohibitions or restrictions stipulated in this Law and other regulations and laws," and paragraphs (6, 12, 13) of Article (143) of the same law, which state: "Smuggling includes bypassing the customs circle in entry or exit without declaring the goods, transporting or possessing prohibited or restricted goods without providing evidence supporting their importation or legal transit, or transporting or possessing goods subject to customs authority without proper documentation," and paragraph (4) of Article (145) of the same law, which states: "Without prejudice to any more severe penalty stipulated by other applicable provisions in the country, smuggling and related offenses, and attempts thereof, shall be punishable as follows: 4- If the smuggled goods Regarding prohibited goods, the penalty is a fine of no less than the value of the goods and no more than three times their value, and imprisonment for a period of no less than six months and no more than three years, or one of these two penalties. Paragraph (5) of Article (145) of the same system stipulates the confiscation of the smuggled goods or a judgment of their equivalent value if they are not seized.

Based on the foregoing, and since the committee established, according to the seizure report in question, that after the customs inspector searched the defendant's bag, (19,000) grams of undeclared nutmeg were found.

Therefore, the defendant's attempt to import the seized items constitutes customs smuggling, which leads to the defendant's conviction for customs smuggling, and his obligation to pay a customs fine equivalent to the value of the seized items, and the confiscation of the seized items.

With regard to the plaintiff's request for imprisonment, and since his record is free of criminal convictions, and because imprisonment is a penalty... The penalties involving deprivation of liberty have far-reaching consequences, leading the committee to conclude that the existing penalties were sufficient and to reject all other requests.

Regarding the defendant's or his representative's failure to appear at the hearing despite proof of proper notification, Article (20) of the Rules of Operation for Zakat, Tax, and Customs Committees stipulates that: "If the defendant, his agent, or his representative is notified of the summons or the hearing date – in accordance with Article (Twelve) – or if he, his agent, or his legal representative submits a memorandum of defense and fails to appear, or if he, his agent, or his representative attends any hearing and then is absent thereafter, the decision issued against him shall be considered as rendered in his presence. Since the defendant did not provide an excuse justifying his absence from the committee session convened to consider his the case, and since the committee deemed the case ready for adjudication based on the available evidence in its file, it is hereby determined to issue its decision in the case under consideration in the defendant's presence." For these reasons and after deliberation, the committee unanimously decided the following:

Decision:

First: The defendant, ..., ... nationality - Residence Permit No.: (..................), is charged with customs smuggling.

Second: He is obligated to pay a customs fine equivalent to the value of the seized contraband, amounting to (950) nine hundred and fifty riyals.

Third: The seized contraband is to be confiscated.

Fourth: All other claims are dismissed.

May Allah's peace and blessings be upon our Prophet Muhammad and upon his family and companions.

The First Instance Customs Committee in Riyadh

Decision No. CFR-2025-262242

Case No. PC-2025-262242

Keywords:

Customs - Prohibited - Kola Fruit - Conviction.

Summary:

The Public Prosecution in the Eastern Province filed a claim with the First Instance Customs Committee in Riyadh against the defendant, [.........], a Saudi national, National ID No. [........], pursuant to seizure report No. [........] dated 21/07/1446 AH, which documented his arrest in possession of (23,000) grams of kola nuts. The First Instance Customs Committee determined that the seized contraband is prohibited from entering the Kingdom. Consequently, the defendant, [.........], a Saudi national, National ID No. [........], was found guilty of customs smuggling and ordered to pay a customs fine equal to three times the value of the seized contraband, which was also ordered to be confiscated.

Document:

- Article (20) of the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH.
- Articles (142-145) of the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH.

Facts:

The indictment submitted by the Public Prosecutor of the Eastern Province, No. (...............) dated 04/08/1446 AH, and the requests contained therein, included the arrival of the defendant, ..., National ID No. (..................), at the King Fahd Causeway Customs. Upon suspicion and inspection, (23,000) grams of kola nuts were found inside the roof panel of the vehicle and inside the back of the rear seat after they were removed. Accordingly, seizure report No. (.................) dated 21/07/1446 AH was prepared. The plaintiff requests that the defendant be found guilty and sentenced to imprisonment and a fine, with the penalty being increased, the seized items be confiscated, and that he be obligated to pay the equivalent of the value of the vehicle.

On Thursday, 10/07/2025 AD, the committee convened. Upon calling the parties to the case, the Public Prosecutor, [.........], appeared pursuant to the authorization issued by the Public Prosecution Office in the Riyadh region under number [.........], dated 25/08/1443 AH. The defendant, or his representative, failed to appear despite having been duly notified of the hearing date.

After verifying the Public Prosecutor's legal standing and reviewing the case file, the committee determined it was ready for adjudication. The committee then asked the Public Prosecutor if he wished to add anything beyond what he had already presented. He replied that he had already stated his position. The committee then decided to close the pleadings in preparation for issuing its decision.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH, and the relevant laws and regulations.

Procedurally; and after reviewing the subject matter of the case, the Committee has determined that this is a customs dispute, and therefore falls within the jurisdiction of the Customs Committee.

As it is established from the case documents that the plaintiff filed the case with standing, the case must be accepted procedurally.

On merits, the Committee found that the defendant presented himself at the King Fahd Causeway Customs, and upon inspection, (23,000) grams of kola nuts were found, which he had not declared. Accordingly, seizure report No. (.................) dated 21/07/1446 AH was prepared.

Based on Article (142) of the Unified Customs Law, which states that:

"Smuggling is the entry or attempted entry of goods into the country, or their exit or attempted exit from it in violation of applicable legislation without paying customs duties, either wholly or partially, or in contravention of the prohibitions or restrictions stipulated in this Law and other regulations and laws," and paragraphs (6, 12, 13) of Article (143) of the same law state that: "Smuggling includes bypassing the customs circle in entry or exit without declaring the goods, transporting or possessing prohibited or restricted goods without providing evidence supporting their importation or legal transit, or transporting or possessing goods subject to customs authority without a legal document," and paragraph (4) of Article (145) of the same law states that: "If the smuggled goods are prohibited, the penalty shall be a fine of not less than the value of the goods and not more than three times their value, and imprisonment for a period of not less than six months and not more than three years, or One of these two penalties, as stipulated in paragraph (5) of Article (145) of the same system: “Confiscation of the smuggled goods or a judgment for their equivalent value in the event they are not seized.”

Based on the foregoing, and since it was established by the committee, according to the seizure report in question, that after the defendant was inspected by the customs inspector, (23,000) grams of kola nut were found.

Therefore, the defendant's attempt to import the seized items constitutes customs smuggling, which leads to the defendant's conviction for customs smuggling, and his being obligated to pay a customs fine equivalent to three times the value of the smuggled goods, and the confiscation of the smuggled goods. Regarding the plaintiff's requests to obligate him to pay the equivalent of the value of the means of transport and to impose a prison sentence, the committee did not find this justifiable, especially since the value of the smuggled goods is less than the value of the additional penalty requested in lieu of the confiscation of the vehicle, and also because imprisonment is a penalty that deprives one of their liberty. Its effects extend to others, which is why the committee concluded that the ruling issued against him was sufficient and rejected all other requests.

Regarding the defendant's or his representative's failure to attend the hearing despite proof of proper notification, Article (20) of the Rules of Operation for Zakat, Tax, and Customs Committees stipulates that: "If the defendant, his agent, or his representative is notified of the statement of claim or the hearing date – in accordance with Article (Twelve) – or if he, his agent, or his legal representative submits a memorandum of defense and does not attend, or if he, his agent, or his representative attends any hearing and then is absent thereafter, the decision issued against him shall be considered as if he were present. Since the defendant did not provide an excuse justifying his absence from the committee session convened to consider his the case, and since the committee deemed the case ready for adjudication based on the evidence in its file, it concludes by issuing its decision in the case under consideration as if the defendant were present."

For these reasons, and after deliberation, the committee unanimously decided the following:

Decision:

First: The defendant, [.........], [Nationality], ID No. .... , is found guilty of customs smuggling.

Second: The defendant is ordered to pay a customs fine equal to three times the value of the seized goods, amounting to (6,900) six thousand nine hundred riyals.

Third: The seized smuggled goods are to be confiscated.

Fourth: All other claims are dismissed.

May Allah's peace and blessings be upon our Prophet Muhammad and upon his family and companions.

The First Instance Customs Committee in Riyadh

Decision No. CFR-2025-262353

Case No. PC-2025-262353

Keywords:

Customs - Prohibited Items - Liquor stickers - Conviction

Summary:

The Public Prosecution in the Eastern Province filed a claim with the First Instance Customs Committee in Riyadh against the defendant, [.........], [Nationality ....], passport number [.........], pursuant to seizure report number [.........] dated 22/06/1446 AH, which included his arrest in possession of (1600) Liquor stickers. The First Instance Customs Committee determined that the seized items were prohibited from being imported into the Kingdom. Consequently, the defendant, [.........], [Nationality ....], passport number [.........], was found guilty of customs smuggling and ordered to pay a customs fine equivalent to twice the customs duties on the seized items, which were also ordered to be confiscated.

Document:

- Article (20) of the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH.
- Articles (142-145) of the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH.

Facts:

The indictment submitted by the Public Prosecutor of the Eastern Province, No. (...............) dated 07/08/1446 AH, and the requests contained therein, included the arrival of the defendant, ..., border number (..................), at the King Fahd Causeway Customs. Upon suspicion and inspection, (1,600) Liquor stickers were found in his possession. Accordingly, seizure report No. (..................) dated 22/06/1446 AH was prepared. The plaintiff requests that the defendant be found guilty and sentenced to imprisonment, a fine, confiscation of the seized items, and payment of the equivalent value of the means of transport.

On Thursday, 24/07/2025 AD, the committee convened. Upon calling the parties to the case, the Public Prosecutor, [.........], appeared pursuant to the authorization issued by the Public Prosecution Office in the Riyadh region under number [.........], dated 25/08/1443 AH. The defendant, or his representative, failed to appear despite having been duly notified of the hearing date.

After verifying the Public Prosecutor's legal standing and reviewing the case file, the committee determined it was ready for adjudication. The committee then asked the Public Prosecutor if he wished to add anything beyond what he had already presented. He replied that he had already stated his position. The committee then decided to close the pleadings in preparation for issuing its decision.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH, and the related laws and regulations.

Procedurally; and after reviewing the subject matter of the case, the Committee has determined that this is a customs dispute, and therefore falls within the jurisdiction of the Customs Committee. Furthermore, it is established from the case documents that the plaintiff has legal standing, thus the case must be accepted procedurally.

On merits, the Committee has found that the defendant arrived at the King Fahd Causeway Customs, and upon inspection, (1,600) Liquor stickers were found in his possession. Accordingly, seizure report No. (..................) dated 22/06/1446 AH was prepared. Based on the text of Article (142) of the Unified Customs Law, which stipulated that: "Smuggling is the entry or attempted entry of goods into the country or their exit or attempted exit from it in a manner contrary to the applicable legislation without paying customs duties in whole or in part or contrary to the provisions of prohibition or restriction contained in this law and other regulations and laws," as well as paragraph (6, 12, 13) of Article (143) of the same system, which stipulated that: "The entry or exit of goods through the customs circle without declaring them, and the transport or possession of prohibited and restricted goods without providing evidence supporting their importation or passage in a legal manner, or the transport or possession of goods subject to the authority of customs without a legal document," as well as paragraph (2) of Article (145) of the same system, which stipulated that: "The crime of customs smuggling or its equivalent shall be punished by a penalty of no less than twice the customs duty due and no more than the value of the goods." The penalty is imprisonment for a period of not less than one month and not more than one year, or one of these two penalties." Paragraph (5) of Article (145) of the same system stipulates: "Confiscation of the smuggled goods or a judgment of their equivalent value if they are not seized."

Based on the foregoing, and since it was established by the committee, according to the seizure report in question, that after the defendant was inspected by the customs inspector, (1,600) Liquor stickers were found. Therefore, the defendant's attempt to import the seized items constitutes customs smuggling, which leads to the defendant's conviction for customs smuggling and his being obligated to pay a fine equivalent to twice the customs duties on the seized items. The seized items are to be confiscated. Regarding the plaintiff's requests to obligate him to pay the equivalent of the value of the means of transport and to impose a prison sentence, and since it was not proven that the defendant concealed the seized items in a technical manner, and since the rationale for applying the penalty of confiscation or its equivalent lies in the fact that the vehicle was intended for smuggling, and since his record He has no prior criminal record, and because imprisonment is a custodial sentence with far-reaching consequences, the committee concluded that the sentence issued against him was sufficient and rejected all other requests.

Regarding the defendant's or his representative's failure to attend the hearing despite proof of proper notification, Article (20) of the Rules of Operation for Zakat, Tax, and Customs Committees stipulates that: "If the defendant, his agent, or his representative is notified of the summons or the hearing date—in accordance with Article (Twelve)—or if he, his agent, or his legal representative submits a memorandum of defense and fails to appear, or if he, his agent, or his representative attends any hearing and then is absent, the decision issued against him shall be considered as rendered in his presence." Since the defendant did not provide an excuse justifying his absence from the committee session convened to consider his the case, and since the committee deemed the case ready for adjudication based on the available evidence in its file, it concludes by issuing its decision in the case under consideration as rendered in the presence of the plaintiff. Therefore,

For these reasons, and after deliberation, the committee unanimously decided the following:

Decision:

First: The defendant, ..., of [nationality], ID number: (.................), is found guilty of customs smuggling.

Second: He is ordered to pay a fine equal to twice the customs duties on the smuggled goods, amounting to (160) one hundred and sixty Saudi Riyals.

Third: The smuggled goods are to be confiscated.

Fourth: All other claims are dismissed.

May Allah's peace and blessings be upon our Prophet Muhammad and upon his family and companions.

The First Instance Customs Committee in Riyadh

Decision No. CFR-2025-270919
Case No. PC-2025-270919

Keywords:

Customs - Prohibited Items - Khat - Fireworks - Conviction.

Summary:

- The Public Prosecution in the Jazan region requested the First Instance Customs Committee in Riyadh to prove the guilt of the importers, according to the seizure report No. (...) dated 03/06/1446 AH, which included their seizure in possession of 52 bundles weighing (27000) grams suspected to be khat, in addition to 100 fireworks weighing (20000) grams. The First Instance Customs Committee proved - according to the case file - that the defendants/ ...., ...Nationality, under border number (...), and ...., ...Nationality, under border number (...), did not possess the fireworks in question, but they did possess the other prohibited materials (khat). the case was decided according to the judicial ruling issued by the Criminal Court in Jazan - attached to the case file. The result of this is: not convicting them, and convicting the defendant/.........,.......... nationality, under border number (...) for proving his possession of the smuggled fireworks, and the recipients of the seized items, the defendants/.................,.................. Saudi nationality, national identity number (...), and ...., ... nationality, under border number (...), and obligating them jointly to pay a customs fine equivalent to the value of the seized items (fireworks) that were smuggled, and ordering their confiscation.

Document:

- Article (20) of the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH.
- Articles (142-145) of the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH.

Facts:

The facts of this case are summarized in the indictment submitted by the Public Prosecution in the Jazan region, No. (..................) dated 30/04/1447 AH, which states that a number of individuals were observed crossing the border from Yemeni territory into Saudi territory at the location called (Al-Ghawiya). As a result, they were apprehended. They are: 1-...................... - Saudi nationality - National ID No. (..................) - the driver of the vehicle and the recipient of the contraband. 2- ...., ... nationality - Alternative ID No. (...............) - in possession of (25) bundles weighing (13) kg suspected to be khat. 3- ...., ... nationality - Alternative ID No. (................) - in possession of (100) fireworks weighing (20,000) grams. 4- ...., ... nationality - Alternative ID No. (...............) - accompanying the driver of the vehicle. 5- ...., Nationality - Alternative ID No. (...............) and in possession of (27) bundles weighing (14) kg suspected to be khat. A sample was taken from the arresting party and referred to the competent authority, the Toxicology and Forensic Chemistry Control Center, on 02-12-2024 AD, under No. (.............). Accordingly, seizure report No. (..................) dated 03/06/1446 AH was prepared. The plaintiff requests that the defendants be found guilty and sentenced to imprisonment and a customs fine, the seized items be confiscated, and the means of transport be confiscated. On Thursday, 30/10/2025 AD, the First Instance Customs Committee in Riyadh held its hearing to consider the case. Upon calling the parties, the Public Prosecutor, [........], National ID No. [........], appeared pursuant to authorization No. [........], dated 25/08/1443 AH. The defendants and their representatives did not appear, despite proof of proper notification. After reviewing the case file, the committee asked the Public Prosecutor if he wished to add anything beyond what he had already presented. He replied that he had already stated his position. The committee then decided to close the pleadings in preparation for issuing its decision.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing The Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH, and the relevant laws and regulations.

Procedurally; and after the Committee reviewed the subject matter of the case, and having established that this is a customs dispute, it falls within the jurisdiction of this Committee. Furthermore, it is established from the case documents that the plaintiff has standing, therefore the case must be accepted procedurally.

On merits, the Committee found that a number of individuals were observed crossing the border from the [unspecified] territory into Saudi territory at the location called (Al-Ghawiya). This resulted in their arrest. They are: 1- [unspecified] - National ID (...), the driver of the vehicle and the recipient of the smuggled goods. 2- ...., ... Nationality - Alternative ID No. (............) in possession of (25) bundles weighing (13) kg suspected to be khat. 3- ...., ... Nationality, Alternative ID No. (.................) in possession of (100) fireworks weighing (20000) grams. 4- ...., ... Nationality, Alternative ID No. (......................) accompanying the driver of the vehicle. 5- ...., ... Nationality - Alternative ID No. (.................) in possession of (27) bundles weighing (14) kg suspected to be khat. A sample was taken from the arresting party and referred to the competent authority, which is the Toxicology and Forensic Chemistry Control Center, on 02-12-2024 AD, under No. (....................), pursuant to the seizure report No. (...............) dated 03/06/1446 AH.

Based on Article (142) of the Unified Customs Law, which states that: "Smuggling is the importation or attempted importation of goods into the country, or their export or attempted export from it in violation of applicable legislation without paying customs duties (taxes) in whole or in part, or contrary to the prohibitions or restrictions stipulated in this Law and other regulations and laws," and Article (144) of the same Law states that: "The following shall be held criminally liable in particular: 1- The principal perpetrators. 2- The accomplices. 3- The accessory and instigator. 4- The possessors of the smuggled goods. 5- The owners of the means of transport used in the smuggling... 6- The owners and lessees of the shops and premises where the smuggled goods were stored...," and paragraph (4) of Article (145) of the same Law states that: "If the smuggled goods are prohibited goods, the penalty shall be a fine of not less than the value of the goods and not more than three times their value, and imprisonment for a period of not less than six months." "A prison sentence of no more than three years, or one of these two penalties." Paragraph (5) of Article (145) of the same system stipulates the confiscation of the smuggled goods or a judgment of their equivalent value if they are not seized.

Based on the foregoing, and since it is established by the case file that the defendants [........ ....] and [........ ....] were not found to have possessed the fireworks in question, but were found to have possessed other prohibited substances (khat), and since the case was decided by the judicial ruling issued by the Criminal Court in Jazan—attached to the case file—the Committee therefore decides not to convict the aforementioned defendants of customs smuggling. Whereas it is established by the seizure report in question that the defendant/................ was found in possession of (100) fireworks weighing (20,000) grams, to the exclusion of the other individuals accompanying him, and whereas the investigations have revealed that the intended recipients of these seized items were the defendants/................ and the defendant/................

Therefore, the defendants' attempt to import the seized items constitutes customs smuggling. Consequently, the defendants are found guilty of customs smuggling and are jointly liable for a customs fine equivalent to the value of the seized (fireworks) subject to smuggling, and the smuggled items are to be confiscated.

Regarding the request for imprisonment, the defendants have no prior criminal record; and because imprisonment is a custodial sentence with far-reaching consequences. Regarding the ruling to confiscate the vehicle, and since it was not proven that the seized items were concealed using a sophisticated method or that a new method was devised to conceal them, there is no doubt that the rationale for applying the confiscation penalty or its equivalent lies in the fact that the vehicle is intended for smuggling; which was not the case with the vehicle sought to be confiscated, especially since the plaintiff did not provide any evidence to that effect; therefore, the committee concluded that the measures taken against them were sufficient and rejected all other requests. Regarding the absence of the defendants or their representatives from the hearing despite proof of proper notification, And given that Article (20) of the Rules of Operation for Zakat, Tax, and Customs Committees stipulates that: "If the defendant, their agent, or their representative is notified of the statement of claim or the hearing date – in accordance with Article (Twelve) – or if they, their agent, or their legal representative submits a memorandum of defense and fails to appear, or if they, their agent, or their representative attends any hearing and then is absent thereafter, the decision issued against them shall be considered as rendered in their presence," and since the defendants did not provide an excuse justifying their absence from the committee session convened to consider their the case, and since the committee deemed the case ready for adjudication based on the evidence in its file, it concludes by issuing its decision in the case under consideration in the presence of the defendants. For these reasons, and after deliberation, the committee unanimously decided the following:

Decision:

First: The defendants, ..., ... nationality - under border number (................) and ...., ... nationality - under border number (.................) are not convicted of customs smuggling.

Second: The defendants, [........ ....] - Saudi national - under National ID number (..................) and [........ ....], [........ ....] - nationality under Border number (...................) and [........ ....], [........ ....] - nationality under Border number (.................) - are found guilty of customs smuggling.

Third: The defendants, [........ ....] - Saudi national - under National ID number (.................) and [........ ....] - [........ ....] - nationality under Border number (..............) and [........ ....] - [........ ....] - nationality under Border number (..................) - are jointly liable for a customs fine equivalent to the value of the seized goods (fireworks) subject to smuggling, amounting to (10,000) ten thousand Saudi Riyals.

Fourth: The seized goods subject to smuggling are to be confiscated.

Fifth: All other requests are dismissed.

May Allah's peace and blessings be upon our Prophet Muhammad and upon his family and companions.

The First Instance Customs Committee in Riyadh

Decision No. CFR-2025-266316

Case No. PC-2025-266316

Keywords:

Customs officer - Prohibited items - Gambling - Conviction.

Summary:

The Public Prosecution in Riyadh filed a claim with the First Instance Customs Committee in Riyadh against the defendant, [.........], [Nationality ....], National ID No. [........], pursuant to seizure report No. [........] dated 08/12/1446 AH, which included her apprehension in possession of a gambling game. The First Instance Customs Committee determined that the seized item was prohibited from being brought into the Kingdom. Consequently, the defendant, [.........], [Nationality ....], National ID No. [........], was found guilty of customs smuggling and ordered to pay a customs fine equivalent to the value of the seized prohibited item, which was also ordered to be confiscated.

Document:

- Article (20) of the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH.
- Articles (142-145) of the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH.

Facts:

The facts of this case are summarized as follows: The Public Prosecution in the Riyadh region submitted a complaint, No. (..................) dated 20/01/1447 AH, stating that upon the defendant's arrival at King Khalid International Airport Customs, a gambling game was found during the inspection of her luggage. Accordingly, seizure report No. (..................) dated 08/12/1446 AH was prepared. The plaintiff requests that the defendant be found guilty and sentenced to imprisonment and a customs fine, with the penalty to be increased, and the seized items to be confiscated.

On Sunday, 09/11/2025, the First Instance Customs Committee in Riyadh held its hearing to consider the case.

Upon calling the parties to the case, the Public Prosecutor, [.........], National ID No. (................), appeared by virtue of the authorization issued under No. (....................) dated 25/08/1443 AH. The defendant, or her representative, failed to appear despite having been duly notified of the session date. After verifying the public prosecutor's legal standing and reviewing the case file, the committee determined it was ready for adjudication. Consequently, the committee asked the public prosecutor if he wished to add anything beyond what he had already presented, to which he replied that his statement was sufficient. Therefore, the committee decided to close the pleadings in preparation for issuing its decision.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH, and the relevant laws and regulations.

Procedurally; and after reviewing the subject matter of the case, the Committee has determined that this is a customs dispute, and therefore falls within the jurisdiction of this Committee. Furthermore, the case documents establish that the plaintiff has legal standing, and the case must be accepted procedurally.

On merits, the Committee has found that upon the defendant's arrival at King Khalid International Airport Customs, a gambling game was discovered during the inspection of her luggage, as documented in seizure report No. (......................) dated 08/12/1446 AH.

Based on Article (142) of the Unified Customs Law, which stipulates that: "Smuggling is the importation or attempted importation of goods into the country, or their export or attempted export from it in violation of applicable legislation without paying customs duties (taxes) in whole or in part, or contrary to the prohibition or restriction provisions contained in this law and other regulations and laws," and Article (144) of the same System stipulates that: "The following shall be held criminally liable in particular: 1- The principal perpetrators. 2- The accomplices in the crime. 3- The accessory and instigator. 4- The possessors of the smuggled goods. 5- The owners of the means of transport used in the smuggling... 6- The owners and lessees of the shops and places where the smuggled goods were stored..." and Paragraph (4) of Article (145) of the same System stipulates that: "If the smuggled goods are prohibited goods, the penalty shall be a fine of not less than the value of the goods and not more than three times their value, and imprisonment for a period of not less than six months and not more than..." Exceeding three years, or one of these two penalties," and as stipulated in paragraph (5) of Article (145) of the same system: "Confiscation of the smuggled goods or a judgment of their equivalent value if they are not seized." Based on the foregoing, and since it is established by the committee, according to the seizure report in question, that the defendant was found in possession of a gambling game, and upon reviewing the statement record, it was found that the defendant admitted ownership of the seized items and that they were for personal use. Therefore, the defendant's attempt to import the seized items constitutes customs smuggling, which necessitates the conviction of the defendant for customs smuggling, obligating him to pay a fine equivalent to the value of the prohibited smuggled items, and confiscating the smuggled items. Regarding the request for a prison sentence, however, the defendant's record is free of prior criminal convictions; and because imprisonment is a penalty that deprives one of liberty and whose effects extend beyond the individual. Regarding the request for a harsher penalty, the plaintiff failed to provide any prior customs rulings against the defendant; therefore, the committee concluded that the existing rulings were sufficient and rejected all other requests.

Regarding the defendant's or her representative's failure to attend the hearing despite being duly notified, Article (20) of the Rules of Operation for Zakat, Tax, and Customs Committees stipulates that: "If the defendant, their agent, or their representative is notified of the summons or the hearing date – in accordance with Article (Twelve) – or if they, their agent, or their legal representative submits a memorandum of defense and fails to appear, or if they, their agent, or their representative attends any hearing and then is absent, the decision issued against them shall be considered as rendered in their presence." Since the defendant did not provide an excuse justifying their absence from the committee session convened to consider their the case, and since the committee deemed the case ready for adjudication based on the available evidence in its file, it concludes by issuing its decision in the case under consideration in the defendant's presence.

For these reasons, and after deliberation, the committee unanimously decided the following:

Decision:

First: The defendant, [.........] - Saudi national - National ID No. (..................) is found guilty of customs smuggling.

Second: The defendant is ordered to pay a customs fine equivalent to the value of the seized contraband, amounting to (300) three hundred Saudi Riyals.

Third: The seized contraband is to be confiscated.

Fourth: All other claims are dismissed.

May Allah's peace and blessings be upon our Prophet Muhammad and upon his family and companions.

The First Instance Customs Committee in Riyadh

Decision No. CFR-2025-265287

Case No. PC-2025-265287

Keywords:

Customs - Prohibited - Pork - Conviction.

Summary:

The Public Prosecution in the Eastern Province filed a claim with the First Instance Customs Committee in Riyadh against the defendant, [.........], [Nationality ....], passport number [Passport ....], pursuant to seizure report number [........] dated 12/11/1446 AH, which included his arrest in possession of (15,500) grams of pork. The First Instance Customs Committee determined that the seized contraband is prohibited from being imported into the Kingdom. Consequently, the defendant, [.........], [Nationality ....], passport number [Passport ....], is found guilty of customs smuggling and is obligated to pay a customs fine equivalent to the value of the seized contraband, which is to be confiscated.

Document:

- Article (20) of the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH.
- Articles (142-145) of the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH.

Facts:

The facts of this case are summarized in the indictment submitted by the Public Prosecution in the Eastern Province, No. (..................) dated 21/12/1446 AH, which states that while the defendant was arriving at the King Fahd Causeway Customs driving his vehicle of type (..................) bearing license plate No. (....................), and upon inspecting his luggage, (15,500 grams) of pork were found inside the vehicle on the floor mats of the rear passenger seat and inside the vehicle's trunk. Accordingly, seizure report No. (.................) dated 12/11/1446 AH was prepared, and the plaintiff requests that the defendant be found guilty and sentenced to imprisonment, a customs fine, and an amount equivalent to the value of the seized goods as compensation for confiscation, and an amount equivalent to the value of the vehicle. On Thursday, 06/11/2025 AD, the First Instance Customs Committee in Riyadh convened to consider the case. Upon calling the parties, the Public Prosecutor, [.........], National ID No. [........], appeared pursuant to authorization No. [........], dated 25/08/1443 AH. The defendant, or his representative, failed to appear despite having been duly notified of the hearing date. After verifying the Public Prosecutor's legal standing and reviewing the case file, the Committee determined it was ready for adjudication. The Committee then asked the Public Prosecutor if he wished to add anything beyond what he had already presented, to which he replied that he had already done so. Accordingly, the Committee decided to close the pleadings in preparation for issuing its decision.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH, and the relevant laws and regulations.

Procedurally; and after reviewing the subject matter of the case, the Committee has determined that this is a customs dispute, and therefore falls within the jurisdiction of this Committee. Furthermore, it is established from the case documents that the plaintiff filed the case with legal standing, thus the case must be accepted procedurally. Regarding the subject matter, the committee found that while the defendant was arriving at the King Fahd Causeway Customs driving his vehicle of type (..................) bearing license plate number (..................), and upon inspecting his luggage, (15,500 grams) of pork were found inside the vehicle on the floor mats of the rear passenger seat and inside the vehicle's trunk, according to seizure report number (................) dated 12/11/1446 AH. Based on Article (142) of the Unified Customs Law, which stipulates that: "Smuggling is the entry or attempted entry of goods into the country, or their exit or attempted exit from it in violation of applicable legislation without paying customs duties (taxes) in whole or in part, or contrary to the provisions of prohibition or restriction contained in this law and other regulations and laws," and as Article (144) of the same System stipulates that: "The following shall be held criminally liable in particular: 1- The principal perpetrators. 2- The accomplices in the crime. 3- The accessory and instigator. 4- The possessors of the smuggled goods. 5- The owners of the means of transport used in the smuggling... 6- The owners and lessees of the shops and places where the smuggled goods were stored...," and as paragraph (4) of Article (145) of the same System stipulates that: "The crime of customs smuggling or its equivalent shall be punishable by a fine of not less than the value of the goods and not more than three times their value, and imprisonment for a period of not less than six months and not more than "For three years or one of these two penalties," and as stipulated in paragraph (5) of Article (145) of the same system: "Confiscation of the smuggled goods or a judgment of their equivalent value if they are not seized." Based on the foregoing, and since it is established by the committee, according to the seizure report in question, that the defendant was found in possession of (15,500 grams of pork), and upon reviewing the record of the hearing, it was found that the defendant admitted ownership of the seized items and that their purpose was personal use. Therefore, the defendant's attempt to import the seized items constitutes customs smuggling, which necessitates the conviction of the defendant for customs smuggling, obligating him to pay a fine equivalent to the value of the smuggled items, and confiscating the smuggled items. Regarding the request for imprisonment, however, the defendant's record is free of prior criminal convictions; and because imprisonment is a penalty that deprives one of liberty and whose effects extend beyond that. Regarding

The court ruled that the defendant should pay the equivalent of the value of the means of transport, as the plaintiff failed to provide evidence that the defendant concealed the seized items by employing a sophisticated method of hiding them. Given that the purpose of punishment is deterrence and prevention, the committee concluded that the sentence imposed was sufficient and rejected all other claims.

Regarding the defendant's or his representative's failure to attend the hearing despite being duly notified, Article (20) of the Rules of Operation for Zakat, Tax, and Customs Committees stipulates that: "If the defendant, his agent, or his representative is notified of the summons or the hearing date – in accordance with Article (Twelve) – or if he, his agent, or his legal representative submits a memorandum of defense and fails to appear, or if he, his agent, or his representative attends any hearing and then is absent thereafter, the decision issued against him shall be considered rendered in his presence." Since the defendant did not provide an excuse justifying his absence from the committee hearing, and since the committee deemed the case ready for adjudication based on the available evidence in its file, It will therefore issue its decision in the case under consideration in the presence of the defendant.

For these reasons, and after deliberation, the committee unanimously decided the following:

Decision:

First: The defendant, [.........], [Nationality], passport number [...], is found guilty of customs smuggling.

Second: He is ordered to pay a customs fine equivalent to the value of the smuggled goods, amounting to (775) seven hundred and seventy-five Saudi Riyals.

Third: The smuggled goods are to be confiscated.

Fourth: All other claims are dismissed.

May Allah's peace and blessings be upon our Prophet Muhammad and upon his family and companions.

The First Instance Customs Committee in Riyadh

Decision No. CFR-2025-263560

Case No. PC-2025-263560

Keywords:

Customs - Prohibited Items - Prohibited Chewing Tobacco - Conviction.

Summary:

The Public Prosecution in the Madinah region filed a claim with the First Instance Customs Committee in Riyadh against the defendant, [.........], [Nationality ....], passport number [.........], pursuant to seizure report number [.........] dated 28/09/1446 AH, which included his arrest in possession of (810) packets of cigarettes and prohibited chewing tobacco weighing (31,000) grams. The First Instance Customs Committee determined that some of the seized items were restricted and others were prohibited from entering the Kingdom. Consequently, the defendant, [.........], [Nationality ....], passport number [.........], was found guilty of customs smuggling and ordered to pay a customs fine equivalent to twice the customs duties on the restricted items smuggled, and a customs fine equivalent to the value of the goods for the prohibited items smuggled. The seized smuggled goods were also ordered to be confiscated.

Document:

- Article (142) of the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH.
- Article (144) of the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH.
- Paragraph (5) of Article (145) of the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH.
- Rules of Operation for Zakat, Tax, and Customs Committees, issued by Royal Decree No. (25711) dated 08/04/1445 AH.

Facts:

The facts of this case are summarized in the indictment submitted by the Public Prosecution in the Madinah region, No. (................) dated 16/10/1446 AH, which states that while the defendant was arriving at the Prince Mohammed bin Abdulaziz Airport customs, and upon inspecting the defendant's luggage, (810 packets of prohibited cigarettes and chewing tobacco weighing 31 kilograms) were found. Accordingly, seizure report No. (..................) dated 28/09/1446 AH was prepared, and the plaintiff requests that the defendant be found guilty and sentenced to imprisonment, a customs fine, and confiscation of the seized items. On Thursday, 28/08/2025 AD, the First Instance Customs Committee in Riyadh held its hearing to consider the case. Upon calling the parties, the Public Prosecutor, [.........], National ID No. [........], appeared by virtue of authorization No. [........], dated 25/08/1443 AH. The defendant, or his representative, failed to appear despite having been duly notified of the session date. After verifying the Public Prosecutor's legal standing and reviewing the case file, the committee determined it was ready for adjudication. The committee then asked the Public Prosecutor if he wished to add anything beyond what he had already presented, to which he replied that he had already done so. Accordingly, the committee decided to close the pleadings in preparation for issuing its decision.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH, and the relevant laws and regulations.

Procedurally; and after reviewing the subject matter of the case, the Committee has determined that this is a customs dispute, and therefore falls within the jurisdiction of this Committee. Furthermore, it is established from the case documents that the plaintiff has legal standing, thus the case must be accepted procedurally.

On merits, the Committee has found that upon the defendant's arrival at Prince Mohammed bin Abdulaziz Airport Customs, a search of the defendant's luggage revealed (810 packets of prohibited cigarettes and chewing tobacco weighing 31 kilograms), as documented in Seizure Report No. .... dated 28/09/1446 AH.

Based on Article (142) of the Unified Customs Law, which stipulates that: "Smuggling is the entry or attempted entry of goods into the country, or their exit or attempted exit from it in violation of applicable legislation without paying customs duties (taxes) in whole or in part, or contrary to the provisions of prohibition or restriction contained in this law and other regulations and laws," and where Article (144) of the same System stipulates that: "The following shall be held criminally liable in particular: 1- The principal perpetrators. 2- The accomplices in the crime. 3- The accessory and instigator. 4- The possessors of the smuggled goods. 5- The owners of the means of transport used in the smuggling... 6- The owners and lessees of the shops and places where the smuggled goods were stored..." and based on what is stipulated in Article (145), paragraphs (1) and (4) of the same System, which stipulates that: "Without prejudice to any more severe penalty stipulated by other provisions in force in the State, smuggling and similar offenses shall be punishable, and The penalty for either offense is as follows: 1- If the smuggled goods are subject to high customs duties, the penalty shall be a fine of not less than twice the customs duty due and not more than three times the customs duty, or twice the value of the goods, whichever is higher, and imprisonment for a period of not less than one month and not more than one year, or one of these two penalties... 4- If the smuggled goods are prohibited goods, the penalty shall be a fine of not less than the value of the goods and not more than three times their value, and imprisonment for a period of not less than six months and not more than three years, or one of these two penalties. This is based on what is stipulated in paragraph (5) of Article (145) of the same system: "Confiscation of the smuggled goods or a judgment equivalent to their value in the event that they are not seized." Based on the foregoing, And given that it is established by the seizure report in question that the defendant was found in possession of (810 packets of prohibited cigarettes and chewing tobacco weighing 31 kilograms).

Therefore, the defendant's attempt to import the seized items constitutes customs smuggling. Consequently, the defendant is found guilty of customs smuggling and is fined an amount equal to twice the customs duties on the prohibited items involved in the smuggling, and a fine equal to the value of the goods for the prohibited items involved in the smuggling. The smuggled items are to be confiscated.

Regarding the request for imprisonment, the defendant has no prior criminal record. Since imprisonment is a custodial sentence with far-reaching consequences, the committee has concluded that the sentence already issued is sufficient and rejects all other requests.

For these reasons, and after deliberation, the committee unanimously decided the following:

Decision:

First: The defendant, ..., of .... nationality, passport number: (.................), is found guilty of customs smuggling.

Second: The defendant is ordered to pay a customs fine equal to twice the customs duties on the smuggled restricted items, amounting to (6,480) six thousand four hundred and eighty Saudi Riyals.

Third: The defendant is ordered to pay a customs fine equal to the value of the smuggled prohibited items, amounting to (15,500) fifteen thousand five hundred Saudi Riyals.

Fourth: The smuggled goods are to be confiscated.

Fifth: All other claims are dismissed.

May Allah's peace and blessings be upon our Prophet Muhammad and upon his family and companions.

The Customs Appeals Committee in Riyadh

Decision No. CR-2025-240559

Case No. CR-2025-240559

Keywords:

Customs - Prohibited Items - Various Prohibited Items - Conviction.

Summary:

The importer requested the annulment of the initial decision No. (CFR-2024-237553) of 1446 AH, issued by the First Instance Customs Committee in Riyadh, which convicted the importer of customs smuggling and imposed a customs fine of (202,000) riyals, in addition to confiscating the contraband. The committee determined that the importer's claims in his appeal regarding the valuation or his assertion that the items were not prohibited were unfounded. This determination was based on the seizure report and shipping documents, which established that the seized items, described as "sexual stimulants," are prohibited imports and possession. Furthermore, the valuation of the seized items was in accordance with the ministerial decision specifying fines for prohibited and restricted materials. Since the arguments do not affect the outcome of the decision, the appeal is without merit and must be rejected. Consequently, the appeal is dismissed, and the initial decision is upheld in all that it ruled.

Document:

- Rules of procedure for the Zakat, Tax and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH.
- the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH.

Facts:

The facts of this case are as follows: A vehicle bearing license plate number (..................) belonging to the appellant, ..., national ID number (................), and driven by him, arrived at the vehicle. During inspection, the passenger inspector became suspicious and the vehicle was referred to the X-ray inspection department. The X-ray inspector suspected the presence of hidden items under the front and rear seats. Upon inspecting the seats, (67) pieces of sex toys and (135) sexual stimulators, totaling (202) devices and pieces of sex toys, were found hidden under the seats and in the luggage compartment. Accordingly, seizure report number (.................) dated 23/01/1445 AH was prepared. The First Instance Committee issued its decision – the subject of this appeal – which stipulated the following:

1- The defendant, …………, a Saudi national, national ID number (………………), is found guilty in absentia of customs smuggling.

2- He is obligated to pay a fine of (202,000) two hundred and two thousand riyals, in accordance with the decision. Ministerial Order No. (………………) dated 24/07/1439 AH.

3- Confiscation of the items seized in question. Upon reviewing the appeal brief, the Customs Appeals Committee found that it stated, in summary, that the appellant had not received electronic notification of the hearing date and that the decision was issued in his presence despite his absence. The brief further stated that the initial committee had not relied on the relevant legal provision criminalizing the importation and distribution of the massage equipment in question, and that the actual value of the massage equipment was only (4600) riyals, contrary to what was stated in the seizure report. The respondent was requested to respond And given (45) days to do so, but failed to provide the required response. Therefore, pursuant to Paragraph (1) of Article (35) of the Rules of of Operation for the Zakat, Tax, and Customs Committees, The Zakat, Tax, and Customs Committee decided to adjudicate the case based on the available documents.

On Wednesday, 26/09/1446 AH corresponding to 26/03/2025 AD, at (2:12) PM, the Customs Appeals Committee in Riyadh held its hearing via Video conferencing in accordance with remote visual litigation procedures; based on what was stated in item number (1) of Article fifteen of the rules of operation for the Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH, to consider the appeal submitted by [……… of Applicant] against Decision No. (CFR-2024-237553) dated July 29, 2024, issued by the First Instance Customs Committee in Riyadh. After reviewing the case file and the appeal submitted by the appellant, the Committee decided to close the pleadings.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/4/1445 AH, and the related laws and regulations.

Whereas the appellant was notified of the initial decision on 31/07/2024 AD, and filed an appeal against the decision on 11/08/2024 AD, the appeal is therefore accepted procedurally, as it was submitted by a party with standing within the period stipulated for its filing, in accordance with Article (163) of the Unified Customs Law.

After reviewing the case file and its contents, and considering the defenses submitted by the appellant; And since there is no reproach against the reviewing authority for the appeal for adopting the Grounds of the decision subject to the appeal without addition whenever it sees in these Grounds what suffices to avoid presenting anything new; because in upholding it, based on its Grounds, it indicates that it did not find in the objections raised against it anything that deserves a response beyond what those Grounds contained , and the appellant's claim that he was not notified of the hearing date does not detract from this, because It is established that he did not attend the session held before The First Instance Committee on 29/07/2024, despite being notified. Since the appellant did not provide any evidence to support his argument in this regard, this argument must be disregarded. Furthermore, the appellant's claim that The First Instance Committee did not rely on the legal text criminalizing the importation and distribution of the massage devices in question does not invalidate The First Instance Committee's decision. This is because the seizure report and shipping documents clearly state that the seized items are prohibited sexual stimulants, the importation and possession of which by travelers is forbidden. Similarly, the appellant's challenge to the valu ation report for the seized items, stating that their value is only (4600) riyals, does not invalidate The First Instance Committee's decision. The valuation of the seized items in question is governed by the Ministerial Decision concerning the determination of fines for prohibited materials, registered under number (..................) and dated 24/07/1439 AH, which valued them at an amount of (1,000) thousand riyals per type, and since the reasons for the decision under appeal are sufficient to support its ruling, it is necessary to decide that the defenses presented do not affect the outcome of the decision, which means that the appeal is without basis and must be rejected. Accordingly, the committee unanimously decided the following:

Decision:

First: The appeal is accepted procedurally, submitted by [.........], National ID No. .... , against the initial decision No. (CFR-2024-237553) issued by the First Instance Customs Committee in Riyadh.

Second: The appeal is rejected on its merits, and the initial decision is upheld in all that it ruled.

May Allah’s peace and blessings be upon our Prophet Muhammad and upon his family and companions.

The First Instance Customs Committee in Riyadh

Decision No. CFR-2025-263010

Case No. PC-2025-263010

Keywords:

Customs - Prohibited - Sex Toys - Conviction.

Summary:

The Public Prosecution in Riyadh filed a claim with the First Instance Customs Committee in Riyadh against the defendant/….,….., Nationality, National ID No. [………], pursuant to seizure report No. [……..] dated 05/08/1446 AH, which included his arrest in possession of (16) various sex toy items. The First Instance Customs Committee determined that the seized items were prohibited from being imported into the Kingdom. Consequently, the defendant, /….,……, Nationality, National ID No. [………], was convicted of customs smuggling and ordered to pay a customs fine equivalent to the value of the seized items, which were also ordered to be confiscated.

Document:

- Article (20) of the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH.
- Articles (142-145) of the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH.

Facts:

The indictment submitted by the Head of the Public Prosecution in the Riyadh Region, No. (……………..) dated 10/09/1446 AH, included the following requests: The defendant, …………., National ID No. (…………………), arrived at King Khalid International Airport Customs. Upon suspicion and subsequent search, (16) pieces of various sexual organs were found in his possession. Accordingly, seizure report No. (……….) dated 05/08/1446 AH was prepared. The plaintiff requests that the defendant be found guilty and sentenced to imprisonment and a fine, with the penalty to be increased, and the seized items to be confiscated.

On Sunday, 27/07/2025 AD, the committee held its hearing. Upon calling the parties to the case, the Public Prosecutor, ……………………, appeared pursuant to the authorization issued by the Public Prosecution in the Riyadh Region, No. (……………………..) dated 25/08/1443 AH. The defendant, or his representative, failed to appear despite having been duly notified of the session date. After verifying the validity of the public prosecutor's presence, and after the committee reviewed the case file, it was found to be ready for a decision. The committee asked the public prosecutor what he wished to add besides what he had already presented, and he replied that he was satisfied with that. The committee decided to close the pleadings in preparation for issuing the decision.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing The Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH, and the relevant laws and regulations.

Procedurally; and after the Committee reviewed the subject matter of the case, and having established that this is a customs dispute, it falls within the jurisdiction of the Customs Committee. Furthermore, it is established from the case documents that the plaintiff filed the case with legal standing, therefore, the case must be accepted procedurally.

On merits, the committee found that the defendant arrived at King Khalid International Airport customs, and upon inspection, (16) pieces of various sex toys were found in his possession. Accordingly, seizure report number (................) dated 05/08/1446 AH was prepared. Based on Article (142) of the Unified Customs Law, which states:

"Smuggling is the entry or attempted entry of goods into the country, or their exit or attempted exit from it in violation of applicable legislation without paying customs duties, in whole or in part, or contrary to the prohibitions or restrictions stipulated in this Law and other regulations and laws," and paragraphs (13, 12, and 6) of Article (143) of the same law, which state: "Smuggling includes bypassing the customs circle in entry or exit without declaring the goods, transporting or possessing prohibited or restricted goods without providing evidence supporting their importation or legal transit, or transporting or possessing goods subject to customs authority without proper documentation," and paragraph (2) of Article (145) of the same law, which states: "The penalty for the crime of customs smuggling or its equivalent is not less than twice the customs duty due and not exceeding the value of the goods, and imprisonment for a period of not less than one month and not exceeding "For one year or one of these two penalties," as stipulated in paragraph (5) of Article (145) of the same system: "Confiscation of the smuggled goods or a judgment of their equivalent value if they are not seized."

Based on the foregoing, and since it was established by the committee, according to the seizure report in question, that after the defendant was inspected by the customs inspector, (16) pieces of various sex toys were found.

Therefore, the defendant's attempt to import the seized items constitutes customs smuggling, which leads to the defendant's conviction for customs smuggling and his being obligated to pay a customs fine equivalent to the value of the seized smuggled items. The seized items are to be confiscated.

Regarding the plaintiff's request for imprisonment, and since his record is free of criminal convictions, and because imprisonment is a custodial sentence with far-reaching consequences, the committee concluded that the sentence issued against him is sufficient, and rejected all other requests.

Regarding the defendant's or his representative's failure to attend the hearing despite being duly notified, Article (20) of the Rules of Operation for Zakat, Tax, and Customs Committees stipulates that: "If the defendant, his agent, or his representative is notified of the statement of claim or the hearing date – in accordance with Article (Twelve) – or if he, his agent, or his legal representative submits a memorandum of defense and fails to appear, or if he, his agent, or his representative attends any hearing and then is absent thereafter, the decision issued against him shall be considered as if he were present. Since the defendant did not provide an excuse justifying his absence from the committee session convened to consider his the case, and since the committee deemed the case ready for adjudication based on the evidence in its file, it concludes by issuing its decision in the case under consideration as if the defendant were present."

For these reasons, and after deliberation, the committee unanimously decided the following:

Decision:

First: The defendant/...........,.............., Nationality, National ID No. [...............], is found guilty of customs smuggling.

Second: He is ordered to pay a customs fine equivalent to the value of the seized smuggled goods, amounting to (16,000) Saudi Riyals.

Third: The seized goods in question are to be confiscated.

Fourth: All other claims are dismissed.

May Allah's peace and blessings be upon our Prophet Muhammad and upon his family and companions.

Customs penalties

Restrictions

The Customs Appeals Committee in Riyadh

Decision No. CAR-2025-247080

Case No. PC-2025-247080

Keywords:

Customs - restrictions - bond undertaking - customs smuggling - conviction.

Summary:

The importer requested the annulment of the initial decision No. (CSR-2024-246312), issued by the Second First Instance Customs Committee in Riyadh, which rejected the request for reconsideration and upheld the initial decision in its entirety. The Appeals Committee determined that the appellant's argument regarding the customs broker's liability was legally unfounded, as the broker is subordinate to the owner of the goods by virtue of the authorization issued by him, and the relationship between them is contractual, allowing each to seek recourse against the other. The Committee also found that the shipment was registered in the .... of the establishment, and that the undertaking submitted for its temporary release was stamped and certified by the Chamber of Commerce, thus placing the responsibility for the accuracy of the data and its consequences on the importer. Consequently, the appeal was rejected, and the initial decision was upheld.

Document:

- Article (163) of the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH.
- Article (20) of the Rules of Operation for Zakat, Tax, and Customs Committees, issued by Royal Decree No. (25711) dated 08/04/1445 AH.

Facts:

The facts of this case are as follows: The appellant company filed a request for reconsideration of the decision issued by the Second First Instance Customs Committee in Riyadh, No. (CSR-2024-246312). The First Instance Committee issued its decision—the subject of this appeal—stating the following:

"-The request for reconsideration submitted by [Company ....], Commercial Registration No. (.....................), is rejected."

Upon reviewing the submitted objection, the Customs Appeals Committee found that it included, in summary, the argument that the initial the case was not properly served due to the incorrect attribution of the addresses attached to the promissory note to the company and its owner. The company owner also argued that the analysis power was not included in the case file, that the promissory note was forged given that the Customs Authority had filed several the cases using the same promissory note, and that the responsibility lay with the customs broker. The appeal concluded with a request to accept the appeal, reconsider the case, establish the forgery of the promissory note and the analysis power of attorney, and overturn the initial decision in its entirety. Upon reviewing the response memorandum submitted by the respondent, the Customs Appeals Committee found that it contained a summary argument for the validity of the initial decision of the Customs Committee under appeal. The memorandum further argued that the shipment was registered in the .... of the company, which is responsible to customs, as the customs declaration is registered in its .... The memorandum concluded with a request to dismiss the appeal and uphold the initial decision in its entirety.

On Wednesday, 12/02/1447 AH corresponding to 06/08/2025 AD, at 1:52 PM, the Customs Appeals Committee in Riyadh held its hearing via Video conferencing in accordance with remote visual litigation procedures; based on what was stated in item number (1) of Article fifteen of the rules of operation for the Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH. To consider the appeal submitted by the .... Foundation against Decision No. (CSR-2024-246312) dated 17/12/2024, issued by the Second First Instance Customs Committee in Riyadh, and after reviewing the case file and the appeal submitted by the appellant, the Committee decided to close the pleadings.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/4/1445 AH, and the related laws and regulations;

And given that the appellant was notified of the initial decision on 31/12/2024 AD and filed an appeal against the decision on 08/01/2025 AD, the appeal is therefore accepted procedurally, as it was submitted by a party with standing within the period stipulated for such proceedings, in accordance with Article (163) of the Unified Customs Law. And since there is no reproach against the reviewing authority for the appeal for adopting the Grounds of the decision subject to the appeal without addition whenever it sees in these Grounds what suffices to avoid presenting anything new; because in upholding it, based on its Grounds, it indicates that it did not find in the objections raised against it anything that deserves a response beyond what those Grounds contained, and this is not affected by the appellant's argument regarding the customs broker's liability, as the customs broker is subordinate to the owner of the goods by virtue of the authorization issued by him, and since the relationship between the importer and the customs broker is a contractual one between them, each having the right to recourse against the other, and since the shipment in question was imported in the .... of the institution, and the undertaking submitted for its temporary release includes its seal and the Chamber of Commerce's certification, then all the data contained therein and the responsibility for verifying its accuracy rests with the appellant. Regarding the appellant's challenge to the validity of the undertaking, and since the established principle in criminal matters—of which customs smuggling offenses and crimes fall—is that proof is not bound by specific methods, nor is it necessary to adhere to them. The evidence upon which a conviction for smuggling is based must be such that each piece of evidence is conclusive in every aspect of the case. This is because, in establishing such facts, the evidence must be mutually supportive, complementing each other and collectively forming the conviction of the court. Therefore, it is not appropriate to discuss each piece of evidence separately, in isolation from the other documents, evidence, and circumstantial evidence. Rather, the focus should be on the sufficiency of the evidence and circumstantial evidence, taken together, leading to the formation of the court's conviction and the completion of its reasoning, resulting in a firm and reliable belief. The criminal act is not, in reality, holding the importer accountable for violating the undertaking he made. The act constituting the crime of customs smuggling is embodied in the entry or attempted entry of the shipment without completing its clearance by the competent authority. Regarding his claim of not being notified of the initial case, a review of the notifications through the neutral system for initial the cases reveals that he was notified of the hearing date and the issued decision via text message and email. Therefore, since the grounds for the appealed decision are sufficient to support the appeal, His ruling necessitates a decision that the arguments presented have no effect on the outcome of the decision, thus rendering the appeal without supporting grounds and requiring its rejection. Given the aforementioned situation, the committee unanimously concluded the following:

Decision:

First: The appeal is accepted procedurally, submitted by [.........], Commercial Registration No. [....................], owned by [.........], National ID No. [........................], against the initial decision No. (CSR-2024-246312) issued by the Second First Instance Customs Committee in Riyadh.

Second: The appeal is rejected on its merits, and the initial decision is upheld in all that it ruled, for the reasons and grounds stated in this decision.

May Allah’s peace and blessings be upon our Prophet Muhammad and upon his family and companions.

The Customs Appeals Committee in Riyadh

Decision No. CAR-2025-247081

Case No. PC-2025-247081

Keywords:

Customs - restrictions - bond undertaking - customs smuggling - conviction.

Summary:

The importer requested the annulment of the initial decision No. (CSR-2024-246361), issued by the Second First Instance Customs Committee in Riyadh, which rejected the request for reconsideration. The Appeals Committee determined that the appellant's argument regarding the customs broker's responsibility did not absolve him of liability, as the broker was an employee of the goods' owner, the shipment was imported in the .... of the establishment, and the appellant was responsible for the details of the certified undertaking. Since smuggling offenses are proven by corroborating evidence, not by examining each piece of evidence individually, And given the established notification through the neutral system, the appellant's arguments do not affect the validity of the decision. Consequently, the appeal is rejected, and the initial decision is upheld in all that it ruled.

Document:

- Article (163) of the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH.

- Article (20) of the Rules of Operation for Zakat, Tax, and Customs Committees, issued by Royal Decree No. (25711) dated 08/04/1445 AH.

Facts:

The facts of this case are as follows: The appellant company filed a request for reconsideration of the decision issued by the Third First Instance Customs Committee in Riyadh, No. (CSR-2024-246361). The First Instance Committee issued its decision—the subject of this appeal—stating the following:

"-The request for reconsideration submitted by [....................] (Commercial Registration No. ....) is not accepted."

Upon reviewing the submitted objection, the Customs Appeals Committee found that it included, in summary, the argument that the initial the case was not properly served due to the incorrect attribution of the addresses attached to the promissory note to the company and its owner. The company owner also argued that the analysis power was not included in the case file, that the promissory note was forged given that the Customs Authority had filed several the cases using the same promissory note, and that the responsibility lay with the customs broker. The appeal concluded with a request to accept the appeal, reconsider the case, establish the forgery of the promissory note and the analysis power of attorney, and overturn the initial decision in its entirety. Upon reviewing the respondent's reply memorandum, the Customs Appeals Committee found that it contained a summary of the argument that all customs and commercial documents and transactions received by the Authority were in the ...., with the signature and seal of the institution, and that the appellant's claims were merely an attempt to evade responsibility and were unsubstantiated. The memorandum concluded with a request to dismiss the appeal and uphold the initial decision in its entirety.

On Thursday, 20/02/1447 AH, corresponding to 14/08/2025 AD, at 1:30 PM, the Customs Appeals Committee in Riyadh held its hearing via Video conferencing in accordance with remote visual litigation procedures; based on what was stated in item number (1) of Article fifteen of the rules of operation for the Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH. To consider the appeal submitted by the .... Foundation on behalf of its owner .... against Decision No. (CSR-2024-246361) dated 17/12/2024 AD, issued by the Second First Instance Customs Committee in Riyadh, and after reviewing the case file and the appeal submitted by the appellant, the Committee decided to close the pleadings.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/4/1445 AH, and the related laws and regulations.

Since the appellant was notified of the initial decision on 31/12/2024 AD, and filed an appeal against the decision on 08/01/2025, the appeal is therefore accepted procedurally as it was submitted by a party with standing within the period stipulated for such proceedings, in accordance with Article (163) of the Unified Customs Law.

And since there is no reproach against the reviewing authority for the appeal for adopting the Grounds of the decision subject to the appeal without addition whenever it sees in these Grounds what suffices to avoid presenting anything new; because in upholding it, based on its Grounds, it indicates that it did not find in the objections raised against it anything that deserves a response beyond what those Grounds contained, and since the appellant's argument regarding the customs broker's liability is irrelevant, as the customs broker is subordinate to the owner of the goods by virtue of the authorization issued by him, and since the relationship between the importer and the customs broker is a contractual one between them, each having the right to recourse against the other, and since the shipment in question was imported in the .... of the institution, and the undertaking submitted for its temporary release includes its seal and the Chamber of Commerce's certification, then all the data contained therein and the responsibility for verifying its accuracy rests with the appellant. Regarding the appellant's challenge to the validity of the undertaking, since, in criminal matters—of which customs smuggling offenses and crimes fall—the principle is that proof is not bound by specific methods, nor is it necessary to adhere to them. The evidence upon which a conviction for smuggling is based must be such that each piece of evidence is conclusive in every aspect of the case. This is because, in establishing such facts, the evidence must be mutually supportive, complementing each other and collectively forming the conviction of the court. Therefore, it is not appropriate to discuss each piece of evidence separately, in isolation from the other documents, evidence, and circumstantial evidence. Rather, the focus should be on the sufficiency of the evidence and circumstantial evidence, taken together, leading to the formation of the court's conviction and the completion of its reasoning, resulting in a firm and reliable belief. The criminal act is not, in reality, holding the importer accountable for violating the undertaking he made. The act constituting the crime of customs smuggling is embodied in the entry or attempted entry of the shipment without completing its clearance by the competent authority. Regarding his claim of not being notified of the initial the case, a review of the notifications through the neutrality system for initial the cases reveals that he was notified of the hearing date and the decision via text message and email. Since the grounds for the appealed decision are sufficient to support its ruling, Therefore, it must be determined that the arguments presented have no effect on the outcome of the decision, and therefore the appeal is without basis and must be rejected. The committee unanimously concluded the following:

Decision:

First: The appeal submitted by [...............], Commercial Registration No. [....................], owned by [................], National ID No. [..................], against the initial decision No. (CSR-2024-246361) issued by the Second First Instance Customs Committee in Riyadh, is accepted procedurally.

Second: The appeal is rejected on its merits, and the initial decision is upheld in all that it ruled, for the reasons and grounds stated in this decision.

May Allah's peace and blessings be upon our Prophet Muhammad and upon his family and companions.

The First Instance Customs Committee in Riyadh

Decision No. CFR-2025-262783

Case No. PC-2025-262783

Keywords:

Customs - restrictions - bond undertaking - aluminum rolls - customs smuggling - non-conviction.

Summary:

The Public Prosecution in Al-Ahsa Governorate filed a claim with the First Instance Customs Committee in Riyadh against the defendant/..., Commercial Registration No. (...), and the defendant/..., nationality (...), pursuant to seizure report No. (...) dated 01/03/1446 AH, which stated that the incoming shipment (aluminum rolls) did not conform to the required specifications. The First Instance Customs Committee determined that the violation was procedural and did not affect consumer health and safety, based on Circular No. (220/21/M) dated 18/03/1437 AH. Consequently, the defendant/..., Commercial Registration No. (...), was not found guilty of customs smuggling.

Document:

- Article (142-145) of the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH.

Facts:

A case was submitted by the Head of the Public Prosecution in Al-Ahsa Governorate, No. (............................) dated 25/08/1446 AH, and the requests contained therein, which include that a shipment belonging to the defendant/Company ...., Commercial Registration No. (..................), arrived at Al-Batha Customs, consisting of (aluminum rolls), and was released on the condition of not disposing of it until it was approved by the laboratories, under Undertaking No. (..................), and the result was issued as (non-formal) in the analysis request No. (..................) dated 26/04/1443 AH, the importer was notified electronically to return the shipment to the customs yard or request its destruction, but he did not respond, and accordingly, the seizure report No. (..................) dated 01/03/1446 AH was prepared, and the plaintiff requests that the defendant be found guilty and sentenced to imprisonment and a fine, and a judgment equivalent to the value of the goods.

On Sunday, 27/07/2025 AD, the committee convened. Upon calling the parties to the case, the Public Prosecutor, [.........], National ID No. [........], appeared pursuant to authorization No. [........], dated 25/08/1443 AH. The defendant, or her representative, failed to appear despite having been duly notified of the hearing date. After verifying the Public Prosecutor's capacity to attend and reviewing the case file, the committee determined it was ready for adjudication. The committee then asked the Public Prosecutor if he wished to add anything beyond what he had already presented. He replied that he had already stated his position. The committee then decided to close the pleadings in preparation for issuing its decision.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH, and the related laws and regulations.

Procedurally; and after the Committee reviewed the subject matter of the case, and having established that this is a customs dispute, it falls within the jurisdiction of the Customs Committee. Furthermore, it is established from the case documents that the plaintiff filed the case with legal standing, therefore, the case must be accepted procedurally.

On merits, the committee found that a shipment of aluminum rolls arrived at Al-Batha Customs. It was released on the condition that it not be disposed of until it was approved by the laboratories, under pledge number (.................). The result was issued stating that it was non-standard, as per analysis request number (..................) dated 26/04/1443 AH. The importer was notified electronically to return the shipment to the customs yard or request its destruction, but he did not respond. Accordingly, seizure report number (.................) was prepared on 01/03/1446 AH.

Based on Article (142) of the Unified Customs Law, which states: "Smuggling is the entry or attempted entry of goods into the country, or their exit or attempted exit from it in violation of applicable legislation without paying customs duties, either wholly or partially, or in contravention of the prohibitions or restrictions stipulated in this Law and other regulations and laws," and paragraphs (6, 12, 13) of Article (143) of the same law, which state: "Smuggling includes bypassing the customs zone during entry or exit without declaring the goods, transporting or possessing prohibited or restricted goods without providing evidence supporting their importation or legal transit, or transporting or possessing goods subject to customs authority without proper documentation," and Article (144) of the law states: "The following shall be held criminally liable in particular: 1- The principal perpetrators. 2- Accomplices. 3- Intermediaries and instigators. 4- Possessors of smuggled goods." 5- Owners of the means of transport used in smuggling... 6- Owners and tenants of shops and premises where the smuggled goods were stored..." Paragraph (2) of Article (145) of the Unified Customs Law also stipulates: "2- As for other goods, the penalty shall be a fine of not less than twice the customs duty due, and not exceeding the value of the goods, and imprisonment for a period of not less than one month and not exceeding one year, or one of these two penalties." Paragraph (5) of Article (145) of the same law also stipulates: "Confiscation of the smuggled goods or a judgment equivalent to their value in the event that they are not seized."

Upon reviewing the official report of the incident in question, No. (445130) dated 01/03/1446 AH, it was found that the defendant received a shipment under import declaration No. (.................) dated 26-04-1443 AH, released with a pledge not to dispose of it until the laboratory results appeared, through Al-Batha Customs. The shipment consisted of (aluminum rolls), and the laboratory results showed non-conformity in terms of (explanatory data), which indicates that the release of this shipment was not permitted. Upon reviewing the notices sent to the importer to return the shipment to the customs yard according to the signed pledge submitted by him, he did not respond. After reviewing the hearing hearing minutes, it was found that the manager acknowledged that the seized items belonged to him, and stated that the shipment belonged to the company. Since these violations are considered Procedural violations that do not affect the health and safety of the consumer; Based on Circular No. (220/21/M) dated 18/03/1437 AH, which conveyed the letter of His Excellency the Minister of Finance No. (1830) dated 10/3/1437 AH, paragraph (1) of which states: "If the reason for the laboratory's refusal to authorize release is not material, the incident is considered a customs violation that does not amount to the crime of customs smuggling stipulated in Article (142, 143) of the Unified Customs Law," and with regard to its being considered a procedural violation, imposing fines in such the case falls under the jurisdiction of the Director General of Customs, in accordance with the provisions of the Unified Customs Law and its implementing regulations. As for the Customs Committee, its jurisdiction is limited to imposing the penalties stipulated in Article (145) of the Law, which relates to smuggling and similar offenses. Based on the foregoing and pursuant to Article Twenty-Two of the Rules of Operation for Zakat, Tax, and Customs Committees and paragraphs two and three of Article Twenty-One of the Evidence Law; Based on Articles (142-144-145) of the Unified Customs Law, and in light of the foregoing, And given that the plaintiff sought to establish the defendant's guilt of the charges brought against him in accordance with Article (142) of the Unified Customs Law; And given that the violation is procedural and does not affect product quality or consumer safety, it is therefore decided that the defendant is not guilty of customs smuggling.

And given that the defendant disposed of the shipment in question, And given that the plaintiff requested the imposition of the prison sentence and fine stipulated in Paragraph (4) of Article (145) of the Law, And given that the defendant has no prior criminal record; and because imprisonment is a custodial sentence with far-reaching consequences; it is therefore decided that imposing the prison sentence and fine stipulated in the aforementioned paragraph is inappropriate, and all other requests are dismissed.

For these reasons, and after deliberation, the committee unanimously decided the following:

Decision:

First: The defendant/company......................, Commercial Registration No. (................), is found not guilty of customs smuggling.

Second: All other claims are dismissed.

May Allah's peace and blessings be upon our Prophet Muhammad and upon his family and companions.

The First Instance Customs Committee in Riyadh

Decision No. CFR-2025-261769

Case No. PC-2025-261769

Keywords:

Customs - Restrictions - Bond Undertaking - Hair Oil - Customs Smuggling - Conviction

Summary:

The Public Prosecution in Jeddah Governorate filed a claim with the First Instance Customs Committee in Riyadh against the defendant/..., Commercial Registration No. (...), and the defendant/..., nationality, Resident ID No. (...), pursuant to seizure report No. (...) dated 05/03/1446 AH, which stated that after inspecting the shipment received under import declaration No. (...) dated 02/05/1445 AH, which consisted of (hair oil), a report was received from the competent authority stating that it was counterfeit. The First Instance Customs Committee confirmed the accuracy of this report. Consequently, the defendant/..., nationality, Resident ID No. (...), was acquitted of customs smuggling, while the defendant/..., Commercial Registration No. (...), was found guilty of customs smuggling and ordered to pay a customs fine equivalent to the value of the counterfeit items seized in connection with the smuggling, and the items were ordered to be confiscated.

Document:

- Article (142-145) of the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH.
- Article (20) of the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH.

Facts:

The statement of claim submitted by the Head of the Public Prosecution in Jeddah Governorate, No. (.............................) dated 15/07/1446 AH, and the requests contained therein, included the following: A shipment arrived under Customs Declaration No. (...........) dated 02/05/1445 AH, belonging to the company ...., consisting of (3,600) bottles of (300) ml hair oil and (8,820) bottles of (100) ml hair oil bearing the trademark (...........). Upon referral to the Saudi Authority for Intellectual Property, it was found to be counterfeit. Accordingly, seizure report No. (...............) dated 05/03/1446 AH was prepared. The plaintiff requests that the defendants be found guilty and sentenced to imprisonment, a fine, and confiscation of the seized goods.

On Sunday, 20/07/2025 AD, the committee held its hearing. Upon calling the parties to the case, the Public Prosecutor/ .... appeared pursuant to the authorization issued by the Public Prosecution. The Public Prosecutor's Office in Riyadh, the case number (.......................), dated 25/8/1443 AH, failed to appear, despite having been duly notified of the hearing date.

After verifying the Public Prosecutor's legal standing and reviewing the case file, the committee determined it was ready for adjudication. The committee then asked the Public Prosecutor if he wished to add anything beyond what he had already presented. He replied that his statement was sufficient. The committee then decided to close the pleadings in preparation for issuing its decision.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH, and the related laws and regulations.

Procedurally; and after the Committee reviewed the subject matter of the case, and having established that this is a customs dispute, it falls within the jurisdiction of the Customs Committee. Furthermore, it is established from the case documents that the plaintiff filed the case with legal standing, therefore, the case must be accepted procedurally.

On merits, the committee found that a shipment was received under Customs Declaration No. (.................) dated 02/05/1445 AH, belonging to the company ...., consisting of (3,600) bottles of 300 ml hair oil and (8,820) bottles of 100 ml hair oil bearing the trademark (.................). Upon referral to the Saudi Authority for Intellectual Property, it was found to be counterfeit. Accordingly, seizure report No. (.................) dated 05/03/1446 AH was prepared.

Based on Article (142) of the Unified Customs Law, which stipulates that: Smuggling is the importation or attempted importation of goods into the country, or their export or attempted export from it in violation of applicable legislation without paying customs duties (taxes) wholly or partially, or contrary to the prohibitions or restrictions stipulated in this Law and other regulations and laws, as well as paragraphs (6, 12, 13) of Article (143) of the same law. It states that: "Smuggling includes passing goods through customs without declaring them, transporting or possessing prohibited or restricted goods without providing proof of their legal import or transit, or transporting or possessing goods subject to customs authority without proper documentation." Paragraph (2) of Article (145) of the same law stipulates that: "The crime of customs smuggling or its equivalent shall be punishable by a fine of no less than twice the customs duties due and no more than the value of the goods, and imprisonment for a period of no less than one month and no more than one year, or one of these two penalties." Paragraph (5) of Article (145) of the same law stipulates: "The smuggled goods shall be confiscated, or a judgment shall be issued for an amount equivalent to their value if they are not seized." Therefore, the defendant's attempt to import the seized items constitutes customs smuggling, which leads to the conviction of the defendant, [................], Commercial Registration No. [...............], of customs smuggling, and the imposition of a fine. The value of the contraband items seized during the smuggling operation is equivalent to (35,311,96) Saudi Riyals. The seized items are confiscated.

Regarding the defendant's legal representative, [..........], the plaintiff failed to provide any evidence of his connection to the shipment or his responsibility for the smuggling. Therefore, the defendant, [...........], [Nationality ....], [Residence Permit No. ....], is found not guilty of customs smuggling, and all other claims are dismissed.

As for the defendants' or their representatives' failure to appear at the hearing despite being duly notified, Article (20) of the Rules of Operation for Zakat, Tax, and Customs Committees stipulates that: "If the defendant, his agent, or his representative is notified of the summons or the hearing date (in accordance with Article Twelve), or if he, his agent, or his legal representative submits a memorandum of defense and fails to appear, or if he, his agent, or his representative attends any hearing and then is absent thereafter..." The decision issued against him is considered to be in his presence. Since the defendants did not provide an excuse justifying his absence from the committee session held to consider their the case, and since the committee saw that the case wasready for a decision based on what was available in its file, it concludes by issuing its decision in the case under consideration in the presence of the defendants.

For these reasons and after deliberation, the committee unanimously decided the following:

Decision:

First: The defendant, [....................], ...[Nationality], Residence No. [.............], is not convicted of customs smuggling.

Second: The defendant, [Company ....], Commercial Registration No. [...............], is convicted of customs smuggling.

Third: The defendant is ordered to pay a fine equivalent to the value of the smuggled goods, amounting to SAR 35,311,96 (thirty-five thousand three hundred and eleven Saudi Riyals).

Fourth: The smuggled goods are to be confiscated.

Fifth: All other claims are dismissed.

May Allah's peace and blessings be upon our Prophet Muhammad and upon his family and companions.

The Customs Appeals Committee in Riyadh

Decision No. CAR-2025-242184

Case No. PC-2024-242184

Keywords:

Customs - Restrictions - Bonded Undertaking - Non-compliance with specifications - Clothing - Non-compliance in terms of examining explanatory data - No conviction.

Summary:

The importer requested the annulment of the initial decision No. (CFR-2024-239009) of 1446 AH, issued by the First Instance Customs Committee in Riyadh, which rejected the request for reconsideration and upheld the initial decision in its entirety. The Appeals Committee found the importer's claim in his memorandum to be true, namely that the case file lacked essential documents and that the authority failed to submit, within the specified timeframe, the undertaking not to dispose of the goods, the laboratory results, and the sent notifications, despite the General Secretariat's request for them. The absence of these documents is significant to the case and prevents the importer from exercising his right to a defense. Given that doubt is interpreted in favor of the accused, and judgments are based on certainty and conviction, not doubt, the Committee determined that the initial decision was based on incomplete the case documentation, thus necessitating its annulment. Consequently, the appeal is accepted, the initial decision is annulled, and the importer is found not guilty of customs smuggling.

Document:

- The Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH.
- The Rules of Operation for Zakat, Tax, and Customs Committees, issued by Royal Decree No. (25711) dated 08/04/1445 AH.

Facts:

The facts of this case are summarized as follows: A shipment of clothing belonging to the defendant arrived through Al-Batha Customs under import declaration number (..................) dated 11/05/1437 AH. It was released under an undertaking not to dispose of it until it was approved by the competent authority. Upon presenting the sample to the laboratory, the results were received under reports number (......................) and (......................) and (....................), indicating that the sample failed the examination of the labeling, the quantitative and qualitative analysis, the colorfastness to washing test, and the pH determination test. The importer was notified of the result through several letters, but he did not respond. Therefore, the First Instance Customs Committee at Al-Batha Customs issued its decision number (.................) for the year 1440 AH, whose ruling states the following:

"Firstly) - The importer/..........., ... nationality, holding national identity number (..................) issued by the Civil Affairs Department of Hafr Al-Batin, owner/establishment ...., commercial registration number (...........) on 21/03/1436 AH, the following was issued in absentia in Hafr Al-Batin: For customs smuggling.

Secondly), he was fined an amount equivalent to the value of the shipments involved in the violation, totaling (480) cartons of clothing, amounting to (196,983) one hundred ninety-six thousand nine hundred eighty-three riyals. Since confiscation was not possible, the importer is obligated to pay an equivalent value as compensation for confiscation, amounting to (65,661) sixty-five thousand six hundred sixty-one riyals. Therefore, the total amount claimed by the owner of the establishment is (262,644) two hundred sixty-two thousand six hundred forty-four riyals.

Thirdly), the owner of the establishment was imprisoned for six months from the date of execution. Since this decision was not accepted by the importing establishment, it submitted a request for reconsideration to the First Instance Customs Committee. The committee issued its decision not to accept the request submitted by the establishment. Accordingly, the importing establishment appealed the primary decision not to accept the request to the Customs Appeals Committee in Riyadh, and it issued its decision No. (CR-2023-205578), which concluded in its operative part by deciding to accept the appeal on its merits, and canceling the primary decision issued not to accept the request submitted by the appellant, and ruling to return the case to the First Instance Customs Committee to consider its merits. Upon presenting the case to the First Instance Customs Committee in Riyadh, it issued its decision - the subject of the appeal - No. (CFR-2024-239009), whose ruling states the following:

"Rejection of the appeal for reconsideration."

Upon reviewing the submitted objection, the Customs Appeals Committee found that it included, in summary, the argument that the case file was devoid of any documents or papers pertaining to the decision being appealed against. Furthermore, the facts of the default judgment under appeal did not contain any factual information regarding notifying the importer of the laboratory results and the return of the shipment to customs. The burden of proof rests with the plaintiff regarding the institution's receipt of the laboratory results and the notification of the return of the shipment. The institution reserves the right to submit further arguments and evidence confirming its innocence of customs smuggling. The appeal concluded with a request to accept the appeal procedurally and substance, to overturn the appealed decision rejecting the appeal against the initial decision No. (707) of 1440 AH, and to accept the appeal for reconsideration against the initial decision No. (707) of 1440 AH procedurally and substance, and to rule that the importer is not guilty of customs smuggling. Upon reviewing the response memorandum submitted by the respondent, the Customs Appeals Committee found that it included a summary of the argument that all documents are attached to the case file and the concerned party can request them from the General Secretariat of Zakat, Tax and Customs Committees. Also, the institution did not comply with returning the goods in question to customs, therefore, their entry into the country is prohibited, which makes the appellant's action a form of smuggling in accordance with what was decided in Article (142) of the Unified Customs Law. It concluded with a request to rule to reject the appeal and to uphold the initial decision in all its provisions.

Upon reviewing the appellant's response to the respondent's memorandum, the Customs Appeals Committee found that it reiterated its adherence to the points previously raised in the appeal brief, emphasizing that the authority is responsible for submitting the relevant documents. The committee further stated that the case cannot proceed without supporting documentation and concluded by requesting that the appeal be accepted procedurally, that the case be decided on its merits, and that the institution be found not guilty of customs evasion.

On Thursday, 26/10/1446 AH corresponding to 24/04/2025 AD, at 1:31 PM, the Customs Appeals Committee in Riyadh held its hearing via Video conferencing in accordance with remote visual litigation procedures; based on what was stated in item number (1) of Article fifteen of the rules of operation for the Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH. To consider the appeal submitted by [Company ....] against Decision No. (CFR-2024-239009) dated 15/08/2024, issued by the First Instance Customs Committee in Riyadh, and after reviewing the case file and the appeal submitted by the appellant, the Committee decided to postpone the session for further study.

On Wednesday, 29/12/1446 AH, corresponding to 25/06/2025 AD, at 12:58 PM, the Customs Appeals Committee in Riyadh held its hearing via Video conferencing in accordance with remote visual litigation procedures; based on what was stated in item number (1) of Article fifteen of the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH. To consider the appeal submitted by [..............] against Decision No. (CFR-2024-239009) dated 15/08/2024 AD, issued by the First Instance Customs Committee in Riyadh, the committee decided to postpone the session for further review.

On Thursday, 01/01/1447 AH, corresponding to 26/06/2025 AD, at 1:09 PM, the Customs Appeals Committee in Riyadh held its hearing via Video conferencing in accordance with remote visual litigation procedures; based on what was stated in item number (1) of Article fifteen of the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH. To consider the appeal submitted by the .... Foundation against Decision No. (CFR-2024-239009) dated 15/08/2024 AD, issued by the First Instance Customs Committee in Riyadh, and after reviewing the case file and the appeal submitted by the appellant, the Committee decided to close the pleadings.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/4/1445 AH, and the related laws and regulations;

And given that the appellant was notified of the initial decision on 29/08/2024 AD, and filed an appeal against the decision on 12/09/2024 AD, the appeal is therefore accepted procedurally, as it was submitted by a party with standing within the period stipulated for such proceedings, in accordance with Article (163) of the Unified Customs Law. Whereas the Customs Appeals Committee has reviewed the case file and its attachments, and whereas the appellant argues that the case file lacks essential documents that would determine the subject matter of the case, and whereas the General Secretariat of the Customs Committees requested on 04/05/2025 that the respondent, the Zakat, Tax and Customs Authority, attach a copy of the undertaking not to dispose of the property, the laboratory results, and the notices sent to the appellant, and whereas the respondent has exhausted the period granted to her without submitting what was requested of her; therefore, and because these papers and documents are decisive in the subject matter of the case, and the appellant was not enabled to review them and present her defenses, and because doubt is interpreted in favor of the accused, and because judgments are based on certainty and conviction, and not on doubt, therefore, the committee unanimously concluded to decide the following:

Decision:

First: The appeal is accepted procedurally, submitted by the applicant/Establishment ...., Commercial Registration No. (..............................), owned by ...., National ID No. (............), against the initial decision No. (CFR-2024-239009) issued by the First Instance Customs Committee in Riyadh.

Second: Acceptance of the appeal on its merits, and the annulment of the initial decision issued by the First Instance Customs Committee in Riyadh No. (CFR-2024-239009), for the reasons and grounds stated in this decision.

Third: Annulment of the initial decision issued by the First Instance Customs Committee at Al-Batha Customs No. (707) of 1440 AH, and the establishment ...., Commercial Registration No. (....................), is found not guilty of customs smuggling, for the reasons and grounds stated in this decision.

May Allah's peace and blessings be upon our Prophet Muhammad and upon his family and companions.

The Customs Appeals Committee in Riyadh

Decision No. CAR-2025-247958

Case No. PC-2025-247958

Keywords:

Customs - Restrictions - Bond Undertaking - Non-compliance with specifications - Sanitary ware - Conviction.

Summary:

The importer requested the annulment of the initial decision No. (CFR-2025-246604) of 1446 AH, issued by the First Instance Customs Committee in Riyadh, which found the importer guilty of customs smuggling and obligated him to pay a customs fine equivalent to the value of the contraband item and a confiscation fee. The Appeals Committee determined that the appellant's arguments regarding the inappropriateness of calculating the fine or the lack of similar legal precedents did not affect the outcome of the initial decision. This is because criminal liability in smuggling offenses is based on the presence of intent and the material elements of the crime, and pleas of good faith or ignorance are not valid defenses. Since these arguments did not affect the outcome of the decision, the appeal lacked supporting grounds and must be rejected. Consequently, the appeal is accepted procedurally but rejected on its merits, and the initial decision is upheld in all that it ruled.

Document:

- Article (54) of the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH.
- Article (163) of the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH.

Facts:

The facts of this case are summarized as follows: A shipment belonging to the appellant, consisting of (sanitary ware), arrived through Jeddah Islamic Port under import declaration number (.......................) dated 09/04/1436 AH. It was released under an undertaking not to dispose of it until it was approved by the competent authority. The report number (......................) dated 01/07/1436 AH was received, indicating non-conformity in terms of the drainage capacity test and the test of soiling of the seat and the top of the frame. The importer was contacted, but he did not respond. Upon presenting the case to the First Instance Customs Committee in Riyadh, it issued its decision No. (CFR-2022-978), which stipulated the following: "1- The importer, Warehouse ...., Commercial Registration

No. (.........................), is found guilty in absentia of smuggling the customs warehouse. 2- He is obligated to pay a customs fine equivalent to the value of the contraband item, amounting to (160,692) one hundred and sixty thousand, six hundred and ninety-two riyals. 3- He is obligated to pay the equivalent of the value of the contraband item as compensation for confiscation, amounting to (160,692) one hundred and sixty thousand, six hundred and ninety-two riyals, so that the total amount claimed becomes (321,384) three hundred and twenty-one thousand, three hundred and eighty-four riyals." The appellant submitted a request to The First Instance Committee for a review of Decision No. (CFR-2022-978) referred to above, and accordingly The First Instance Committee issued its decision - the subject of the appeal - whose ruling states the following: "First: The defendant/Warehouse .... Commercial Registration No. (.......................) is found guilty of customs smuggling. Second: It is obligated to pay a fine equivalent to the value of the contraband item that was smuggled, amounting to (97,837.5) ninety-seven thousand eight hundred and thirty-seven riyals and fifty halalas. Third: It is obligated to pay equivalent to the value of the contraband item as compensation for the confiscation of the smuggled goods, amounting to (97,837.5) ninety-seven thousand eight hundred and thirty-seven riyals and fifty halalas."

Since the decision under appeal was not accepted by the appellant, she submitted her objection brief, which the committee reviewed. The brief included the following: The appellant possesses reports issued by laboratories accredited by the Saudi Standards, Metrology and Quality Organization (SASO), demonstrating that the products in question conform to all approved Saudi technical specifications and standards. The appellant also argues that calculating the fine based on the full value of the non-compliant item is inappropriate, given the absence of any prior convictions for similar offenses. She asserts that the fine should be calculated as twice the customs duties, not the full value of the goods. The brief concluded with a request to accept the objection procedurally and substance, overturn the appealed decision, and dismiss the case. Alternatively, she requested that the fine be calculated as double the duties instead of the value of the non-compliant item. Upon reviewing the response memorandum submitted by the respondent (the Zakat, Tax and Customs Authority), the Customs Appeals Committee found that it included the following summary: The Authority based its claim on the results of the Quality Control Laboratory in Jeddah Governorate, affiliated with the Ministry of Commerce and Industry, which is the official body authorized to determine the safety of goods and their conformity to Saudi specifications and standards. The results, numbered (.............................) and dated 01/07/1436 AH, indicated non-conformity due to failure to pass the drainage capacity test and the seat and frame soiling test. The appellant's arguments are merely an attempt to evade responsibility and are unsubstantiated, as none of the reports they claim to possess have been submitted. Furthermore, the appellant's argument regarding the imposed fine is without merit, given that applying the minimum or maximum limit is a discretionary matter left to the committee's discretion. The response memorandum concluded by requesting that the appeal be dismissed and the initial decision be upheld in its entirety.

On Wednesday, 05/02/1447 AH, corresponding to 30/07/2025 AD, at (02:05) PM, the Customs Appeals Committee in Riyadh held its hearing via Video conferencing in accordance with remote visual litigation procedures; based on what was stated in item number (1) of Article fifteen of the Rules of Operation for Zakat, Tax, and Customs

Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH, to consider the appeal submitted by Warehouse .... against Decision No. (CFR-2025-246604) dated 19/01/2025 AD, issued by the First Instance Customs Committee in Riyadh. After reviewing the case file and the appeal submitted by the respondent, the committee decided to close the pleadings.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/4/1445 AH, and the related laws and regulations;

And given that the appellant was notified of the initial decision on 09/02/2025 AD, and filed an appeal against the decision on 05/03/2025 AD, the appeal is therefore accepted procedurally, as it was submitted by a party with standing within the period stipulated for such proceedings, in accordance with Article (163) of the Unified Customs Law. After reviewing the case file and its contents, the decision of The First Instance Committee, and the requests and defenses submitted by the parties, and in accordance with Article (144) of the Unified Customs Law, which states: "Criminal liability for the crime of smuggling requires intent. The applicable penal provisions shall be considered in determining this liability. The following shall be held criminally liable in particular: 1- 'The principal perpetrators,'" and Article (154/A) of the same law states: "A- The violation and civil liability in smuggling crimes are established by the availability of their material elements. The plea of good faith or ignorance is not permissible...", and since there is no reproach against the reviewing authority for the appeal for adopting the Grounds of the decision subject to the appeal without addition whenever it sees in these Grounds what suffices to avoid presenting anything new; because in upholding it, based on its Grounds, it indicates that it did not find in the objections raised against it anything that deserves a response beyond what those Grounds contained. And since the reasons for the appealed decision are sufficient to support its ruling, it is therefore necessary to conclude that the submitted defenses do not affect the outcome of the decision. The appeal, lacking supporting evidence, must be rejected. Therefore, the appeal is accepted procedurally but rejected on its merits, and the initial decision is upheld in all that it ruled.

Based on the foregoing, and after deliberation, the committee unanimously decided the following:

Decision:

First: The appeal submitted by Warehouse ...., Commercial Registration No. (.................................), owned by ...., National ID No. (...............................), against the initial decision No. (CFR-2025-246604) issued by the First Instance Customs Committee in Riyadh, is accepted procedurally.

Second: The appeal is rejected on its merits, and the initial decision is upheld in all that it ruled.

May Allah's peace and blessings be upon our Prophet Muhammad and upon his family and companions.

The Customs Appeals Committee in Riyadh

Decision No. CAR-2025-247058

Case No. PC-2025-247058

Keywords:

Customs - Restrictions - Bonded Undertaking - Non-compliance with specifications - Pesticides - Conviction.

Summary:

The importer requested the annulment of the initial decision No. (CFR-2024-245984) of 1446 AH, issued by the First Instance Customs Committee in Riyadh, which rejected the request for reconsideration and upheld the initial decision in its entirety. The Appeals Committee determined that the appellant's arguments regarding the lack of notification and inability to present his defense did not affect the outcome of the initial decision. The shipment was imported in the .... of the establishment, and the undertaking submitted for its temporary release included its approved data. Therefore, verifying the accuracy of the data and communicating regarding the shipment is the appellant's legal responsibility. Since the arguments did not affect the outcome of the decision, the appeal lacked supporting grounds and must be rejected. Consequently, the appeal is accepted procedurally but rejected on its merits, and the initial decision is upheld in all that it ruled.

Document:

- Article (56) of the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH.
- Article (142) of the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH.
- Article (145) of the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH.
- Article (163) of the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH.

Facts:

The facts of this case are as follows: The appellant company filed a request for reconsideration of the decision issued by the First Instance Customs Committee in Riyadh, No. (CFR-2022-1287). The First Instance Committee issued its decision—the subject of this appeal—stating the following:

"The petition for reconsideration is not accepted."

Upon reviewing the objection submitted by the owner of the appellant company, the Appellate Customs Committee found that it included the following arguments: She had not received any notification of the hearing dates and was therefore unable to present her defense or respond to the subject matter of the case. She also argued that the contact numbers mentioned in the customs documents, hearing minutes, and notifications submitted with the case did not belong to her. Furthermore, she was not informed of the final result of the sample examination report, nor did she receive any notification regarding the return of the shipment to customs for destruction. The appellant also stated that she did not sign any customs documents, and that the company was not under her management, as her husband had opened and managed it. She further argued that she had not disposed of the products in question. She concluded by requesting that the appeal be accepted procedurally and that the case be reconsidered.

Upon reviewing the respondent's response memorandum, the Customs Appeals Committee found that it contained the following points: The appellant's claim that the decision was issued in absentia is refuted, given that the committee's decision was issued in the presence of both parties. Regarding the appellant's objection to not receiving notification of the hearing dates, the Zakat, Tax, and Customs Committees notify parties to the case in accordance with laws and regulations. As for the appellant's claim of not being notified of the final inspection results, the Authority confirms that it had previously notified the importer on 28/11/1436 AH of the sample analysis results, which indicated the samples were unfit for consumption. Consequently, the Authority requested the return of the entire shipment to the customs yards, as per the undertaking signed by the importer. Regarding the appellant's claim of not managing the establishment, the Authority confirms that the shipment in question belongs to "a branch of [Establishment ....]," as evidenced by all documents submitted to the Authority at the time of shipment clearance. Therefore, the establishment is legally responsible to the Authority for all matters pertaining to this shipment. The memorandum concluded by requesting that the appeal be dismissed and the initial decision be upheld in its entirety. He ruled in his favor.

Upon reviewing the appellant's response to the respondent's reply memorandum, the Customs Appeals Committee found that it did not deviate from what had been previously submitted in the appeal brief. The Committee concluded by requesting the dismissal of any claims or obligations not based on sound legal evidence, a review of the notification procedures, and confirmation of the appellant's lack of responsibility for any obligations or violations attributed to "........................." company.

On Wednesday, 12/02/1447 AH, corresponding to 06/08/2025 AD, at 01:54 PM, the Customs Appeals Committee in Riyadh held its hearing via Video conferencing in accordance with remote visual litigation procedures; based on what was stated in item number (1) of Article fifteen of the rules of operation for the Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH. To consider the appeal submitted by the branch of the .... Foundation against Decision No. (CFR-2024-245984) dated 08/12/2024 AD, issued by the First Instance Customs Committee in Riyadh, and after reviewing the case file and the appeal submitted by the respondent, the committee decided to close the pleadings.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/4/1445 AH, and the related laws and regulations; And given that the appellant was notified of the initial decision on 22/12/2024 AD, and filed an appeal against the decision on 07/01/2025 AD, the appeal is therefore accepted procedurally, as it was submitted by a party with standing within the period stipulated for such proceedings, in accordance with Article (163) of the Unified Customs Law.

And since there is no reproach against the reviewing authority for the appeal for adopting the Grounds of the decision subject to the appeal without addition whenever it sees in these Grounds what suffices to avoid presenting anything new; because in upholding it, based on its Grounds, it indicates that it did not find in the objections raised against it anything that deserves a response beyond what those Grounds contained. The appellant's claim of not being notified of the initial the case is irrelevant. Regarding the shipment in question, the examination results showed that the sample did not conform to regulations due to containing pesticides exceeding the permissible limit. This constitutes a technical violation with a direct and serious impact on consumer health and safety. The appellant's failure to return the shipment, despite being notified by several letters, constitutes an act of disposing of the shipment, which is considered a violation of Article (56) of the Unified Customs Law. Furthermore, it constitutes customs smuggling according to Article (142) of the same law, and warrants the penalties stipulated in Article (145) of the same law. The appellant's claim that the institution did not It was not under its management, as the shipment in question was received in the .... of the institution, and the undertaking submitted for its temporary release included its seal and the certification of the Chamber of Commerce. Therefore, all the data contained therein and the responsibility for verifying its accuracy fall upon the appellant, who is legally responsible for everything that is included in that shipment. Therefore, since the reasons for the appealed decision are sufficient to support its ruling, it is necessary to declare that the defenses submitted do not affect the outcome of the decision, which means that the appeal is without basis and must be rejected. As the matter is as stated, the committee unanimously concluded to decide the following:

Decision:

First: The appeal submitted by the branch of [.............], Commercial Registration No. [................], owned by [.........], National ID No. [.................], against the initial decision No. (CFR-2024-245984) issued by the First Instance Customs Committee in Riyadh, is accepted procedurally.

Second: The appeal is rejected on its merits, and the initial decision is upheld in all that it ruled, for the reasons and grounds stated in this decision.

May Allah’s peace and blessings be upon our Prophet Muhammad and upon his family and companions.

The Customs Appeals Committee in Riyadh

Decision No. CAR-2025-247751
Case No. PC-2025-247751

Keywords:

Customs - Restrictions - Bond Undertaking - Non-compliance with specifications - Fabrics - Clothing - Conviction.

Summary:

The Authority requests the annulment of the initial decision No. (CSR-2024-243056) of 1446 AH, issued by the Second First Instance Customs Committee in Riyadh, which acquitted the importer of customs smuggling. The Appeals Committee has determined – based on approved laboratory reports – that the seized goods did not conform to standard specifications regarding fiber composition, quantitative and qualitative analysis, and visual inspection. These violations constitute fundamental issues, and failure to return the shipment to the customs area would result in a conviction for customs smuggling. Therefore, the initial decision is unfounded. Consequently, the appeal is accepted, the initial decision is annulled, and the importer is found guilty of customs smuggling and ordered to pay the customs fine and confiscation fees.

Document:

- Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH.
- Article (142) of the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH.
- Article (163) of the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH.

Facts:

The facts of this case are as follows: A shipment (ready-made clothes, caps, and fabrics) arrived through Al-Batha Customs under import declaration number (................) dated 11/02/1440 AH. It was released under an undertaking not to dispose of it until it was approved by the competent authority. After the sample was examined by the laboratory, the results were received under report number (.........) dated 29/10/2018 AD, report number (.....................) dated 27/12/2016 AD, report number (.....................) dated 01/11/2018 AD, and report number (....................) dated 31/10/2018 AD, indicating that the samples did not pass the required specifications in terms of explanatory data and quantitative and qualitative analysis of the fibers. The importer was notified of the result through several letters, but he did not respond. Accordingly, the First Instance Customs Committee at Al-Batha Customs issued its decision number (437) for the year 1441 AH, convicting the establishment in absentia of customs smuggling. The company was ordered to pay a fine equal to three times the value of the shipment in question, plus an amount equivalent to its value as compensation for confiscation, and to be imprisoned for a period of (6) months. The company submitted a request for reconsideration of the default judgment, and accordingly, the Third First Instance Customs Committee in Riyadh issued its decision No. (CTR-2023-166986) rejecting the request for reconsideration. The company then submitted an appeal against the decision of the Third Primary Committee in Riyadh No. (CTR-2023-166986), and the Customs Appeals Committee in Riyadh issued its decision No. (CR-2024-204940) overturning the initial decision and returning the case to the First Instance Customs Committee for consideration on its merits. Upon presenting the case before the Second First Instance Customs Committee in Riyadh, it issued its decision – the subject of the appeal – whose ruling states the following:

"First: The establishment .... (Commercial Registration No. ....), owned by .... (National ID No. ....), is not found guilty of customs smuggling.

Second: The establishment .... (Commercial Registration No. ....), owned by .... (National ID No. ....), is fined in accordance with Article (6/31) of the Implementing Regulations of the Unified Customs Law, due to the proven customs violation.

Third: All other requests are rejected."

Upon reviewing the submitted objection memorandum, the Customs Appeals Committee found that it included, in summary, the argument that the decision was incorrect in its reasoning by exercising discretionary power in determining the extent of the harm caused by the violation under which the report was issued by the competent authority stating that it did not conform to specifications and standards, without considering that the approved specifications are merely standards and conditions for goods imported into the country, established to protect the consumer. Moreover, the regulation granted the authority the right to destroy goods proven not to conform to the approved specifications and did not specify or differentiate between Procedural and technical violations. It is also evident from the reasoning of the decision that the committee interpreted the incident as a violation of customs procedures, while the regulation provided clear and explicit provisions defining customs smuggling and what falls under its purview in particular, and this applied to the incident in question. Therefore, the shipment in question is considered to be among the contraband goods prohibited from entering, leaving, or transiting, as confirmed by the regulation in Article No. (24) of the Unified Customs Law. The memorandum concluded with a request to accept the appeal, overturn the appealed decision, and rule again to convict the defendant of customs smuggling. And obliging it to pay a customs fine equal to three times the value of the goods, and confiscating the goods or ruling for an amount equal to their value if they are not seized.

Upon reviewing the respondent's reply to the appellant's appeal, the Customs Appeals Committee found that it included, in summary, the argument that the reports issued by the competent authority were merely statements and did not contain any analytical results to substantiate the alleged non-compliance. Furthermore, the committee had requested the company to provide the relevant documents for review, but no response was received. The company's commercial registration had also been cancelled. The respondent concluded by requesting the dismissal of the case due to the lack of the essential document presented by the plaintiff.

Upon reviewing the appellant's rebuttal to the respondent's reply, the Customs Appeals Committee found that it included, in summary, the argument that the competent authority had previously submitted a letter stating that the sample had failed quantitative and qualitative analysis, along with the accompanying explanatory data. The appellant concluded by requesting the reversal of the appealed decision, a new ruling convicting the defendant of customs smuggling, a customs fine equivalent to three times the value of the goods, and the confiscation of the goods or, if not confiscated, an award equivalent to their value.

On Wednesday, 28/01/1447 AH, corresponding to 23/07/2025 AD, at (02:09) PM, the Customs Appeals Committee in Riyadh held its hearing via Video conferencing in accordance with remote visual litigation procedures; based on what was stated in item number (1) of Article fifteen of the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH, to consider the appeal submitted by the Zakat, Tax and Customs Authority against Decision No. (CSR-2024-243056) dated 23/12/2024 AD, issued by the Second First Instance Customs Committee in Riyadh. After reviewing the case file and the appeal submitted by the appellant, the committee decided to close the pleadings.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/4/1445 AH, and the related laws and regulations;

And given that the appellant was notified of the initial decision on 22/01/2025 AD, and filed an appeal against the decision on 20/02/2025 AD, the appeal is therefore accepted procedurally, as it was submitted by a party with standing within the period stipulated for such proceedings, in accordance with Article (163) of the Unified Customs Law.

Whereas the Customs Appeals Committee has reviewed the case file and its attachments, and whereas it is established from the documents that a shipment (ready-made clothing valued at 17,335 with duties of 867 - caps valued at 5,615 with duties of 281 - fabrics of Chinese origin valued at 72,770 with duties of 3,639 - fabrics of Korean origin valued at 2,185 with duties of 109) was received under import declaration No. (.....................) dated 11/02/1440 AH, and was released under a pledge not to dispose of it until it is approved by the competent authority, and after the samples were examined by the laboratory, the following report No. (.....................) was received regarding the ready-made clothing category, indicating that the sample did not conform in terms of fiber content and percentage, and report No. (..................) regarding the fabrics of Korean origin, indicating that the sample did not conform in terms of visual inspection and quantitative analysis of fibers, and report No. (.............) regarding the caps category, indicating that the sample did not conform in terms of quantitative and qualitative analysis of fibers, and report No. (.........) regarding the category of fabrics of Chinese origin, which includes the non-conformity of the sample in terms of visual inspection and quantitative and qualitative analysis of the fibers, and since the observations received from the laboratory regarding the items in question are among the essential observations, the failure to return the shipment loaded with these descriptions to the customs yard results in a conviction for customs smuggling, as the elements of the crime of customs smuggling are established according to what is stipulated in the Unified Customs Law, especially what is stated in Article (142) thereof, which leads the committee unanimously to decide the following:

Decision:

First: The appeal submitted by the Zakat, Tax and Customs Authority against the initial decision No. (CSR-2024-243056) issued by the Second First Instance Customs Committee in Riyadh is accepted procedurally.

Second: Acceptance of the appeal on its merits, the initial decision is overturned, and the following ruling is issued:

1- The establishment .... for trade, Commercial Registration No. (............./............), owned by ...., National ID No. (............................), is found guilty of customs smuggling.

2- It is obligated to pay a customs fine equivalent to twice the customs duty due, amounting to (9,792) nine thousand seven hundred and ninety-two riyals.

3- The value of the goods is ordered as compensation for confiscation, amounting to (97,905) ninety-seven thousand nine hundred and five riyals, for the reasons and grounds stated in this decision.

May Allah's peace and blessings be upon our Prophet Muhammad and upon his family and companions.

The Customs Appeals Committee in Riyadh

Decision No. CAR-2025-12

Case No. PC-2024-240928

Keywords:

Customs - Restrictions - Bond Undertaking - Non-compliance with specifications - Electrical appliances - Conviction.

Summary:

The importer requested the annulment of the initial decision No. (CFR - 2024-235435) of 1446 AH, issued by the First Instance Customs Committee in Riyadh, which convicted the importer of customs smuggling. The Appeals Committee determined that the appellant's defense of lack of knowledge regarding the shipment or the criminal acts committed by the former agent (whose agency was terminated) did not affect the outcome. the case file showed that the customs declaration was prepared in the .... of his company and that his relationship with his agent was contractual and not binding on the Customs Authority. Since the defenses were inconsequential to the decision, the appeal was without merit and must be rejected. Therefore, the appeal is dismissed, and the initial decision is upheld.

Document:

- Article (163) of the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH.

Facts:

The facts of this case are as follows: A shipment of electrical equipment belonging to the appellant arrived through Jeddah Islamic Port Customs under import declaration number (..........................) dated 10/07/1432 AH. The shipment was released with a pledge not to dispose of it until the results from the competent authority were issued. A sample was submitted to the laboratory, and report number (..........................) dated 30/06/2011 AD was received, indicating non-compliance with standards regarding connection points, plug and fuse dimensions, socket dimensions, socket installation, switches, ratings, shapes, sizes, and contact resistance. The importer was notified by Customs to return the shipment to the customs yard, but he did not comply. Upon reviewing the case, The First Instance Committee issued its decision – the subject of this appeal – which stipulates the following:

"1- The importer (...................... Establishment), Commercial Registration No. (..........................), owned by a Saudi national with National ID No. (.......................................), is found guilty in absentia of customs smuggling.

2- The establishment is ordered to pay a fine equivalent to twice the applicable duties. The customs duties for the contraband item in question.

3- Obligating them to pay the equivalent of the value of the contraband item in question as compensation for confiscation."

Upon reviewing the appeal brief submitted by the Customs Appeals Committee, it was found that it included the following summary: the shipment did not belong to the appellant, and the consignee was [Company ....], according to the invoice, certificate of origin, packing list, and weight. Furthermore, the initial committee overlooked a fundamental defense, namely the appellant's lack of knowledge about the shipment. The brief added that the perpetrator of these criminal acts was the agent whose agency had been terminated, and all these acts were carried out under a revoked power of attorney. The appellant was unaware of the issuance of a commercial registration with his name in the first place. The brief concluded with a request to overturn the initial decision and issue a verdict of No Conviction.

Upon reviewing the response memorandum submitted by the Zakat, Tax and Customs Authority, the Customs Appeals Committee found that it included the following summary: the customs declaration was registered in the .... of the establishment, and all customs and commercial transactions were conducted in the .... of the establishment and bore its seal, including the non-disposal undertaking certified by the Chamber of Commerce. The Authority emphasizes that the importer's actions in disposing of the incoming shipment constitute a clear violation of the documentary undertaking he submitted to Customs, by which he pledged not to dispose of it until the laboratory results were available and to return it to the customs yard if it was not cleared. This clearly demonstrates the defendant's responsibility and establishes his criminal intent, as he committed the material elements of the crime. Therefore, the Authority requests that the appeal be rejected and the initial decision be upheld in its entirety.

On Wednesday, 18/10/1446 AH, corresponding to 16/04/2025 AD, at (03:31) PM, the Customs Appeals Committee in Riyadh held its hearing via Video conferencing in accordance with remote visual litigation procedures; based on what was stated in item number (1) of Article fifteen of the rules of operation for the Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH; to consider the appeal submitted by the .... Foundation against Decision No. (CFR-2024-235435) dated 18/07/2024 AD, issued by the First Instance Customs Committee in Riyadh, and after reviewing the case file and the appeal submitted by the appellant, the Committee decided to close the pleadings.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/4/1445 AH, and the related laws and regulations;

And given that the appellant was notified of the initial decision on 23/07/2024, and filed an appeal against the decision on 21/08/2024, the appeal is therefore accepted procedurally, as it was submitted by a party with standing within the period stipulated for such proceedings, in accordance with Article (163) of the Unified Customs Law. After reviewing the case file and its contents, and the decision of The First Instance Committee, and since there is no reproach against the reviewing authority for the appeal for adopting the Grounds of the decision subject to the appeal without addition whenever it sees in these Grounds what suffices to avoid presenting anything new; because in upholding it, based on its Grounds, it indicates that it did not find in the objections raised against it anything that deserves a response beyond what those Grounds contained, and since the appellant's argument that the shipment was destined for [Company ....] and that he was unaware of the shipment's arrival or the issuance of the commercial registration in his ...., and that the criminal acts were committed by the agent whose agency was terminated, does not invalidate this, as a review of the case file reveals that the customs declaration for the shipment in question was prepared in the .... of the establishment owned by the appellant, and since the relationship between the appellant and his agent is a contractual one in which customs is not a party, and each can seek recourse against the other by proving damages before the competent authorities, and since the reasons for the appealed decision are sufficient to support its ruling, it is therefore necessary to declare that the presented defenses do not affect the outcome of the decision, and thus the appeal is without basis and must be dismissed. Therefore, the committee unanimously concluded with the following report:

Decision:

First: The appeal is accepted procedurally, submitted by [Company ....], Commercial Registration No. .... , owned by [.........], National ID No. .... , against the initial decision No. (CFR-2024-235435) issued by the First Instance Customs Committee in Riyadh.

Second: The appeal is rejected on its merits, and the initial decision is upheld in all that it ruled.

May Allah's peace and blessings be upon our Prophet Muhammad and upon his family and companions.

The Customs Appeals Committee in Riyadh

Decision No. CR-2025-234179

Case No. PC-2024-234179

Keywords:

Customs - Restrictions - Bond Undertaking - Non-compliance with specifications - Building preparations - Conviction.

Summary:

The importer requested the annulment of the initial decision No. (CFR-2024-231736) of 1445 AH, issued by the First Instance Customs Committee in Riyadh, which found the importer guilty of customs smuggling and obligated him to pay a customs fine and the value of the seized goods as compensation for confiscation. The Appeals Committee found that the appellant's claim of inaccuracy in the laboratory analysis results was unfounded, as all samples exceeded the permitted limit by (5%), and the discrepancy in the results from the two laboratories was irrelevant due to the significant difference in both percentages. Furthermore, the appellant's argument regarding the basis for calculating the value was also rejected, as the diesel price was set at the approved rate after excluding subsidies, and Customs is the technical authority responsible for determining the value of imported goods. Consequently, the appeal was dismissed, and the initial decision was upheld in its entirety.

Document:

- Article (163) of the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH.

Facts:

The facts of this case are as follows: The company exported a shipment through Al-Batha Customs under export declaration number (................................) dated 10/07/1444 AH, declaring it as (preparations added to cement, tiles, or concrete). Upon sending a sample to laboratory (...................................), the result was positive, showing it contained diesel fuel at a rate of (64.42%). Another sample was sent to laboratory (...........), and the result was also positive, showing it contained diesel fuel at a rate of (55.05%). This percentage exceeds the permissible limit of (5%). The First Instance Committee issued its decision, whose ruling states the following:

1- The company (.................................) Commercial Registration No. (..............................) owned by (.................................) - a Saudi national - ID No. (..............................) - is found guilty in absentia of customs smuggling.

2- She is obligated to pay a fine equivalent to the value of the unauthorized diesel, amounting to (41,551) forty-one thousand five hundred and fifty-one riyals.

3- She is obligated to pay an amount equivalent to the value of the unauthorized diesel as compensation for confiscation, amounting to (41,551) forty-one thousand five hundred and fifty-one riyals, bringing the total amount claimed to (83,102) eighty-three thousand one hundred and two riyals. This is based on the fact that diesel fuel is among the commodities whose export outside the Kingdom is restricted by Royal Decree No. (355/MB) dated 25/04/1429 AH, in addition to the fact that the institution exported this fuel without obtaining the approval of the competent authorities in accordance with paragraph (5) of the Petroleum Products Trading Law. Therefore, attempting to export this fuel illegally constitutes customs smuggling according to Articles (142) and (143) of the Unified Customs Law. Upon reviewing the submitted objection, the Customs Appeals Committee found that it contained a summary of the following: There was a discrepancy in the laboratory analysis results of the samples. The report issued by Laboratory (...........) confirmed that the diesel content in the sample was (64.42%), while the report issued by Laboratory (...........................) confirmed that the diesel content in the sample was (55.05%). These results prove that the samples sent to the laboratories differed and did not belong to a single importer. It is well-established that technical evidence does not differ from one technical evidence to another unless the samples being analyzed are different. Furthermore, the institution argues that the competent committee violated the Director General of Customs Circular No. (..........................) dated 20/07/1433 AH, because it only withdrew the two conflicting samples and did not analyze a weighted sample. Additionally, the Customs Authority violated the technical procedures for sample collection outlined in the Director General of Customs Circular No. (.............) dated 09/04/1435 AH, entitled "Regulations for Preventing the Export of Petroleum Derivatives," because the sample was taken from the shipment while it was loaded, leading to an incorrect result due to the lack of mixing and blending of the product. Especially since petroleum products are less dense than other components and sublimate more quickly, and the institution has exported hundreds of trucks from the same source, all of which were approved except for the statement in question. This constitutes evidence that the samples sent to the laboratory do not belong to the shipment in question. Furthermore, customs violated the principles of value calculation by arbitrarily estimating the value and failing to provide any basis for determining the diesel content. The petition concluded with a request to overturn the initial decision in its entirety and to rule that the institution is not guilty of customs smuggling.

After requesting a response from the respondent on 13/07/2024 AD, and granting her the right to reply for (45) days, she failed to submit the required response. Based on paragraph (1) of Article (35) of the Rules of Operation for Zakat, Tax, and Customs Committees, the committee decided to consider the case in light of the available documents.

On Thursday, 16/07/1446 AH, corresponding to 16/01/2025 AD, at (09:15) AM, the Customs Appeals Committee held its hearing to consider the appeal submitted by .... against Decision No. (CFR-2024-231736) dated

17/03/2024 AD, issued by the First Instance Customs Committee in Riyadh. After reviewing the case file and the appeal submitted by the respondent, the committee decided to close the pleadings.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/4/1445 AH, and the related laws and regulations;

And given that the appellant was notified of the initial decision on 21/03/2024 AD, and filed an appeal against the decision on 26/03/2024 AD, the appeal is therefore accepted procedurally, as it was submitted by a party with standing within the period stipulated for such proceedings, in accordance with Article (163) of the Unified Customs Law.

After reviewing the case file and its contents, and considering the appellant's arguments, the appellate court is justified in adopting the grounds for the appealed decision without additions, provided it deems these grounds sufficient and unnecessary to introduce any new points. This is because the court's affirmation of the decision, based on its stated grounds, indicates that it found no grounds for further refutation beyond those already provided. The appellant's claim of inaccuracy in the laboratory analysis results is irrelevant, given that all samples exceeded the permissible limit of 5%, as stipulated in Royal Decree No. (355/MB) dated 25/04/1429 AH. Furthermore, the discrepancy between the two laboratory results is inconsequential, as both results significantly exceeded the permissible limit. Therefore, the appellant's argument on this point must be disregarded. As for the appellant's claim in her memorandum that customs failed to adhere to the principles of value calculation, this is refuted by the fact that diesel was priced according to the rate adopted by the producing company after deducting the value of the subsidy. Moreover, the customs authority... It is the technical department qualified to determine the value of the imported item, which is not affected by the mere objection sent. Since the reasons for the decision under appeal are sufficient to support its ruling, it is necessary to decide that the arguments presented do not affect the outcome of the decision, which means that the appeal is without basis and must be rejected. Accordingly, the committee concluded by deciding the following:

Decision:

First: The appeal is accepted procedurally, submitted by [Company ....], Commercial Registration No. .... , owned by [.........], National ID No. .... , against the initial decision No. (CFR-2024-231736) issued by the First Instance Customs Committee in Riyadh.

Second: The appeal is rejected on its merits, and the initial decision is upheld in all that it ruled, for the reasons and grounds stated in this decision.

May Allah's peace and blessings be upon our Prophet Muhammad, his family, and all his companions.

The First Instance Customs Committee in Riyadh

Decision No. CFR-2025-267613

Case No. PC-2025-267613

Keywords:

Customs - restrictions - bond undertaking - non-compliance with specifications - ready-made clothes - conviction.

Summary:

The Zakat, Tax and Customs Authority filed a claim with the First Instance Customs Committee in Riyadh against the defendant/..., Commercial Registration No. (...), regarding the report received from the competent authority stating that the shipment, consisting of (clothing), imported under Import Declaration No. (...) dated 02/05/1445 AH, did not conform to specifications. The First Instance Customs Committee determined that some of the products had only Procedural violations and did not affect the health and safety of the consumer in terms of (quantitative and qualitative analysis of fibers, visual inspection, and raw material components). Others did not conform to specifications in terms of (pH ratio), which is a technical violation that affects the health and safety of the consumer, based on Circular No. (220/21/M) dated 18/03/1437 AH. Consequently, the defendant/..., Commercial Registration No. (...), was found guilty of customs smuggling and ordered to pay a customs fine equivalent to twice the value of the customs duties on the smuggled goods, and to pay an amount equivalent to the value of the smuggled goods as compensation for confiscation.

Document:

- Article (20) of the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH.
- Articles (142-145) of the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH.

Facts:

The facts of this case are as follows: The Zakat, Tax and Customs Authority filed a case against the defendant, which included the following: A shipment belonging to the importing company arrived through Al-Batha Customs, under import declaration number (.................) dated 12/02/1438 AH. It was released under an undertaking not to dispose of it until it was approved by the competent authority. After the laboratory examined a sample (men's jacket), the report number (.......................) dated 22/11/2016 AD was received, stating that the sample did not conform to specifications in terms of quantitative and qualitative fiber analysis. Upon examination of a sample (men's clothing), the report number (.....................) dated 22/11/2016 was received, stating that the sample did not conform to specifications in terms of quantitative and qualitative fiber analysis. Upon examination of a sample of printed fabrics, the report No. (...................) dated 22/11/2016 stated that the sample did not conform to specifications based on visual inspection. Upon examination of a sample of men's socks, the report No. (.....................) dated 21/11/2016 stated that the sample did not conform to specifications regarding the material composition. Upon examination of a sample of a headscarf (cap), the report No. (.................) dated 22/11/2016 stated that the sample did not conform to specifications regarding pH levels. The importer was notified of the result through several letters, but did not respond. The plaintiff requests that the defendant be found guilty of customs smuggling, be fined, and be ordered to pay the value of the shipment as compensation for confiscation.

On Sunday, 30/11/2025 AD, the 1st First Instance Customs Committee held its hearing via Video conferencing in accordance with remote visual litigation procedures. To consider the case before it. Upon calling the parties to the case, [......... of Representative] appeared, holding National ID No. (.......................), representing the plaintiff, the Zakat, Tax and Customs Authority, pursuant to the authorization issued by the Authority's Legal Affairs and Compliance Agency under No. (.........) dated 24/04/1447 AH. The defendant's representative failed to appear, despite having been duly notified of the hearing date. After verifying the legitimacy of the plaintiff's representative and reviewing the case file, the committee determined it was ready for adjudication. The committee then asked the plaintiff's representative if he wished to add anything beyond what he had already presented, to which he replied that he had already stated his position. Accordingly, the committee decided to close the pleadings in preparation for issuing its decision.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing The Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH, and the related laws and regulations.

Procedurally; and after the Committee reviewed the subject matter of the case, and having established that this is a customs dispute, it falls within the jurisdiction of this Committee. Furthermore, it is established from the case documents that the plaintiff filed the case with legal standing, therefore, the case must be accepted procedurally.

Based on Article (142) of the Unified Customs Law, which states that: “Smuggling is the entry or attempted entry of goods into the country or their exit or attempted exit from it in violation of applicable legislation without paying customs duties (fees) in whole or in part, or contrary to the provisions of prohibition or restriction contained in this law and other regulations and laws,” and where Article (144) of the same system states that: “The following shall be considered criminally liable in particular: 1- The principal perpetrators. 2- The accomplices in the crime. 3- The accessory and instigators. 4- The possessors of the smuggled materials.” 5- Owners of the means of transport used in smuggling... 6- Owners and tenants of shops and premises where the smuggled goods were stored..." Paragraph (1) of Article (145) of the same system stipulates that: "For other goods, the penalty shall be a fine of not less than twice the customs duties due and not exceeding the value of the goods, and imprisonment for a period of not less than one month and not exceeding one year, or one of these two penalties." Paragraph (5) of Article (145) of the same system stipulates: "Confiscation of the smuggled goods or a judgment equivalent to their value in the event they are not seized."

Upon reviewing the papers and documents attached to the case file, the committee found that the subject of the case wasrelated to the arrival of a shipment belonging to the importing company through Al-Batha Customs. The company pledged to return it to customs as soon as the result of its examination appeared if it was non-compliant. The laboratory result showed that the items (men's jackets, men's clothing, printed fabrics, and men's socks) did not pass the specifications in terms of (quantitative and qualitative analysis of fibers, visual examination, and raw material components). These are formal observations that, if the shipment was disposed of with these observations, do not amount to customs smuggling if the importer disposed of the shipment while it was loaded with these observations. However, the laboratory result showed that the item (headscarf "cap") did not pass the specifications in terms of the pH level. These are technical observations that affect the quality of the product and the health and safety of the consumer. Therefore, the defendant is found guilty of customs smuggling and ordered to pay a customs fine equal to twice the customs duties on the smuggled goods, in addition to paying the value of the smuggled goods as compensation for confiscation.

Regarding the defendant's or her representative's failure to attend the hearing despite being duly notified, Article (20) of the Rules of Operation for Zakat, Tax, and Customs Committees stipulates that: "If the defendant, their agent, or their representative is notified of the summons or the hearing date—in accordance with Article (Twelve)—or if they, their agent, or their legal representative submits a memorandum of defense and fails to appear, or if they, their agent, or their representative attends any hearing and then is absent, the decision issued against them shall be considered as rendered in their presence." Since the defendant did not provide an excuse justifying their absence from the committee session convened to consider their the case, and since the committee deemed the case ready for adjudication based on the evidence in its file, it concludes by issuing its decision in the case under consideration in the defendant's presence.

For these reasons, and after deliberation, the committee unanimously decided the following:

Decision:

First: The defendant/company .... Commercial Registration No. (......................) is found guilty of customs smuggling.

Second: The defendant is ordered to pay a customs fine equal to twice the value of the customs duties on the smuggled goods, amounting to (1,350) one thousand three hundred and fifty Saudi Riyals.

Third: The defendant is ordered to pay the equivalent of the value of the smuggled goods as compensation for confiscation, amounting to (13,500) thirteen thousand five hundred Saudi Riyals.

May Allah's peace and blessings be upon our Prophet Muhammad, his family, and all his companions.

The First Instance Customs Committee in Riyadh

Decision No. CFR-2025-263817

Case No. PC-2025-263817

Keywords:

Customs - restrictions - bond undertaking - non-compliance with specifications - handwheels - no conviction.

Summary:

The Public Prosecution in the Eastern Province filed a claim with the First Instance Customs Committee in Riyadh against the defendant, [.........], National ID No. [........], owner of [... ....], Commercial Registration No. [........], pursuant to seizure report No. [........] dated 17/06/1446 AH, which stated that after inspecting the shipment received under import declaration No. [........] dated 15/03/1446 AH, consisting of (handwheels), the competent authority reported that they did not conform to specifications regarding (descriptive data). The First Instance Customs Committee determined that the violation was procedural and did not affect the health and safety of the consumer. Consequently, the defendant, [.........], National ID No. [........], was not found guilty of customs smuggling.

Document:

- Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH.
- Articles (142-145) of the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH.

Facts:

The facts of this case are summarized as follows: The Public Prosecution in the Eastern Province received complaint number (..................) dated 23/10/1446 AH, stating that a shipment of handwheels belonging to the importing factory arrived through King Abdulaziz Port Customs. This shipment was declared under import declaration number (....................) dated 15/03/1446 AH. It was released upon a pledge not to dispose of it until it was approved by the competent authority. Upon examination of the sample by the laboratory, the report number (............................) dated 02/10/2024 was received, indicating non-compliance with the specifications. The importer was notified through several letters but did not respond. Therefore, seizure report number (.........................) dated 17/06/1446 AH was prepared. The plaintiff requests that the defendant be found guilty and sentenced to imprisonment, a fine, and an amount equivalent to the value of the seized goods as compensation for confiscation.

On Thursday, 04/09/2025 AD, the First Instance Customs Committee in Riyadh held its hearing to consider the case. Upon calling the parties, the Public Prosecutor, [.........], National ID No. [........], appeared by virtue of authorization No. [........], dated 25/08/1443 AH. Also present was [.........], National ID No. [........], acting as the defendant's representative by virtue of power of attorney No. [........], dated 28/10/446 AH. After verification, it was determined that he was a legal representative and not authorized to represent the defendant in this case according to the Law of Advocacy. The attendees were informed of this. After verifying the Public Prosecutor's identity and reviewing the case file, the Committee asked the Public Prosecutor if he wished to add anything beyond what he had already presented. He replied that he had nothing further to add. The Committee then asked the defendant's representative if he wished to add anything beyond what he had already presented, and he also replied that he had nothing further to add.

Therefore, the Committee decided to close the pleadings in preparation for issuing its decision.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH, and the relevant laws and regulations.

Procedurally; and after reviewing the merits of the case, the Committee has determined that this is a customs dispute, and therefore falls within the jurisdiction of this Committee. Furthermore, the case documents establish that the plaintiff has standing, and the case must be accepted procedurally.

On merits, the Committee has determined that a shipment of (handwheels) belonging to the importing factory arrived through King Abdulaziz Port Customs, as per Import Declaration No. (............................) dated 15/03/1446 AH. It was released under a pledge not to dispose of it until authorized by the competent authority. Upon examination of the sample by the laboratory, the report No. (................................) dated 02/10/2024 AD was issued, indicating non-compliance with the (explanatory data) as per seizure report No. (..) dated 17/06/1446 AH.

Based on Article (142) of the Unified Customs Law, which stipulates that: "Smuggling is the importation or attempted importation of goods into the country, or their export or attempted export from it in violation of applicable legislation without paying customs duties (taxes) in whole or in part, or contrary to the prohibitions or restrictions stipulated in this Law and other regulations and laws." Upon reviewing the case file, the committee found that the shipment in question arrived with a note (explanatory data), which is a procedural note and, if the shipment were to be disposed of with this note, does not constitute customs smuggling. Therefore, the committee concludes that the defendant is not guilty of customs smuggling.

Regarding the claim that this is a procedural violation, imposing fines in such the cases falls under the jurisdiction of the Director General of Customs, according to the provisions of the Unified Customs Law and its implementing regulations. The Customs Committee's jurisdiction is limited to imposing the penalties stipulated in Article (145) of the Law, which pertains to smuggling and related offenses. Consequently, all other claims are dismissed.

For these reasons, and after deliberation, the committee unanimously decided the following:

Decision:

First: The defendant, [.........], National ID No. .... , owner of [Factory ....], Commercial Registration No. .... , is found not guilty of customs smuggling.

Second: All other requests are dismissed.

May Allah's prayers and peace be upon our Prophet Muhammad and upon his family and all his companions.

The First Instance Customs Committee in Riyadh

Decision No. CFR-2025-262822

Case No. PC-2025-262822

Keywords:

Customs - restrictions - bond undertaking - non-compliance with specifications - lighting - conviction.

Summary:

The Public Prosecution in Jeddah Governorate filed a claim with the First Instance Customs Committee in Riyadh against the defendant, [.........], National ID No. [........], owner of [.... ....], Commercial Registration No. [........], pursuant to seizure report No. [........] dated 26/08/1445 AH, which stated that after inspecting the shipment received under import declaration No. [........] dated 10/04/1445 AH, consisting of light bulbs, the competent authority reported that they did not conform to specifications regarding electrical durability, energy consumption label, and energy efficiency label. The First Instance Customs Committee determined that the product did not meet the technical and formal specifications and that the technical violations affect the health and safety of the consumer. Consequently, the defendant, [.........], National ID No. [........], owner of [.... ....], Commercial Registration No. [........], was found guilty of customs smuggling. The defendant was ordered to pay a customs fine equivalent to twice the value of the customs duties on the smuggled goods and an amount equivalent to the value of the contraband goods as compensation for confiscation.

Document:

- Article (20) of the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH.
- Articles (142-145) of the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH.

Facts:

The facts of this case are summarized as follows: The Public Prosecution in Jeddah Governorate received the indictment No. (..............................) dated 28/08/1446 AH, stating that a shipment of light bulbs belonging to the importing establishment arrived through Jeddah Islamic Port Customs under import declaration No. (.............) dated 10/04/1445 AH. It was released under a pledge not to dispose of it until it was approved by the competent authority. Upon examination of the sample by the laboratory, the report No. (..........................) dated 12/11/2023 AD was received, indicating that it did not conform in terms of (electrical durability, energy consumption label, and energy efficiency label). Accordingly, seizure report No. (..........................) dated 26/08/1445 AH was prepared. The plaintiff requests that the defendant be found guilty and sentenced to imprisonment, a customs fine, and an amount equivalent to the value of the seized goods as compensation for confiscation.

On Thursday, 28/08/2025 AD, the First Instance Customs Committee in Riyadh held its hearing to consider the case. Upon calling the parties, the Public Prosecutor, [.........], National ID No. [........], appeared by virtue of authorization No. [........], dated 25/08/1443 AH. The defendant, or his representative, failed to appear despite having been duly notified of the session date. After verifying the Public Prosecutor's legal standing and reviewing the case file, the Committee determined it was ready for adjudication. The Committee then asked the Public Prosecutor if he wished to add anything beyond what he had already presented, to which he replied that he had already done so. Accordingly, the Committee decided to close the pleadings in preparation for issuing its decision.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH, and the relevant laws and regulations.

Procedurally; and after reviewing the subject matter of the case, the Committee has determined that this is a customs dispute, and therefore falls within the jurisdiction of this Committee. Furthermore, it is established from the case documents that the plaintiff has legal standing, thus the case must be accepted procedurally.

On merits, the Committee has found that a shipment of light bulbs belonging to the importing establishment arrived through Jeddah Islamic Port Customs under Import Declaration No. (................) dated 10/04/1445 AH, and was released under an undertaking not to dispose of it until it is approved by the competent authority. Upon examination of the sample by the laboratory, the report No. (.....................) dated 12/11/2023 was issued, stating that it did not conform to the standards regarding (electrical durability, energy consumption rating, and energy efficiency rating), as per the seizure report No. (..........................) dated 26/08/1445 AH.

Based on Article (142) of the Unified Customs Law, which states that: “Smuggling is the importation or attempted importation of goods into the country, or their export or attempted export from it in violation of applicable legislation without paying customs duties, in whole or in part, or contrary to the prohibitions or restrictions stipulated in this Law and other regulations and laws,” and Article (144) of the same Law states that: “The following shall be held criminally liable in particular: 1- The principal perpetrators. 2- The accomplices. 3- The accessory and instigator. 4- The possessors of the smuggled goods. 5- The owners of the means of transport used in the smuggling... 6- The owners and lessees of the shops and premises where the smuggled goods were stored...” and Paragraph (2) of Article (145) of the same Law states that: “As for other goods, the penalty shall be a fine of not less than twice the customs duties due and not exceeding the value of the goods, and imprisonment for a period of not less than one month and not exceeding one year, or With one of these two penalties,” and as stipulated in paragraph (5) of Article (145) of the same law: “Confiscation of the smuggled goods or a judgment of their equivalent value if they are not seized.”

Whereas the defendant did not cooperate with the Customs Administration and did not return the non-compliant item in question to Customs despite its non-approval by the laboratory and despite his undertaking to return it to Customs immediately upon the results of its examination if they were found to be non-compliant; and whereas the aforementioned laboratory results showed that it did not pass the test of some technical and formal specifications; and whereas technical violations affect the quality and safety of the product and the health and safety of the consumer; and in accordance with the principle of uniformity of penalty, therefore, the defendant's attempt to import the seized items constitutes customs smuggling, which leads to the conviction of the defendant, the owner of the importing establishment, for customs smuggling, and obligating the defendant to pay a customs fine equivalent to twice the value of the customs duties on the seized smuggled items, and obligating the defendant to pay a fine equivalent to the value of the non-compliant items disposed of as compensation to Confiscation.
Regarding the request for imprisonment, the defendant has no prior customs convictions. Since imprisonment is a custodial sentence with far-reaching consequences, the committee concluded that the existing sentence was sufficient and rejected all other requests.
As for the defendant's or his representative's failure to appear at the hearing despite being duly notified, Article (20) of the Rules of Operation for Zakat, Tax, and Customs Committees stipulates that: "If the defendant, his agent, or his representative is notified of the summons or the hearing date—in accordance with Article (Twelve)—or if he, his agent, or his legal representative submits a memorandum of defense and fails to appear, or if he, his agent, or his representative attends any hearing and then is absent, the decision issued against him shall be considered rendered in his presence." Since the defendant did not provide an excuse justifying his absence from the committee hearing, and since the committee deemed the case ready for adjudication based on the available evidence... The committee, After reviewing the case file, will ultimately issue its decision in the defendant's presence.

For these reasons, and after deliberation, the committee unanimously decided the following:

Decision:

First: The defendant, ..., National ID No. (...........................), owner of the establishment ...., Commercial Registration No. (...................................), is found guilty of customs smuggling.
Second: The defendant is ordered to pay a customs fine equal to twice the value of the customs duties on the seized smuggled goods, amounting to (1,952,26) one thousand nine hundred and fifty-two Saudi Riyals and twenty-six Halalas.
Third: The defendant is ordered to pay a fine equal to the value of the contraband items disposed of as compensation for confiscation, amounting to (19,522,62) nineteen thousand five hundred and twenty-two Saudi Riyals and sixty-two Halalas.
Fourth: All other claims are dismissed.

May Allah's peace and blessings be upon our Prophet Muhammad, his family, and all his companions.

The First Instance Customs Committee in Riyadh

Decision No. CSR-2025-247709

Case No. CR-2025-247709

Keywords:

Customs - Restrictions - Bond Undertaking - Non-compliance with specifications - Batteries - No conviction.

Summary:

The importer requested a review of the initial decision No. (CSR-2023-212) issued by the Second First Instance Customs Committee in Riyadh, which found the importer guilty of customs smuggling and imposed a customs fine equivalent to the value of the contraband item, amounting to (48,239) riyals, in addition to requiring him to pay an amount equivalent to the value of the contraband item as compensation for confiscation. However, after reviewing the case file, The First Instance Committee determined that the importer had not been properly notified. Therefore, the case wasreconsidered pursuant to Paragraph (w/1) of Article (200) of the Law of Sharia Procedures. Furthermore, the competent authority confirmed that the goods did not conform to specifications regarding the explanatory data, which constitutes a procedural violation and does not affect consumer health and safety. Consequently, the request for review was accepted, the initial decision—the subject of the request for review—was overturned, and the importer was not convicted.

Document:

- Article (144) of the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH.
- Article (200) of the Law of Sharia Procedures, issued by Royal Decree No. (M/1) dated 22/01/1435 AH.

Facts:

The facts of this case are summarized as follows: A shipment of (batteries) belonging to the applicant company arrived through Al-Batha Customs under import declaration number (....................) dated 21/03/1438 AH. It was temporarily canceled based on an undertaking not to dispose of it until it was approved by the competent authority. Upon examination of the sample by the laboratory, the report number (..................................) dated 03/01/2017 AD was received, indicating non-conformity in terms of explanatory data and dimensions, and testing of electrical capacity. The importer was notified of the result by several letters from Customs to return the shipment, but he did not respond. Accordingly, seizure report number (.......................) dated 12/04/1438 AH was prepared.

After reviewing the case, the Second First Instance Customs Committee in Riyadh issued its decision No. (CSR-2023-212), which reads as follows: "1- The defendant/Establishment ...., Commercial Registration No. (......), is found guilty in absentia of customs smuggling. 2- It is obligated to pay a customs fine equivalent to the value of the contraband item, amounting to (48,239) forty-eight thousand two hundred and thirty-nine riyals. 3- It is obligated to pay the equivalent of the value of the contraband item as compensation for confiscation, amounting to (48,239) forty-eight thousand two hundred and thirty-nine riyals."

The establishment then submitted a request for reconsideration of the aforementioned decision. Accordingly, the Third First Instance Customs Committee in Riyadh issued its decision No. (CTR-2024-238266), which reads as follows: "The request for reconsideration submitted by (Establishment ....), Commercial Registration No. (....................), is rejected on procedural grounds, as explained in the reasons provided." The company then filed an appeal against the aforementioned decision. Accordingly, the Customs Appeals Committee in Riyadh issued its decision No. (CR-2025-240601), whose ruling states the following: "First: The appeal is accepted procedurally, submitted by the company/ ...., Commercial Registration No. (.........................) of its owner/ ...., National ID No. (............................), against the initial decision No. (CTR - 2024-238266), issued by the Third Riyadh Customs Primary Committee. Second: On the merits, the initial decision is overturned, and the case is returned to the Customs Primary Committee for reconsideration, for the reasons and grounds stated in this decision."

Upon reviewing the petition for reconsideration submitted by ...., a Saudi national, National ID No. (..................................), acting as the petitioner's agent by virtue of Power of Attorney No. (...............................) issued on 08/08/1445 AH, and Attorney's License No. (...............................), the Committee found that it included the following summary: that the establishment's numbers were not related to it, and that it had contacted the Authority to update the numbers and email. Subsequently, it received an email from the Authority on May 8, 2024, and became aware of the decision subject to the petition. Furthermore, upon tracing the notification document, it was found that a new document had appeared containing a previous penalty imposed on the same customs declaration, which makes the decision subject to the petition contradictory. The petition concluded with a request to accept the petition procedurally and substance, to overturn the initial decision, and to rule anew that the establishment was not guilty of the charges against it.

On Wednesday, 01/10/2025 AD, the Second First Instance Customs Committee in Riyadh held its hearing with the attendance of its members whose ....s are recorded in the hearing minutes, via video conferencing in accordance with remote visual litigation procedures; based on what was stated in Clause No. (1) of Article Fifteen of The Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH; and by calling the parties to the case; appeared/ .... - Saudi nationality - National ID No. (............................) in its capacity as agent for the applicant institution by virtue of Power of Attorney No. (............................) dated 08/08/1445 AH, and Lawyer's License No. (....................), and appeared/ ...., National ID No. (..........................) in its capacity as representative of the Zakat, Tax and Customs Authority by virtue of the authorization issued by the Deputy Governor of the Zakat, Tax and Customs Authority for Legal Affairs No. (......................) dated 19/03/1445 AH. After considering and studying the request for reconsideration, the committee decided to close the pleadings in preparation for issuing the decision.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/4/1445 AH, and the relevant laws and regulations.

Upon reviewing the documents and papers included in the case file, the Committee found that the petitioner had submitted a request for reconsideration of Decision No. (CSR-2023-212) issued by the Second First Instance Customs Committee in Riyadh.

Procedurally; Based on paragraph (1) of Article (200) of the Law of Sharia Procedures issued by Royal Decree No. (M/1) dated 22/01/1435 AH, which stipulates that: "a- If the judgment was based on documents that were found to be forged after the judgment, or was based on testimony that was ruled - by the competent authority after the judgment - to be false testimony. b- If the petitioner obtained, after the judgment, conclusive documents in the case that he was unable to present before the judgment. c- If the opponent committed fraud that would affect the judgment. d- If the judgment ruled on something that the parties did not request or ruled on more than what they requested. e- If the wording of the judgment contradicts itself. f- If the judgment was in absentia. g- If the judgment was issued against someone who was not properly represented in the case," and since the petitioner argues that she was not properly notified of the case, it is decided to accept the request for reconsideration based on paragraph (f) of the aforementioned article.

On merits, it was established that a shipment of batteries belonging to the applicant company arrived through Al-Batha Customs under import declaration number (...........................) dated 21/03/1438 AH, and was temporarily released upon a pledge not to dispose of it until approval by the competent authority. Upon examination of the sample by the laboratory, report number (......................) dated 03/01/2017 AD was received, indicating non-conformity in terms of labeling, dimensions, and electrical capacity. The importer was notified of the result by several letters from Customs requesting the return of the shipment, but he did not respond, indicating that he had disposed of the shipment.

Concerning the laboratory's observation regarding non-conformity in terms of labeling and dimensions, the committee determined that it falls under the category of formal observations that do not affect the product's quality or safety for consumer use.

Regarding the laboratory's observation concerning the failure to pass the electrical capacity test, it became clear that the laboratory result only stated the word "failed" without specifying the measured electrical capacity or the extent to which the sample deviated from the required standard. Since mechanical and electrical tests are subject to a unit of measurement that determines whether the sample exceeds the minimum or maximum limit, especially for electrical imports, and since the laboratory report indicates that the measured capacity is less than the specified capacity and that the safety markings are not as required by the specifications, it is evident that the measurement value was not included. This prevented the committee from determining the severity of the violation and whether it constitutes a material violation, thus hindering the assessment of the extent of the harm to the consumer. Given that doubt is interpreted in favor of the accused, it is decided that this observation is considered a procedural violation that does not affect the quality and safety of the product or the health of the consumer. Consequently, the criminal intent constituting the crime of customs smuggling, as stipulated in Article (144) of the Customs Law, is not present. Therefore, it is decided to cancel the decision issued by the Riyadh First Instance Customs Committee under number (CSR-2023-212), and the ruling of not guilty of the defendant/.........................- Saudi national- ID No. (.....................) owner/institution .... (Commercial Registration No...................).

For these reasons, and after deliberation, the committee unanimously decided the following:

Decision:

The Court accepts the appeal for reconsideration submitted by .... Company, (Commercial Registration No. .... , and overturns the decision issued by the Riyadh First Instance Customs Committee No. (CSR-2023-212), and rules the defendant [.........], a Saudi national, ID No. .... , owner of .... Company (Commercial Registration No. ....), not guilty.

May Allah's prayers and peace be upon our Prophet Muhammad and upon his family and all his companions.

The First Instance Customs Committee in Riyadh

Decision No. CFR-2025-247446

Case No. CF-2025-247446

Keywords:

Customs - Restrictions - Bond Undertaking - Non-compliance with specifications - Engine oil - No conviction.

Summary:

- **The importer requests the annulment of first instance Decision No. (923) of 1441 AH, issued by the Al-Bathaa First Instance Customs Committee, which found the importer guilty of customs smuggling and imposed a customs fine equivalent to the value of the non-compliant goods, amounting to (102,927) riyals, in addition to requiring him to pay an amount equivalent to the value of the non-compliant goods as compensation for confiscation. However, The First Instance Committee, after reviewing the case file, established that the importer had re-exported the shipment, a fact confirmed by the Customs Authority. Furthermore, the importer did not dispose of the non-compliant goods and adhered to her written undertaking to return them. Consequently, the first instance decision—the subject of the appeal—is annulled, and the importer is found not guilty.**

Document:

- Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH.
- Unified Customs Law for the Cooperation Council for the Arab States of the Gulf issued by Royal Decree No. (M/41) dated 03/11/1423 AH.

Facts:

Whereas the case submitted by the Zakat, Tax and Customs Authority states that a shipment of (engine oil ....) belonging to [Company ....], Commercial Registration No. .... , arrived at Al-Batha Customs Port under Import Declaration No. .... dated 06/09/1431 AH. The shipment was released with a commitment not to dispose of it pending the results from the competent authority. The laboratory report indicated non-compliance. The importer was contacted but failed to comply with the request to return the non-compliant items.

Upon review of the case, the Al-Batha First Instance Customs Committee issued Decision No. 923 of 1441 AH, as follows: "Firstly, the importer/company [Company ....], Commercial Registration No. .... , issued in Riyadh, is found guilty in absentia of customs smuggling. Secondly, the company was fined an amount equivalent to the value of the shipment in question, which consisted of (160) units (barrels of engine oil), amounting to (102,927) one hundred and two thousand nine hundred and twenty-seven riyals. Since confiscation was not possible, the importer is obligated to pay an equivalent value as compensation for confiscation, amounting to (102,927) one hundred and two thousand nine hundred and twenty-seven riyals. Therefore, the total amount claimed by the company owner is (205,854) two hundred and five thousand eight hundred and fifty-four riyals".

The company appealed the decision of the Al-Bathaa First Instance Customs Committee No. (923) of 1441 AH, which convicted it in absentia of customs smuggling. The First Riyadh First Instance Customs Committee issued its decision No. (CFR-2024-227171), which stated: "The appeal is not accepted procedurally due to the expiry of the statutory period".

The plaintiff appealed the first instance decision before the Appeals Committee, and accordingly, the Riyadh Appeals Committee issued its decision No. (CR-2025-233412), ruling as follows: "First: The appeal is accepted procedurally, submitted by the appellant/Company.................., Commercial Registration No. (.................), against the first instance Decision No. (CFR-2024-227171) issued by the First Instance Customs Committee in Riyadh. Second: On the merits, the first instance decision is annulled, and the case is remanded to the First Instance Customs Committee for consideration on its merits, for the reasons and grounds stated in this decision".

On Sunday, 29/06/2025 AD, the committee held its hearing to consider the case, which was being held remotely. Upon calling the parties, [.........] appeared, holding National ID No. (.........................), representing the plaintiff by virtue of the Commercial Registration. [.........] appeared, holding National ID No. (.........................), representing the defendant by virtue of the authorization issued by the Legal Affairs and Compliance Agency of the Authority, No. (.........................), dated 19/03/1445 AH. After verifying the presence of the plaintiff's and defendant's representatives, and after reviewing the case file, the committee found that the case had been returned from the Appeals Committee by decision No. (CR-2025-233412). The committee then asked the plaintiff's representative if he wished to add anything beyond what he had already presented, to which he replied that there was nothing. When the committee asked the defendant's representative if he wished to add anything beyond what he had already presented, he replied that he stood by his previous submissions. Therefore, the committee decided to close the pleadings in preparation for issuing its decision.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH, and the relevant laws and regulations.

With respect to merits; and after reviewing the case file, and given that the plaintiff, (................), submitted a memorandum of response containing a fundamental argument, namely that the shipment in question had been re-exported and that the promissory note had been paid. Upon requesting a response from the Zakat, Tax and Customs Authority, a memorandum was submitted dated 19/02/2025 AD, confirming the importer's claim and stating that the undertaking was paid and expired. After reviewing the first instance decision, the objection memorandum, and the statements of both parties, and given that the plaintiff confirmed the defendant's payment of the promissory note, and considering that it is established the importer did not dispose of the non-conforming goods and adhered to his promissory note to return them, it is hereby decided to overturn the decision issued by the First Instance Customs Committee No. (923) of 1441 AH, which found the plaintiff, Commercial Registration No. (..................), not guilty of customs smuggling.

For these reasons, and after deliberation, the committee unanimously decided the following:

Decision:

Annulment of the decision issued by the Customs Committee of First Instance No. (923) of 1441 AH, and ruling that the company .... Commercial Registration No. (..............) is found not guilty of customs smuggling.

May Allah's peace and blessings be upon our Prophet Muhammad and upon his family and companions.

The First Instance Customs Committee in Riyadh

Decision No. CFR-2025-247439

Case No. PC-2025-247439

Keywords:

Customs - Restrictions - Bond undertaking - Non-Compliance with specifications - Electrical appliances - Conviction.

Summary:

- **The Zakat, Tax and Customs Authority filed a claim with the First Instance Customs Committee in Riyadh against the defendant, [.........], National ID No. [........], owner of [.... ....], Commercial Registration No. [........], regarding the notification received from the competent authority that the shipment, consisting of electrical equipment, imported under import declaration No. [........] dated 23/10/1436 AH, did not conform to specifications. The First Instance Customs Committee, after reviewing the case file, determined that the importer failed to comply with the request to return the non-conforming items and did not honor his written undertaking to do so. Consequently, the defendant, [.........], National ID No. [........], owner of [.... ....], Commercial Registration No. [........], is found guilty of customs smuggling and is obligated to pay a customs fine equivalent to twice the value of the smuggled non-compliant items, in addition to an amount equivalent to the value of the goods disposed of as compensation for confiscation.**

Document:

- Article (20) of the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH.
- Articles (142-145) of the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH.

Facts:

Whereas the case submitted by the Zakat, Tax and Customs Authority states that a shipment of electrical equipment belonging to [Company ....], Commercial Registration No. .... , arrived at Al-Batha Customs Port under Import Declaration No. .... dated 23/10/1436 AH. The shipment was released with a commitment not to dispose of it pending the results from the competent authority. The laboratory report indicated non-conformity. The importer was contacted but did not respond to the request to return the non-conforming items.

Upon review of the case, the First Instance Customs Committee in Riyadh issued Decision No. (1442/1) of 1441 AH, ruling as follows: "1- [Company ....], Commercial Registration No. .... , owned by [.........], National ID No. .... , is found guilty in absentia of customs smuggling. 2- The establishment is obligated to pay a customs fine equivalent to the value of the disposed-of item, which was not authorized for release by the competent authority, in the amount of "171,913" one hundred seventy-one thousand, nine hundred thirteen riyals. 3- The establishment is obligated to pay the equivalent of the value of the disposed-of item as compensation for confiscation, in the amount of "171,913" one hundred seventy-one thousand, nine hundred thirteen riyals, bringing the total amount claimed from the importer to "343,826" three hundred forty-three thousand, eight hundred twenty-six riyals".

The defendant appealed the decision of the First Instance Customs Committee in Riyadh No. (1442/1) of 1441 AH, which convicted him in absentia of customs smuggling. The First Instance Customs Committee in Riyadh issued its decision No. (CFR-2022-147033), which stated the following: "Non-acceptence of the appeal due to the expiration of the statutory period".

The defendant appealed the first instance decision before the Appeals Committee, and accordingly, the Riyadh Appeals Committee issued its decision No. (CR-2024-233495), which stipulated the following: "First: Acceptance of the appeal procedurally,, submitted by/ [......... Company], Commercial Registration No. (..................), owned by/....................., National ID No. (..................),, against the first instance decision No. (CFR-2022-147033) issued by the First Instance Customs Committee in Riyadh. Second: On the merits, annulment of the first instance decision, and remanding the case to the First Instance Customs Committee for reconsideration, for the reasons and grounds stated in this decision".

On Sunday, 15/06/2025 AD, the committee held its hearing to consider the case, which was being held remotely. Upon calling the parties to the case, [.........] appeared, holding National ID No. [........], representing the Zakat, Tax and Customs Authority (the plaintiff), pursuant to the authorization issued by the Authority's Legal Affairs and Compliance Agency under No. [........] dated 19/03/1445 AH. The defendant, or her representative, failed to appear despite having been duly notified of the session date. After verifying the legitimacy of the plaintiff's representative and reviewing the case file, the committee determined it was ready for adjudication. Upon further review, the committee noted that the case had been returned from the Appeals Committee by decision No. (CR-2024-233495). The committee asked the Authority's representative if he wished to add anything beyond what he had already presented, to which he replied that they stood by their previous submissions. Therefore, the committee decided to close the pleadings in preparation for issuing its decision.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH, and other relevant laws and regulations.

Procedurally, and after reviewing the subject matter of the case, the Committee has determined that this is a customs dispute, and therefore falls within its jurisdiction. Whereas it is established from the case documents that the plaintiff filed the lawsuit through a person with legal capacity, it is therefore necessary to procedurally accept the case.

On merits, the Committee has found that a shipment was received under Declaration No. (..................) dated 23/10/1436 AH, which was released with a commitment not to dispose of it pending the results of the competent authority. A notification of non-conformity was received, but the importer failed to comply with the request to return the non-conforming items.

Based on Article (142) of the Unified Customs Law, which states that: "Smuggling is the entry or attempted entry of goods into the country or their exit or attempted exit from it in violation of applicable legislation without paying customs duties (fees) in whole or in part, or contrary to the provisions of prohibition or restriction contained in this law and other regulations and laws", Article (144) of the same Law also states that: "The following shall be considered criminally liable in particular: 1- The principal perpetrators. 2- The accomplices in the crime. 3- The accessory and instigators. 4- The possessors of the smuggled materials. 5- Owners of the means of transport used in the smuggling... 6- Owners and tenants of the shops and premises where the smuggled goods were stored...". In addition, paragraph (2) of Article (145) of the same Law stipulates that: "The crime of customs smuggling or its equivalent shall be punishable by a fine of no less than twice the customs duties due and no more than the value of the goods, and imprisonment for a period of no less than one month and no more than one year, or by one of these two penalties". Paragraph (5) of Article (145) of the same Law stipulates: "The goods involved in the smuggling shall be confiscated, or a judgment shall be issued for an amount equivalent to their value if they are not seized".

Based on the foregoing, and since it is established by the committee, according to the seizure report in question, that the importer did not respond when asked to return the non-conforming items.

Therefore, the defendant's actions in disposing of the shipment constitute customs smuggling, which leads to the defendant's conviction for customs smuggling and his being ordered to pay a customs fine equal to twice the customs duties on the smuggled goods, in addition to an amount equivalent to the value of the smuggled goods as compensation for confiscation.

Regarding the defendant's or his representative's failure to appear at the hearing despite being duly notified, Article (20) of the Rules of Operation for Zakat, Tax, and Customs Committees stipulates that: "If the defendant, his agent, or his representative is notified of the statement of claim or the hearing date—in accordance with Article (Twelve)—or if he, his agent, or his legal representative submits a memorandum of defense and fails to appear, or if he, his agent, or his representative attends any hearing and then is absent thereafter, the decision issued against him shall be considered as rendered in his presence". Since the defendant did not provide an excuse justifying his absence from the committee session convened to consider his the case, and since the committee deemed the case ready for adjudication based on the evidence in its file, it concludes by issuing its decision in the case under consideration as rendered in the defendant's presence.

For these reasons, and after deliberation, the committee unanimously decided the following:

Decision:

First: Conviction of the defendant/ ………………., National ID No. (……………….), owner of …………………… Establishment, Commercial Registration No. (……………..), for customs smuggling.

Second: Ordering him to pay a customs fine equivalent to double the customs duties of the violating goods subject of the smuggling.

Third: Ordering him to pay an amount equivalent to the value of the disposed goods as a substitute for confiscation subject of the smuggling.

May Allah's peace and blessings be upon our Prophet Muhammad and upon his family and companions.

The Customs Appeals Committee in Riyadh

Decision No. CR-2025-233346

Case No. PC-2024-233346

Keywords:

Customs - Restrictions - Commercial fraud - Dual origin declaration - School bags - No conviction.

Summary:

- **The importer requested the annulment of the first instance decision No. (CTR-2024-179057) of 1445 AH, issued by the Third First Instance Customs Committee in Riyadh, which rejected the petition for reconsideration on procedural grounds. The Appeals Committee found the importer's argument in his memorandum to be correct, namely the error in the first instance committee's application of Article (25) of the Unified Customs Law. The established indication of origin is not affected by design or quality specifications and does not constitute a change to the origin. Furthermore, the report convicting the importer of customs smuggling lacked proper legal basis. Consequently, the appeal is accepted, and the first instance decision is annulled in its entirety.**

Document:

- Article (25) of the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH.
- Article (153) of the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH.
- Article (163) of the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH.

Facts:

The facts of this case are as follows: A shipment of (school bags) arrived through Riyadh Dry Port Customs under import declaration number (..................) dated 11/08/1438 AH. The origin was declared as "China." Upon inspection, it was found that the shipment bore the phrase "................." and was subsequently seized by customs. The Second First Instance Customs Committee in Riyadh issued its decision No. (54/2) of 1439 AH dated 29/03/1439 AH, which stipulated the following: "1- The company ...., Commercial Registration No. "......................", is found guilty of customs smuggling. 2- It is obligated to pay a customs fine equivalent to the value of the violating shipment, amounting to "42,893" forty-two thousand eight hundred and ninety-three riyals, as detailed in the facts and reasons for the decision. 3- Confiscation of the entire shipment in question," as stated in the operative part and reasoning of the decision to which it is referred for the sake of avoiding repetition. The importer submitted a petition for reconsideration of the decision, and the Third First Instance Customs Committee in Riyadh issued its Decision No. (CTR-2024-179057), rejecting the petition for reconsideration on procedural grounds, as stated in the operative part and reasoning of the decision under appeal to which it is referred for the sake of avoiding repetition.

Upon reviewing the appeal brief submitted by the appellant company's representative, the Customs Appeals Committee found that it included the following summary: His client had received new documents, which were submitted in accordance with Article (1/200) of the Law of Sharia Procedures. Furthermore, the committee that issued the decision erred in applying the law, particularly Article (25) of the Unified Customs Law concerning origin indications. This article stipulates that imported goods are subject to proof of origin according to the rules of origin agreed upon within the framework of applicable international and regional economic organizations. It is agreed that imported goods must bear the declared origin indication in a permanent and indelible manner. If there are statements related to design or quality, the importer must prove their validity or be required to remove them. This has been the established practice of the Customs Appeals Committees, based on the principle that the meaning of the phrase "design" or "quality" is not obscure to the average consumer when an indelible origin indication is present. The appellant concluded with a request for the procedural acceptance of the appeal, the annulment of the first instance Decision No. (CTR-2024-179057), the acceptance of Case No. (PC-2024-179057) filed by the appellant to petition for reconsideration of the Second Customs Committee's decision in Riyadh No. (54/2) of 1439 AH, and the remand of the case to the decision-issuing committee subject of the petition for reconsideration.

Upon reviewing the respondent's memorandum, the Customs Appeals Committee found that it contained a summary of the appellant company's representative's argument that the appeal was based on the emergence of new documents that could not be produced. However, the representative failed to provide the actual date of the alleged emergence of these documents, thus demonstrating that the statutory time limits for appeals, as explicitly stipulated in the Law of Sharia Procedures and the Rules of Operation of Customs Committees, had expired. This confirms the validity of the first instance decision issued by the Customs Committee under appeal. The memorandum concluded by requesting the dismissal of the appeal and the affirmation of the first instance decision in its entirety.

After reviewing the case file, the appeal submitted by the appellant, and the Authority's response regarding it, the Committee found that the case was ready to be decided in its current state after the Committee was informed of the facts of the case and the sufficiency of what was submitted to form its conviction and decide on it in light of the reasons on which the appeal was based.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH, and the relevant laws and regulations.

And given that the appellant was notified of the first instance decision on 18/02/2024 AD, and filed an appeal against the decision on 13/03/2024 AD, the appeal is therefore admissible procedurally, as it was submitted by a party with standing within the period stipulated for such proceedings, in accordance with Article (163) of the Unified Customs Law.

It is established in the rules of litigation that the correct application of the law is an obligation upon the court hearing the case, and it must rule accordingly on its own initiative, without requiring a request from the litigants. Therefore, the court hearing the case has broad authority in assessing the facts, assigning them their due description, and correctly classifying them, without being bound by the classification of the plaintiff or the opposing party. This authority is based on the court's own conviction and the nature of the evidence and inferences derived from them, relying upon them and using them as the basis for its judgment, provided that the relevant documents within the case file do not contradict what has been deduced and what the court has settled upon in its conviction and belief to resolve the dispute, and provided that its deduction is sound, valid, and leads to the conclusion it has reached. This is consistent with Article (153) of the Law of Criminal Procedures, which stipulates that "the court is not bound by the description contained in the statement of claim and must give the act the description it deserves, even if it contradicts the description contained in the statement of claim...", and since the Appeals Committee has established the error of the First Instance Committee that issued Decision No. (54/2) of the year In 1439 AH, in its application of the Law and concluding convicting the importer of customs smuggling, the committee erred in applying Article (25) of the Unified Customs Law, which pertains to the indication of origin. This article states that imported goods are subject to proof of origin according to the rules of origin agreed upon within the framework of applicable international and regional economic organizations. It is agreed that imported goods must bear the declared indication of origin in a permanent and indelible manner. If there are statements related to design or quality, the importer must prove their validity or be required to remove them. This has been established in the rulings of the Customs Appeals Committees, based on the principle that the meaning of the phrase "design or quality" is not obscure to the average consumer when an indelible indication of origin is present. Therefore, the Appeals Committee accepted the appeal, annulled the appealed first instance decision No. (CTR-2024-179057) issued by the Third First Instance Customs Committee in Riyadh, and ruled again to annul the first instance Decision No. (54/2) of 1439 AH issued by the Second First Instance Customs Committee in Riyadh. Given the aforementioned circumstances, the committee concluded the following:

Decision:

First: Acceptance of the appeal procedurally, submitted by [Company ....], Commercial Registration No. ...., against the first instance Decision No. (CTR-2024-179057) issued by the Third First Instance Customs Committee in Riyadh.

Second: On the merits, annulment of the appealed first instance Decision No. (CTR-2024-179057), issued by the Third First Instance Customs Committee in Riyadh, and ruling anew for the annulment of the first instance Decision No. (54/2) of 1439 AH in its entirety, for the reasons and grounds stated in this decision.

May Allah's peace and blessings be upon our Prophet Muhammad and upon his family and companions.

The First Instance Customs Committee in Riyadh

Decision No. CFR-2025-261767

Case No. PC-2025-261767

Keywords:

Customs - Restrictions - Commercial fraud - Dual origin declaration - Ink cartridge - No conviction.

Summary:

- **The Public Prosecution in Jeddah filed a claim with the First Instance Customs Committee in Riyadh against the defendant/..., Commercial Registration No. (...), and its manager/..., nationality, Resident ID No. (...), pursuant to seizure report No. (...) dated 02/05/1446 AH, which stated that after inspecting the shipment received under import declaration No. (...) dated 06/04/1446 AH, consisting of (various ink cartridges), a discrepancy was observed in the product's origin. The certificate of origin stated China, while the actual product indicated Japan. The First Instance Customs Committee determined that the discrepancy in the declared origin in the documents and procedures did not constitute customs smuggling, but rather a procedural violation. Consequently, the defendant/..., Commercial Registration No. (...), and its manager/..., nationality, Resident ID No. (...), were not found guilty of customs smuggling.**

Document:

- Article (145) of the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH.

Facts:

The facts of this case are summarized as follows: The Public Prosecution Office in Jeddah received complaint number (......................) dated 15/07/1446 AH, stating that a shipment of (various ink cartridges) belonging to the defendant arrived through King Abdulaziz International Airport Customs under import declaration number (......................) dated 06/04/1446 AH. Upon inspection of the shipment, a discrepancy was noted regarding the product's origin, as the certificate of origin stated (China) while the actual product label indicated (Japan). Accordingly, seizure report number (......................) dated 02/05/1446 AH was prepared. The plaintiff requests that the defendant be found guilty, sentenced to imprisonment and a fine, and that the goods be confiscated.

On Thursday, 02/10/2025 AD, the First Instance Customs Committee in Riyadh held its hearing to consider the case. Upon calling the parties to the case, the Public Prosecutor/................, National ID number (......................), appeared by virtue of the authorization issued under number (......................), dated 25/08/1443 AH, and Mr./..............., nationality, residency ID number (.....................), appeared in its capacity as Chairman of the Board of Directors of the defendant company. Also present was the defendant/......................., nationality, residency ID number (.....................). After verifying the parties to the case and reviewing the case file, the committee asked the public prosecutor if he wished to add anything beyond what he had already presented. He replied that he was satisfied with his previous statements. The committee then asked the representative of the defendant and the defendant if they wished to add anything beyond what they had already presented. The defendant replied that he possessed proof of a certificate of origin from Japan and requested the committee to consider accepting the documents he had that proved the origin of the certificate. Therefore, the committee decided to postpone the hearing to a later date and granted the defendant five working days from the date of this hearing to submit his documents.

On Thursday, 23/10/2025 AD, the First Instance Customs Committee in Riyadh held its hearing to consider the case. Upon calling the parties, the Public Prosecutor, [.........], National ID No. [........], appeared by virtue of authorization No. [........], dated 25/08/1443 AH. [.........], [Nationality ....], Resident ID No. [........], appeared in its capacity as Chairman of the Board of Directors of the defendant company. The defendant, [.........], [Nationality ....], Resident ID No. [........], also appeared. After verifying the parties' identities and reviewing the case file, the Committee asked the Public Prosecutor if he wished to add anything beyond what he had already presented. He replied that he was satisfied with his statement. The Committee then asked the representatives of the defendant and the defendant in their respective capacities if they wished to add anything beyond what had already been presented. They replied that they requested the Committee to issue a decision obligating the relevant authority to complete the clearance procedures for the goods in question. The Committee decided to close the pleadings in preparation for issuing its decision.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH, and the relevant laws and regulations.

Procedurally; and after reviewing the subject matter of the case, the Committee has determined that this is a customs dispute, and therefore falls within the jurisdiction of this Committee. Furthermore, the case documents establish that the plaintiff has legal capacity, and the case must be accepted procedurally.

On merits, and after reviewing the case file and the attached documents, the discrepancy in the declared origin in the paperwork and procedures does not constitute customs smuggling. This is because it does not fall under the category of double origin, which involves two different origins for the same goods, nor does it involve declaring a different origin to benefit from the advantages of the declared origin. The plaintiff failed to prove this, as the item (ink cartridges) falls under customs tariff heading (.....................) which is exempt from customs duties. Therefore, the defendants should not be convicted of customs smuggling.

As for imposing a customs procedure fine on the grounds that it is a procedural violation, this falls under the jurisdiction of the Director General of Customs, according to the provisions of the Unified Customs Law and its implementing regulations. The Customs Committee's jurisdiction is limited to imposing the penalties stipulated in Article (145) of the Law, which pertains to smuggling and related offenses. Regarding the defendant's request for a decision compelling the Authority to complete the clearance procedures for the goods in question, this request falls outside the jurisdiction of the Customs Committees. For these reasons and after deliberation, the committee unanimously decided the following:

Decision:

The defendant, [Company ....], Commercial Registration No. .... , and its manager, [....... ....], [Nationality ....], [Residence Permit No. .....], are not found guilty of customs smuggling.

May Allah's peace and blessings be upon our Prophet Muhammad and upon his family and companions.

The Customs Appeals Committee in Riyadh

Decision No. CAR-2025-247636

Case No. PC-2025-247636

Keywords:

Customs - Restrictions - Commercial Fraud - Imitation goods - Headphones - Pens - Cufflinks - Conviction.

Summary:

- **The importer requested the annulment of the first instance decision No. (CSR-2025-246084) of 1446 AH issued by the Second First Instance Customs Committee in Riyadh, which found the importer guilty of customs smuggling, imposed a customs fine, and ordered the confiscation of the seized goods. The Appeals Committee determined that the importer's claim in his appeal that the elements of the crime of customs evasion were not met was unfounded, in accordance with Articles (144) and (154/A) of the Unified Customs Law. Furthermore, the assessment of intent and the classification of facts fall within the exclusive jurisdiction of the reviewing authority, provided its conclusions are reasonable. Consequently, the appeal was rejected, and the first instance decision was upheld, with the fine amount specified in the decision's operative part.**

Document:

- Article (144) of the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH.
- Article (154) of the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH.
- Article (163) of the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH.

Facts:

The facts of this case are as follows: A shipment belonging to the defendant arrived through King Khalid International Airport Customs under Customs Declaration No. (......................) dated 03/02/1445 AH. During the inspection of the defendant's shipments, the customs inspector became suspicious. Upon opening the packages, it was found that the shipment consisted of (headphones, pens, and cufflinks) bearing the logos of international brands, totaling (2497 pens), (9090 cufflinks), and (4983 headphones). These items were detained on suspicion of being counterfeit. The Saudi Authority for Intellectual Property was contacted and confirmed in its letter that the items were indeed counterfeit. Accordingly, seizure report No. (......................) dated 25/08/1445 AH was prepared. The First Instance Committee issued its decision—the subject of this appeal—which reads as follows:

"First: The defendant/Establishment............. (Commercial Registration No.............) is found guilty of customs smuggling."

Second: The defendant/institution .... (Commercial Registration No. ....) is ordered to pay a fine equal to 10% of the value of the smuggled headphones.

Third: The defendant/institution .... (Commercial Registration No. ....) is ordered to pay a fine equal to twice the value of the seized smuggled pens and cufflinks.

Fourth: The seized smuggled items are to be confiscated.

Fifth: Dismissal of all other requests. Upon reviewing the submitted objection memorandum, the Customs Appeals Committee found that it included the following arguments: The first instance committee based its decision on the Saudi Authority for Intellectual Property's technical opinion regarding the proven counterfeiting of the imported items, despite the fact that the trademark owners themselves stated that the trademarks were counterfeit. This renders the decision flawed and subject to absolute annulment. Furthermore, the owner of the establishment argues that the mental element of the crime of customs smuggling is not present, thus negating the criminal intent stipulated in Article (144) of the Unified Customs Law. The items in question were declared but did not enter the Kingdom; rather, they are held by customs. Therefore, the establishment did not import, sell, or conceal them in an attempt to import them. Consequently, the establishment did not violate paragraph (16) of Article (143) of the same Law. Additionally, a type of pen (........................) was not identified as counterfeit in the Saudi Authority for Intellectual Property's letter. Therefore, the committee should request the prosecution to specify the quantity of this item, exclude it from the case, and not impose any associated fine on the establishment. Finally, the matter remains unresolved. The value of the items in question was not based on the grounds stipulated in Article (1) of the Implementing Regulations of the Unified Customs Law, as stated in Clause (Third) of the decision, which imposed a fine equivalent to twice the value of the seized smuggled pens and cufflinks. The decision did not include the legal justifications for this ruling. The appeal concluded with a request to accept the appeal procedurally, annul the first instance decision, acquit the establishment, and confiscate the counterfeit items in question, with the exception of the pens of type (........................). The appellant reserved the right to submit an additional memorandum during the appeal hearing and expressed her readiness to provide any further information or documents.

When the respondent was asked to respond and given the opportunity to do so, she failed to provide the required reply. Based on Paragraph (1) of Article (35) of the Rules of Operation for Zakat, Tax, and Customs Committees, the committee decided to adjudicate the case in light of the available documents.

On Wednesday, 14/01/1447 AH, corresponding to 09/07/2025 AD, at (01:59) PM, the Customs Appeals Committee in Riyadh held its hearing via Video conferencing in accordance with remote visual litigation procedures; based on what was stated in item number (1) of Article fifteen of the Rules of Operation for Zakat, Tax, and Customs

Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH, to consider the appeal submitted by the..................... Establishment against Decision No. (CSR-2025-246084) dated 02/01/2025 AD, issued by the Second First Instance Customs Committee in Riyadh. After reviewing the case file and the appeal submitted by the appellant, the Committee decided to close the pleadings.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH, and the related laws and regulations.

And given that the appellant was notified of the first instance decision on 20/01/2025 AD, and filed an appeal against the decision on 09/02/2025 AD, the appeal is therefore accepted procedurally, as it was submitted by a party with standing within the period stipulated for its filing, in accordance with Article (163) of the Unified Customs Law. Whereas the Customs Appeals Committee has reviewed the case file and its attachments, and whereas, in accordance with Article (144) of the Unified Customs Law, which states: “Criminal liability for the crime of smuggling requires intent, and the applicable penal provisions shall be taken into account in determining this liability. The following shall be considered criminally liable in particular: 1- The principal perpetrators...”, and paragraph (a) of Article (154) of the same Law states: “a- The violation is constituted, and civil liability arises in smuggling crimes, by the availability of its material elements, and the defense of good faith or ignorance is not permissible...”, therefore, there is no reproach against the reviewing authority for the appeal for adopting the Grounds of the decision subject to the appeal without addition whenever it sees in these Grounds what suffices to avoid presenting anything new; because in upholding it, based on its Grounds, it indicates that it did not find in the objections raised against it anything that deserves a response beyond what those Grounds contained. This is not affected by the defenses submitted by the owner of the appellant establishment, which do not change the result reached in the decision. Since the grounds for the appealed decision were sufficient to support its ruling, it was necessary to determine that the arguments presented did not affect the outcome of the decision, thus rendering the appeal without any supporting basis, it must be rejected. However, the Appeals Committee noted that the first instance decision did not specify the amount of the imposed fine in both clauses (Second) and (Third), which necessitated determining it according to the documents contained in the case file, as will be stated in the operative part of this decision. Accordingly, the Committee unanimously concluded to decide the following:

Decision:

First: Acceptance of the appeal procedurally, submitted by [Company ....], Commercial Registration No. .... , owned by [Owner ....], National ID No. .... , against the first instance decision No. (CSR-2025-246084) issued by the Second First Instance Customs Committee in Riyadh.

Second: Non-acceptance of the appeal on its merits, and the operative part of the first instance decision is amended to read as follows:

1- The defendant, [Company ....], is found guilty of customs smuggling.

2- The defendant is ordered to pay a fine equal to 10% of the value of the smuggled headphones, amounting to (864.45) eight hundred and sixty-four riyals and forty-five halalas.

3- The defendant is ordered to pay a fine equal to twice the value of the seized smuggled pens and cufflinks, amounting to (12,375) twelve thousand three hundred and seventy-five Saudi riyals.

4- The seized smuggled items are to be confiscated.

May Allah's peace and blessings be upon our Prophet Muhammad and upon his family and companions.

The First Instance Customs Committee in Riyadh

Decision No. CSR-2025-264919

Case No. PC-2025-264919

Keywords:

Customs - Restrictions - Commercial fraud - Imitation goods - Shoes - No Conviction.

Summary:

- **The Public Prosecution in Jeddah Governorate filed a claim with the Second First Instance Customs Committee in Riyadh against the defendant/..., Commercial Registration No. (...), and her legal representative/..., nationality, Resident ID No. (...), pursuant to seizure report No. (...) dated 01/06/1446 AH, which stated that after inspecting the shipment received under import declaration No. (...) dated 19/04/1446 AH, consisting of (shoes), a report was received from the competent authority stating that they were counterfeit. The First Instance Customs Committee confirmed the accuracy of this report. Consequently: the defendant/..., nationality, Resident ID No. (...), was not convicted of customs smuggling, while the defendant/..., Commercial Registration No. (...), was convicted of customs smuggling and ordered to pay a customs fine equivalent to the value of the smuggled goods, and the smuggled goods were ordered to be confiscated.**

Document:

- Article (142-145) of the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH.

Facts:

The facts of this case are summarized as follows: The Public Prosecution Office in Jeddah received complaint number (......................) dated 29/11/1446 AH, stating that a shipment arrived at Jeddah Islamic Port Customs belonging to the defendant, under import declaration number (.......................) dated 19/04/1446 AH. Upon inspection, the shipment was found to contain shoes bearing the trademarks .... (3,540) and .... (3,480). A letter from the Saudi Authority for Intellectual Property confirmed that the shoes were counterfeit. Accordingly, seizure report number (......................) dated 01/06/1446 AH was prepared. The plaintiff requests that the defendants be found guilty and sentenced to imprisonment, a fine, and confiscation of the seized goods.

On Wednesday, 03/12/2025 AD, the committee convened to consider the case. Upon calling the parties, the Public Prosecutor, [.........], National ID No. [........], appeared by virtue of the authorization issued by the Head of the Public

Prosecution in Riyadh, No. [........], dated 25/08/1443 AH. [.........], a Saudi national, National ID No. [........], appeared as the plaintiff's representative by virtue of Power of Attorney No. [........], dated 12/01/1447 AH, and Attorney's License No. [........]. When the Public Prosecutor was asked about the Public Prosecution's statement of claim in this case, he replied that it did not deviate from what was stated in the statement of claim filed with the General Secretariat of the Zakat, Tax, and Customs Committees. When the defendant was confronted with this, he confirmed that he had nothing to add beyond what was contained in the case file. When both parties were asked if they had any further statements, they replied in the negative. Accordingly, the committee decided to close the pleadings and deliberations.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH, and the relevant laws and regulations.

Procedurally; and after reviewing the subject matter of the case, the Committee has determined that this is a customs dispute, and therefore falls within the jurisdiction of this Committee. Furthermore, the case documents establish that the plaintiff has legal capacity, and the case must be accepted procedurally.

On merits, the committee found that a shipment had arrived at Jeddah Islamic Port Customs belonging to the defendant, under import permit number (..............) dated 19/04/1446 AH. Upon inspection, the shipment was found to contain (3,540) shoes bearing the trademark ...., while (3,480) were received. A letter from the Saudi Authority for Intellectual Property confirmed that the shoes were counterfeit, as per seizure report number (......................) dated 01/06/1446 AH.

Based on Article (142) of the Unified Customs Law, which states that: “Smuggling is the entry or attempted entry of goods into the country or their exit or attempted exit from it in violation of applicable legislation without paying customs duties, in whole or in part, or contrary to the provisions of prohibition or restriction contained in this Law and other regulations and laws”. Article (144) of the same Law also states that: “The following shall be held criminally liable in particular: 1- The principal perpetrators. 2- The accomplices in the crime. 3- The accessory and instigators. 4- The possessors of the smuggled goods. 5- Owners of the means of transport used in the smuggling... 6- Owners or tenants of the shops and premises where the smuggled goods were stored...” Paragraph (4) of Article (145) of the same Law stipulates that: “Without prejudice to any more severe penalty stipulated by other applicable provisions in the State, smuggling and related offenses, and attempts thereof, shall be punishable as follows: 4- If the smuggled goods are prohibited, the penalty shall be a fine of not less than the value of the goods and not more than three times their value, and imprisonment for a period of not less than six months and not more than three years, or one of these two penalties”. Paragraph (5) of Article (145) of the same Law stipulates: “Confiscation of the smuggled goods or a judgment equivalent to their value in the event they are not seized”.

Based on the foregoing, and since it is established by the committee, according to the seizure report in question, that the defendant attempted to import (7,020) counterfeit shoes.

Therefore, the defendant's attempt to import the seized items constitutes customs smuggling. Consequently, the defendant is found guilty of customs smuggling, fined an amount equal to the value of the seized goods, and the smuggled goods are confiscated. All other claims are dismissed.

Regarding the company's legal representative, the plaintiff failed to provide any evidence of his connection to the shipment or his responsibility for the smuggling. Therefore, he is not found guilty of customs smuggling.

Concerning the plaintiff's request for imprisonment, the company's legal representative was not convicted of customs smuggling. Since imprisonment is a custodial sentence with far-reaching consequences, the committee concluded that the sentence imposed was sufficient and dismissed all other claims.

For these reasons, and after deliberation, the committee unanimously decided the following:

Decision:

First: The defendant, [.........], [Nationality], ID No. [ID Number], is not found guilty of customs smuggling.

Second: The defendant, [Company ....], a one-person company, Commercial Registration No. [Commercial Registration Number], is found guilty of customs smuggling.

Third: The defendant, [Company ....], Commercial Registration No. [Commercial Registration Number], is fined (228,300) two hundred twenty-eight thousand three hundred riyals, equivalent to the value of the smuggled goods.

Fourth: The smuggled goods are to be confiscated.

Fifth: All other claims are dismissed.

May Allah's peace and blessings be upon our Prophet Muhammad and upon his family and companions.

The First Instance Customs Committee in Riyadh

Decision No. CSR-2025-264923
Case No. PC-2025-264923

Keywords:

Customs - Restrictions - Commercial fraud - Imitation Goods - Bags - Conviction.

Summary:

- **The Public Prosecution in Riyadh filed a claim with the Second First Instance Customs Committee in Riyadh against the defendant, [.........], National ID No. [........], owner of [.... ....], Commercial Registration No. [........], pursuant to seizure report No. [........] dated 28/02/1446 AH, which stated that after inspecting the shipment received under import declaration No. [........] dated 28/02/1446 AH, consisting of (bags and shoes), a report was received from the competent authority stating that they were counterfeit. The First Instance Customs Committee confirmed the accuracy of this report. Consequently, the defendant, [.........], National ID No. [........], owner of [.... ....], Commercial Registration No. [........], is found guilty of customs smuggling and is obligated to pay a customs fine equivalent to the value of the smuggled goods. The seized smuggled items are to be confiscated.**

Document:

- Article (20) of the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH.
- Articles (142-145) of the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH.

Facts:

The facts of this case are summarized as follows: The Public Prosecution Office in Riyadh received complaint number (.....................) dated 29/11/1446 AH, which included the arrival of a shipment at Riyadh Customs, Dry Port, belonging to the defendant, under import declaration number (.....................) dated 28/02/1446 AH. Upon inspection of the shipment, it was found to contain bags bearing the trademark .... in quantity (270) and the trademark.................. in quantity (270). A letter from the Saudi Authority for Intellectual Property confirmed that the bags were counterfeit. Accordingly, seizure report number (.....................) dated 28/02/1446 AH was prepared. The plaintiff requests that the defendant be found guilty and sentenced to imprisonment, a fine, and confiscation of the seized items.

On Wednesday, 03/12/2025 AD, the committee convened to consider the case. Upon calling the parties, the Public Prosecutor, [.........], National ID No. [........], appeared pursuant to the authorization issued by the Head of the Public Prosecution in Riyadh, No. [........], dated 25/08/1443 AH. The defendant or his representative did not appear, despite having been duly notified. When the Public Prosecutor was asked about the Public Prosecution's statement of claim in this case, he replied that it did not deviate from the statement of claim filed with the General Secretariat of the Zakat, Tax, and Customs Committees. When asked if he had any further statements, the Public Prosecutor replied in the negative. Accordingly, the committee decided to close the pleadings and deliberations.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH, and the relevant laws and regulations.

Procedurally, and after reviewing the subject matter of the case, the Committee has determined that this is a customs dispute, and therefore falls within the jurisdiction of this Committee. Furthermore, it is established from the case documents that the plaintiff filed the case with legal standing, and thus the case must be accepted procedurally.

On merits, the Committee has found that a shipment arrived at Riyadh Customs - Dry Port belonging to the defendant, under Import Declaration No. (......................) dated (28/02/1446 AH). Upon inspection of the shipment, it was found that it contained (270) bags bearing the trademark and (270) other items. The Saudi Authority for Intellectual Property confirmed that the goods were counterfeit, as per seizure report number (.............) dated 28/02/1446 AH.

Based on Article (142) of the Unified Customs Law, which states: “Smuggling is the importation or attempted importation of goods into the country, or their export or attempted export from it in violation of applicable legislation, without paying customs duties or taxes, in whole or in part, or contrary to the prohibitions or restrictions stipulated in this Law and other regulations and laws,” and Article (144) of the same Law states: “The following shall be held criminally liable in particular: 1- The principal perpetrators. 2- Accomplices. 3- Intermediaries and instigators. 4- Possessors of smuggled goods. 5- Owners of the means of transport used in the smuggling... 6- Owners or tenants of the shops and premises where the smuggled goods were stored...”, In addition, Paragraph (4) of Article (145) of the same Law stipulates that: “Without prejudice to any more severe penalty stipulated by other applicable provisions in the State, smuggling and related offenses, and attempts thereof, shall be punishable by the following: 4- If the smuggled goods are prohibited, the penalty shall be a fine of not less than the value of the goods and not more than three times their value, and imprisonment for a period of not less than six months and not more than three years, or one of these two penalties”. Moreover, Paragraph (5) of Article (145) of the same Law stipulates: “Confiscation of the smuggled goods or a judgment of their equivalent value if they are not seized”.

Based on the foregoing, and since it is established by the committee, according to the seizure report in question, that the defendant attempted to import (540) counterfeit bags.

Therefore, the defendant's attempt to import the seized items constitutes customs smuggling. Consequently, the defendant, the owner of the establishment, is found guilty of customs smuggling and ordered to pay a fine equivalent to the value of the seized goods. The smuggled goods are to be confiscated, and all other claims are dismissed.

Regarding the plaintiff's request for a prison sentence, given that the defendant has no prior criminal record, and since the nature and consequences of the charges do not warrant imprisonment, especially since imprisonment is a custodial sentence with far-reaching effects, the committee concludes that the sentence imposed is sufficient and dismisses all other claims.

Regarding the defendant's or his representative's failure to appear at the hearing despite being duly notified, Article (20) of the Rules of Operation for Zakat, Tax, and Customs Committees stipulates that: "If the defendant, his agent, or his representative is notified of the summons or the hearing date—in accordance with Article (Twelve)—or if he, his agent, or his legal representative submits a memorandum of defense and fails to appear, or if he, his agent, or his representative attends any hearing and then is absent thereafter, the decision issued against him shall be considered as rendered in his presence". Since the defendant did not provide an excuse justifying his absence from the committee session convened to consider his case, and since the committee deemed the case ready for adjudication based on the evidence in its file, it concludes by issuing its decision in the case under consideration as rendered in the defendant's presence.

For these reasons, and after deliberation, the committee unanimously decided the following:

Decision:

First: The defendant, [.........] - Saudi national - National ID No. [........], owner of [Establishment ....] - Commercial Registration No. [........], is found guilty of customs smuggling.

Second: The defendant, [.........] - Saudi national - National ID No. [........], owner of [Establishment ....] - Commercial Registration No. [........], is fined (18,900) eighteen thousand nine hundred riyals, equivalent to the value of the smuggled goods.

Third: The smuggled goods are to be confiscated.

Fourth: All other requests are dismissed.

May Allah's peace and blessings be upon our Prophet Muhammad and upon his family and companions.

The First Instance Customs Committee in Riyadh

Decision No. CFR-2025-262810

Case No. PC-2025-262810

Keywords:

Customs - Restrictions - Commercial fraud - Imitation Goods - Fruit - Conviction.

Summary:

- **The Public Prosecution in Jeddah Governorate filed a claim with the First Instance Customs Committee in Riyadh against the defendant/..., Commercial Registration No. (...), and its legal representative/..., nationality, National ID No. (...), pursuant to seizure report No. (...) dated 04/09/2023 AD, which stated that after inspecting the shipment received under import gate No. (...) dated 06/08/1444 AH, consisting of (260) tapes bearing trademarks, the competent authority confirmed that they were counterfeit. The First Instance Customs Committee verified the accuracy of the competent authority's report and found no evidence to support the legal representative's liability. Therefore, the conviction and penalty are limited to the importing company. Consequently, the defendant/..., Commercial Registration No. (...), is found guilty of customs smuggling and is obligated to pay a customs fine equivalent to the value of the smuggled goods. The seized smuggled goods are to be confiscated.**

Document:

- Article (20) of the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH.

- Articles (142-145) of the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH.

Facts:

Whereas the case submitted by the Head of the Public Prosecution in Jeddah, No. (......................) dated 27/08/1446 AH, and the requests contained therein, stated that a shipment arrived under import declaration No. (.........................) dated 06/08/1444 AH, belonging to the defendant/Company........................., Commercial Registration No. (......................), through King Abdulaziz International Airport Customs. The shipment consisted of (260) strips bearing the trademarks of (......................). Samples were taken and examined by the competent authority (Ministry of Commerce), whose response confirmed that the strips were counterfeit. Accordingly, seizure report No. (......................) dated 04/09/2023 AD was prepared.

The plaintiff requests that the defendant be found guilty and sentenced according to the penalty stipulated in Paragraph (4) of Article (145) of the Unified Customs Law, and that the seized goods be confiscated.

On Sunday, 03/08/2025 AD, the committee convened. Upon calling the parties to the case, the Public Prosecutor, [.........], National ID No. [........], appeared pursuant to authorization No. [........], dated 25/08/1443 AH, the defendant, or her representative, failed to appear despite having been duly notified of the hearing date. After reviewing the case file and verifying the presence of the plaintiff's representative, the committee decided to close the proceedings in preparation for issuing its decision.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH, and the relevant laws and regulations.

Procedurally, and after reviewing the subject matter of the case, the Committee has determined that this is a customs dispute, and therefore falls within the jurisdiction of the Customs Committee. Furthermore, the case documents establish that the plaintiff has proper legal capacity, and the case must be accepted procedurally.

On merits, the Committee has found that items bearing counterfeit trademarks of the defendant were received under Customs Declaration No. (......................), and accordingly, Seizure Report No. (......................) dated 04/09/2023 AD was prepared.

Based on Article (142) of the Unified Customs Law, which states that: “Smuggling is the entry or attempted entry of goods into the country, or their exit or attempted exit from it in violation of applicable legislation without paying customs duties, either wholly or partially, or contrary to the prohibitions or restrictions stipulated in this Law and other regulations and laws”. In addition, paragraphs (6, 12, 13) of Article (143) of the same Law state that: “Smuggling includes bypassing the customs circle in entry or exit without declaring the goods, transporting or possessing prohibited or restricted goods without providing evidence supporting their importation or legal transit, or transporting or possessing goods subject to customs authority without proper documentation”, and paragraph (4) of Article (145) of the same Law states that: “Without prejudice to any more severe penalty stipulated by other applicable provisions in the State, smuggling and related offenses, and attempts thereof, shall be punishable as follows: 4- If the goods The penalty for smuggling prohibited goods is a fine of no less than the value of the goods and no more than three times their value, and imprisonment for a period of no less than six months and no more than three years, or one of these two penalties. Paragraph (5) of Article (145) of the same law stipulates: “Confiscation of the smuggled goods or a judgment of their equivalent value if they are not seized”. The Anti-Commercial Fraud Law defines counterfeit products in its first article as any product that does not conform to approved standard specifications. Article Two of the Anti-Commercial Fraud Law stipulates that anyone who imports a counterfeit product is considered in violation of the law. Paragraph (b) of the Implementing Regulations of the Anti-Commercial Fraud Law states: “A product is considered counterfeit if it does not conform to approved standard specifications or any of their provisions”.

Based on the foregoing, and since the committee has established, according to the seizure report in question, that items bearing counterfeit trademarks were received.

Therefore, the defendants' attempt to import the seized goods constitutes customs smuggling, which warrants the defendant's conviction for customs smuggling. The defendant is obligated to pay a customs fine equivalent to the value of the contraband goods, and the smuggled goods are to be confiscated.

The plaintiff directed the request for conviction to [.........] - National ID No. [........] - in its capacity as the legal representative, but failed to submit any evidence in the case file to support his liability. This is particularly relevant given that the defendant company possesses an independent legal personality and its financial liability is separate from the financial liability of each of its partners or owners, in accordance with Article (9) of the Companies Law issued by Royal Decree No. (M/132) dated 01/12/1443 AH. Consequently, the conviction and penalty are limited to the importing company, as its ownership of the contraband shipment is established.

Regarding the plaintiff's request for imprisonment, and given that imprisonment is not applicable to a legal entity, the committee finds that the prison sentence stipulated in the aforementioned paragraph cannot be applied. Therefore, the committee concludes that the sentence already imposed is sufficient and rejects all other requests.

Regarding the defendant's or her representative's failure to appear at the hearing despite being duly notified, and given that Article (20) of the Rules of Operation for Zakat, Tax, and Customs Committees stipulates that: "If the defendant, their agent, or their representative is notified of the statement of claim or the hearing date – in accordance with Article (Twelve) – or if they, their agent, or their legal representative submits a memorandum of defense and fails to appear, or if they, their agent, or their representative attends any hearing and then is absent thereafter, the decision issued against them shall be considered as rendered in their presence”, and since the defendant did not provide an excuse justifying their absence from the committee session convened to consider their case, and since the committee deemed the case ready for adjudication based on the evidence in its file, it concludes by issuing its decision in the case under consideration in the defendant's presence.

For these reasons, and after deliberation, the committee unanimously decided the following:

Decision:

First: The defendant, [Company ....], Commercial Registration No. .... , is found guilty of customs smuggling.
Second: The defendant is ordered to pay a customs fine equivalent to the value of the smuggled goods, amounting to (26,000) twenty-six thousand Saudi Riyals.
Third: The smuggled goods are to be confiscated.
Fourth: All other claims are dismissed.

May Allah's peace and blessings be upon our Prophet Muhammad and upon his family and companions.

The Customs Appeals Committee in Riyadh

Decision No.	CR-2025-233501
Case No.	PC-2024-233501

Keywords:

Customs - Restrictions - Commercial fraud - Imitation goods - Shoes and bags - Conviction.

Summary:

- **The importer requested the annulment of the first instance decision No. (CFR-2024-225916) of 1445 AH, issued by the First Instance Customs Committee in Riyadh, which convicted the importer of customs smuggling, imposed a customs fine, and ordered the confiscation of the seized goods. The Appeals Committee determined that the arguments presented by the importer in his appeal did not negate the proven attempt to import counterfeit goods into the country, as confirmed by the competent authority, nor did they absolve him of his obligation to comply with customs regulations. Furthermore, his claim of lack of intent was rejected, as the assessment of intent falls within the sole discretion of the reviewing authority, provided its conclusion is reasonable. Consequently, the appeal was dismissed, and the first instance decision was upheld in its entirety.**

Document:

- Article (163) of the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH.

Facts:

The facts of this case are as follows: A shipment belonging to the appellant arrived through the Riyadh Dry Port Customs under import declaration number (.................) dated 08/04/1442 AH. The documents stated that the shipment consisted of "miscellaneous items." However, upon inspection, it was found that the actual shipment consisted of "shoes and bags" bearing the trademarks (......................). After presenting the shipment to the competent authority at the Ministry of Commerce and Investment, a statement was received confirming that the goods bore registered trademarks and were therefore in violation of the Trademark Law and could not be released. The First Instance Committee in Riyadh issued its decision, whose ruling states the following:

The defendant, Establishment ...., Commercial Registration No. (...............), owned by .... - a Saudi national - National ID No. (..................), is found guilty in absentia of customs smuggling.

The defendant is ordered to pay a fine equivalent to the value of the violating items.

The violating items in question are to be confiscated.

Upon reviewing the submitted appeal brief, the Customs Appeals Committee found that it contained the following points: The appealed decision violated regulations because it incorrectly considered the goods' passage through customs as smuggling. Furthermore, the decision failed to establish intent, a prerequisite for punishment. The charges were not properly investigated, and the necessary legal procedures for a trial to ascertain the truth were not followed. The customs report and all evidence were considered valid basis for the ruling. The importer submitted a memorandum responding to the charges, but this memorandum was neither addressed nor included in the issued decision, constituting a deficiency in its reasoning. The goods are a fashion brand belonging to the defendant and bear no trademark. The report and the decision failed to mention the counterfeit brand, nor did they identify the brands that were imitated. The counterfeiting was not proven by a technical authority by specifying the aspects of the imitation and the regulatory protection number for these goods. The owner of the establishment did not refuse to pay the tax according to the tariff. The decision did not clarify whether the goods were delivered to the establishment or confiscated, nor did the report indicate whether the goods were prohibited or restricted from entering the Kingdom. Finally, the information contained in the product valuation report is insufficient. The goods were not smuggled because they were not seized outside the customs zone, which indicates an intent to smuggle them. If the goods had been prohibited or restricted from entry, customs would not have assessed their value or allowed their entry in the first place. Furthermore, the owner of the establishment did not admit to smuggling the goods but rather admitted ownership of them, and this admission does not prove the charge. The petition concluded with a request to accept the objection procedurally and on the merits, annul the decision, and rule again to dismiss the case.

On Thursday, 09/07/1446 AH (corresponding to 09/01/2025 AD), at 01:33 PM, the Customs Appeals Committee held its hearing to consider the appeal submitted by the [......... of Establishment] against Decision No. (CFR-2024-225916) dated 15/02/2024 AD, issued by the First Instance Customs Committee in Riyadh. After reviewing the case file and the appeal submitted by the appellant, the committee decided to close the pleadings.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/4/1445 AH, and the relevant laws and regulations.

And given that the appellant was notified of the first instance decision on 05/03/2024 AD, and filed an appeal against the decision on 18/03/2024 AD, the appeal is therefore accepted procedurally, as it was submitted by a party with legal capacity within the period stipulated for such proceedings, in accordance with Article (163) of the Unified Customs Law.

After reviewing the case file and its contents, and considering the arguments presented by the parties, And given that the Ministry of Commerce and Investment's statement attached to the case file established that it limited the description of counterfeiting to two trademarks (..................... and.....................) to the exclusion of the remaining trademarks, this committee is obligated to limit the conviction, fine, and confiscation imposed to those two trademarks only, excluding the others included in the shipment. The appellant's arguments in his appeal brief do not invalidate this conclusion, as they do not contradict the established fact that the importer attempted to bring counterfeit goods into the country. The customs procedures related to the entry of the shipment require the importer to observe the general duty stipulated by the customs system, which entails compliance with all requirements of the customs system and other relevant regulations concerning the release of the shipment. This obligation was not fulfilled by the importer, as the counterfeiting of the two trademarks (......) and (.......) included in the shipment was established by the Ministry of Commerce and Investment's statement, being the competent authority. Furthermore, the appellant's assertion that his argument that the first instance ruling did not include proof of intent as a condition for punishment is refuted, given that intent is a matter of fact that falls within the exclusive jurisdiction of the court hearing the case, as long as its approach to determining intent is reasonable, supported by the circumstances of the case and the surrounding evidence, and does not contradict them. Furthermore, the indications and evidence established by that court are sufficient in themselves to reveal that intention and purpose, and to attest to its existence, without requiring it to explicitly and independently address criminal intent. Therefore, his argument in this regard is problematic, in reality, as a challenge to the freedom and authority of the court hearing the cas in assessing and weighing the evidence and considering the indications it deems valid for establishing its conviction, provided that these indications do not contradict what is logically sound and acceptable according to the principles of sound reasoning. Accordingly, and since the Appeals Committee found nothing in the submitted petition that would affect the conclusion it reached, as previously stated, it is hereby decided to uphold the first instance ruling regarding the conviction for customs smuggling, the imposed fine, and the confiscation. With their focus on the two categories of shoes and bags that were proven to have been counterfeited with the trademarks (.............) and (...............), the committee concluded with the following:

Decision:

First: Acceptance of the appeal procedurally, submitted by [Company ....], Commercial Registration No. .... , and its owner, [.........], National ID No. .... , against the first instance decision No. (CFR-2024-225916) issued by the First Instance Customs Committee in Riyadh.

Second: On the merits, upholding of the first instance decision in its ruling of conviction, fine, and confiscation, limited to the two types of shoes and bags proven to have been counterfeited with the two trademarks [... , ...], for the reasons and grounds stated in this decision.

May Allah's peace and blessings be upon our Prophet Muhammad and upon his family and companions.

The Customs Appeals Committee in Riyadh

Decision No. CR-2025-240195

Case No. PC-2024-240195

Keywords:

Customs - Restrictions - Customs Smuggling - Shisha Tobacco - Tobacco - Conviction.

Summary:

- **The importer requested the annulment of the first instance decision No. (CFR-2024-233996) issued by the First Instance Customs Committee in Riyadh, which found the importer guilty of customs evasion in absentia, imposed a customs fine, and ordered the confiscation of the smuggled goods and the means of transport, or requiring the importer to pay their value as compensation for confiscation if confiscation was not possible. The Appeals Committee found no evidence linking the appellant to the goods in question, nor proving his ownership of the means of transport, which was designated for passenger transport. Therefore, the Committee concluded that the appellant was not guilty of customs evasion due to insufficient evidence. However, this does not preclude the confiscation of the goods in question, as they were not imported according to proper procedures. Consequently, the first instance decision is upheld in paragraph (3) concerning the confiscation of the goods, and all other paragraphs are annulled.**

Document:

- Article (153) of the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH.
- Article (163) of the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH.

Facts:

The facts of this case are as follows: While the defendant was driving a vehicle of the type (.....................) bearing license plate number (.................), it was flagged by automated systems. Upon inspection by a passenger officer, (150) cartons of cigarettes and (24) cartons of shisha tobacco were found concealed in a sophisticated manner. The defendant had created a locked box within the luggage compartment and another box behind the restroom, making them difficult to detect. They were also hidden in the side panels of the bus, taking advantage of the difficulty in dismantling and accessing the contraband. Accordingly, seizure report number (.....................) was prepared on 12/06/1445 AH. The First Instance Committee issued its decision—which is the subject of this appeal—stating the following: “1. The defendant, [.........], [Nationality], passport number (......................), is found guilty in absentia of customs smuggling. 2. He is ordered to pay a fine equal to twice the customs duties on the seized items. 3. The seized items are to be confiscated. 4. Confiscation of the means of transport prepared, equipped, and used in smuggling, or compensation equivalent to its value if confiscation is not possible”.

Upon reviewing the appeal brief submitted by the appellant's lawyer, the Customs Appeals Committee found that it included the following arguments: the defendant is merely a public transport driver (passenger transport), and the presence of prohibited items in the vehicle does not necessarily imply that his client was smuggling them. He further argued that one cannot disclose something without sufficient knowledge of its existence, rendering the Committee's reliance on the provisions of Article (143/6/12/13) inapplicable to his client. Moreover, the Committee failed to establish his client's connection to the seized items or his knowledge of them. His arguments concluded by stating that the Customs Committee failed to consider that the vehicle was for public transport and was neither rented nor intended for smuggling. The Committee's reliance on the fact that the prohibited items were in a newly constructed compartment in the luggage area or restroom did not definitively prove that these compartments were created specifically for smuggling. The appeal concluded with a request to accept the appeal procedurally and substance, to annul the decision in paragraphs (1, 2, and 4), and to acquit the appellant of the charges against him.

After requesting a response from the respondent and enabling her to exercise her right to reply, and since she failed to provide the required response, and based on paragraph (1) of Article (35) of the Rules of Operation for Zakat, Tax, and Customs Committees, the committee decided to adjudicate the case in light of the available documents.

On Thursday, 06/09/1446 AH, corresponding to 06/03/2025 AD, at 2:00 PM, the Customs Appeals Committee in Riyadh held its hearing via Video conferencing in accordance with remote visual litigation procedures; based on what was stated in item number (1) of Article fifteen of the rules of operation for the Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH. To consider the appeal submitted by (......................) against Decision No. (CFR-2024-233996) dated 03/07/2024 AD, issued by the First Instance Customs Committee in Riyadh, and after reviewing the case file and the appeal submitted by the appellant, the committee decided to close the pleadings.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/4/1445 AH, and the relevant laws and regulations.

And given that the appellant was notified of the first instance decision on 09/07/2024 AD, and filed an appeal against the decision on 31/07/2024 AD, the appeal is therefore accepted procedurally, as it was submitted by a party with legal capacity within the period stipulated for its filing, in accordance with Article (163) of the Unified Customs Law.

It is established in the rules of litigation that the correct application of the law is an obligation upon the court hearing the case, and it must rule accordingly on its own initiative, without requiring a request from the litigants. Therefore, the court has broad authority in assessing the facts, assigning them their due description, and correctly classifying them, without being bound by the characterization of the plaintiff or the opposing party. This authority rests on the court's own conviction and the nature of the evidence and inferences derived from them, upon which it relies and bases its judgment, provided that the relevant documents within the case file do not contradict the conclusions drawn and the court's established belief and conviction in resolving the dispute, and provided that its deduction is sound, valid, and leads to the conclusion reached. This aligns with Article (153) of the Law of Criminal Procedures, which stipulates that "the court is not bound by the description contained in the statement of claim and must give the act the description it deserves, even if it contradicts the description contained in the statement of claim...". The Appeals Committee, after reviewing the case file and the appealed decision, found no evidence of the appellant's connection to the seized items, subject matter of the case , in addition to the lack of proof of his ownership of the means of transport (the bus) designated for transporting passengers, leads the committee to conclude that he is not guilty of customs smuggling due to insufficient evidence. However, this does not prevent the confiscation of the items seized in the case, as they were not brought in according to the legal procedures. Therefore, the committee unanimously concluded the following:

Decision:

First: Acceptance of the appeal procedurally, submitted by [.........], passport number [.......], against the first instance ruling No. (CFR-2024-233996) issued by the First Instance Customs Committee in Riyadh.

Second: On the merits, upholding of the first instance ruling in paragraph (3) concerning the confiscation of the seized items, and the provisions of paragraphs (1, 2, and 4) of the first instance ruling are overturned, for the reasons and grounds stated in this ruling.

May Allah's peace and blessings be upon our Prophet Muhammad and upon his family and companions.

The Customs Appeals Committee in Riyadh

Decision No. CAR-2025-247996

Case No. PC-2025-247996

Keywords:

Customs - Restrictions - Customs smuggling - Violation affecting product quality - Conviction.

Summary:

- **The importer requested the annulment of the first instance decision No. (CFR-2025-246683) issued by the First Instance Customs Committee in Riyadh, which rejected the petition for reconsideration and upheld the first instance decision in its entirety. The Appeals Committee found that the appellant relied on paragraphs (b/1), (d/1), and (f/1) of Article (200); however, the appellant failed to submit any conclusive documents that could not be presented before the ruling, and did not fulfill the requirements of Articles (2/b) and (3) of Article (51) of the Implementing Regulations. Furthermore, the appellant's claim that the ruling awarded more than requested was rejected, as the value of the goods was calculated according to the customs declaration submitted by the appellant, which included a single, indivisible item. The Committee also confirmed the validity of the notification procedures via the Hayad System, email, and text messages. Consequently, the appeal was rejected, and the first instance decision was upheld in its entirety.**

Document:

- Article (2) of the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH.
- Article (163) of the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH.
- Article (200) of the Law of Sharia Procedures, issued by Royal Decree No. (M/1) dated 22/01/1435 AH.
- Article (51) of the Implementing Regulations for Methods of Appealing Judgments issued by the Minister of Justice, dated 05/1/1445 AH.

Facts:

The facts of this case are as follows: The appellant submitted a petition for reconsideration of Decision No. (CFR-2022-597) issued by the First Instance Customs Committee in Riyadh. The Customs Committee issued its decision—the subject of this appeal—which reads as follows:

"Non-acceptance of the petition for reconsideration".

Upon reviewing the submitted objection memorandum, the Customs Appeals Committee found that it included, in summary, the claim of fraud and influence on the ruling by the Authority, given that it was not clarified to the Committee that the violation was only on part of the shipment, which would result in overturning the decision and acquitting the company of the charges against it. Also, the case file does not contain a letter of initiation submitted by the Authority, as the attached document is an undocumented form without a number or date and is therefore not valid, which results in dismissing the case. Furthermore, the company was not notified of the dates of the sessions to present its defenses, which means that the decision was issued in absentia against it. The company's representative also argues that the violation was a minor deviation from the approved specification and does not affect the health and safety of the consumer, and is a formal violation according to Article (31/6) of the Implementing Regulations of the Unified Customs Law. Moreover, The First Instance Committee ruled against what was requested, given that the quantity and value ruled against exceeded the violation. The company concluded by requesting acceptance of the appeal, overturning the decision, acquitting the company of the charges against it and considering the violation as a formality, or dismissing the case due to the absence of a letter of initiation of the case that conforms to the trial instructions. Upon reviewing the respondent's response memorandum, the Customs Appeals Committee found that it included a summary argument for the validity of the first instance Customs Committee's decision under appeal. The memorandum further stated that the value of the non-compliant item, upon which the fine was based, was determined according to the value declared by the appellant in the customs declaration for the non-compliant item, amounting to (252,229) riyals. The appellant declared this item as a single item and subjected it to the same tariff code. Therefore, the appellant is responsible for what was declared, as the random sample sent for analysis represents the entire declared item and cannot be divided. The memorandum also argued that the violation affects product quality and has a direct impact on the consumer. The appellant concluded by requesting that the appeal be dismissed and the first instance decision upheld in its entirety.

Upon reviewing the appellant's response to the respondent's memorandum, the Customs Appeals Committee found that it did not deviate from the points previously raised in the appeal brief. The appellant concluded by requesting the reversal of the decision and the dismissal of the case due to its lack of proper documentation, or by limiting the violation to the tested model and not the entire shipment.

On Thursday, 08/01/1447 AH (corresponding to 03/07/2025 AD), at 12:50 PM, the Customs Appeals Committee in Riyadh held its hearing via Video conferencing in accordance with remote visual litigation procedures; based on what was stated in item number (1) of Article fifteen of the rules of operation for the Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH, to consider the appeal submitted by the company........................ against Decision No. (CFR-2025-246683) dated 02/02/2025 AD, issued by the First Instance Customs Committee in Riyadh, and after reviewing the case file and the appeal submitted by the appellant, the committee decided to close the pleadings.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing The Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/4/1445 AH, and the relevant laws and regulations.

Whereas the appellant was notified of the first instance decision on 03/03/2025 AD, and filed an appeal against the decision on 10/03/2025 AD, the appeal is therefore accepted procedurally, as it was submitted by a party with standing within the period prescribed for its filing, in accordance with Article (163) of the Unified Customs Law.

Whereas it is established for the Committee that the appellant based her appeal on paragraphs (b/1), (d/1), and (f/1) of Article (200) of the Law of Sharia Procedures, which stipulates that: "1. Any of the litigants has the right to request a review of final judgments in the following the cases: (b) If the petitioner obtains, after the judgment, conclusive documents in the case that he was unable to produce before the judgment. (d) If the judgment ruled on something that the litigants did not request or ruled on more than what they requested. (e) If the judgment was rendered in absentia. Since the objection based on paragraph (b) is conditional upon the submission of the conclusive documents in dispute that would affect the course of the judgment, and since the appellant did not submit them, and since paragraph (2/b) and paragraph (3) of Article (51) of the Implementing Regulations for Methods of Objecting to Judgments stipulate that: "2. The memorandum of objection requesting a review must include, as the case may be, the following data and attachments: (b) If the objection request is in accordance with the case (b) of paragraph (1) of Article (200) of the Law, the request must include evidence of the inability to produce the conclusive documents before the judgment. 3. If the objection does not meet what is stated in paragraphs (1) and (2) of this article, the court shall rule on its own accord that it is inadmissible". Whereas the objection based on paragraph (d) is conditional on the request including a statement of the judgment that was issued without the request of the litigants, or that was issued for more than what the litigants requested, and whereas the appellant argues that the violation was on a part of the consignment only and not on the whole consignment, therefore the value of the item was determined according to the value declared in the customs declaration by the appellant for the violating item, which she declared as only one item and subjected it to the same item; This is in accordance with the definition of a customs declaration in paragraph (26) of Article (2) of the Unified Customs Law, which states that it is: "A statement of goods, or an acknowledgment or declaration submitted by the owner of the goods or his representative, which includes a detailed identification of the distinguishing elements of the declared goods and their quantities, in accordance with the provisions of this Law". Therefore, the appellant is responsible for what was declared in the customs declaration, since, according to the respondent's reply, the random sample sent for analysis represents the declared item in its entirety and cannot be divided. As for the appellant's reliance on paragraph (f), and since, upon reviewing the notifications through the Hayad System for the first instance case, it is clear that notification of the session date and the decision issued was sent via email and text messages, and since the matter was as stated, the committee unanimously concluded to decide the following:

Decision:

First: Acceptance of the appeal procedurally, submitted by [Company ....], Commercial Registration No. .... , against the first instance decision No. (CFR-2025-246683) issued by the First Instance Customs Committee in Riyadh.

Second: Non-acceptance of the appeal on its merits, and upholding the first instance decision in its entirety that it ruled, for the reasons and grounds stated in this decision.

May Allah's peace and blessings be upon our Prophet Muhammad and upon his family and companions.

The Customs Appeals Committee in Riyadh

Decision No. CAR-2025-247146

Case No. PC-2025-247146

Keywords:

Customs - Restrictions - Customs smuggling - Tobacco - Conviction.

Summary:

- **The importer requested the annulment of the first instance decision No. (CSR-2024-244465) issued by the Second First Instance Customs Committee in Riyadh, which convicted the importer in absentia of customs smuggling, imposed a customs fine, and ordered the confiscation of the smuggled goods and the means of transport used for the purpose. The Appeals Committee determined that the penalty of confiscating the means of transport is conditional upon proving its use in smuggling through the creation of hidden compartments or modifications, which was not proven. Therefore, paragraph (Third) of the decision should be annulled. The Committee also found that the fine stipulated in paragraph (Second) was not specified, and upon reviewing the valuation report, it was found to be (344) riyals. Consequently, the decision should be amended within the aforementioned limits and upheld in all other respects.**

Document:

- Article (163) of the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH.

Facts:

The facts of this case are as follows: The appellant, [.........], National ID No. [........], arrived at the Khafji Customs Office driving a [Type ....] vehicle bearing license plate number [.........]. When asked what he wished to declare, he stated he had 20 packs of cigarettes. Upon inspecting the vehicle, as he exited and moved towards the front of the vehicle carrying a colorless plastic bag, he dropped the bag in front of the vehicle and kicked it with his right foot, apparently intending to conceal the contraband underneath. This action was observed by local surveillance. A further 23 packs of cigarettes were found hidden beneath the vehicle, bringing the total to 43 packs. Accordingly, seizure report No. [........], dated 26/11/1445 AH, was prepared.

Whereas the case was presented to the Second First Instance Customs Committee in Riyadh, which issued its decision—the subject of this appeal—No. (CSR- 2024- 244465), which reads as follows:

"**First:** The defendant, [.........] (National ID No. ....), is found guilty of customs smuggling.

Second: The defendant/.................. (National ID No. ....) is ordered to pay a fine equal to twice the customs duties on the seized goods.

Third: The vehicle used, prepared, and equipped for smuggling is to be confiscated.

Fourth: The smuggled goods are to be confiscated.

Fifth: Dismissal of all other requests.

Upon reviewing the submitted appeal brief, the Customs Appeals Committee found that it summarized the argument that the vehicle was neither prepared nor equipped for smuggling, as it had no cut or cavity. Furthermore, the seized goods were not hidden under the vehicle but were on the ground beneath it. The brief argued that liability could not be established in this case due to the small quantity of goods, which was not concealed and was not found hidden inside the vehicle. It emphasized that all the seized goods were for personal use. The brief concluded by requesting that the appeal be accepted, the appealed decision be annulled, and the confiscation of the vehicle not be ordered.

Upon requesting a response from the respondent (the Public Prosecution) and enabling it to exercise its right to reply, the required response was not provided. Based on paragraph (1) of Article (35) of the Rules of Operation for Zakat, Tax, and Customs Committees, the committee decided to adjudicate the case in light of the available documents.

On Wednesday, 21/01/1447 AH, corresponding to 16/07/2025 AD, at 02:49 PM, the Customs Appeals Committee in Riyadh held its hearing via Video conferencing in accordance with remote visual litigation procedures; based on what was stated in item number (1) of Article fifteen of the rules of operation for the Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH, to consider the appeal submitted by..................... against Decision No. (CSR-2024-244465) dated 22/12/2024 AD, issued by the Second First Instance Customs Committee in Riyadh, and after reviewing the case file and the appeal submitted by the appellant, the Committee decided to close the pleadings.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/4/1445 AH, and the relevant laws and regulations.

Whereas the appellant was notified of the first instance decision on 09/01/2025 AD, and filed an appeal against the decision on 13/01/2025 AD, the appeal is therefore accepted procedurally, as it was submitted by a party with legal capacity within the period stipulated for its filing, in accordance with Article (163) of the Unified Customs Law.

After reviewing the case file and its contents, and considering the defenses submitted by the appellant; and whereas the conclusions reached in paragraphs (First, Second, Fourth, and Fifth) of the appealed decision, there is no reproach against the reviewing authority for the appeal for adopting the Grounds of the decision subject to the appeal without addition - with respect to those paragraphs - whenever it sees in these Grounds what suffices to avoid presenting anything new; because in upholding it, based on its Grounds, it indicates that it did not find in the objections raised against it anything that deserves a response beyond what those Grounds contained. Therefore, it is necessary to conclude that the presented defenses do not affect the outcome of the decision with respect to the aforementioned paragraphs, rendering the appeal without merit and necessitating its dismissal. With respect to paragraph (Third) of the operative part of the appealed decision concerning the confiscation of the means of transport; whereas the imposition of this penalty is conditionally linked to the extent to which the means of transport itself was used to smuggle the seized materials——such as fabricating secret compartments or pockets within the means of transport to be used for smuggling accordingly——and whereas making such alterations to the means of transport has not been proven as previously detailed, annulment of paragraph (Third) of the operative part of the appealed decision is therefore required. Furthermore, the Appellate Committee noted the non-specification of the sentenced amount in the customs fine penalty contained in paragraph (Second) of the operative part of the appealed decision; whereas upon reviewing the case file and the valuation report prepared by the Zakat, Tax and Customs Authority, it is evident that the sentenced fine amount is (344) Three Hundred Forty-Four Saudi Riyals.

Based on the foregoing, and after deliberation, the Committee unanimously decided the following:

Decision:

First: Acceptance of the appeal procedurally, submitted by [.........], National ID No. .... , against the first instance decision No. (CSR-2024-244465) issued by the Second First Instance Customs Committee in Riyadh.

Second: On the merits, upholding of the first instance decision in paragraphs (1, 2, 4, and 5), with the ommission of paragraph (3), for the reasons and grounds stated in this decision.

May Allah's peace and blessings be upon our Prophet Muhammad and upon his family and companions.

The Customs Appeals Committee in Riyadh

Decision No. CAR-2025-116

Case No. PC-2024-245692

Keywords:

Customs - Restrictions - Customs smuggling - Conviction.

Summary:

The importer requested the annulment of the first instance decision No. (CFR-2024-240634) issued by the First Instance Customs Committee in Riyadh, which rejected the petition for consideration. The Appeals Committee found that the importer's claim of document forgery was unsubstantiated. Furthermore, the Committee noted that the importer's reliance on paragraph (g/1) of Article (200) of the Law of Sharia Procedures failed to identify his representative or explain the invalidity of that representation. The Committee determined that the importer's claim amounted to nothing more than a clerical error in the name, without affecting the shipment details. Consequently, the Committee found no legal basis for the submitted defenses and upheld the first instance decision in its entirety.

Document:

- Article (163) of the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH.
- Article (200) of the Law of Sharia Procedures, issued by Royal Decree No. (M/1) dated 22/01/1435 AH.

Facts:

The facts of this case are as follows: The appellant company submitted a petition for reconsideration of the decision issued by the First Instance Customs Committee in Riyadh, No. (CFR-2022-3015). The Customs Committee issued its decision—the subject of this appeal—which reads as follows:

"Non-acceptance of the petition for consideration."

Upon reviewing the submitted objection brief, the Customs Appeals Committee found that it included the following arguments: the petition was filed in accordance with Article (g/1) of Article (200) of the Law of Sharia Procedures, given that the decision pertained to another institution unrelated to the appellant; the decision was only made known on 20/07/2024 AD; the promissory note had been used in more than one the case, constituting forgery according to paragraph (a/200) of the same article; the decision was not properly served, thus preventing the appeal from being filed according to Article (163) of the Unified Customs Law; the appellant institution also argued that it was unaware of the shipment in question and did not recognize it, asserting that the customs broker was responsible; and the appeal concluded with a request to overturn the decision and reconsider the case, and, as a precautionary measure, to ensure the promissory notes in the other the cases matched the promissory note in the main case, to ensure proper representation in the case, and to hold the customs broker and the official responsible for receiving the documents accountable for any penalties resulting from this shipment.

Upon reviewing the respondent's memorandum, the Customs Appeals Committee found that it contained a summary argument for the validity of the first instance Customs Committee's decision under appeal. The memorandum stated that the shipment arrived in the company's name bearing its commercial registration and all the documents it had submitted, which were used to prepare the customs declaration and complete all customs procedures. It concluded with a request to dismiss the appeal and uphold the first instance decision in its entirety.

Upon reviewing the appellant's response to the respondent's memorandum, the Customs Appeals Committee found that it did not deviate from the arguments presented in the appeal brief. The appellant concluded by requesting acceptance of the appeal, a retrial, and the original undertaking and analysis authorization for examination.

On Thursday, 03/11/1446 AH (corresponding to 01/05/2025 AD), at 9:57 AM, the Customs Appeals Committee in Riyadh held its hearing via Video conferencing in accordance with remote visual litigation procedures; based on what was stated in item number (1) of Article fifteen of the rules of operation for the Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH, to consider the appeal submitted by the Establishment............... against Decision No. (CFR-2024-240634) dated 06/10/2024 AD, issued by the First Instance Customs Committee in Riyadh, and after reviewing the case file and the appeal submitted by the appellant, the Committee decided to close the pleadings.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing The Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/4/1445 AH, and the relevant laws and regulations.

Whereas the appellant was notified of the first instance decision on 14/10/2024 AD, and filed an appeal against the decision on 02/11/2024 AD, the appeal is therefore accepted procedurally, as it was submitted by a party with legal capacity within the period prescribed for its filing, in accordance with Article (163) of the Unified Customs Law.

Whereas, upon reviewing the case file and its contents, the Customs Appeals Committee finds, as stated in the appeal brief, that the appellant is basing his claim on paragraph (A/1) of Article (200) of the Law of Sharia Procedures, which stipulates that: "1. Any party to a final judgment may request a review of the judgment in the following the case s: (a) If the judgment was based on documents that were subsequently found to be forged, or on testimony that was subsequently ruled by the competent authority to be perjury. Since an objection based on paragraph (a) is conditional upon attaching evidence proving the forgery of the document or the ruling that the testimony was perjury, as stipulated in Article 51 of the Implementing Regulations for Methods of Objecting to Judgments, and the appellant failed to do so, it is evident that the customs declaration was registered in the name of the establishment, and all customs and commercial transactions were conducted in the name of the establishment and bear its seal, including the non-disposal undertaking certified by the Chamber of Commerce. Regarding the appellant's claim of forgery of the submitted documents, and based on Article (158) of the Unified Customs Law, which stipulates that: "Owners of goods, employers, and carriers of goods are responsible for the actions of their employees and all those working on their behalf with respect to the duties and taxes collected by the Customs Department and the fines and confiscations stipulated in this Law and resulting from such actions." The business," and since the customs broker is subordinate to the owner of the goods by virtue of the authorization issued by him, and since the relationship between the importer and the customs broker is a contractual relationship between them, each of them has the right to recourse against the other, and since the shipment in question is in the name of the institution, and the undertaking submitted for its temporary release includes its seal and the certification of the Al-Ahsa Chamber, therefore, all the data included in it and the responsibility for verifying its accuracy falls on the appellant, and since there is no fault in the body reviewing the appeal without adding anything whenever it sees in these reasons what suffices to render the introduction of anything new unnecessary, because in its support based on its reasons it indicates that it did not find in what was directed at it anything that warrants a response beyond what was included in those reasons, and this is not affected by what the appellant argues regarding paragraph (g/1) of Article (200) of the Law of Sharia Procedures, which stipulated that: "1. Any of the litigants has the right to request a review of final judgments in the following cases: (g) If the judgment was issued against someone who was not properly represented in the case. The objection based on paragraph (g) is conditional upon specifying the representative in the case and the reason for the improper representation. It is established that the petitioner argues that the decision was issued against a different institution. Upon reviewing the decision subject to the request, it appears that there is only an error in writing the name of the institution, while the content of the decision, the statement based on which the import was authorized, the type of violation, and the shipment are correct. The request lacks the condition necessary for its acceptance. Since the grounds for the appealed decision are sufficient to support its ruling, it must be determined that the presented defenses do not affect the outcome of the decision. Therefore, the appeal is without basis and must be rejected. Accordingly, the committee unanimously decided the following:

Decision:

First: Acceptance of the appeal procedurally, submitted by [Company ....], Commercial Registration No. .... , owned by [.........], National ID No. .... , against the first instance decision No. (CFR-2024-240634) issued by the First Instance Customs Committee in Riyadh.

Second: Non-acceptance of the appeal on its merits, and upholding of the first instance decision in its entirety, for the reasons and grounds stated in this decision.

May Allah's peace and blessings be upon our Prophet Muhammad and upon his family and companions.

The Customs Appeals Committee in Riyadh

Decision No. CAR-2025-246465

Case No. PC-2024-246465

Keyword:

Customs - Restrictions - Customs smuggling - Diesel - Conviction.

Summary:

- **The importer requested the annulment of the first instance decision No. (CSR-2024-239956) issued by the Second First Instance Customs Committee in Riyadh. This decision found the importer guilty of customs smuggling, imposed a customs fine, and ordered the confiscation of the smuggled goods. The Appeals Committee determined that the shipment in question was exported under Declaration No. (...), and that laboratory results revealed high levels of diesel fuel in the two samples, specifically (75.5%) and (67.86%), exceeding the legal limit of (5%). The Committee held that the difference in percentages did not affect the ruling, as it resulted from storage conditions and the inherent properties of petroleum products. Consequently, the first instance decision was upheld in its entirety.**

Document:

- Article (163) of the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH.

Facts:

The facts of this case are summarized as follows: The Public Prosecution Office in Al-Ahsa Governorate received the Public Prosecution's statement No. (.......................) dated 19/01/1446 AH, which stated that the defendant exported a shipment through Al-Batha Customs under Export Declaration No. (.......................) dated 07/08/1444 AH. After samples were taken and the first sample was sent to the (.......................) laboratory, the result was received under Report No. (.......................) dated 11/04/2023 AD, indicating that it contained diesel fuel at a rate of (67.86%). The second sample was sent to the (.......................) laboratory, and the result was received under Report No. (.......................) dated 13/03/2023 AD, indicating that it contained diesel fuel at a rate of (75.5%). According to the fuel marking, this exceeds the permissible limit of (5%). Based on this, the seizure report No. (.......................) dated 01/04/1445 AH was prepared. The First Instance Committee issued its decision—the subject of this appeal—whose ruling states the following:

"First: The defendant/............... (National ID No. (..................), owner/Establishment................. (Commercial Registration No..................) is found guilty of customs smuggling.

Second: The defendant/.................... (National ID No. ....), owner/Establishment.................. (Commercial Registration No................) is ordered to pay a fine equivalent to the value of the undeclared diesel.

Third: The defendant/.............. (National ID No...................), owner of Establishment..................... (Commercial Registration No. ....) is ordered to pay a fine equivalent to the value of the undeclared diesel as compensation for confiscation.

Fourth: All other requests are dismissed".

Upon reviewing the submitted objection, the Customs Appeals Committee found that it included a summary of the claim that Customs had not complied with the provisions of the Director General of Customs Circular No. (........................) dated 20/07/1433 AH, which stipulates: "The competent committee shall withdraw three samples from each shipment, sending one sample to the laboratory in containers designated for this purpose with secret numbers, accompanied by the approved form for submitting technical information". For shipments, two samples are retained by customs after being sealed pending the results. If the results show that the sample contains subsidized petroleum products and the concerned party objects, one of the retained samples is sent to another laboratory. If the examination confirms the first result, the case is referred to the legal department. If the two results conflict, a third sample is analyzed to determine which is correct, and the necessary procedures are completed accordingly. The appellant, the owner of the establishment, argues that the evidence relied upon by the respondent is not conclusive, given that high-quality laboratories typically produce identical results, or if they do not match, the difference is negligible. She also argues that there was no criminal intent in the case and concludes by requesting the annulment of the appealed decision.

The respondent was asked to respond And given the opportunity to do so, but failed to provide the required reply. Based on paragraph (1) of Article (35) of the Rules of Operation for Zakat, Tax, and Customs Committees, the committee decided to adjudicate the case in light of the available documents.

On Wednesday, 01/12/1446 AH, corresponding to 28/05/2025 AD, at (01:48) PM, the Customs Appeals Committee in Riyadh held its hearing via Video conferencing in accordance with remote visual litigation procedures; based on what was stated in item number (1) of Article fifteen of the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH, to consider the appeal submitted by .... against Decision No. (CSR-2024-239956) dated 29/10/2024 AD, issued by the Second First Instance Customs Committee in Riyadh. After reviewing the case file and the appeal submitted by the appellant, the committee decided to close the pleadings.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/4/1445 AH, and the relevant laws and regulations.

The appellant was notified of the first instance decision on 19/11/2024 AD, and filed an appeal on 03/12/2024 AD. Therefore, the appeal is accepted procedurally, as it was submitted by a party with standing within the period stipulated by Article (163) of the Unified Customs Law.

Upon reviewing the case file and its attachments, and in accordance with the submitted appeal brief and the attached customs declaration, the Customs Appeals Committee found that the appellant exported the shipment in question under Export Declaration No. (......................) dated 07/08/1444 AH. Examination of the first sample revealed it contained (75.5%) diesel fuel, while the second sample showed (67.86%). Paragraph (3) of the Director General of Customs Circular No. (......................) dated 20/07/1433 AH stipulates that: "The competent committee shall withdraw three samples from each shipment, sending one sample to the laboratory". The containers designated for this purpose are marked with secret numbers and include the approved form for submitting technical information for the shipments. Two samples are retained by customs after being sealed until the results are received. If the results show that the sample contains subsidized petroleum products and the concerned party objects to the result, one of the two retained samples is sent to another laboratory. If the examination confirms the first result, the matter is referred to the legal department. If the two results conflict, a third sample is analyzed to determine which is correct, and the necessary procedures are completed accordingly. The percentages mentioned in the laboratory report are considered high, as the permissible limit is (5%). The determining factor in a violation, according to the laboratory results, is exceeding (5%), regardless of any discrepancies. The discrepancies usually arise from variations in the proportion of aromatic substances and certain chemical compounds that make up diesel fuel—or are mixed with it—namely, the two substances: nitrogen oxide and sulfur. These are affected by storage and temperature factors. The discrepancies are not considered significant because the exceedance is substantially above the permissible limit. Therefore, the appellate authority is not at fault and will not add anything further if it deems appropriate. These reasons render any further additions unnecessary, as their support, based on the reasons already provided, indicates that the committee found nothing in the objections raised that warranted a response beyond what those reasons already contained. Since the reasons for the appealed decision were sufficient to support its ruling, it was necessary to conclude that the submitted defenses had no effect on the outcome of the decision, rendering the appeal without supporting grounds and therefore requiring its rejection. Given the aforementioned circumstances, the committee unanimously decided the following:

Decision:

First: Acceptance of the appeal procedurally, submitted by [.........], National ID No. .... , owner of [Establishment ....], Commercial Registration No. .... , against the first instance decision No. (CSR-2024-239956) issued by the Second First Instance Customs Committee in Riyadh.

Second: Non-acceptance of the appeal on its merits, for the reasons and grounds stated in this decision.

May Allah's peace and blessings be upon our Prophet Muhammad and upon his family and companions.

The Customs Appeals Committee in Riyadh

Decision No. CR-2025-233077

Case No. PC-2024-233077

Keywords:

Customs - Restrictions - Customs smuggling - Tube of medical cream - Conviction.

Summary:

- **The Public Prosecution requested a review of the first instance decision No. (1840) of 1443 AH, issued by the First Instance Customs Committee in Riyadh. This decision convicted the importer, imposed a customs fine, and ordered the confiscation of the goods involved in the case. However, the Appeals Committee determined that the court hearing the case had the authority to determine the appropriate penalty in accordance with the circumstances and the conduct of the offender. Furthermore, the Public Prosecution's request lacked any justification for its application of the regulations and merely sought an increased penalty without providing any reasoning. Therefore, the appeal was rejected, and the first instance decision was upheld in its entirety.**

Document:

- Article (163) of the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH.

Facts:

The facts of this case are as follows: Upon the export of a shipment with declaration number (........................) dated 25/05/1442 AH, the Jeddah Islamic Port Customs received a report indicating suspicion regarding the container. The X-ray inspection team discovered (2200) tubes of medical cream (........................) that were not declared on the declaration and invoice. These tubes were seized by customs, and seizure report number (........................) was prepared on 04/07/1442 AH. The First Instance Committee issued its decision, whose ruling states the following: “1- The defendant, [Company ....], Commercial Registration No. (........................), owned by [.........], a Saudi national, National ID No. (........................), is found guilty in absentia of customs smuggling. 2- The defendant is obligated to pay a customs fine equivalent to the value of the seized goods, amounting to (20,790) twenty thousand seven hundred and ninety riyals. 3- The seized goods in question are to be confiscated. Upon reviewing the appeal brief, the Customs Appeals Committee found that it included a summary of the Public Prosecution's request to reconsider the decision and to impose a penalty on the defendant commensurate with the severity of the violation committed, in order to deter him from repeating the offense".

On Thursday, 02/07/1446 AH (corresponding to 02/01/2025 AD), at 9:50 AM, the Customs Appeals Committee convened to consider the appeal submitted by the Public Prosecution against Decision No. (1840) of 1443 AH, dated 24/08/1443 AH, issued by the Second First Instance Customs Committee in Riyadh. After reviewing the case file and the appeal submitted by the appellant, the Committee decided to close the pleadings.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/4/1445 AH, and the relevant laws and regulations.

Since the appellant was notified of the first instance decision on 17/08/2022 AD, and filed an appeal on 16/09/2022 AD, the appeal is accepted procedurally, as it was submitted by a party with legal capacity within the period stipulated by Article (163) of the Unified Customs Law.

The Customs Appeals Committee found that the Public Prosecution's sole request in its appeal was for a review of the appealed decision in order to impose a penalty on the defendant commensurate with the severity of the violation committed, thereby deterring him from repeating the offense and discouraging others from committing similar violations. The court reviewing the case has full authority to determine the appropriate penalty based on the circumstances of the case and the conduct of the offender. Since the Public Prosecution did not allege any error in the application of the law in this regard, and its request was limited to seeking a harsher penalty, the Appeals Committee disregarded the Public Prosecution's request due to its lack of substantive grounds for examination. And to fulfill the Public Prosecution's request to review the imposed sentence, and since the matter was as stated, the committee concluded by reporting the following:

Decision:

First: Acceptance of the appeal procedurally, submitted by the Public Prosecution against First instance decision No. (1840) of 1443 AH, dated 24/08/1443 AH, issued by the First Instance Customs Committee in Riyadh.

Second: Non-acceptance of the appeal on its merits, and upholding of the first instance decision in its entirety, for the reasons and grounds stated in this decision.

May Allah's peace and blessings be upon our Prophet Muhammad and upon his family and companions.

The First Instance Customs Committee in Riyadh

Decision No. CSR-2025-264392

Case No. PC-2025-264392

Keywords:

Customs - Restrictions - Customs smuggling - Fabrics and clothing - Conviction.

Summary:

- **The Public Prosecution in Hafr Al-Batin Governorate filed a claim with the Second First Instance Customs Committee in Riyadh against the defendant, [.........], National ID No. [........], owner of [.... ....], Commercial Registration No. [........], pursuant to seizure report No. [........] dated 05/01/1446 AH, which stated that after inspecting the shipment received under import declaration No. [........] dated 22/12/1445 AH, consisting of (460) pieces of (fabrics and women's clothing), it was observed that some other items had been included that were not declared. The First Instance Customs Committee determined that these items are restricted from entering the Kingdom, and their non-declaration constitutes customs smuggling. Consequently, the defendant, [.........], National ID No. [........], owner of [.... ....], Commercial Registration No. [........], was found guilty of customs smuggling and ordered to pay a customs fine equivalent to four times the customs duties on the smuggled goods, and their confiscation was ordered.**

Document:

- Article (142-145) of the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH.

Facts:

The facts of this case are summarized as follows: The Public Prosecution Office in Hafr Al-Batin Governorate received a complaint, No. (........................) dated 14/11/1446 AH, stating that a shipment arrived at Al-Ruqai Customs belonging to the defendant. The shipment was declared as (460) pieces of women's fabrics and clothing, according to import document No. (........................) dated 22/12/1445 AH. Upon inspection of the shipment, it was discovered that it contained undeclared items: 10 pieces of fabric of Syrian origin, totaling 390 meters; 190 pieces of fabric with no country of origin, totaling 6350 meters; and 77 pieces of women's clothing of Turkish origin. Accordingly, seizure report No. (........................) dated 05/01/1446 AH was prepared. The plaintiff requests that the defendant be found guilty and sentenced to imprisonment, a fine, and aggravated punishment, and that the seized items be confiscated.

On Wednesday, 03/12/2025 AD, the committee convened to consider the case. Upon calling the parties, the Public Prosecutor, [.........], National ID No. [........], appeared pursuant to the authorization issued by the Head of the Public Prosecution in Riyadh, No. [........], dated 25/08/1443 AH. Also present was [.........], a Saudi national, National ID No. [........], in its capacity as owner of [Establishment ....], Commercial Registration No. [........]. When the Public Prosecutor was asked about the Public Prosecution's statement of claim in this case, he replied that it did not deviate from what was stated in the statement of claim filed with the General Secretariat of the Zakat, Tax, and Customs Committees. When the defendant was confronted with this, he confirmed that he had nothing to add beyond what was contained in the case file. When both parties were asked if they had any further statements, they replied in the negative. Accordingly, the committee decided to close the pleadings and deliberations.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing The Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH, and the relevant laws and regulations.

Procedurally; and after reviewing the subject matter of the case, the Committee has determined that this is a customs dispute, and therefore falls within the jurisdiction of this Committee. Furthermore, the case documents establish that the plaintiff has proper legal capacity, and the case must be accepted procedurally.

On merits, the Committee has found that a shipment arrived at the Al-Ruqai Customs Office belonging to the defendant, declared as consisting of (460) pieces of women's fabrics and clothing, as per Import Declaration No. (.........................) dated (22/12/1445 AH). Upon inspection of the shipment, it was discovered that it contained undeclared items, namely: 10 pieces of fabric of Syrian origin totaling 390 meters; 190 pieces of fabric with no country of origin labeled, totaling 6350 meters; and 77 pieces of women's clothing of Turkish origin. This was documented in seizure report number (.........................) dated 05/01/1446 AH.

Based on Article (142) of the Unified Customs Law, which states: "Smuggling is the importation or attempted importation of goods into the country, or their export or attempted export from it in violation of applicable legislation, without paying customs duties or taxes, in whole or in part, or contrary to the prohibitions or restrictions stipulated in this Law and other regulations and laws", and Article (144) of the same Law, which states: "The following shall be held criminally liable in particular: 1- The principal perpetrators. 2- Accomplices. 3- Intermediaries and instigators. 4- Possessors of smuggled goods. 5- Owners of means of transport used in smuggling... 6- Owners or tenants of shops and places where smuggled goods were deposited...". Paragraph (1) of Article (145) of the same Law stipulates that: "Without prejudice to any more severe penalty stipulated by other texts in force in the State, smuggling and what is considered as such, and attempting either of them, shall be punished as follows: 1- If the smuggled goods are subject to high customs duties, the penalty shall be a fine of not less than twice the customs duty due and not more than three times the customs duty, or twice the value of the goods, whichever is higher, and imprisonment for a period of not less than one month and not more than one year, or one of these two penalties".

Paragraph (2) of Article (145) of the same Law stipulates that: "2- As for other goods, the penalty shall be a fine of not less than twice the customs duty due, and not exceeding the value of the goods, and imprisonment for a period of not less than one month and not exceeding one year, or one of these two penalties". Paragraph (5) of Article (145) of the same Law stipulates: "The goods subject to smuggling shall leave the country, or a judgment shall be issued for an amount equivalent to their value if they are not seized".

Based on the foregoing, and since it is established by the committee, according to the seizure report in question, that the defendant attempted to import 10 pieces of fabric of Syrian origin totaling 390 meters, 190 pieces of fabric without a country of origin totaling 6350 meters, and 77 pieces of women's clothing of Turkish origin without declaring them.

Therefore, the defendant's attempt to import the seized items constitutes customs smuggling. Consequently, the defendant, the owner of the establishment, is found guilty of customs smuggling and ordered to pay a fine equal to four times the value of the customs duties on the seized goods. The smuggled goods are to be confiscated, and all other claims are dismissed.

Regarding the plaintiff's request for imprisonment, given that the defendant has no prior criminal record, and considering that this aligns with established principles in criminal law, including the presumption of innocence and freedom from all charges, and because imprisonment is a custodial sentence with far-reaching consequences, the committee concludes that the sentence imposed is sufficient and dismisses all other claims.

For these reasons, and after deliberation, the committee unanimously decides the following:

Decision:

First: The defendant, [.........] - Saudi national - National ID No. [........] - owner of [Establishment ....] - Commercial Registration No. [........] - is found guilty of customs smuggling.

Second: The defendant, [.........] - Saudi national - National ID No. [........] - owner of Wadi Talih Trading Establishment - Commercial Registration No. [........] - is fined [with an amount of] forty thousand five hundred and sixty-three riyals and twenty halalas, equivalent to four times the customs duties on the seized goods.

Third: The seized smuggled goods are to be confiscated.

Fourth: Dismissal of all other requests.

May Allah's peace and blessings be upon our Prophet Muhammad and upon his family and companions.

The First Instance Customs Committee in Riyadh

Decision No. CFR-2025-265749

Case No. PC-2025-265749

Keywords:

Customs - Restrictions - Customs smuggling - Shisha tobacco- Shisha tobacco flavor - Conviction.

Summary:

- **The Public Prosecution in Al-Khafji Governorate filed a claim with the First Instance Customs Committee in Riyadh against the defendant, [.........], National ID No. [........], pursuant to seizure report No. [........] dated 04/12/1446 AH, which included the seizure of the importer in possession of 1000 grams of shisha tobacco and 148 undeclared shisha tobacco flavors. The First Instance Customs Committee determined that these items are restricted from entering the Kingdom, and their non-declaration constitutes customs smuggling. Consequently, the defendant, [.........], National ID No. [........], is found guilty of customs smuggling and is obligated to pay a customs fine equivalent to twice the customs duties on the smuggled goods. The vehicle used in the smuggling operation and the smuggled goods themselves are also ordered to be confiscated.**

Document:

- Articles (142-145) of the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH.
- Article (20) of the Rules of Operation for Zakat, Tax, and Customs Committees, issued by Royal Decree No. (25744) dated 08/04/1445 AH.

Facts:

The facts of this case are summarized in the indictment submitted by the Public Prosecution in Al-Khafji Governorate, No. (........................) dated 01/01/1447 AH, which states that while the defendant was arriving at Al-Khafji Customs driving a vehicle of type (........................) bearing license plate number (........................), a search of the vehicle revealed (1.000) grams of shisha tobacco, as well as (148) flavors of Shisha tobacco, found inside the fuel tank. Accordingly, seizure report No. (........................) dated 04/12/1446 AH was prepared. The plaintiff requests that the defendant be found guilty and sentenced to imprisonment, a customs fine, confiscation of the seized items, and an award equivalent to the value of the vehicle.

On Thursday, 27/11/2025 AD, the First Instance Customs Committee in Riyadh convened to consider the case. Upon calling the parties, the Public Prosecutor, [.........], National ID No. [........], appeared pursuant to authorization No. [........], dated 25/08/1443 AH. The defendant, or his representative, failed to appear despite having been duly notified of the hearing date. After verifying the Public Prosecutor's legal capacity and reviewing the case file, the Committee determined it was ready for adjudication. The Committee then asked the Public Prosecutor if he wished to add anything beyond what he had already presented, to which he replied that he had already done so. Accordingly, the Committee decided to close the pleadings in preparation for issuing its decision.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing The Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH, and the relevant laws and regulations.

Procedurally; and after reviewing the subject matter of the case, the Committee has determined that this is a customs dispute, and therefore falls within the jurisdiction of this Committee. Furthermore, the case documents establish that the plaintiff has proper legal capacity, and the case must be accepted procedurally.

On merits, the committee found that while the defendant was driving a vehicle of type (.........................) bearing license plate number (.........................) at the Khafji Customs, a search of the vehicle revealed (1,000) grams of shisha tobacco and (148) flavor packets of shisha tobacco, found inside the fuel tank, as documented in seizure report number (.........................) dated 04/12/1446 AH.

Based on Article (142) of the Unified Customs Law, which states: “Smuggling is the importation or attempted importation of goods into the country, or their export or attempted export from it in violation of applicable legislation without paying customs duties, either wholly or partially, or in contravention of the prohibitions or restrictions stipulated in this Law and other regulations and laws”, and Article (144) of the same Law states: “The following shall be held criminally liable in particular: 1- The principal perpetrators. 2- The accomplices in the crime. 3- Interveners and instigators. 4- Possessors of smuggled goods. 5- Owners of the means of transport used in smuggling... 6- Owners and tenants of the shops and premises where the smuggled goods were stored...”. Paragraph (1) of Article (145) of the same Law stipulates that: “If the smuggled goods are subject to high customs duties, the penalty shall be a fine of not less than twice the customs duty due and not more than three times the customs duty, or twice the value of the goods, whichever is higher, and imprisonment for a period of not less than one month and not more than one year, or one of these two penalties”. Paragraph (5) of Article (145) of the same Law stipulates: “Confiscation of the smuggled goods or a judgment equivalent to their value in the event they are not seized”. Paragraph (6) of Article (145) of the same Law stipulates: “Confiscation of the means of transport, tools, and materials used in smuggling, with the exception of public means of transport, such as ships, airplanes, trains, and public cars, unless they were prepared or rented for this purpose, or the ruling is for an amount equivalent to its value if it is not seized”.

Based on the foregoing, and given that it is established by the seizure report in question that the defendant was found in possession of (1,000) grams of shisha tobacco and (148) flavors of shisha tobacco, and upon reviewing the statement record, it was found that the defendant admitted ownership of the seized items and that they were intended for sale.

Therefore, the defendant's attempt to import the seized items constitutes customs smuggling. Consequently, the defendant is found guilty of customs smuggling and is ordered to pay a fine equivalent to twice the customs duties on the smuggled items. The vehicle used in the smuggling is to be confiscated, as the defendant concealed the items in a sophisticated manner by placing them inside the fuel tank, making them invisible to the naked eye, with the intent to smuggle. The smuggled items are also to be confiscated.

Regarding the request for imprisonment, the defendant has no prior criminal record. Furthermore, imprisonment is a custodial sentence with far-reaching consequences. The committee concluded that the previous rulings were sufficient and rejected all other requests.

Regarding the defendant's or his representative's failure to attend the hearing despite proof of proper notification, Article (20) of the Rules of Operation for Zakat, Tax, and Customs Committees stipulates that: "If the defendant, his agent, or his representative is notified of the statement of claim or the hearing date—in accordance with Article (Twelve)—or if he, his agent, or his legal representative submits a memorandum of defense and fails to appear, or if he, his agent, or his representative attends any hearing and then is absent thereafter, the decision issued against him shall be considered as rendered in his presence". Since the defendant did not provide an excuse justifying his absence from the committee session convened to consider his case, and since the committee deemed the case ready for adjudication based on the available evidence in its file, it concluded by issuing its decision in the case under consideration as rendered in the defendant's presence.

For these reasons, and after deliberation, the committee unanimously decided the following:

Decision:

First: The defendant, [.........] - a Saudi national - National ID No. [........], is found guilty of customs smuggling.

Second: The defendant is ordered to pay a customs fine equal to twice the value of the customs duties on the smuggled goods, amounting to (4,464) four thousand four hundred and sixty-four Saudi Riyals.

Third: The vehicle used in the smuggling operation, a [Type ....], manufactured in 2018, bearing license plate number [.........], is confiscated.

Fourth: The smuggled goods are confiscated.

Fifth: All other requests are dismissed.

May Allah's peace and blessings be upon our Prophet Muhammad and upon his family and companions.

The First Instance Customs Committee in Riyadh

Decision No. CFR-2025-265772

Case No. PC-2025-265772

Keywords:

Customs - Restrictions - Customs smuggling - Tobacco - Conviction.

Summary:

- **The Public Prosecution in Jeddah Governorate filed a claim with the First Instance Customs Committee in Riyadh against the defendant, [.........], National ID No. [........], pursuant to seizure report No. [........] dated 24/08/1445 AH, stating that after inspecting the shipment arriving under import declaration No. [........] dated 11/04/1444 AH, which consisted of a caravan, it was observed that another item, namely tobacco weighing 6500 kilograms, had been imported without declaration. The First Instance Customs Committee determined that these items are restricted from entering the Kingdom, and their non-declaration constitutes customs smuggling. Consequently, the defendant, [.........], National ID No. [........], was found guilty of customs smuggling and ordered to pay a customs fine equivalent to twice the customs duties on the smuggled goods, which were also ordered to be confiscated.**

Document:

- Articles (142-145) of the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH.
- Article (20) of the Rules of Operation for Zakat, Tax, and Customs Committees, issued by Royal Decree No. (25711) dated 08/04/1445 AH.

Facts:

The facts of this case are summarized as follows: The Public Prosecution Office in Jeddah received complaint number (........................) dated 01/01/1447 AH, stating that a shipment of a caravan belonging to the defendant arrived through Jeddah Islamic Port Customs under import declaration number (........................) dated 11/04/1444 AH. Upon inspection of the shipment, tobacco weighing (6500) kilograms was found inside the caravan's roof. Accordingly, seizure report number (........................) dated 24/08/1445 AH was prepared. The plaintiff requests that the defendant be found guilty and sentenced to imprisonment, a customs fine, and confiscation of the seized goods.

On Sunday, 30/11/2025 AD, the First Instance Customs Committee in Riyadh convened to consider the case. Upon calling the parties, the Public Prosecutor, [.........], National ID No. [........], appeared pursuant to authorization No. [........], dated 25/08/1443 AH. The defendant, or his representative, failed to appear despite having been duly notified of the hearing date. After verifying the Public Prosecutor's legal capacity and reviewing the case file, the Committee determined it was ready for adjudication. The Committee then asked the Public Prosecutor if he wished to add anything beyond what he had already presented, to which he replied that he had already done so. Accordingly, the Committee decided to close the pleadings in preparation for issuing its decision.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH, and the relevant laws and regulations.

Procedurally; and after reviewing the subject matter of the case, the Committee has determined that this is a customs dispute, and therefore falls within the jurisdiction of this Committee. Since it is established from the case documents that the plaintiff has proper legal capacity, the case must be accepted procedurally.

On merits, the committee found that a shipment of a caravan belonging to the defendant arrived through Jeddah Islamic Port Customs under import declaration number (........................) dated 11/04/1444 AH. Upon inspection of the actual shipment, tobacco weighing (6500) kilograms was found inside the caravan's roof, as documented in seizure report number (........................) dated 24/08/1445 AH.

Based on Article (142) of the Unified Customs Law, which stipulates that: “Smuggling is the importation or attempted importation of goods into the country, or their export or attempted export from it in violation of applicable legislation without paying customs duties, either wholly or partially, or in contravention of the prohibitions or restrictions stipulated in this Law and other regulations and law”, and Article (144) of the same Law, which stipulates that: “The following shall be held criminally liable in particular: 1- The principal perpetrators. 2- The accomplices in the crime. 3- Those involved in and inciting the smuggling. 4- Those in possession of the smuggled goods. 5- Owners of the means of transport used in the smuggling... 6- Owners and tenants of the shops and premises where the smuggled goods were stored...”. Paragraph (1) of Article (145) of the same Law stipulates that: “If the smuggled goods are subject to high customs duties, the penalty shall be a fine of not less than twice the customs duty due and not more than three times the customs duty, or twice the value of the goods, whichever is higher, and imprisonment for a period of not less than one month and not more than one year, or one of these two penalties”. Paragraph (5) of Article (145) of the same Law stipulates: “The goods subject to smuggling shall be confiscated, or a judgment shall be issued for an amount equivalent to their value if they are not seized”.

Based on the foregoing, and since it is established by the committee, according to the seizure report in question, that the defendant was found in possession of tobacco weighing (6500) kilograms.

Therefore, the defendant's attempt to import the seized items constitutes customs smuggling, which warrants his conviction for customs smuggling. He is ordered to pay a fine equal to twice the customs duties on the smuggled goods, and the smuggled goods are to be confiscated.

Regarding the request for imprisonment, the defendant has no prior criminal record. Since imprisonment is a custodial sentence with far-reaching consequences, the committee concluded that the sentence already imposed was sufficient and rejected all other requests.

Regarding the defendant's or his representative's failure to appear at the hearing despite being duly notified, Article (20) of the Rules of Operation for Zakat, Tax, and Customs Committees stipulates that: "If the defendant, his agent, or his representative is notified of the statement of claim or the hearing date—in accordance with Article (Twelve)—or if he, his agent, or his legal representative submits a memorandum of defense and fails to appear, or if he, his agent, or his representative attends any hearing and then is absent thereafter, the decision issued against him shall be considered as rendered in his presence". Since the defendant did not provide an excuse justifying his absence from the committee session convened to consider his the case, and since the committee deemed the case ready for adjudication based on the evidence in its file, it concludes by issuing its decision in the case under consideration as rendered in the defendant's presence.

For these reasons, and after deliberation, the committee unanimously decided the following:

Decision:

First: The defendant, [.........] - a Saudi national - National ID No. [........], is found guilty of customs smuggling.

Second: The defendant is ordered to pay a customs fine equal to twice the value of the customs duties on the smuggled goods, amounting to (1,040,000) one million and forty thousand Saudi Riyals.

Third: The smuggled goods are to be confiscated.

Fourth: All other claims are dismissed.

May Allah's peace and blessings be upon our Prophet Muhammad and upon his family and companions.

The First Instance Customs Committee in Riyadh

Decision No. CSR-2025-111

Case No. PC-2024-261087

Keywords:

Customs - Restrictions - Customs smuggling - Chewing tobacco - Conviction.

Summary:

- **The Public Prosecution in Jeddah Governorate filed a claim with the Second First Instance Customs Committee in Riyadh against the defendant, [.........], [Nationality ....], [Residence ID No. ....], pursuant to seizure report No. [Reference ....] dated 13/11/1445 AH, which included the seizure of the importer in possession of two bags of chewing tobacco weighing 46,240 grams, which had not been declared. The First Instance Customs Committee determined that these items are restricted from entering the Kingdom, and failure to declare them constitutes customs smuggling. Consequently, the defendant, [.........], [Nationality ....], [Residence ID No. ....], is charged with customs smuggling and ordered to pay a customs fine equivalent to twice the customs duties on the smuggled goods, with the goods being confiscated.**

Document:

- Articles (142-145) of the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH.
- Article (20) of the Rules of Operation for Zakat, Tax, and Customs Committees, issued by Royal Decree No. (25711) dated 08/04/1445 AH.

Facts:

The facts of this case are summarized in the indictment submitted by the Public Prosecution in Jeddah Governorate, No. (.........................) dated 28/06/1446 AH, which states that while the defendant was arriving at Jeddah Islamic Port Customs via the ship .... No. (.........................) coming from Port Sudan, the bag she was carrying aroused suspicion. When asked what she wished to declare, she replied that she was not carrying any restricted or prohibited items. Upon inspecting the defendant's luggage, two bags of chewing tobacco weighing 46,240 grams were found hidden inside incense sticks. Accordingly, seizure report No. (.........................) dated 13/11/1445 AH was prepared. The plaintiff requests that the defendant be convicted and sentenced according to paragraph (1) of Article (145) of the Unified Customs Law, and that the seized items be confiscated.

On Tuesday, 25/03/2025 AD, the committee convened to consider the case. Upon calling the parties, the Public Prosecutor, [.........], National ID No. [........], appeared pursuant to authorization No. [........], dated 25/08/1443 AH. The defendant or her representative did not appear, despite proof of proper notification. When the Public Prosecutor was asked about the Public Prosecution's statement of claim in this case, he replied that it did not deviate from the statement of claim filed with the General Secretariat of the Zakat, Tax, and Customs Committees. When the Public Prosecutor was asked if he had any further statements, he replied in the negative. Accordingly, the committee decided to close the pleadings and deliberations.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH, and the relevant laws and regulations.

Procedurally, and after reviewing the subject matter of the case, the Committee has determined that this is a customs dispute, and therefore falls within the jurisdiction of this Committee. Furthermore, it is established from the case documents that the plaintiff has proper legal capacity, and thus the case must be accepted procedurally.

On merits, the Committee has found that the defendant was found in possession of (2) bags of chewing tobacco weighing (46,240) grams, which were found concealed inside incense sticks, as per the seizure report No. (.........................) dated 13/11/1445 AH.

Based on Article (142) of the Unified Customs Law, which states that: "Smuggling is the entry or attempted entry of goods into the country or their exit or attempted exit from it in violation of applicable legislation without paying customs duties (fees) in whole or in part, or contrary to the provisions of prohibition or restriction contained in this Law and other regulations and laws", Article (144) of the same Law also states that: "The following shall be considered criminally liable in particular: 1- The principal perpetrators. 2- The accomplices in the crime. 3- The accessory and instigators. 4- The possessors of the smuggled materials. 5- Owners of the means of transport used in the smuggling... 6- Owners and tenants of the shops and premises where the smuggled goods were stored...". Paragraph (1) of Article (145) of the same Law stipulates that: "If the smuggled goods are subject to high customs duties, the penalty shall be a fine of not less than twice the customs duty due and not more than three times the customs duty, or twice the value of the goods, whichever is higher, and imprisonment for a period of not less than one month and not more than one year, or one of these two penalties". Paragraph (5) of Article (145) of the same Law stipulates: "Confiscation of the smuggled goods or a judgment of their equivalent value if they are not seized".

Based on the foregoing, and since it is established by the committee, according to the seizure report in question, that the defendant was found in possession of (2) bags of chewing tobacco weighing (46,240) grams.

Therefore, the defendant's attempt to import the seized items constitutes customs smuggling. Consequently, the defendant is found guilty of customs smuggling and ordered to pay a fine equivalent to twice the customs duties on the seized items. The smuggled items are to be confiscated. Regarding the request for imprisonment, and because imprisonment is a custodial sentence with far-reaching consequences, the committee concluded that the existing penalties imposed on the defendant are sufficient and rejected all other requests.

As for the defendant's or her representative's failure to appear at the hearing despite proof of proper notification, Article (20) of the Rules of Operation for Zakat, Tax, and Customs Committees stipulates that: "If the defendant, or his/her agent, or his/her representative is notified of the summons or the hearing date—in accordance with Article (Twelve)—or if he/she, or his/her agent, or his/her representative submitted a memorandum of defense but did not attend, or if he, his agent, or his representative attended a session and then was absent, the decision issued against him is considered to have been rendered in his presence. Since the defendant did not provide an excuse justifying his absence from the committee session convened to consider his case, and since the committee deemed the case ready for adjudication based on the evidence in its file, it concludes by issuing its decision in the case under consideration in the presence of the defendant.

For these reasons, and after deliberation, the committee unanimously decided the following:

Decision:

First: The defendant/.............. (Sudanese passport number ....) is charged with customs smuggling.

Second: The defendant/............. (Sudanese passport number..............) is ordered to pay a fine equal to twice the customs duties on the seized goods.

Third: The smuggled goods are to be confiscated.

Fourth: All other claims are dismissed.

May Allah's peace and blessings be upon our Prophet Muhammad and upon his family and companions.

The First Instance Customs Committee in Riyadh

Decision No. CFR-2025-272672

Case No. PC-2025-272672

Keywords:

Customs - Restrictions - Customs smuggling - Fireworks - Conviction.

Summary:

- **The Public Prosecution in the Jazan region filed a claim with the First Instance Customs Committee in Riyadh against ten importers, pursuant to seizure report number (...) dated 18/05/1447 AH, which detailed the seizure of ten bags of undeclared fireworks weighing 171,000 grams. The First Instance Customs Committee determined that these items are restricted from entering the Kingdom, and their non-declaration constitutes customs smuggling. Consequently, the ten importers were charged with customs smuggling and ordered to jointly pay a customs fine equivalent to the value of the seized goods, which were also ordered to be confiscated.**

Document:

- Articles (142-145) of the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH.
- Article (20) of the Rules of Operation for Zakat, Tax, and Customs Committees, issued by Royal Decree No. (25711) dated 08/04/1445 AH.

Facts:

The facts of this case are summarized in the indictment submitted by the Public Prosecution in the Jazan region, No. (.........................) dated 10/06/1447 AH, which states that while security patrols in the Border Guard sector of Al-Harth Governorate were conducting their field work, (10) individuals were observed attempting to cross the border into the country. They were dealt with according to the requirements of the situation, resulting in their arrest. Each of them was found in possession of (1) bag of fireworks weighing (17,000) grams, and the total weight of the seized fireworks was (171,000) grams. Through investigative procedures, it became clear that there was a recipient, so a plan was devised, resulting in his arrest, namely the defendant/ .... The recipient was waiting for the smugglers behind the security fence to receive the seized items. He was caught in the act after loading the contraband. The arrest took place at the location called (...........) and is approximately (..............) kilometers from the border.

Accordingly, the seizure report No. (................) dated 18/05/1447 AH, the plaintiff requested that the defendants be convicted, sentenced to imprisonment and a customs fine, and that the seized goods be confiscated.

On Tuesday, 09/12/2025 AD, the First Instance Customs Committee in Riyadh held its hearing to consider the case. Upon calling the parties to the case, the Public Prosecutor, [.........], National ID No. [........], appeared by virtue of authorization No. [........], dated 25/08/1443 AH. Neither the defendants nor their representatives appeared, despite proof of proper notification. After verifying the identity of the party present and reviewing the case file, the committee asked the Public Prosecutor if he wished to add anything beyond what he had already presented. He replied that he had already stated his position. Therefore, the committee decided to close the pleadings in preparation for issuing its decision.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH, and the relevant laws and regulations.

Procedurally; and after reviewing the subject matter of the case, the Committee has determined that this is a customs dispute, and therefore falls within the jurisdiction of this Committee. Furthermore, it is established from the case documents that the plaintiff has proper legal capacity, and thus the case must be accepted procedurally.

On merits, the Committee has determined that the defendants were each found in possession of one (1) bag of fireworks weighing (17,000) grams, with the total weight of the seized items amounting to (171,000) grams, as documented in Seizure Report No. (.........................) dated 18/05/1447 AH. Based on Article (142) of the Unified Customs Law, which states that: "Smuggling is the importation or attempted importation of goods into the country, or their export or attempted export from it in violation of applicable legislation without paying customs duties (taxes) in whole or in part, or contrary to the prohibition or restriction provisions contained in this Law and other regulations and laws", and Article (144) of the same Law states that: "The following shall be held criminally liable in particular: 1- The principal perpetrators. 2- The accomplices in the crime. 3- The accessory and instigator. 4- The possessors of the smuggled goods. 5- Owners of the means of transport used in the smuggling... 6- Owners and tenants of the shops and premises where the smuggled goods were stored...". Paragraph (4) of Article (145) of the same Law stipulates that: "If the smuggled goods are prohibited, the penalty shall be a fine of not less than the value of the goods and not more than three times their value, and imprisonment for a period of not less than six months and not more than three years, or one of these two penalties". Paragraph (5) of Article (145) of the same Law stipulates: "Confiscation of the smuggled goods or a judgment equivalent to their value in the event they are not seized".

Based on the foregoing, and since it is established for the committee, according to the seizure report in question, that the defendants were found in possession of fireworks weighing (171,000) grams.

Therefore, the defendants' attempt to import the seized items constitutes customs smuggling. Therefore, the defendants are found guilty of customs smuggling and jointly liable for a customs fine equivalent to the value of the smuggled goods. The smuggled goods are also confiscated.

Regarding the request for imprisonment, the defendants have no prior criminal record. Since imprisonment is a custodial sentence with far-reaching consequences, the committee concluded that the existing penalties imposed on them are sufficient and rejected all other requests.

Regarding the absence of the defendants or their representatives from the hearing despite proof of proper notification, And given that Article (20) of the Rules of Operation for Zakat, Tax, and Customs Committees stipulates that: "If the defendant, their agent, or their representative is notified of the statement of claim or the hearing date – in accordance with Article (Twelve) – or if they, their agent, or their legal representative submits a memorandum of defense and fails to appear, or if they, their agent, or their representative attends any hearing and then is absent thereafter, the decision issued against them shall be considered as rendered in their presence", and since the defendants did not provide an excuse justifying their absence from the committee session convened to consider their the case, and since the committee deemed the case ready for adjudication based on the evidence in its file, it concludes by issuing its decision in the case under consideration in the presence of the defendants.

For these reasons, and after deliberation, the committee unanimously decided the following:

Decision:

First: Conviction of the defendants/.............., ... nationality - Border ID No.: (.........................), and................,................ nationality - Border ID No.: (..............), and..................,................ nationality - Border ID No.: (................), and.................,................ nationality - Border ID No.: (.........................), and...................,................. nationality - Border ID No.: (..................), and......................,.............. nationality - Border ID No.: (..................), and..................,................ nationality - Border ID No.: (..................) and...........,.............. nationality - Border ID No.: (..................), and................, ... nationality - Border ID No.: (.................) and.................., ... nationality - Border ID No.: (.........................), and................. - Saudi nationality - Border ID No.: (.........................) for customs smuggling.

Second: The defendants are jointly ordered to pay a customs fine equivalent to the value of the seized smuggled goods, amounting to (85,500) eighty-five thousand five hundred Saudi Riyals.

Third: The seized smuggled goods are to be confiscated.

Fourth: All other claims are to be dismissed.

May Allah's peace and blessings be upon our Prophet Muhammad and upon his family and companions.

The First Instance Customs Committee in Riyadh

Decision No. CFR-2025-272778

Case No. PC-2025-272778

Keywords:

Customs - Restrictions - Customs smuggling - Tobacco - Chewing tobacco - Shisha tobacco - Sham paper - Conviction.

Summary:

- **The Public Prosecution in the Jazan region filed a claim with the First Instance Customs Committee in Riyadh against four importers, pursuant to seizure report number (...) dated 09/12/1444 AH, which detailed the seizure of the importers in possession of 1,836 packets of cigarettes, 2500 grams of chewing tobacco, 33 cartons of shisha tobacco, and 62 cartons of rolling paper, all of which were undeclared. The First Instance Customs Committee determined that some of these items were prohibited and others were restricted from entering the Kingdom, and that failure to declare them constituted customs evasion. Consequently, the four importers were charged with customs smuggling and ordered to pay, jointly and severally, a customs fine equivalent to twice the customs duties on the restricted items involved in the smuggling, and a customs fine equivalent to the value of the seized prohibited items involved in the smuggling, with the confiscation of the goods.**

Document:

- Articles (142-145) of the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH.
- Article (20) of the Rules of Operation for Zakat, Tax, and Customs Committees, issued by Royal Decree No. (25711) dated 08/04/1445 AH.

Facts:

The facts of this case are summarized in the indictment submitted by the Public Prosecution in the Jazan region, No. (........................) dated 12/06/1447 AH, which states that the security authorities in the Criminal Investigation Department in Jazan received information from a confidential source indicating the existence of a shop selling (Shisha tobacco) that was receiving and distributing smuggled goods and was employing a person of [nationality] (in violation of border regulations). Upon going to the shop in question, ...d (Company.................), and asking one of the employees about the presence of [type of tobacco], he stated that they had it and handed it over to the security personnel, who took it into custody. It was revealed that the accused was [nationality] (in violation of border regulations, an illegal infiltrator). Upon searching the shop, quantities of tobacco products suspected of being smuggled were found. When the employees were questioned about the presence of other quantities, the accused [.........] stated that there was another quantity in their living quarters. Upon entering the room, both the accused [.........] and the accused [.........] were found. Upon searching the room, a large number of tobacco products suspected of being smuggled were found, amounting to The seized items included (1,836) packs of cigarettes, (2,500) grams of chewing tobacco, (33) cartons of shisha tobacco, and (62) small cartons of cling film. Accordingly, seizure report number (.........................) dated 09/12/1444 AH was prepared. The plaintiff requests the conviction of the defendants, a sentence of imprisonment and a customs fine, and the confiscation of the seized items.

On Sunday, 07/12/2025 AD, the First Instance Customs Committee in Riyadh held its hearing to consider the case. Upon calling the parties to the case, the Public Prosecutor, [.........], National ID number (.........................), appeared pursuant to authorization number (.........................) dated 25/08/1443 AH. Neither the defendants nor their representatives appeared, despite proof of proper notification. After verifying the identity of the party present and reviewing the case file, the committee issued its decision. The committee asked the public prosecutor if he wished to add anything beyond what he had already presented, to which he replied that he had said nothing more. Therefore, the committee decided to close the pleadings in preparation for issuing its decision.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH, and the relevant laws and regulations.

Procedurally; and after reviewing the subject matter of the case, the Committee has determined that this is a customs dispute, and therefore falls within the jurisdiction of this Committee. Furthermore, the case documents establish that the plaintiff has proper legal capacity, and the case must be accepted procedurally.

Regarding the subject matter, the committee found that the defendants were found in possession of (1,836) packs of cigarettes, (2,500) grams of chewing tobacco, (33) packs of shisha tobacco, and (62) small cartons of rolling paper, as documented in seizure report number (.........................) dated 09/12/1444 AH.

Based on Article (142) of the Unified Customs Law, which states: “Smuggling is the importation or attempted importation of goods into the country, or their export or attempted export from it in violation of applicable legislation, without paying customs duties in whole or in part, or in contravention of the prohibitions or restrictions stipulated in this Law and other regulations and laws,” and Article (144) of the same Law states: “The following shall be held criminally liable in particular: 1- The principal perpetrators. 2- The accomplices. 3- The accessories and instigators. 4- Possessors of smuggled materials. 5- Owners of means of transport used in smuggling... 6- Owners and tenants of shops and places where smuggled materials were deposited...”, and as paragraph (1) of Article (145) of the same Law stipulated that: “The crime of customs smuggling or its equivalent shall be punishable by a fine of not less than twice the customs tax "duties" due and not more than three times the customs tax "duties" or twice the value of the goods, whichever is higher. The penalty is imprisonment for a period of not less than one month and not more than one year, or one of these two penalties". Paragraph (2) of Article (145) of the same Law stipulates that: "For other goods, the penalty shall be a fine of not less than twice the customs duties due and not more than the value of the goods, and imprisonment for a period of not less than one month and not more than one year, or one of these two penalties". Paragraph (4) of Article (145) of the same Law stipulates that: "If the smuggled goods are prohibited, the penalty shall be a fine of not less than the value of the goods and not more than three times their value, and imprisonment for a period of not less than six months and not more than three years, or one of these two penalties". Paragraph (5) of Article (145) of the same Law stipulates: "The goods subject to smuggling shall be confiscated, or a judgment shall be issued for an amount equivalent to their value if they are not seized".

Based on the foregoing, and given that it is established by the committee, according to the seizure report in question, that the defendants were found in possession of (1,836) packs of cigarettes, the defendants' importation of the seized items constitutes customs smuggling. Therefore, the defendants are found guilty of customs smuggling and are jointly liable for a customs fine equal to twice the customs duties on the smuggled items (cigarettes and shisha tobacco), jointly liable for a customs fine equal to the value of the seized items (tobacco), and jointly liable for a customs fine equal to twice the customs duties on the smuggled items (rolled tobacco). The smuggled items are to be confiscated.

Regarding the request for imprisonment, the defendants have no prior criminal record. Furthermore, imprisonment is a custodial sentence with far-reaching consequences. The committee concluded that the previous rulings were sufficient and rejected all other requests.

Regarding the absence of the defendants or their representatives from the hearing, despite proof of proper notification, Article (20) of the Rules of Operation for Zakat, Tax, and Customs Committees stipulates that: "If the defendant, their agent, or their representative is notified of the summons or the hearing date – in accordance with Article (Twelve) – or if they, their agent, or their legal representative submits a memorandum of defense and fails to appear, or if they, their agent, or their representative attends any hearing and then is absent thereafter, the decision issued against them shall be considered rendered in their presence". Since the defendants did not provide an excuse justifying their absence from the committee hearing, and since the committee deemed the case ready for adjudication based on the available evidence, it concluded that its decision in the case under consideration would be rendered in the presence of the defendants.

For these reasons, and after deliberation, the committee unanimously decided the following:

Decision:

First: Conviction of the defendants/..............,............. Nationality - ID - Border No.: (.............), and............., ... Nationality - Legal Residence No.: (..........), and.............., ... Nationality - Legal Residence No.: (..............), and.................,................ Nationality - Legal Residence No.: (..................) for customs smuggling.

Second: The defendants are jointly obligated to pay a customs fine equivalent to twice the value of the customs duties for the item (tobacco and Shisha tobacco) that was smuggled, amounting to (14,688) fourteen thousand six hundred and eighty-eight Saudi Riyals.

Third: The defendants are jointly obligated to pay a customs fine equivalent to the value of the seized items of the smuggled item (Chewing tobacco), amounting to (200) two hundred Saudi Riyals.

Fourth: The defendants are jointly liable for a customs fine equal to twice the value of the customs duties on the smuggled item (Sham paper), amounting to (62) sixty-two Saudi Riyals.

Fifth: The smuggled goods are to be confiscated.

Sixth: Dismissal of all other requests.

May Allah's peace and blessings be upon our Prophet Muhammad and upon his family and companions.

The First Instance Customs Committee in Riyadh

Decision No. CSR-2025-264189

Case No. PC-2025-264189

Keywords:

Customs - Restrictions - Customs Smuggling - Mobile Devices - Conviction.

Summary:

- **The Public Prosecution in Hafr Al-Batin Governorate filed a claim with the Second First Instance Customs Committee in Riyadh against the defendant, [.........], National ID No. [........], pursuant to seizure report No. [........] dated 17/10/1446 AH, which included the seizure of the importer in possession of eight (8) undeclared mobile phones. The First Instance Customs Committee determined that these items are restricted from entering the Kingdom, and failure to declare them constitutes customs evasion. Consequently, the defendant, [.........], National ID No. [........], was charged with customs smuggling and fined a customs penalty equivalent to twenty percent of the value of the smuggled goods. The smuggled goods were also ordered to be confiscated.**

Document:

- Articles (142-145) of the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/(41)) dated 03/11/1423 AH.
- Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH.

Facts:

The facts of this case are summarized in the indictment submitted by the Public Prosecution in Hafr Al-Batin Governorate, No. (.....................) dated 07/11/1446 AH, which states that while the defendant was arriving at Al-Ruqai Customs driving a vehicle of type (...........................) bearing license plate No. (.................), upon inspection of the vehicle, (8) mobile phones with 256 GB capacity were found. They were found hidden inside personal belongings, covered underneath. Accordingly, seizure report No. (.................) dated 17/10/1446 AH was prepared. The plaintiff requests that the defendant be convicted and sentenced to imprisonment, a fine, and aggravated punishment, confiscation of the seized items, and an award equivalent to the value of the vehicle as compensation for confiscation. On Tuesday, 02/12/2025 AD, the committee convened to consider the case. Upon calling the parties, the Public Prosecutor, [.........], National ID No. [........], appeared by virtue of the authorization issued by the

Head of the Public Prosecution in Riyadh, No. [........], dated 25/08/1443 AH. [.........], a Saudi national, National ID No. [........], appeared as his agent by virtue of Power of Attorney No. [........], dated 14/12/1446 AH, and Attorney's License No. [........]. When the Public Prosecutor was asked about the Public Prosecution's statement of claim in this case, he replied that it did not deviate from what was stated in the statement of claim filed with the General Secretariat of the Zakat, Tax, and Customs Committees. When the defendant was confronted with this, he replied that he had nothing to add beyond what was contained in the case file. When both parties were asked if they had any further statements, they replied in the negative. Accordingly, the committee decided to close the pleadings and deliberations.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH and after reviewing the rules of the work of the Zakat, Tax and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH, and the relevant laws and regulations.

Procedurally, and after the committee has been informed of the subject matter of the case, as it has been proven to it that this dispute is a customs dispute, it is considered one of the disputes within the competence of this committee, and since it is proven from the case documents that the plaintiff filed the case in a legal capacity, which requires the case to be accepted procedurally.

On merits, the Committee found that the defendant was found to be in possession of (8) mobile phones of 256 GB. Found hidden inside personal belongings covered underneath. According to the seizure report No. (.................) dated 17/10/1446 H

According to Article (142) of the Unified Customs Law, which stipulates that: "Smuggling is the entry or attempt to enter or attempt to bring goods into or out of the country in violation of the applicable legislation without paying customs duties in whole or in part, or contrary to the prohibition or restriction provisions contained in this Law and other regulations and laws". Article (144) of the same Law stipulates that: "He shall be considered particularly criminally responsible: 1. The original perpetrators. 2. Accomplices in the crime. 3. Interventionists and instigators. 4. Possessors of smuggled materials. 5- Owners of the means of transport used in smuggling... 6. Owners or tenants of shops and places where the smuggled materials were deposited". Paragraph (3) of Article (145) of the same Law stipulates that: "Without prejudice to any harsher penalty stipulated by other provisions in force in the State, smuggling and the like shall be punished and attempted with any of them as follows: 3. If the smuggled goods are not subject to customs taxes (exempt), the penalty shall be a fine of not less than ten percent of the value of the goods, and imprisonment for a period of not less than one month and not more than for one year, or one of these two punishments". Paragraph (5) of Article (145) of the same Law stipulates: "Confiscation of the goods that are the subject of smuggling or judgment in the event that they are not seized".

Based on the foregoing, and since it is established to the Committee according to the seizure report in question that the defendant was seized with (8) mobile phones of 256 GB.

Accordingly, the defendant's attempt to import the seized items is considered customs smuggling, which would convict the defendant of the crime of customs smuggling, oblige him to pay a fine equivalent to twenty per cent of the value of the seizures, confiscate the seizures subject to smuggling, and dismiss any other requests.

With regard to the plaintiff's request for a sentence equal to the value of the means of transport, and since the smuggling operation was not professional, and with regard to the request for the imposition of a prison sentence and the increase of the sentence, and since the defendant's record is devoid of criminal precedents and since the subject of the accusation does not amount to a prison sentence in nature or effects, especially since the sentence of imprisonment is one of the penalties for deprivation of liberty and its effects exceed others, the Committee concluded that the sufficiency of the sentences issued against him and the dismissal of other requests were sufficiency.

For these reasons, and after deliberation, the Committee unanimously decided the following:

Decision:

First: Conviction of the defendant/.................... - Saudi nationality - National ID No. (.................) for customs smuggling.

Second: Obliging the Defendant/..................... - Saudi Nationality - National ID No. (.................)- A fine of (6,160) six thousand one hundred and sixty Saudi Riyals, equivalent to twenty percent of the value of the seizures.

Third: Confiscation of the seizures that are subject to smuggling.

Fourth: Dismissal of all other requests.

May Allah's peace and blessings be upon our Prophet Muhammad and upon his family and companions.

The First Instance Customs Committee in Riyadh

Decision No. CSR-2025-264946

Case No. PC-2025-264946

Keywords:

Customs - Restrictions - Customs smuggling - Zamzam water - Conviction.

Summary:

- **The Public Prosecution in the Eastern Province sues the Second First Instance Customs Committee in Riyadh against the defendant/..... , ... Identity No. (...), according to the seizure report No. (...) dated 17/11/1446 AH, which includes the seizure of the importer in possession of (380) liters of (Zamzam water), it was not declared, and where it was proved to the Customs Committee of First Instance that these items are restricted from being taken out of the Kingdom, and not declaring them is considered customs smuggling. This resulted in the conviction of the defendant/...... , Identity...... No. (...), for customs smuggling, and obliging him to pay a customs fine equal to the value of the seizures subject to smuggling and ruling to confiscate them.**

Document:

- Article (142-145) of the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH.
- The Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH.

Facts:

The facts of this case are summarized in the receipt of the regulation submitted by the Public Prosecution in the Eastern Province (.......................) dated 01/12/1446 AH, which states that while the defendant was coming to King Fahd Bridge Customs, he was driving a vehicle of type (.......................) bearing plate number (.......................). Upon searching the vehicle, it was found that (380) liters of Zamzam water were found hidden inside the trunk of the vehicle, and accordingly, the seizure report No. (.......................) dated 17/11/1446 AH was prepared, and the plaintiff requested proof of the defendant's conviction and a sentence of imprisonment, a fine, confiscation of the seizures, and a sentence equivalent to the value of the means of transport as a Confiscation Substitute.

On Tuesday, 02/12/2025 AD, the Committee held its hearing to consider the case, and by calling the parties to the case, the Attorney General attended/...................... National ID No. (................) according to the authorization issued by the Chief Prosecutor in Riyadh No. (......................) dated 25/8/1443 AH, and attended/.................. ،..................... Nationality - ID No. (................) as the original defendant, and when asked by the Public Prosecutor about the list of the cases submitted in this case, he replied that it does not deviate from what is stated in the list of the cases filed with the General Secretariat of the Zakat, Tax and Customs Committees. When confronted with this, the defendant replied that he confirmed that he had nothing to add other than what was contained in the case file and asked for the return of the seizures to him, and when the parties were asked if they had other statements, he replied in the negative, and accordingly, the committee decided to close the pleadings and deliberation.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH, and the relevant laws and regulations.

Procedurally, after the committee has been informed of the subject matter of the case, as it has been proven to it that this dispute is a customs dispute, it is considered one of the disputes within the competence of this committee, and since it is proven from the case documents that the plaintiff filed the case in a capacity, which requires the case to be accepted procedurally.

On merits, the Committee found that the defendant was found to be in possession of (380) liters of Zamzam water that was found hidden inside the trunk of the vehicle. According to the seizure report No. (......................) dated 17/11/1446 AH.

According to Article (142) of the Unified Customs Law, which stipulates that: "Smuggling is the entry or attempt to bring goods into or out of the country in violation of the applicable legislation without paying customs duties in whole or in part or contrary to the prohibition or restriction provisions contained in this Law and other regulations and laws". Article (144) of the same Law stipulates that: "He shall be considered particularly criminally responsible: 1. The original perpetrators. 2. Accomplices in the crime. 3. Interventionists and instigators. 4. Possessors of smuggled materials. 5. Owners of transport vehicles used in smuggling.... 6. Owners or tenants of shops and places where the smuggled materials were deposited. Paragraph (4) of Article (145) of the same Law stipulates that: "Without prejudice to any harsher penalty provided for by other provisions in force in the State, smuggling and the like shall be punished by the following: 4. If the smuggled goods are prohibited goods, the penalty shall be a fine of not less than the value of the goods and not more than three times their value, and imprisonment for a period of not less than six months and not more than three years, or one of these two penalties". Paragraph (5) of Article (145) of the same Law stipulates: "Confiscation of the goods that are the subject of smuggling or judgment in the event that they are not seized".

Based on the foregoing, and whereas, it is established to the Committee by the report of the seizure in question that the defendant was caught in possession of (380) liters of Zamzam water.

Accordingly, the defendant's attempt to remove the seized items is considered customs smuggling, which is determined to convict the defendant of the crime of customs smuggling, oblige him to pay a fine equal to the value of the seizures, confiscate the seizures subject to smuggling, and respond to other requests.

With regard to the plaintiff's request for a prison sentence, the defendant's record is devoid of criminal record. Because the penalty of imprisonment is one of the penalties that deprive liberty and its effects exceed others, the Committee concluded that the sufficiency of the sentences issued against him and the response of other requests were made.

For these reasons, and after deliberation, the Committee unanimously decided the following:

Decision:

First: Conviction of the Defendant /........... ،................. Nationality – ID No. (.........................) for customs smuggling.

Second: Obliging the Defendant/................ ،................ Nationality - ID number (......................) with a fine of (3,800) three thousand eight hundred riyals equivalent to the value of the seizures.

Third: Confiscation of the seizures that are subject to smuggling.

Fourth: Dismissal of all other requests.

May Allah's peace and blessings be upon our Prophet Muhammad and all his family and companions.

The First Instance Customs Committee in Riyadh

Decision No. CFR-2025-265531

Case No. PC-2025-265531

Keywords:

Customs - Restrictions - Customs smuggling - Oil-based pastes to stabilize glass - Conviction.

Summary:

- **The Public Prosecution in Al-Khafji Governorate sues the First Instance Customs Committee in Riyadh against the defendant / ...... ،...... Nationality, Passport No. (.......), according to the seizure report No. (.......) dated 26/11/1446 AH, which states that after the inspection of the consignment organized by Transit Statement No. (......) dated 19/11/1446 AH, which is a number of (1152) barrels of (oil-based pastes to stabilize the glass), it was observed during its exit that the load was incomplete and became (863) barrels, which indicates that there is a shortage of (289) barrels, and where it was proven to the Customs Committee of First Instance that these items are restricted from their entry into the Kingdom, and not authorizing their unloading is considered customs smuggling. This resulted in the conviction of the defendant/..... ،...... Nationality, passport number (......) for customs smuggling, and obliging him to pay a customs fine equal to twice the customs duties for the items that he unloaded the subject of smuggling, and obliging him to pay the value of the items he unloaded as a Confiscation Substitute.**

Document:

- Article (142-145) of the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH.
- Article (20) of the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH.

Facts:

The facts of this case are summarized in the list submitted by the Public Prosecution in Khafji Governorate No. (......................) dated 27/12/1446 AH, which states that during the departure of the truck bearing plate No. (......................) driven by the defendant through Khafji Customs, and organized by transit statement No. (......................) dated 19/11/1446 AH, it was (oil-based pastes to stabilize the glass) with a number of (1,152) barrels, and upon inspection of the truck during its exit procedures, it was found that the load was incomplete and became (863) barrels, which shows that there is a shortage of (289) barrels. Accordingly, the seizure report No. (......................) dated

26/11/1446 AH was prepared, and the plaintiff requests proof of the defendant's guilt, a sentence of imprisonment, a customs fine, a sentence equivalent to the value of the seizures as a Confiscation Substitute, and a sentence equivalent to the value of the means of transport.

On Thursday, 20/11/2025 AD, the First Instance Customs Committee in Riyadh held its hearing to consider the case, and by calling on the parties to the case, the Prosecutor General .... National ID No. (.....................) pursuant to the authorization issued by No. (.....................) dated 25/08/1443 AH, while the defendant or his representative failed to attend despite the fact that he was legally notified of the date of the hearing. After verifying the validity of the Prosecutor's appearance, and after reviewing the case file, the Committee found that it was ready to adjudicate on it. The Committee therefore asked the Prosecutor what he would like to add other than what he had submitted, to which he replied sufficiency. Accordingly, the committee decided to close the pleadings, in preparation for the issuance of the decision.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH, and the relevant laws and regulations.

Procedurally, after the committee has been informed of the subject matter of the case, as it has been proven to it that this dispute is a customs dispute, it is considered one of the disputes within the competence of this committee, and since it is proven from the case documents that the plaintiff filed the case in a legal capacity, which requires the case to be accepted procedurally.

On merits, the committee found that during the departure of the truck bearing plate No. (.....................) driven by the defendant through Khafji Customs, and organized by transit statement No. (.....................) dated 19/11/1446 AH, it was (oil-based pastes to stabilize the glass) with a number of (1,152) barrels, and upon inspection of the truck during its exit procedures, it was found that the load was incomplete and became (863) barrels, which showed that there was a shortage of (289) barrels according to the seizure report No. (.....................) dated 26/11/1446 AH.

In accordance with Article (142) of the Unified Customs Law, which stipulates that: "Smuggling is the entry or attempt to bring goods into or out of the country in violation of the applicable legislation without paying customs duties in whole or in part or contrary to the prohibition or restriction provisions contained in this Law and other regulations and laws", and whereas Article (144) of the same Law stipulates that: "It shall be held particularly criminally responsible: 1. Original perpetrators. 2. Accomplices in the crime. 3. Interventionists and instigators. 4. Possessors of smuggled materials. 5- Owners of the means of transport used in smuggling... 6. Owners and tenants of shops and places where the smuggled goods were deposited...", as stipulated in paragraph (1) of Article (154) of the same Regulation: "If the smuggled goods are subject to high customs "duties", the penalty shall be a fine of not less than twice the due customs tax and not more than three times the customs duty tax or double the value of the goods, whichever is higher. Imprisonment for a period of not less than one month and not more than one year, or by one of these two penalties". Whereas, Article (71) of the same Law stipulates: "Subject to the provisions of the regional and international agreements in force, the transport of goods shall be carried out by transit on the designated roads and by the various modes of transport and at the responsibility of the carrier in accordance with the instructions issued by the Director General. Article (141) of the same Law also stipulates: "Except in the cases that are considered as smuggling stipulated in Article (143) of this Law, and in a manner that does not contradict the provisions of the international conventions in force, a fine shall be imposed in accordance with the rules specified in the Implementing Regulations of this Law for the following violations: 3. Violations of Transit Goods (Transit)".

Based on the foregoing, and since it is proven to the Committee under the report of the seizure in question that there was manipulation of the cargo while it was passing through the territory of the Kingdom, and upon perusal of the hearing hearing minutes, it was found that the defendant denied due to the lack of quantities mentioned in the customs declaration and the inventory report, and he stated that the truck had broken down, so he took it to the workshop to repair it, and he also stated that there may be a mistake in this.

The defendant "the driver" is considered responsible for the truck with him and its full load, and he should have verified its conformity with the legal data before proceeding to transport it, and he is not accepted to invoke the existence of a deficiency without proving the legality of it, and it is not acceptable to deny it later after the incident was detected with the alleged crime, especially since what was attributed to him was proved through the physical evidence and apparent evidence, such as the inventory report and X-ray images that show The quantity varies, which makes the denial of legal value and misplaced, which clearly proves that the defendant carried out the customs smuggling operation. Accordingly, the defendant's entry of the consignment in question and its disembarkation within the territory of the Kingdom is considered customs smuggling, which is determined to convict the defendant of customs smuggling, and to oblige him to pay a fine equal to twice the customs duties of the items he unloaded, and to oblige him to pay the equivalent of the value of the items he unloaded as a Confiscation Substitute.

With regard to the request to oblige the defendant to pay the equivalent of the value of the means of transport as a Confiscation Substitute, it was not proven that the defendant used the means of transport in the smuggling process in a technical manner, and that the purpose of the punishment is to deter and deter. With regard to the request for imposition of a prison sentence, however, the defendant's record is devoid of criminal precedents, and because the prison sentence is one of the penalties of deprivation of liberty and exceeds its effects for others, the Committee concluded that the sufficiency of the sentences issued against him and the dismissal of other requests were dismissed.

With regard to the failure of the defendant or his representative to attend the hearing of the case despite the fact that he has been notified of a legal notification, and where Article (20) of the Rules of Operation for Zakat, Tax, and Customs Committees stipulates that: "If the defendant, his agent or his representative is informed of the case sheet or the date of the hearing - in accordance with Article (twelve) - or he or his agent or legal representative files a memorandum of his defence and does not attend, or he or his agent or representative attends any session and then is absent; The decision issued against him shall be considered in his absence", and since the defendant did not provide an excuse justifying his absence from the meeting of the committee convened to consider his case, and since the committee considered that the case wasfit for adjudication according to what was available in its file, it concluded to issue its decision in the case under consideration in person against the defendant.

For these reasons, and after deliberation, the Committee unanimously decided the following:

Decision:

First: Conviction of the Defendant / .... ،...................... Nationality - According to passport number (......................) for customs smuggling.

Second: Obliging the defendant to pay a customs fine equivalent to twice the customs duties of the smuggled items that he unloaded, amounting to (2,312) two thousand three hundred and twelve Saudi Riyals.

Third: Obliging the defendant to pay the equivalent of the value of the items he unloaded as a Confiscation Substitute amounting to (23,120) twenty-three thousand one hundred and twenty Saudi Riyals.

Fourth: Dismissal of all other requests.

May Allah's peace and blessings be upon our Prophet Muhammad and all his family and companions.

The First Instance Customs Committee in Riyadh

Decision No.	CFR-2025-265835
Case No.	PC-2025-265835

Keywords:

Customs - Restrictions - Customs smuggling - Smuggling of unknown cargo - Conviction.

Summary:

- **The Public Prosecution in Al-Ahsa Governorate asks the First Instance Customs Committee in Riyadh against the defendant / ... ،.... Nationality, Passport No. (...)According to the seizure report No. (...) dated 14/10/1446 AH, which states that during the departure of the importer driving the truck, it was observed that it was only the head of a trailer, and after referring to the photos of the previous trip, it became clear that the head was carrying a trailer and suspected of having disposed of it illegally to evade duties and tax, and where it was proven to the Customs Committee of First Instance that these items are restricted from their entry into the Kingdom, and the failure to declare them is considered customs smuggling resulting in this: Conviction of the defendant / .... ,..... Nationality, Passport No. (...), for customs smuggling, and obliging him to pay a customs fine equal to twice the customs duties of the seizures subject to smuggling, and obliging him to pay the equivalent of the value of the seizures as a Confiscation Substitute.**

Document:

- Article (142-145) of the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH.
- Article (20) of the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH.

Facts:

The facts of this case are summarized in the list submitted by the Public Prosecution in Al-Ahsa Governorate No. (.........................) dated 05/01/1447 AH, which included that while the defendant was leaving Al-Batha Customs while driving the truck of type (.........................), during the final clearance procedures towards the United Arab Emirates, it was observed that it was only the head of a trailer, and after referring to the previous trip and viewing the X-ray image, it became clear that the head was carrying a trailer of the type of curtain and suspected that he had disposed of it illegally to evade fees and tax, and accordingly, the seizure report No. (.........................) was prepared dated

14/10/1446 AH, and the plaintiff requests proof of the defendant's guilt, a sentence of imprisonment, a customs fine, and a sentence equivalent to the value of the disposed consignment.

On Sunday, 23/11/2025 AD, the First Instance Customs Committee in Riyadh held its hearing to consider the case. Calling the parties to the case, the Prosecutor attended .... National ID No. (.........................) under the authorization issued by No. (.........................), dated 25/08/1443 AH, while the defendant or his representative failed to attend despite the fact that it was proven that he had been notified of the date of the hearing. After verifying the validity of the Prosecutor's appearance, and after reviewing the case file, the Committee found that it was ready to adjudicate on it. The Committee therefore asked the Prosecutor what he would like to add other than what he had submitted, to which he replied sufficiency. Accordingly, the committee decided to close the pleadings, in preparation for the issuance of the decision.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH and after reviewing the rules of The work of the Zakat, Tax and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH, and the relevant laws and regulations.

Procedurally, and after the committee has been informed of the subject matter of the case, as it has been proven to it that this dispute is a customs dispute, it is considered one of the disputes within the competence of this committee, and since it is proven from the case documents that the plaintiff filed the case in a legal capacity, which requires the case to be accepted procedurally.

On merits, it was found that while the defendant was leaving Al-Batha Customs by driving the truck of type (............), during the final clearance procedures towards the UAE, it was observed that it was only the head of a trailer, and after going back to the previous flight and viewing the X-ray image, it became clear that the head was carrying a trailer of the type of curtain and suspected that he had disposed of it illegally to evade fees and tax according to the seizure report No. (.............) dated 14/10/1446 AH.

According to Article (142) of the Unified Customs Law, which stipulates that: "Smuggling is the entry or attempt to enter or attempt to bring goods into or out of the country in violation of the applicable legislation without paying the customs duties in whole or in part, or contrary to the prohibition or restriction provisions contained in this Law and other regulations and laws", and Article (144) of the same Law stipulates that: “He is considered to be particularly criminally responsible: 1. Original perpetrators. 2. Accomplices in the crime. 3. Interventionists and instigators. 4. Possessors of smuggled materials. 5- Owners of the means of transport used in smuggling.... 6- Owners and tenants of shops and places where the smuggled materials were deposited”. As stipulated in paragraph (1) of Article (145) of the same Law: "The crime of customs smuggling or the like shall be punished, and the penalty shall be a fine of not less than twice the due customs tax and duties and not more than three times the Customs Duties or twice the value of the goods, whichever is higher. Imprisonment for a period of not less than one month and not more than one year, or one of these two penalties”. Paragraph (5) of Article (145) of the same Law stipulates:

"Confiscation of the goods that are the subject of smuggling or judgment in the event that they are not seized". Whereas, Article (71) of the same Law stipulates that: "Subject to the provisions of the Conventions, Goods shall be transported by transit on the designated roads and at the responsibility of the carrier in accordance with the instructions issued by the Director General. Article (141) of the same Law also stipulates that "except in the cases that are considered smuggling stipulated in Article (143) of this Law, and in a manner that does not contradict the provisions of the international conventions in force, a fine shall be imposed in accordance with the rules specified in the Implementing Regulations of this Law for the following violations: 3. Violations of transit goods.Based on the foregoing, and since it has been established to the Committee by the report of the seizure under the case that the defendant has tampered with the consignment, which is understood to have been disposed of by him, and upon perusal of the hearing hearing minutes, it is found that the defendant has admitted to his act and that the company has asked him to do so.

Accordingly, the defendant's entry of the consignment is considered customs smuggling, which is determined to convict the defendant of customs smuggling, and to oblige him to pay a fine equal to twice the customs duties of the seizures subject to smuggling, and to oblige him to pay the equivalent of the value of the seizures as a Confiscation Substitute.

With regard to the request for a custodial sentence, however, the defendant's record is devoid of criminal precedents, and because the prison sentence is one of the penalties that deprive him of liberty and its effects exceed others.

With regard to the failure of the defendant or his representative to attend the hearing of the case despite the fact that he has been notified of a legal notification, and where Article (20) of the Rules of Operation for Zakat, Tax, and Customs Committees stipulates that: "If the defendant, his agent or his representative is informed of the case sheet or the date of the hearing - in accordance with Article (twelve) - or he or his agent or legal representative files a memorandum of his defence and does not attend, or he or his agent or representative attends any session and then is absent; The decision issued against him shall be considered in his absence", and since the defendant did not submit an excuse justifying his absence from the meeting of the committee convened to consider his case, and since the committee deemed that the case was fit to be adjudicated according to what is available in its file, it concluded to issue its decision in the case under consideration in person against the defendant.

For these reasons, and after deliberation, the Committee unanimously decided:

Decision:

First: Conviction of the Defendant / .... ،.................. Nationality - by passport number... (..................) for customs smuggling.

Second: Obliging him to pay a customs fine equivalent to twice the customs duties for the seizures subject to smuggling, amounting to (2,040) two thousand and forty Saudi riyals.

Third: Obliging him to pay the equivalent of the value of the seizures as a Confiscation Substitute of an amount of (20,400) twenty thousand four hundred Saudi Riyals.

Fourth: Dismissal of all other requests.

May Allah's peace and blessings be upon our Prophet Muhammad and all his family and companions.

The First Instance Customs Committee in Riyadh

Decision No. CSR-2025-262774

Case No. PC-2025-262774

Keywords:

Customs - Restrictions - Customs smuggling - Miscellaneous materials - Conviction.

Summary:

- **The Public Prosecution in Qurayyat Governorate Asks the Second First Instance Customs Committee in Riyadh against the Defendant/.... ,..... Nationality, Passport No. (...), according to the seizure report No. (...) dated 25/03/1446 AH, which states that after the inspection of the consignment organized by it, a transit statement No. (...), it became clear that there was a difference and shortage of cargo between the entry and exit ports - according to the aforementioned seizure report - for a large and diverse quantity of products, and where it was proven to the Customs Committee of First Instance that these items are restricted from their entry into the Kingdom, and the failure to declare them is considered customs smuggling resulting in: Conviction of the defendant / ... , ... Nationality, Passport No. (...), and obliging him to pay a customs fine equal to twice the customs duties for the items restricted to be smuggled and whose exit from the Kingdom has not been proven, and obliging him to pay the equivalent of ten percent of the value of the items (desktop, laptop) of the smuggled item that have not been proven to have left the Kingdom, and obliging him to pay the equivalent of the value of the smuggled items that have not been proven to have left the Kingdom as a Confiscation Substitute.**

Document:

- Article (142-145) of the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH.
- Article (20) of the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH.

Facts:

The facts of this case are summarized in the regulation submitted by the Public Prosecution in Qurayyat Governorate No. (..................) dated 25/06/1446 AH, which states that while the defendant was leaving Al-Haditha Customs, he was driving a vehicle of type (................) bearing plate number (................). coming from the State of Oman through the port of entry (Empty Quarter) and its organizer transit statement No. (................), it became clear that there was a difference and shortage in the load between the entry and exit ports with (9) laptops. (20) Desktop Equipment. (9576) Women's Accessories. (29,940) Glasses. (100) cans of ..... oil (320) Cream .... (400) Karim. (160) Cream......... (80) Cream .... (100) .... cream (900) Shoes. (800) Bags. (160) .... cream (180) Freshener of mattresses. (60) Sandal cream. (120) .... cream (1,379) Soap (667) Soap...... (40) Cream .... (50) Cream............ (60) .... cream (60) .... Oil (80) Karim........... (160) .... cream (50) Cream .... (40) Cream .... (40) Cream .... (200) .... cream (50) Cream .... (120) .... Lotion (140) .... cream (80) Cream .... (100) .... cream (60) .... cream (60) .... cream (300) .... cream (120) .... cream (150) .... cream (100) Clove Oil .... (295) Mouth................ (200) oil............. (180). Karim...... . Accordingly, the seizure report No. (................) dated 25/03/1446 AH was prepared, and the plaintiff requests proof of the defendant's guilt, a sentence of imprisonment and a fine and a sentence equivalent to the value of the smuggled goods as a Confiscation Substitute.

On Wednesday, 26/11/2025 AD, the Committee held its hearing to consider the case, and by calling the parties to the case, the Attorney General attended/................... , under the National ID No. (.....................) in charge of the Public Prosecution under the authorization issued by the Chief Public Prosecution in Riyadh No. (...................)On 25/08/1443 AH, the defendant or his representative did not appear despite the fact that he had been notified of a legal notice, and when the Attorney General asked about the list of the cases filed in this case, he replied that it does not deviate from what is stated in the list of the cases filed with the General Secretariat of the Zakat, Tax and Customs Committees. When asked if he had any other statements, the Prosecutor replied in the negative, and accordingly the Committee decided to close the pleadings.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/14/1445 AH, and the relevant laws and regulations.

Procedurally, after the committee has been informed of the subject matter of the case, as it has been proven to it that this dispute is a customs dispute, it is considered one of the disputes within the competence of this committee, and since it is proven from the case documents that the plaintiff filed the case in a legal capacity, which requires the case to be accepted procedurally.

On merits, the Committee found that during the defendant's departure from Modern Customs by driving a vehicle of the type (truck) bearing plate No. (.............) coming from the State of Oman through the entry port (Empty Quarter) and which is organized by Transit Statement No. (..........), it became clear that there was a difference and shortage of load between the entry and exit ports (9) laptops. (20) Desktop Equipment. (9.576) Women's Accessories. (29,940) Glasses. (100) cans of .... oil (320) Cream Box........... (400) Cream........... (160) Cream .... (80) .... cream (100) .... cream (900) Shoes. (800) Bags. (160) Cream...... (180) Freshener of mattresses. (60) Cream .... (120) .... cream (1,379) Soap. (667) Soap .... (40) .... cream (50) .... cream (60) Cream .... (60) .... oil (80) Cream

.... (160) .... cream (50) .... cream (40) .... cream (40) .... cream (200) .... cream (50) .... cream (120) .... lotion (140) .... cream (80) Cream .... (100) .... cream (60) Cream .... (60) Cream .... (300) .... cream (120) .... cream (150) .... cream (100) Clove oil. (295) Mouth .... (200) .... Oil (180) Cream .... , pursuant to the seizure report No. (..........) dated 25/03/1446 H.

According to Article (142) of the Unified Customs Law, which stipulates that: "Smuggling is the entry or attempt to enter or attempt to bring goods into or out of the country in violation of the applicable legislation without paying customs duties in whole or in part, or contrary to the prohibition or restriction provisions contained in this Law and other regulations and laws". Article (144) of the same Law stipulates that: "He shall be considered particularly criminally responsible: 1. The original perpetrators. 2. Accomplices in the crime. 3. Interventionists and instigators. 4. Possessors of smuggled materials. 5. Owners of transport vehicles used in smuggling... 6. The owners or tenants of the shops and places where the smuggled materials were deposited. Paragraph (1) of Article (145) of the same Law stipulates that: "Without prejudice to any harsher penalty prescribed by other provisions in force in the State, smuggling and the like thereof, and the attempt to proceed with any of them, shall be punished with the following: 1. If the smuggled goods are subject to high customs "duties", the penalty shall be a fine of not less than twice the due customs tax and not more than three times the customs tax "duties", or twice the value of the goods, whichever is higher, and imprisonment of a period of not less than one month and not more than one year , or one of these two punishments". Paragraph (2) of Article (145) of the same Law stipulates that: "As for other goods, the penalty shall be a fine of not less than twice the due Customs Duties and not more than the value of the goods, and imprisonment for a period of not less than one month and not more than one year, or one of these two penalties". Paragraph (3) of Article (145) of the same Law also stipulates that: "If the smuggled goods are not subject to customs duties (exempt), the penalty shall be a fine of not less than ten percent of the value of the goods, and not more than their value, and imprisonment for a period of not less than one month and not more than one year, or one of these two penalties". As stipulated in paragraph (5) of Article (145) of the same Law: "Confiscation of the goods subject to smuggling or judgment of the equivalent value thereof in the case they are not seized".

Based on the foregoing, and since it is established to the committee according to the seizure report in question after the inspection of the vehicle by the customs inspector, it became clear that there was a difference and shortage in the load between the entry and exit ports with (9) laptops. (20) Desktops. (9.576) Women's Accessories. (29,940) Glasses. (100) cans of oil........ (320) Cream Box..... (400) Cream... (160) Karim............ (80) .... cream (100) Cream............ (900) Shoes. (800) Bags. (160) Cream .... (180) Freshener of mattresses. (60) Sandal cream. (120) Cream............ (1,379) Soap. (667) Soap............ (40) Karim............ (50) Cream............ (60) Karim............ (60) Oil............ (80) Cream............ (160) .... cream (50) Cream.......... (40) Karim.......... (40) Karim.......... (200) Cream.......... (50) Cream.......... (120) Washed .... (140) Cream....... (80) .... cream (100) .... cream (60) Karim............ (60) cream (300) cream.......... (120) Cream.......... (150) Cream.......... (100) Clove oil. (295) Ten .... (200) ziter (180) cream........... ,

Accordingly, the defendant's entry of the seized items is considered customs smuggling, which convicts the defendant of the crime of customs smuggling, and obliges him to pay a fine equal to twice the value of the customs duties for the items (accessories, gaming glasses, body oil, cream, shoes, bags, perfumes, soaps, and hair oil) that have not been proven to have left the Kingdom, and obliging him to pay the equivalent of ten percent of the value of the items (desktop computer, laptop) that have not been proven to have left the Kingdom. Obliging him to pay the equivalent of the value of the items that have not been proven to have left the Kingdom as a Confiscation Substitute, and to respond to any other requests.

With regard to the plaintiff's request to impose a prison sentence and increase the sentence, and since the defendant's record is devoid of criminal records, and because the prison sentence is one of the penalties for deprivation of liberty and its effects exceed others, the Committee concluded that the sufficiency of what was issued against him and the dismissal of other requests.

With regard to the failure of the defendant or his representative to attend the hearing of the case despite the fact that he has been notified of a legal notification, and where Article (20) of the Rules of Operation for Zakat, Tax, and Customs Committees stipulates that: "If the defendant, his agent or his representative is informed of the case sheet or the date of the hearing - in accordance with Article (twelve) - or he or his agent or legal representative files a memorandum of his defence and does not attend, or he or his agent or representative attends any session and then is absent; The decision issued against him shall be considered in the presence of the defendant", and since the defendant did not submit an excuse justifying his absence from the committee session convened to consider his case, and since the committee considered that the case, it is valid for adjudication under what is available in its file, and it ends up issuing its decision in the case under consideration in person against the defendant.

For these reasons, and after deliberation, the Committee unanimously decided the following:

Decision:

First: Conviction of the Defendant/...................... (Passport No. ....) for customs smuggling.

Second: Obliging the Defendant .... (Passport No. ....) with a fine of (7,350,95) seven thousand three hundred and fifty Saudi Riyals and ninety-five halalas, equivalent to twice the customs duties of the items (accessories, gaming glasses, body oil, shoe cream, bags, perfumes, soap, hair oil) subject of the smuggling that has not been proven to have left the Kingdom.

Third: Obliging the Defendant / .... (Passport No. ....) a fine of (1,650) thousand six hundred and fifty Saudi Riyals, equivalent to ten percent of the value of the items (computers, offices, laptops) that are the subject of smuggling that have not been proven to have left the Kingdom.

Fourth: Obliging the Defendant .... (Passport No............) the value of the items that are smuggled out of the Kingdom as a Confiscation Substitute amounting to (80,927) eighty thousand nine hundred and twenty-seven saudi riyals.

Fifth: Dismissal of all other requests.

May Allah's peace and blessings be upon our Prophet Muhammad and all his family and companions.

The First Instance Customs Committee in Riyadh

Decision No. CSR-2025-272138

Case No. PC-2025-272138

Keywords:

Customs - Restrictions - Customs smuggling - Medical liquid - Conviction.

Summary:

- **The Public Prosecution in the Eastern Province asks the Second First Instance Customs Committee in Riyadh against the defendant / ....,...... Nationality, Passport No. (...), pursuant to the seizure report No. (...) dated 24/04/1447 AH, which includes the seizure of the importer in possession of (1,298) bottles containing (medical liquid), which were not declared, and where it was proven to the Customs Committee of First Instance that these items are restricted from entering the Kingdom, and failure to declare them is considered customs smuggling. Convicted of the defendant/........... ,........... Nationality, Passport No. (...), for customs smuggling, and obliging him to pay a customs fine equal to six times the value of the seizures subject to smuggling, and the sentence to confiscate the seizures subject to smuggling.**

Document:

- Article (142-145) of the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH.
- Article (20) of the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH.

Facts:

The facts of this case are summarized in the regulation submitted by the Public Prosecution in the Eastern Province No. (..............) dated 15/05/1447 AH, which states that during the defendant's arrival at King Fahd International Airport Customs. Upon searching his luggage, a number of (1,298) bottles containing medical liquid were found among the foods in the weighed bag after taking them out of their factory boxes, wrapping them in black bags and wrapping them with adhesive tape and tin, and accordingly, the seizure report No. (............) was prepared dated 24/04/1447 AH, and the plaintiff requested proof of the defendant's guilt and a sentence of imprisonment, fine, and confiscation of the seizures.

On Tuesday, 02/12/2025 AD, the committee held its hearing to consider the case, and by calling on the parties to the case, the Attorney General .... National ID No. (..................) pursuant to the authorization issued by the Chief Prosecutor in Riyadh with No. (..................) dated 25/08/1443 AH, and the defendant or his representative did not attend despite the fact that he had received a legal notice, and when the Attorney General was asked about the list of the cases submitted in this case, he replied that it does not deviate from what is stated in the list of the cases filed with the General Secretariat of Zakat, Tax and Customs Committees. When asked if he had any other statements, the Prosecutor replied in the negative, and accordingly the Committee decided to close the pleadings.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH, and the relevant laws and regulations.

Procedurally, after the committee has been informed of the subject matter of the case, as it has been proven to it that this dispute is a customs dispute, it is considered one of the disputes within the competence of this committee, and since it is proven from the case documents that the plaintiff filed the case in a capacity, which requires the case to be accepted procedurally.

On merits, the Committee found that the defendant was found in possession of (1,298) bottles containing medical liquid found among the foods in the weighed bag after taking them out of their factory boxes, wrapping them in black bags, and wrapping them with adhesive tape and tin. According to the seizure report No. (..............) dated 24/04/1447 AH.

According to Article (142) of the Unified Customs Law, which stipulates that: "Smuggling is the entry or attempt to enter or attempt to bring goods into or out of the country in violation of the applicable legislation without paying customs duties in whole or in part, or contrary to the prohibition or restriction provisions contained in this Law and other regulations and laws". Article (144) of the same Law stipulates that: "He shall be considered particularly criminally responsible: 1. The original perpetrators. 2. Accomplices in the crime. 3. Interventionists and instigators. 4. Possession and contraband materials. 5- Owners of means of transport used in smuggling.... 6. Owners or tenants of shops and places where the smuggled materials were deposited...", as stipulated in paragraph (4) of Article (145) of the same law that: "Without prejudice to any harsher penalty stipulated by other provisions in force in the State, smuggling and the like shall be punished and attempted with any of them as follows: 4- If the smuggled goods are prohibited goods, the penalty shall be a fine not less than the value of the goods and not more than three times its value, and imprisonment for a period not less than Less than six months and not more than three years, or one of these two penalties". Paragraph (5) of Article (145) of the same Law stipulates: "Confiscation of goods subject to smuggling or judgment equivalent to their value in the case they are not seized". As stipulated in paragraph (7) of Article (145) of the same Law: "In the case of recidivism, it is permissible to sentence twice the penalty". Based on the foregoing, and since it is established to the Committee by the report of the seizure in question that the defendant was seized in possession of (1,298) bottles containing medical liquid. Accordingly, the defendant's attempt to import the seized items is considered customs smuggling, which is determined to convict the defendant of the crime of customs smuggling, oblige him to pay a fine equal to six times the value of the seizures, confiscate the seizures that are the subject of smuggling, and to respond to other requests.

With regard to the plaintiff's request for a prison sentence, the defendant's record is devoid of criminal record. Because the penalty of imprisonment is one of the penalties that deprive liberty and its effects exceed others, the Committee concluded that the sufficiency of the sentences issued against him and the response of other requests were made. With regard to the failure of the defendant or his representative to attend the hearing of the case despite the fact that he has been notified of a legal notification, and where Article (20) of the Rules of Operation for Zakat, Tax, and Customs Committees stipulates that: "If the defendant, his agent or his representative is informed of the case sheet or the date of the hearing - in accordance with Article (twelve) - or he or his agent or legal representative files a memorandum of his defence and does not attend, or he or his agent or representative attends any session and then is absent; The decision issued against him shall be considered in his presence, and since the defendant did not provide an excuse justifying his absence from the meeting of the committee convened to consider his case, and since the committee deemed that the case was fit for adjudication under what is available in its file, it concludes to issue its decision in the case under consideration in person against the defendant.

For these reasons, and after deliberation, the Committee unanimously decided the following:

Decision:

First: Conviction of the Defendant ..... ,..... Nationality - according to passport number: (........) for customs smuggling.

Second: Obliging the Defendant/...... ,....... Nationality - according to passport number: (.............) with a fine of (197,730) one hundred and ninety-seven thousand seven hundred and thirty riyals, equivalent to six times the value of the seizures.

Third: Confiscation of the seizures that are subject to smuggling.

Fourth: Dismissal of all other requests.

May Allah's peace and blessings be upon our Prophet Muhammad and all his family and companions.

The First Instance Customs Committee in Riyadh

Decision No. CSR-2025-261504

Case No. PC-2025-261504

Keywords:

Customs - Restraints - Customs smuggling - Motorcycle - Conviction.

Summary:

- **The Public Prosecution in the Eastern Province sues the Second First Instance Customs Committee in Riyadh against the defendant/.... , National ID No. (...), according to the seizure report No. (...) dated 27/06/1445 AH, which states that after inspecting the consignment received under the import statement No. (...) dated 12/04/1444 AH, which is a motorcycle, which was released with an undertaking not to act until the submission of a sabre certificate or its re-export, and where it was proven to the Customs Committee - after examining the case file - that the importer did not respond when he was notified of this through the customs broker, and since he did not prove his commitment to the documentary undertaking to return it or submit a sabre certificate. Convicted of the defendant / ... , National ID No. (...), of customs smuggling, and obliging him to pay a customs fine equal to twice the customs duties for the seizures subject to smuggling, and to impose a Confiscation Substitute for the consignment in question.**

Document:

- Article (142-145) of the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH.
- The Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH.

Facts:

The facts of this case are summarized in the receipt of the regulation submitted by the Public Prosecution in the Eastern Province No. (..................) dated 14/04/1446 AH, which includes the receipt of a consignment to King Fahd Bridge Customs belonging to the defendant as a (................... motorcycle) under the import statement No. (..................) dated 12/04/1444 AH, and the consignment was released with a pledge not to act until the submission of a certificate of .... Customs was not provided with a certificate .... or return the consignment. The importer was notified by the broker three times, but he did not respond, and accordingly, the seizure report No. (........................) was prepared dated 27/06/1445 AH, and the plaintiff requested proof of the defendant's guilt, a sentence of imprisonment and a customs fine, and a sentence equivalent to the value of the seizures as a Confiscation Substitute.

On Tuesday, 11/11/2025 AD, the Committee held its hearing to consider the case, and by calling the parties to the case, the Attorney General .... National ID No. (..................) according to the authorization issued by the Chief Prosecutor in Riyadh with No. (..................) and dated 25/08/1443 AH as attended/................ , a Saudi national - national ID No. (..................) in its capacity as an agent for the defendant under the power of attorney No. (......,...........) dated 20/05/1447 AH (relative of the fourth degree), and when the Attorney General was asked about the list of the cases filed in this case, he replied that it does not deviate from what is stated in the list of the cases filed with the General Secretariat of Zakat, Tax and Customs Committees. When confronted with this, the defendant's attorney replied that the accusation against his client, which included "disposing of a consignment related to goods of the type of motorcycle................. was incorrect”. The motorcycle referred to in the indictment is still at the disposal of his client to date and is registered within his property, and there is evidence to prove this - the vehicle's driving license. In addition, his client issued

In fact, the vehicle passed the necessary requirements, and in compliance with this, the certificate was sent to the Zakat, Tax and Customs Authority, and accordingly, the undertaking in question was canceled, and there is evidence to prove this, and therefore it confirms that the accusation against his client is not true for the reasons referred to above, and that he seeks the dismissal of the case because it is not true. When asked if they had any other statements, the parties replied in the negative, and accordingly the Committee decided to close the pleadings.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH, and the relevant laws and regulations.

Procedurally, after the committee has been informed of the subject matter of the case, as it has been proven to it that this dispute is a customs dispute, it is considered one of the disputes within the competence of this committee, and since it is proven from the case documents that the plaintiff filed the case in a capacity, the case must be accepted procedurally.

On merits, the committee found that a consignment belonging to the defendant was a motorcycle (motorcycle................. according to the import statement No. (..................) dated 12/04/1444 AH, and the consignment was released with a pledge not to act until a certificate of .... is submitted. Customs was not provided with a certificate............,. or return the consignment according to the seizure report No. (..................) dated 27/06/1445 AH.

According to Article (142) of the Unified Customs Law, which stipulates that: "Smuggling is the entry or attempt to enter or attempt to bring goods into or out of the country in violation of the applicable legislation without paying the customs duties in whole or in part, or contrary to the prohibition or restriction provisions contained in this Law and other regulations and laws", as well as Article (143) of the same Law, Paragraph (17), stipulates that: "The following shall be included in the provision of smuggling: ... 17. Dispose of the temporarily released goods in accordance with Article (56 Paragraph B) of the Law without the approval of the competent authority. Article (144) of the same Law stipulates that: "He shall be considered particularly penal liable: 1. The original perpetrators. 2. Accomplices in the crime. 3. Interventionists and instigators. 4. Possessors of smuggled materials. 5- Owners of the means of transport used in smuggling... 6. Owners and tenants of shops and places where the smuggled materials were deposited...", as stipulated in paragraph (2) of Article (145) of the same law: "As for other goods, the penalty shall be a fine of not less than twice the Customs Duties due and not more than the value of the goods, and imprisonment for a period of not less than one month and not more than one year, or one of these two penalties". Paragraph (5) of Article (145) of the same Law stipulates: "Confiscation of the goods that are the subject of smuggling or judgment in the event that they are not seized". Based on the foregoing, and since it is established to the Committee by the record of the seizure in question that the consignment is relieved of the undertaking not to act until the submission of a Saber certificate. Customs was not provided with a sabre certificate or return of the consignment.

Accordingly, the defendant's attempt to import the seized items is considered customs smuggling, which is why it is decided to convict the defendant of the crime of customs smuggling, and to oblige him to pay a fine equal to twice the value of the customs duties for the seizures, and to oblige him to pay the equivalent of the value of the seizures as a Confiscation Substitute, and to respond to any other requests.

With regard to the plaintiff's request for a prison sentence, the defendant's record is devoid of criminal record. Because the penalty of imprisonment is one of the penalties that deprive liberty and its effects exceed others, the Committee concluded that the sufficiency of the sentences issued against him and the response of other requests were made.

For these reasons, and after deliberation, the Committee unanimously decided the following:

Decision:

First: Conviction of the defendant .... - Saudi nationality - National ID No. (.................) for customs smuggling.

Second: Obliging the Defendant /............. Saudi Nationality - National ID No. (.................) With a fine of (994,56) nine hundred and ninety-four Saudi Riyals and fifty-six halalas, equivalent to twice the customs duties of the seizures.

Third: Obliging the defendant/.............. - Saudi national ID No. (.................) to pay an amount of (9,945,63) nine thousand nine hundred and forty-five riyals and sixty-three halalas as a confiscation substitute for the consignment in question.

Fourth: Dismissal of all other requests.

May Allah's peace and blessings be upon our Prophet Muhammad and all his family and companions.

The First Instance Customs Committee in Riyadh

Decision No. CSR-2025-248152

Case No. PC-2025-248152

Keywords:

Customs - Restrictions - Customs smuggling - Aircraft provided with with remote control camera - Conviction.

Summary:

- **Zakat, Tax and Customs Authority sues the Second First Instance Customs Committee in Riyadh against the defendant/…. , National ID No. (...), pursuant to the seizure report No. (...) dated 10/05/1444 AH, which includes the seizure of the importer in possession of (3) aircraft equipped with a remote-controlled camera, which was not declared, and where it was proven to the Customs Committee of First Instance that these items are restricted from entering the Kingdom, and failure to declare them is considered customs smuggling. Conviction of the defendant/………. , National ID No. (...), for customs smuggling, and obliging him to pay a customs fine equal to twice the customs duties for the seizures, and the sentence to confiscate the seizures subject to smuggling.**

Document:

- Article (142-145) of the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH.
- Article (20) of the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH.

Facts:

The facts of this case are summarized in the regulation submitted by the Zakat, Tax and Customs Authority. This includes that Prince Nayef bin Abdulaziz Airport received a letter from the Director of Unaizah Police No. (................) dated 09/04/1442 AH, which included the seizure of (3) planes equipped with a remote-controlled camera, owned by the defendant. Accordingly, the seizure report No. (................) dated 10/05/1444 AH was prepared, and the plaintiff requests proof of the defendant's guilt. and the sentence of imprisonment, fine, and confiscation of seizures.

Accordingly, the Customs Committee of First Instance issued its decision No. (CTR-2024-205249), which states: "Non-acceptance of the case for being filed by a party lacking legal capacity."

On the appeal of the decision, the Customs Appeals Committee in Riyadh issued its decision No. (CR-2025-233470). The judge in his operative part: "Second: On the subject. Cancellation of the first instance decision, and return the case to the Customs Committee of First Instance for reconsideration".

On Tuesday, 11/11/2025 AD, the committee held its hearing to consider the case, and by calling on the parties to the case, ... , National ID No. (................) in its capacity as a representative of the Zakat, Tax and Customs Authority under the authorization issued by the Deputy Governor of the Zakat, Tax and Customs Authority for Legal Affairs No. (................) dated 24/04/1447 AH, and the defendant or his representative did not attend despite the fact that he had received a legal notice. Upon asking the Authority's representative about the Authority's statement of claim submitted in this case, he replied that it does not deviate from what is stated in the statement of claim filed with the General Secretariat of Zakat, Tax and Customs Committees. Upon asking the Authority's representative whether he had any further statements, he replied in the negative. Accordingly, the Committee decided to close the pleadings and proceed to deliberation.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH, and the relevant laws and regulations.

Procedurally, after the committee has been informed of the subject matter of the case, as it has been proven to it that this dispute is a customs dispute, it is considered one of the disputes within the competence of this committee, and since it is proven from the case documents that the plaintiff filed the case in a legal capacity, which requires the case to be accepted procedurally.

On merits, the Committee found that the defendant was caught in possession of (3) aircraft equipped with a remote-controlled camera. According to the seizure report No. (................) dated 10/05/1444 AH.

According to Article (142) of the Unified Customs Law, which stipulates that: "Smuggling is the entry or attempt to enter or attempt to bring goods into or out of the country in violation of the applicable legislation without paying customs duties in whole or in part, or contrary to the prohibition or restriction provisions contained in this Law and other regulations and laws". Article (144) of the same Law stipulates that: "He shall be considered particularly criminally responsible: 1. The original perpetrators. 2. Accomplices in the crime. 3. Interventionists and instigators. 4. Possessors of smuggled materials. 5- Owners of the means of transport used in smuggling.... 6. Owners or tenants, shops and places where the smuggled materials were deposited...", as stipulated in paragraph (2) of Article (145) of the same Law that: "Without prejudice to any heavier penalty provided for by other provisions in force in the State, smuggling and the like shall be punished and attempted with any of them as follows: 2. As for other goods, the penalty shall be a fine of not less than twice the due customs tax and not more than the value of the goods, and imprisonment for a period of not less than For a month and not more than a year or one of these two The penalties".

Paragraph (5) of Article (145) of the same Law stipulates: "Confiscation of the goods that are the subject of smuggling or judgment in the event that they are not seized".

Based on the foregoing, and whereas it is established to the Committee by the report of the seizure in question that the defendant was caught in possession of (3) aircraft equipped with a remote control camera. Accordingly, the defendant's attempt to bring in the seized items is considered customs smuggling, which determines that the defendant will be convicted of the crime of customs smuggling, and that he will be obliged to pay a fine equal to twice the value of the customs duties for the seizures, and that the seizures that are the subject of the smuggling will be confiscated, and that any other requests will be rejected.

With regard to the plaintiff's request for a prison sentence, and since the defendant's record is devoid of precedents and because the prison sentence is one of the penalties of deprivation of liberty and its effects exceed others, the Committee concluded that the sufficiency of the sentences issued against him and the dismissal of other requests were sufficient.

With regard to the failure of the defendant or his representative to attend the hearing of the case despite the fact that he has been notified of a legal notification, and where Article (20) of the Rules of Operation for Zakat, Tax, and Customs Committees stipulates that: "If the defendant, his agent or his representative is informed of the case sheet or the date of the hearing - in accordance with Article (twelve) - or he or his agent or legal representative files a memorandum of his defence and does not attend, or he or his agent or representative attends any session and then is absent; The decision issued against him shall be considered in his absence", and since the defendant did not provide an excuse justifying his absence from the meeting of the committee convened to consider his case, and since the committee considered that the case wasfit for adjudication according to what was available in its file, it concluded to issue its decision in the case under consideration in person against the defendant.

For these reasons, and after deliberation, the Committee unanimously decided:

Decision:

First: Conviction of the defendant /................. - Saudi nationality - National ID No. (................) for customs smuggling.

Second: Obliging the defendant / .... - Saudi nationality - National ID No. (................) to pay a fine of (300) three hundred riyals, equivalent to twice the customs duties of the seizures.

Third: Confiscation of the seizures that are subject to smuggling.

Fourth: Dismissal of all other requests.

May Allah's peace and blessings be upon our Prophet Muhammad and all his family and companions.

The First Instance Customs Committee in Riyadh

Decision No. CFR-2025-263866

Case No. PC-2025-263866

Keywords:

Customs - Restrictions - Customs smuggling - Material - Acrylic styrene - Hydrocarbons - Conviction.

Summary:

- **The Public Prosecution in Al-Ahsa Governorate Demands the First Instance Customs Committee in Riyadh against the Defendant/........ , Commercial Registration No. (...), and its director/.... National ID No. (...), according to the seizure report No. (...) dated 25/08/1446 AH, which states that after inspecting the consignment received under the statement issued No. (...) dated 05/08/1445 AH, which is declared to be (acrylic styrene), the statement was received from the competent authority that it contains (100%) of the hydrocarbons, and where the Customs Committee of First Instance has been proven - according to the aforementioned seizure report - the validity of the statement from the competent authority. The result of this is the conviction of the defendant.... National ID No. (...), for customs smuggling, and the conviction of the defendant/.... Commercial Registration No. (...), for customs smuggling, and obliging the defendants to jointly pay a customs fine equal to the value of the undeclared seizures subject to smuggling, and obliging them to jointly equal to the value of the undeclared seizures as a confiscation compensation.**

Document:

- Article (142-145) of the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH.
- Article (20) of the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH.

Facts:

The facts of this case are summarized in the receipt of the regulation submitted by the Public Prosecution in Al-Ahsa Governorate No. (...........) dated 24/10/1446 AH, which includes that three samples were deducted from the consignment organized by a statistical statement issued by a Saudi origin No. (................) dated 05/08/1445 AH, and the consignment was declared to be acrylic styrene, where the sample was referred to the laboratory and the result was positive that it contained (100%) of hydrocarbons, and accordingly, the seizure report No. (................) dated 25/08/1446 AH was prepared, and the plaintiff requests proof Convicting the defendants, sentencing the legal representative, obliging the defendants to pay the customs fine, increasing the penalty, and obliging the defendant company to pay the value of the confiscation of the seizures.

On Thursday, 09/10/2025 AD, the First Instance Customs Committee in Riyadh held its hearing to consider the case. Calling the parties to the case, the Prosecutor attended/......... National ID No. (................) under the authorization issued by No. (................), dated 25/08/1443 AH, and no one representing the defendants was present despite the fact that they were informed of the date of the hearing in a systematic manner. After reviewing the case file, the Committee I asked the Public Prosecutor what he would like to add other than what he had submitted, and he replied sufficiency. Accordingly, the Committee decided to postpone the consideration of the session for further study.

On Sunday, 02/11/2025 AD, the First Instance Customs Committee in Riyadh held its hearing to consider the case. Calling the parties to the case, the Prosecutor attended .... National ID No. (................) under the authorization issued by No. (................), dated 25/08/1443 AH, while those representing the defendants failed to attend despite the fact that they were notified of the date of the hearing. After verifying the validity of the Prosecutor's appearance, and after reviewing the case file, the Committee found that it was ready to adjudicate on it. The Committee therefore asked the Prosecutor what he would like to add other than what he had submitted, to which he replied sufficiency. Accordingly, the committee decided to close the pleadings, in preparation for the issuance of the decision.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH, and the relevant laws and regulations.

Procedurally, after the committee has been informed of the subject matter of the case, as it has been proven to it that this dispute is a customs dispute, it is considered one of the disputes within the competence of this committee, and since it is proven from the case documents that the plaintiff filed the case in a legal capacity, which requires the case to be accepted procedurally.

On merits, it was found that three samples were deducted from the consignment organized by a statistical statement issued by a Saudi origin No. (................), and date 05/08/1445 AH, the consignment was declared to be acrylic styrene, where the sample was referred to the laboratory and the result was positive that it contained (100%) of hydrocarbons according to the seizure report No. (................) dated 25/08/1446 AH.

According to Article (142) of the Unified Customs Law, which stipulates that: "Smuggling is the entry or attempt to enter or attempt to bring goods into or out of the country in violation of the applicable legislation without paying customs duties in whole or in part, or contrary to the prohibition or restriction provisions contained in this Law and other regulations and laws", Article (143) paragraph (11) of the same Law stipulates that "the submission of false documents or lists or Counterfeit, artificial, or false markings with the intention of evading the payment of customs duties in whole or in part or with the intention of bypassing the provisions of the prohibition or restriction". Whereas, Article (144) of the same Law stipulates that: "He shall be considered to be particularly penal liable: 1. The original perpetrators. 2. Accomplices in the crime. 3. Interventionists and instigators. 4. Possessors of smuggled materials. 5- Owners of the means of transport used in smuggling... 6. Owners and tenants of shops and places where the smuggled materials were deposited". As stipulated in paragraph (2) of Article (145) of the same law: "As for other goods, the penalty shall be a fine of not less than twice the due customs tax and not more than the value of the goods, and imprisonment for a period of not less than one month and not more than one year, or one of these two penalties". As stipulated in paragraph (5) of Article (145) of the same Law: "Confiscation of the goods subject to smuggling or judgment equivalent to their value in the case they are not seized". Whereas, Article (24) of the same Law stipulates that "the Administration may, under the provisions of this Law or any other regulation or decision, prevent the entry, exit or transit of prohibited or violating goods, and shall also prohibit the entry, exit or transit of restricted goods except upon the approval of the competent authorities in the State". Article (5) of the Trade in Petroleum Products Law stipulates in paragraph (1) that: "It is not permissible to export or import petroleum products or materials containing priced or non-priced petroleum products, without obtaining a permit from the Ministry, and the regulations shall specify the materials allowed to be exported or imported". As stipulated in Article (5) of the Petroleum and Petrochemical Regulations in paragraph (1), "No person may engage in any of the petroleum or petrochemical operations without obtaining a license".

Whereas, it is established by the Committee, after reviewing the case file, that the company exported (hydrocarbons) without obtaining the approval of the competent authorities in accordance with the text of Article (5) of the Paragraph (1) of the Petroleum and Petrochemical Articles Law. Regarding the criminal liability for the offense of customs smuggling, what the exporter did is deemed a specific form of customs smuggling; namely, exporting hydrocarbons without obtaining approval from the competent authority and declaring it contrary to the actual export. Consequently, he is held criminally liable in a specific manner. The circular of the Director General of Customs No. (553/43/M) dated 20/07/1433 AH was issued, which stipulates the following: "The competent committee shall draw three samples from each shipment, such that one sample is sent to the laboratory in the containers designated for this purpose under secret numbers, accompanied by the approved form for providing technical information for the consignments. Two samples shall be kept at the Customs after being sealed until the result is received. If the result reveals that the sample contains subsidized petroleum materials and the concerned party objects to the result, one of the two kept samples shall be sent to another laboratory. If the test confirms the correctness of the first result, the incident shall be referred to the Legal Department. However, if the two results contradict each other, the third sample shall be analyzed as a tie-breaker for either of them, and the necessary action shall be completed accordingly, provided that samples whose records are settled are disposed of firsthand". As it is established that a sample was referred to (Mutabaqa) laboratory and the result was received showing that it contained hydrocarbons, and the exporter objected to the laboratory's result, another sample was consequently referred to (.........) laboratory and the result was received showing that the sample contained 100% hydrocarbons. Furthermore, since it is established from the case file and the statement-taking record that the legal representative is the person responsible for exporting the consignment subject of the case, it is clearly evident that the company and its legal representative are principal offenders in smuggling the consignment subject of the case. Accordingly, the defendants' attempt to take out the seized items constitutes customs smuggling. Therefore, it is decided to convict the defendants of customs smuggling, and to order the defendants jointly and severally to pay a fine equivalent to the value of the undeclared diesel, as well as ordering the defendants jointly and severally to pay an amount equivalent to the value of the undeclared diesel as a Confiscation Substitute.

With regard to the application for a custodial sentence, however, the defendant's record (legal representative) is devoid of criminal record; With regard to the request for an increase in the penalty, since the plaintiff did not attach any precedent of the customs "judgments" issued against the defendants, and since the previous reports do not amount to a customs precedent, the committee concluded that the sufficiency of the customs "judgments" issued against them and the rejection of the other requests were dismissed.

With regard to the failure of the defendants or their representatives to attend the hearing of the case despite the fact that they have been notified of a statutory notification, and where Article (20) of the Rules of Operation for the Zakat, Tax and Customs Committees stipulates that: "If the defendant, his agent or his representative is informed of the case sheet or the date of the hearing - in accordance with Article (twelfth) - or he or his agent or statutory representative files a memorandum of his defence and does not attend, or he or his agent or representative attends any session and then is absent; The decision issued against him shall be considered in his absence", and since the defendants did not provide an excuse justifying their absence from the committee session held to consider their case, and since the committee considered that the case was fit for adjudication under what was available in its file, it concluded to issue its decision in the case under consideration in person against the defendants.

For these reasons, and after deliberation, the Committee unanimously decided the following:

Decision:

First: Conviction of the defendant /.................... - Saudi nationality - National ID No. (................), and convicted the defendant company.............. , Commercial Registration No. (................), for customs smuggling.

Second: Obliging the defendants to jointly pay a customs fine equivalent to the value of undeclared diesel in an amount of (7,500) seven thousand five hundred Saudi riyals.

Third: Obliging the defendants to jointly pay the equivalent of the value of the unauthorized diesel as a Confiscation Substitute of an amount of (7,500) seven thousand five hundred Saudi riyals.

Fourth: Dismissal of all other requests.

May Allah's peace and blessings be upon our Prophet Muhammad and all his family and companions.

The First Instance Customs Committee in Riyadh

Decision No. CFR-2025-263391

Case No. PC-2025-263391

Keywords:

Customs – Restrictions – Customs smuggling – Metal – Iron – Conviction.

Summary:

- **The Public Prosecution in Al-Qurayyat Governorate asks the First Instance Customs Committee in Riyadh against the defendant/.... , National ID No. (...), the owner of / .... Commercial Registration No. (....), according to the seizure report No. (...) dated 27/01/1441 AH, which states that after inspecting the consignment received under the re-export statement No. (...) dated 17/10/1441 AH, which is declared to be (iron pieces) with (Turkish) origin documents attached, it was observed that there were a number of pieces of iron with a (Saudi) origin written on them in a fixed manner and some of them do not bear the indication of origin, and since it is established to the Customs Committee of First Instance that there must be a sign of origin of the country of production on a fixed basis based on the Royal Decree No. (5J/27748) dated 04/02/1429 AH and what was declared to be of Turkish origin is contrary to the actual import. This entails: Conviction of the defendant/..... , National ID No. (...), the owner of / .... Commercial Registration No. (...), for customs smuggling, and obliging him to pay a customs fine equivalent to the value of the violating items that are the subject of smuggling, and the sentence to confiscate the seizures that are subject to smuggling.**

Document:

- Article (142-145) of the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH.
- Article (20) of the work of the Zakat, Tax and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH.

Facts:

The facts of this case are summarized in the receipt of the regulation submitted by the Public Prosecution in Qurayyat Governorate No. (..................) dated 10/10/1446 AH, which includes that the customs broker (.......... Corporation) submits to Modern Customs with goods consisting of (iron pieces) attached with documents of (Turkish) origin with the intention of re-exporting the consignment according to the re-export statement No. (..................) dated

17/10/1441 AH and prepared in the .... of the Issuer / .... Foundation Commercial Registration No. (...................). Upon checking the documents by the electronic clearance officer, it was observed that the invoice was not clear, and by requesting the original documents to match them, it was found that there were a number of pieces of iron written on them (...................) in a fixed manner, while others do not bear the indication of origin, and accordingly, the seizure report No. (...................) dated 27/10/1441 AH was prepared, and the plaintiff requests proof of the defendant's guilt, a sentence of a fine, and the confiscation of the seizures.

On Thursday, 30/10/2025 AD, the First Instance Customs Committee in Riyadh held its hearing to consider the case and to call on the parties to the case, the Prosecutor General .... National ID No. (...................), pursuant to the authorization issued by No. (...................) dated 25/08/1443 AH., and neither the defendant nor his representative appeared despite the fact that he had received a statutory notification. After verifying the present in the case, and after reviewing the case file. The Committee asked the Prosecutor what he would like to add other than what he had submitted, and he replied sufficiency. Accordingly, the committee decided to close the pleadings, in preparation for the issuance of the decision

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH and the relevant laws and regulations.

Procedurally, after the committee has been informed of the subject matter of the case, as it has been proven to it that this dispute is a customs dispute, it is considered one of the disputes within the competence of this committee, and since it is proven from the case documents that the plaintiff filed the case in a capacity, which requires the case to be accepted procedurally.

On merits, and where it was established that the customs broker (establishment..................) submitted to Modern Customs with goods consisting of (iron pieces) attached with documents of origin (Turkish) with the intention of re-exporting the consignment under the re-export declaration No. (...................) dated 17/10/1441 AH and prepared in the .... of the Issuer/Foundation............. Commercial Registration No.(...................). Upon checking the documents by the electronic clearance officer, it was observed that the invoice was not clear, and by requesting the original documents to match them, it was found that there were a number of pieces of iron written on them (...................) in a fixed manner, while others did not bear the indication of origin, according to the seizure report No. (...................) dated 27/10/1441 AH.

According to Article (142) of the Unified Customs Law, which stipulates that: "Smuggling is the entry or attempt to bring goods into or out of the country in violation of the applicable legislation without paying customs duties in whole or in part, or contrary to the prohibition or restriction provisions contained in this Law and other regulations and laws", Article (144) of the same Law stipulates that: "He shall be held particularly criminally liable: 1. Originals. 2. Accomplices in the crime. 3. Interventionists and instigators. 4. Possessors of smuggled materials. 5- Owners of the means of transport used in smuggling... 6. Owners or tenants, shops and places where the smuggled goods were deposited...", and where paragraph (4) of Article (145) of the Unified Customs Law stipulates that: "If the smuggled goods are prohibited goods, the penalty shall be a fine of not less than the value of the goods and not more than three times their value, and imprisonment for a period of not less than six months and not more than three years, or one of these two penalties". Whereas, paragraph (5) of Article (145) of the Unified Customs Law stipulates: "Confiscation of goods subject to smuggling or judgment equivalent to their value when they are not seized". Whereas, paragraph (1/b) of Article 2 of the Anti-Commercial Fraud Law stipulates that: "Anyone who deceives or attempts to deceive the source of the product shall be considered a violation of the provisions of this Law", and paragraph (a) of Article 2 of the Executive Bylaws of the Anti-Commercial Fraud Law stipulates that: "The product shall be considered adulterated if it is altered or tampered with in any way in its data related to its source", and based on the Royal Decree No. (5J/27748) dated 04/02/1429 AH which includes the necessity of having a fixed indication of origin on the imported goods, and what the defendant did is considered a violation of the Commercial Data Law issued by Royal Decree No. (M/15) dated 14/04/1423 AH, the first article of which included a statement that among the commercial data that must be recorded on the commodity is the entity or country in which the goods were manufactured or produced, and all these regulations stipulate that there must be a permanent indication of origin of the country of production, and by reviewing the certificate of origin of re-export, it is clear that the items were declared to be of Turkish origin, as stated by the owner of the establishment, but upon actual inspection it was found that there is evidence that they are of Saudi origin as stated above, contrary to what has been declared, and therefore they are considered prohibited goods, and since customs smuggling includes the removal or attempt to take out the seizures, and because what is proven from the documents stated in the case file is that the defendant is an original actor in smuggling the infringing items, the case is considered to be the intention of establishing criminal liability in particular, and in this case, the defendant must be convicted of customs smuggling, and he must be obliged to pay a customs fine equivalent to the value of the infringing items that are the subject of smuggling, and the confiscation of the seizures that are subject to smuggling, and the response of any other requests .

With regard to the failure of the defendant or his representative to attend the hearing of the case despite the fact that he has been notified of a legal notice, and where Article (20) of the Rules of Operation for Zakat, Tax, and Customs Committees stipulates that: "If the defendant, his agent or his representative is informed of the case sheet or the date of the hearing - in accordance with Article (twelfth) - or he or his agent or legal representative files a memorandum of his defense and does not attend, or he or his agent or representative attends any session and then is absent, he shall be considered The decision issued against him in his presence", and since the defendant did not provide an excuse justifying his absence from the committee session held to consider his case, and since the committee considered that the case wasfit for adjudication under what was available in its file, it concluded to issue its decision in the case under consideration in person against the defendant.

For these reasons, and after deliberation, the Committee unanimously decided the following :

Decision:

First: Conviction of the defendant / .... - Saudi national - national ID number (..........) the owner of .... , Commercial Registration No. (..............), of customs smuggling.

Second: Obliging the defendant to impose a customs fine equivalent to the value of the violating items subject to smuggling in an amount of (267,907.5) two hundred and sixty-seven thousand nine hundred and seven Saudi riyals and fifty halalas.

Third: Confiscation of the seizures that are subject to smuggling.

Fourth: Dismissal of all other requests.

May Allah's peace and blessings be upon our Prophet Muhammad and all his family and companions.

The First Instance Customs Committee in Riyadh

Decision No. CFR-2025-263800

Case No. PC-2025-263800

Keywords:

Customs - Restrictions - Customs smuggling - Seeds - Clover - Conviction.

Summary:

- **The Public Prosecution in Al-Khafji Governorate asks the First Instance Customs Committee in Riyadh against the defendant/.... , National ID No. (...), pursuant to the seizure report No. (...) dated 03/09/1446 AH, which includes the seizure of the importer in possession of (50,000) grams of (alfalfa seeds), which was not declared, and where it was proven to the Customs Committee of First Instance that this type of restriction must be disclosed when entering or leaving the Kingdom, and failure to declare it considered customs smuggling. Convictions: Conviction of the defendant/...... , National ID No. (....), for customs smuggling, and obliging him to pay a fine equal to ten percent of the value of the goods subject to smuggling and to sentence them to confiscate.**

Document:

- Article (142-145) of the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH.
- Article (20) of the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH.

Facts:

The facts of this case are summarized in the regulation submitted by the Public Prosecution in Khafji Governorate No. (.......................) dated 22/10/1446 AH, which states that while the defendant was coming to Khafji Customs while driving a vehicle of type (.......................) bearing the Kuwaiti plate No. (.......................) Upon searching it, a number of (50,000) grams of alfalfa seeds was found, which were found at the position of the passenger's feet under the mats and at the position of the feet of the second row after covering them with a cloth, and accordingly, the seizure report No. (.......................) dated 03/09/1446 AH was prepared, and the plaintiff requests proof of the defendant's guilt, a sentence of imprisonment, a fine, confiscation of the seizures, and a sentence to confiscate the means of transportation.

On Thursday, 23/10/2025 AD, the First Instance Customs Committee in Riyadh held its hearing to consider the case and to call on the parties to the case, the Prosecutor General .... National ID No. (......................) pursuant to the authorization issued by No. (......................) dated 25/08/1443 AH, while the defendant or his representative failed to attend despite the fact that he was legally notified of the date of the hearing. After verifying the validity of the Prosecutor's appearance, and after reviewing the case file, the Committee found that it was ready to adjudicate on it. Consequently, the committee asked the Attorney General what he would like to add other than what he submitted, and he replied that it was sufficient for him, so the Committee decided to close the pleadings, in preparation for the issuance of the decision.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH, and the relevant laws and regulations.

Procedurally, and after the committee has been informed of the subject matter of the case, as it has been proven to it that this dispute is a customs dispute, it is considered one of the disputes within the competence of this committee, and since it is proven from the case documents that the plaintiff filed the case in a legal capacity, which requires the case to be accepted procedurally.

On merits, the Committee found that while the defendant was coming to Al-Khafji Customs, he was driving a vehicle of type (......................) bearing the Kuwaiti plate No. (......................)Upon searching them, a number of (50,000) grams of alfalfa seeds were found, which were found at the position of the passenger's feet under the mats and at the position of the feet of the second row after covering them with a cloth, according to the seizure report No. (...........) dated 03/09/1446 AH.

In accordance with Article (142) of the Unified Customs Law, which stipulates that: "Smuggling is the entry or attempt to bring goods into or out of the country in violation of the applicable legislation without paying customs duties in whole or in part, or contrary to the prohibition or restriction provisions contained in this Law and other regulations and laws", and where Article (144) of the same Law stipulates that: "He shall be held criminally responsible in particular: 1. The original perpetrators. 2. Accomplices in the crime. 3. Interventionists and instigators. 4. Possessors of smuggled materials. 5- Owners of the means of transport used in smuggling.... 6. Owners and tenants of shops and places where the smuggled materials were deposited....". As stipulated in paragraph (3) of Article (145) of the same Law: "If the smuggled goods are not subject to customs taxes (exempt), the penalty shall be a fine of not less than ten percent of the value of the goods, and imprisonment for a period of not less than one month and not more than one year, or one of these two penalties". Paragraph (5) of Article (145) of the same Law stipulates: "Confiscation of the goods that are the subject of smuggling or judgment in the event that they are not seized".

Based on the foregoing, and since it is established to the Committee by the report of the seizure in question that the defendant was arrested for possessing (50,000) grams of alfalfa seeds, and upon perusal of the hearing record, it was found that the defendant acknowledged the return of the seizures.

Accordingly, the defendant's attempt to import the seized items is considered customs smuggling, which is why it is decided to convict the defendant of customs smuggling, oblige him to pay a fine equal to ten per cent of the value of the goods smuggled, and confiscate the seizures that are the subject of smuggling.

With regard to the plaintiff's requests for a prison sentence and a sentence to confiscate the means of transport, and where, according to the case papers, it was found that there were no precedents registered against the defendant related to customs smuggling, and since the penalty of imprisonment is one of the penalties that deprive liberty and its effects go beyond to third parties, and since it has been determined by jurisprudence and judgment that the punishment must be proportionate to the gravity of the act committed and the circumstances surrounding it, in accordance with the rules of the punishment gradation, and where it has not been proven that the defendant concealed the seizures in a technical manner, and since the lesson is from the application of the confiscation penalty The existence or non-existence of the means of transport is related to the extent to which it is used for the smuggling of the seized materials, such as arranging hides or pockets within the means of transport for their use in smuggling, which was not proven in this case, with which the Committee concluded that the sufficiency of what was issued against the defendant and the dismissal of other requests.

With regard to the failure of the defendant or his representative to attend the hearing of the case despite the fact that he has been notified of a statutory notification, and where Article (20) of the Rules of Operation for Zakat, Tax, and Customs Committees stipulates that: If the defendant, his agent or his representative is informed of the case sheet or the date of the hearing - in accordance with Article (twelve) - or he or his agent or statutory representative files a memorandum of his defense and does not attend, or he or his agent or his representative attends any session and then is absent, he shall be considered The decision issued against him in his presence", and since the defendant did not provide an excuse justifying his absence from the committee session held to consider his case, and since the committee considered that the case wasfit for adjudication under what was available in its file, it concluded to issue its decision in the case under consideration in person against the defendant.

For these reasons, and after deliberation, the Committee unanimously decided the following:

Decision:

First: Conviction of the defendant .... - Saudi national - holding civil registry number (.......................) for customs smuggling.

Second: Obliging the defendant to pay a fine equal to ten percent of the value of the goods subject to smuggling, an amount of (570) five hundred and seventy Saudi riyals.

Third: Confiscation of the seizures that are subject to smuggling.

Fourth: Dismissal of all other requests.

May Allah's peace and blessings be upon our Prophet Muhammad and all his family and companions.

The First Instance Customs Committee in Riyadh

Decision No. CFR-2025-263897

Case No. PC-2025-263897

Keywords:

Customs - Restrictions - Customs smuggling - Electronic shisha flavors - Conviction.

Summary:

- **The Public Prosecution in Al-Ahsa Governorate sues the First Instance Customs Committee in Riyadh against the defendant/..... ،...... Nationality, Passport No. (...), according to the seizure report No. (...) dated 20/03/1446 AH, which includes the seizure of (280) honey flavors in the importer's possession, which were not declared, and where it was proven to the Customs Committee of First Instance that this type of restriction must be disclosed when entering or leaving the Kingdom, and failure to declare it considered customs smuggling. This resulted in the conviction of the defendant/.....,...... Nationality, Passport No. (...), for customs smuggling, and obliging him to pay a customs fine equal to twice the value of the seizures subject to smuggling, and the sentence to confiscate the seizures subject to smuggling.**

Document:

- Article (142-145) of the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH.
- Article (20) of the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH.

Facts:

The facts of this case are summarized in the regulation submitted by the Public Prosecution in Al-Ahsa Governorate No. (...........) dated 25/10/1446 AH, which states that during the formation of a search the case 4 kilometers before the Army Intersection towards the west, the green truck No. (................) driven by the defendant/.................. was stopped ،........................ Nationality – Passport No. (................), which is loaded with (8) cars of type (..................). Upon searching it, a number of (280) electronic hookah flavors were found hidden inside a mobile vehicle on the ground floor below the driver's side seat, as well as in the rear bag of the vehicle wrapped in tin and a black bag, and accordingly, the seizure report No. (...............) dated 20/03/1446 AH was prepared, and the plaintiff requested proof of the defendant's guilt, a sentence of imprisonment and a customs fine with an aggravation of the penalty, confiscation of the seizures, and confiscation of the vehicle.

On Thursday, 23/10/2025 AD, the First Instance Customs Committee in Riyadh held its hearing to consider the case and to call on the parties to the case , the Prosecutor General .... National ID No. (...........) under the authorization issued by No. (...........), dated 25/08/1443 AH, while the defendant or his representative failed to attend despite the fact that it was proven that he had been notified of the date of the hearing. After verifying the validity of the Prosecutor's appearance, and after reviewing the case file, the Committee found that it was ready to adjudicate on it. Consequently, the committee asked the Attorney General what he would like to add other than what he submitted, and he replied that it was sufficient for him, so the Committee decided to close the pleadings, in preparation for the issuance of the decision.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH and after reviewing the rules of the work of the Zakat, Tax and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH, and the relevant laws and regulations.

Procedurally, after the committee has been informed of the subject matter of the case, as it has been proven to it that this dispute is a customs dispute, it is considered one of the disputes within the competence of this committee, and since it is proven from the case documents that the plaintiff filed the case in a legal capacity, which requires the case to be accepted procedurally.

On merits, the Committee found that during the formation of a search case before the intersection of the Army (...........) by (4) km towards the west, truck No. (...........) was stopped of green color led by the defendant/............. , ... Nationality - Passport No. (...........), which is loaded with (8) cars of type (......................). Upon searching it, a number of (280) electronic hookah flavors were found hidden inside a mobile vehicle on the ground floor under the driver's side seat, as well as in the rear bag of the vehicle wrapped in tin and a black bag, according to the seizure report No. (...........) dated 20/03/1446 AH.

According to Article (142) of the Unified Customs Law, which stipulates that: "Smuggling is the entry or attempt to enter or attempt to bring goods into or out of the country in violation of the applicable legislation without paying taxes (customs duties in whole or in part, or contrary to the prohibition or restriction provisions contained in this Law (the Law) and other regulations and laws", and Article (144) of the same Law stipulates that: He is considered to be particularly penal liability: 1. The original perpetrators. 2. Accomplices in the crime. 3. Interventionists and instigators. 4. Possessors of smuggled materials. 5. Owners of the means of transport used in smuggling..... 6. Owners and tenants of shops and places where the smuggled goods were deposited…". As stipulated in paragraph (4) of Article (145) of the same Law that: "If the smuggled goods are prohibited goods, the penalty shall be a fine of not less than the value of the goods and not more than three times its value, and imprisonment for a period of not less than six months and not more than three years, or one of these two penalties". As stipulated in paragraph (5) of (145) of the same Law stipulates: "Confiscation of goods subject to smuggling or judgment of the equivalent value thereof in the case they are not seized".

Based on the foregoing, and since it is established to the Committee according to the report of the seizure in question, that the defendant was found to be in possession of (280) flavors of electronic shisha, and upon perusal of the record of hearing, it was found that the defendant acknowledged the proceeds of the seizures.

Accordingly, the defendant's attempt to import the seized items is considered customs smuggling, which is determined to convict the defendant of customs smuggling, and to impose a customs fine equal to twice the value of the seizures subject to smuggling, and to confiscate the seizures subject to smuggling.

With regard to the plaintiff's requests for imposition of a prison sentence, an increase in the penalty, and a sentence to confiscate the vehicle, and since the penalty of imprisonment is one of the penalties of deprivation of liberty and its effects extend to third parties, and where the plaintiff did not submit any customs precedent issued against the defendant, and since the attached records do not amount to a customs precedent, and since the ownership of the vehicle does not belong to the defendant, and where the plaintiff did not provide the photos, especially since the customs ports are monitored by the Authority's cameras, and there are cameras in the uniform of the customs inspectors in charge of the operation. In view of the fact that it was not proven that the seizures were concealed in a technical manner because they were in the trunk of the vehicle and that the purpose of the punishment is to deter and deterr, the Committee concluded that the defendant was sufficient and that other requests were rejected.

With regard to the failure of the defendant or his representative to attend the hearing of the case despite the fact that he has been notified of a legal notification, and where Article (20) of the Rules of Operation for Zakat, Tax, and Customs Committees stipulates that: "If the defendant, his agent or his representative is informed of the case sheet or the date of the hearing - in accordance with Article (twelve) - or he or his agent or his legal representative files a memorandum of his defense and does not attend, or he or his agent or his representative attends any session and then is absent, he shall be considered The decision issued against him in his absence, and since the defendant did not provide an excuse justifying his absence from the meeting of the committee convened to consider his case, and since the committee deemed that the case wasfit for adjudication under what is available in its file, it concludes by issuing its decision in the case under consideration in person against the defendant.

For these reasons, and after deliberation, the Committee unanimously decided:

Decision:

First: Conviction of the Defendant/.............. ،............... Nationality – Passport No. (...........) for customs smuggling.

Second: Obliging the defendant to pay a customs fine equal to twice the value of the seizures subject to smuggling, an amount of (11,200) eleven thousand two hundred Saudi riyals.

Third: Confiscation of the seizures that are subject to smuggling.

Fourth: Dismissal of all other requests.

May Allah's peace and blessings be upon our Prophet Muhammad and all his family and companions.

The First Instance Customs Committee in Riyadh

Decision No.	CFR-2025-263143
Case No.	PC-2025-263143

Keywords:

Customs - Restrictions - Customs smuggling - foodstuffs - Conviction.

Summary:

- **The Public Prosecution in the Eastern Province requests the First Instance Customs Committee in Riyadh against the defendant / .... ,........... Nationality, Passport No. (...), pursuant to the seizure report No. (...) dated 13/08/1446 AH, which includes the seizure of the importer's possession of (various foodstuffs), - explained in the aforementioned seizure report, which was not declared, and where it was proven to the Customs Committee of First Instance that this type of restriction must be disclosed when entering or leaving the Kingdom, and failure to declare it considered customs smuggling. The result of this is the conviction of the defendant / .... ,...... Nationality, Passport No. (...), and obliging him to pay a fine equal to twice the customs duties of the seizures subject to smuggling, and to sentence them to confiscate.**

Document:

- Article (142-145) of the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH.
- Article (20) of the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH.

Facts:

The facts of this case are summarized in the receipt of the statement of claim submitted by the Public Prosecution in the Eastern Region No. (.........................) dated 20/09/1446 AH, which stipulates that upon the arrival of the defendant at King Fahd Causeway Customs, driving a vehicle of type (.........................) bearing license plate No. (.........................), and upon inspecting it, there were found (104) bags of [..........], (40) cans of [..........], (10) bags of [..........], (12) bags of tea, and (30) bags of sweets. These items were found beneath the companion's feet, in the vehicle's trunk, in the spare tire compartment, and on the second seat. Accordingly, seizure report No. (.........................) dated 13/08/1446 AH was drawn up. The plaintiff requests the conviction of the defendant, a ruling of imprisonment, a customs fine with an aggravation of the penalty, the confiscation of the seized items, and a ruling of an amount equivalent to the value of the means of transport as a Confiscation Substitute.

On Thursday, 28/08/2025 AD, the First Instance Customs Committee in Riyadh held its hearing to consider the case, and by calling on the parties to the case, the Public Prosecutor .... National ID No. (...................) by Authorization (...................), issued by No. (...................), dated 25/08/1443 AH, while the defendant or his representative failed to attend despite the fact that he was proved, he was Procedurally notified of the date of the hearing. After verifying the validity of the Prosecutor's appearance, and after reviewing the case file, the Committee found that it was ready to adjudicate on it. The Committee therefore asked the Prosecutor what he would like to add other than what he had submitted, to which he replied sufficiency. Accordingly, the committee decided to close the pleadings, in preparation for the issuance of the decision.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing the rules of the work of the Zakat, Tax and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH, and the relevant laws and regulations.

Procedurally, and after the committee has been informed of the subject matter of the case, as it has been proven to it that this dispute is a customs dispute, it is considered one of the disputes within the competence of this committee, and since it is proven from the case documents that the plaintiff filed the case in a legal capacity, which requires the case to be accepted procedurally.

On merits, the Committee found that while the defendant was coming to King Fahd Bridge Customs, he was driving a vehicle of type (...................) bearing plate No. (...................), and upon inspection of it, a number of (104) bags of .... and (40) boxes of .... and (10) bags........... (12) bags of tea and (30) bags of sweets, which were found under the legs of the escort and in the bag of the vehicle, and were found in the place designated for the spare tire and on the second seat according to the seizure report No. (...................) dated 13/08/1446 AH.

According to Article (142) of the Unified Customs Law, which stipulates that: "Smuggling is the entry or attempt to bring goods into or out of the country in violation of the applicable legislation without paying the customs duties in whole or in part, or contrary to the prohibition or restriction provisions contained in this Law (Law) and other regulations and laws, and where Article (144) of the same Law stipulates that: "It shall be held particularly criminally responsible: 1. Original perpetrators. 2. Accomplices in the crime. 3. Interventionists and instigators. 4. Possessors of smuggled materials. 5- Owners of the means of transport used in smuggling... 6. Owners and tenants of shops and places where the smuggled materials were deposited...", as stipulated in paragraphs (1) and (2) of Article (145) of the same Law that: "1. If the smuggled goods are subject to high customs "duties", the penalty shall be a fine of not less than twice the due customs tax and not more than three times the Customs Duties, or twice the value of the goods, whichever is higher, and imprisonment for a period of not less than one month and not more than one year, or by one of these two penalties. 2- As for the goods The penalty shall be a fine of not less than twice the due customs tax and not more than the value of the goods, and imprisonment for a period of not less than one month and not more than one year, or by one of these two penalties.". Paragraph (5) of Article (145) of the same Law stipulates: "Confiscation of the goods that are the subject of smuggling or judgment in the event that they are not seized.".

Based on the foregoing, and whereas, it is established to the Committee by the report of the seizure in question that the defendant was seized in possession of (104 bags..........), (40 boxes ....), (10 bags..........), (12 bags ....) and (30 bags ....).

Accordingly, the defendant's attempt to import the seized items is considered customs smuggling, which is determined to convict the defendant of customs smuggling, and to impose a fine equal to twice the customs duties for the seizures subject to smuggling, and to confiscate the seizures subject to smuggling.

With regard to the request for a judgment equivalent to the value of the means of transport, and where the plaintiff did not provide photos that prove that the defendant concealed the seizures, especially since the customs ports are monitored by the Authority's cameras, and there are cameras in the uniform of the customs inspectors in charge of the seizure process, and the principle of proportionality of the punishment to the crime and the fact that the purpose of the punishment is deterrence and deterrence, and with regard to the request to increase the penalty, as the plaintiff did not attach any customs precedent to the defendant, and that the customs reports do not amount to It must be a customs precedent, and with regard to the request for a prison sentence, but the defendant's record is devoid of criminal precedents, and because the prison sentence is one of the penalties that deprive liberty and its effects go beyond others, which the Committee concluded with the sufficiency of what was issued against him and the dismissal of other requests.

With regard to the failure of the defendant or his representative to attend the hearing of the case despite the fact that he has been notified of a legal notification, and where Article (20) of the Rules of Operation for Zakat, Tax, and Customs Committees stipulates that: "If the defendant, his agent or his representative is informed of the case sheet or the date of the hearing - in accordance with Article (twelve) - or he or his agent or legal representative files a memorandum of his defence and does not attend, or he or his agent or representative attends any session and then is absent; The decision issued against him shall be considered in his presence", and since the defendant did not provide an excuse justifying his absence from the meeting of the committee convened to consider his case. Since the Committee considers that the case is fit for adjudication under what is available in its file, it concludes by issuing its decision in the case under consideration in person against the defendant.

For these reasons, and after deliberation, the Committee unanimously decided the following:

Decision:

First: Conviction of the Defendant /........................... , ... Nationality – Passport No. (.................) for customs smuggling.

Second: Obliging him to pay a fine equal to twice the customs fees for the seizures subject to smuggling in an amount of (578.4) five hundred and seventy-eight Saudi riyals and four halalas.

Third: Confiscation of the seizures that are subject to smuggling.

Fourth: Dismissal of all other requests.

May Allah's peace and blessings be upon our Prophet Muhammad and all his family and companions.

Keywords:

The First Instance Customs Committee in Riyadh

Decision No. CFR-2025-267057

Case No. PC-2025-267057

Customs - Restrictions - Customs smuggling - Sheep - No conviction.

Summary:

- **The Public Prosecution in Dhahran South Governorate Petition the First Instance Customs Committee in Riyadh against the Defendant/.... ,...... Nationality, ID of the transferee No. (...), and the defendant/.... ,....... Nationality, remittance ID number (...), who were caught while crossing the Saudi border, and a number of (28) sheep were seized near their location, and where it was not proven to the Customs Committee of First Instance - according to the case file - that the defendants were in possession of the seizures, but they were found close to them after surveying and searching the area. As a result, the defendant was not convicted.... ,...... Nationality, remittance ID number (...), and the defendant / .... ,....... Nationality, remittance ID number (...), for customs smuggling.**

Document:

- Article (142-145) of the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH.
- The Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH.

Facts:

Whereas, the list of the case s submitted by the Chief Public Prosecution in Dhahran South Governorate No. (...............) dated 07/02/1447 AH and the requests received therein, which includes that during the exercise of one of the patrols of the Hattab Center in the location called (Hattab) near the border mark No. (..........) of the boundaries of the responsibilities of the Hattab Center, the defendants/.......... were observed .... , ... Nationality, Relayed ID No. (...........), and.............. ,...................... Nationality, Remittance ID No. (..................), in the location called (..................) crossing the border line on foot illegally, so they were intercepted and dealt with as required by the situation, and they were arrested and the receiving person called /.................. , a Saudi national, national ID number (..................) and in possession of a mobile phone, a SIM card and a sum of money of (600) riyals, and upon surveying and searching the site, a number of (28) sheep were seized, and the plaintiff requests to prove the guilt of the defendants, sentence to imprisonment and fine, confiscation of the seizures, and sentence the equivalent of their value when they are not seized.

On Sunday, 10/08/2025 AD, the Committee held its hearing, and by calling the parties to the case, the Attorney General attended/.................... according to the authorization issued by the Public Prosecution in Riyadh Region No. (...............), dated 25/08/1443 AH, and the defendant Asala............. Identity of the transferee No. (..................) and the defendant Asala .... The identity of the deportee No. (..................) and a representative of the prisoner of East Abha who was invited.................... National ID No. (..................) After verifying the parties to the case, and after reviewing the case file. The Committee asked the Prosecutor what he would like to add other than what he had submitted, and he replied sufficiency. When the defendant's representative asked what he would like to add other than what he had submitted, he replied that they had nothing to add and that they had no smugglers on it, and the committee decided to close the pleadings in preparation for the issuance of the decision.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH, and the relevant laws and regulations;

Procedurally, after the committee has been informed of the subject matter of the case, as it has been proven to it that this dispute is a customs dispute, it is considered one of the disputes within the jurisdiction of the Customs Committee, and since it is proven from the case documents that the plaintiff filed the case in a legal capacity, which requires the case to be accepted procedurally.

On merits, the committee found that the defendants were in possession of a total of (28) sheep.

Based on the text of Article (142) of the Unified Customs Law, which stipulates that: "Smuggling is the entry or attempt to bring goods into or out of the country in violation of the applicable legislation without paying customs duties in whole or in part, or contrary to the prohibition or restriction provisions contained in this Law and other regulations and laws", Paragraphs (6, 12 and 13) of Article (143) of the same Law stipulate that: "The smuggling ruling shall include the exceeding of goods in the entry or exit of the customs department without their authorization, and the transportation or possession of prohibited and restricted goods without providing proof supporting their importation or transit in a regular manner, or the transfer or possession of goods subject to the customs authority without a legal document." In either of them, the following shall be provided: 1. If the smuggled goods are subject to high customs "duties", the penalty shall be a fine of not less than twice the due customs tax and not more than three times Customs tax or duties, or twice the value of the goods, whichever is higher, and imprisonment for a period of not less than one month and not more than one year, or by one of these two penalties", as stipulated in paragraph (5) of Article (145) of the same Law: "Confiscation of the goods that are the subject of smuggling or judgment in the equivalent of their value in the case they are not seized".

Upon reviewing the statement of the hearing and asking the defendants about the charge against them, they denied that they had nothing to do with the seizures, and stated that they entered the Kingdom smuggling through the border to seek sustenance and were arrested and they were hiding among the trees in the valley next to the net, and there were people they did not know with sheep and they were behind them coming from Yemen intending to enter the Kingdom, and these people escaped from the site and the sheep remained in the valley, and they also reported that there was no relationship between them and the .... Mufarreh al-Talidi. Since all the defendants denied the charge against them, and when they were arrested at the site, they were not in possession of anything, and after surveying and searching the site, the seizures (sheep) were found, and there is no strong presumption that they will be charged with the seizures as soon as they are seen and monitored exceeding the borders of the Kingdom, which is considered to be nonexistent. Since the punishment is extended only when the positive reason is achieved, and it is not justified by suspicion, but its fall by suspicion is closer, and just as the original is innocence, and the person who adheres to the innocence adheres to the original, and the prosecutor adheres to the original, and he has not provided evidence to convey this original, and the jurisprudential rule stipulates that "a mistake in pardon is better than a mistake in punishment", and since the original is innocence, and since the plaintiff did not present evidence of it in connection with her the case, and since the sentences issued by conviction are only based on evidence that indicates certainty It is not correct to base the conviction on suspicion and suspicion, because the doubt is interpreted in favor of the accused. This will not prove the defendants' conviction for customs smuggling due to insufficient evidence.

For these reasons, and after deliberation, the Committee unanimously decided the following:

Decision:

Non-conviction of the defendants/.............. ,................. Nationality – holding Deportee ID No. (..................) and............. , ... Nationality – holding Deportee ID No. (.........................) for customs smuggling.

May Allah's peace and blessings be upon our Prophet Muhammad and all his family and companions.

The First Instance Customs Committee in Riyadh

Decision No. CSR-2025-263056

Case No. PC-2025-263056

Keywords:

Customs - Restrictions - Customs smuggling - Birds - Conviction.

Summary:

- **The Public Prosecution in the Eastern Province asks the Second First Instance Customs Committee in Riyadh against the defendant/.... ,...... Nationality, Identity... No. (...), pursuant to the seizure report No. (...) dated 04/07/1445 AH, which includes the seizure of the importer's possession of (606) birds, - explained in detail in the aforementioned seizure report - was not declared, and where it was proven to the Customs Committee of First Instance that this type of restriction and must be disclosed when entering or leaving the Kingdom, and failure to declare it is considered customs smuggling. Conviction: Conviction of the defendant/... ,... Nationality, Identity... No. (...), for customs smuggling, and obliging him to pay a fine equivalent to twenty percent of the value of the seizures subject to smuggling, and a sentence equivalent to the value of the seizures as a Confiscation Substitute.**

Document:

- Article (142-145) of the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH.
- Article (20) of the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH.

Facts:

The facts of this case are summarized in the receipt of the regulation submitted by the Public Prosecution in the Eastern Province, plate No. (....................) dated 12/09/1446 AH, which states that while the defendant was coming to King Fahd Bridge Customs, he was driving a vehicle of type (....................) bearing plate number (....................). Upon searching the vehicle, a number of (375) love birds were found. Krawan birds (204) and pigeons (27) were found hidden inside a factory sheet under the floor mattresses. and cavities of the vehicle's bridges. and cavities for the rear vehicle doors and the driver's door. Inside the fuel tank, after a story, it was divided into two parts, a special section for fuel and a section prepared for the purpose of smuggling inside it, and accordingly, the seizure report No. (....................) dated 04/07/1445 AH was prepared. The plaintiff requests proof of the defendant's guilt, a sentence of imprisonment and a fine, an increase in the penalty, and a sentence equivalent to the value of the seizures as a substitute for confiscation and confiscation of the means of transport.

On Wednesday, 08/10/2025 AD, the Committee held its hearing to consider the case, and by calling on the parties to the case, the Attorney General attended/............... National ID No. (....................) pursuant to the authorization issued by the Chief Prosecutor in Riyadh No. (....................) dated 25/08/1443 AH, and the defendant or his representative did not attend despite being informed of the date of the hearing in a legal manner. When asked about the list of the cases submitted by the Public Prosecution in this case, the Prosecutor replied that it does not deviate from what is stated in the list of the case s filed with the General Secretariat of the Zakat, Tax and Customs Committees. When asked if he had any other statements, he replied in the negative, and accordingly the committee decided to close the pleadings.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH, and the relevant laws and regulations.

Procedurally, after the committee has been informed of the subject matter of the case, as it has been proven to it that this dispute is a customs dispute, it is considered one of the disputes within the competence of this committee, and since it is proven from the case documents that the plaintiff filed the case in a legal capacity, which requires the case to be accepted procedurally.

On merits, the Committee found that the defendant had been caught in possession of 375 lovebirds. Krawan birds (204) and pigeons (27) were found hidden inside a factory sheet under the floor mattresses. and cavities of the vehicle's bridges. and cavities for the rear vehicle doors and the driver's door. Inside the fuel tank, after a story, it was divided into two parts, a special section for fuel and a section prepared for the purpose of smuggling inside it, according to the seizure report No. (.................) dated 04/07/1445 AH.

According to Article (142) of the Unified Customs Law, which stipulates that: "Smuggling is the entry or attempt to enter or attempt to bring goods into or out of the country in violation of the applicable legislation without paying customs duties in whole or in part, or contrary to the prohibition or restriction provisions contained in this Law and other regulations and laws". Article (144) of the same Law stipulates that: "He shall be considered particularly criminally responsible: 1. The original perpetrators, 2. Partners in the crime, and 3. The intervenors and instigators. 4. Possessors of smuggled materials. 5- Owners of the means of transport used in smuggling... 6. Owners or tenants of shops and places where the smuggled materials were deposited. Paragraph (3) of Article (145) of the same Law stipulates that: "Without prejudice to any harsher penalty provided for by other provisions in force in the State, smuggling and the like thereof, and the attempt to proceed with any of them, shall be punished as follows: 3. If the goods The smuggled goods are not subject to customs taxes (exempt), and the penalty shall be a fine of not less than ten percent of the value of the goods, and imprisonment for a period of not less than one month and not more than one year, or one of these two penalties”. Paragraph (5) of Article (145) of the same law stipulates the confiscation of the goods that are the subject of smuggling or judgment at the equivalent value of the goods in the case they are not seized." As stipulated in paragraph (6) of Article (145) of the same Law: "Confiscation of means of transport, tools and materials used in smuggling, except for public means of transport such as ships, planes, trains, and public cars, unless they have been prepared or leased for this purpose, or a judgment equal to their value when they are not seized”.

Based on the foregoing, and since it is established to the Committee by the report of the seizure in question that the defendant was caught in possession of lovebirds with the number (375). and caravan birds (204) and pigeons (27).

Accordingly, the defendant's attempt to enter the seized items is considered customs smuggling, which is determined to convict the defendant of the crime of customs smuggling, oblige him to pay a fine of twenty percent of the value of the seizures, and sentence the equivalent of the value of the seizures subject to smuggling as a substitute for confiscation and confiscation of the means of transport, and dismissal of all other requests.

With regard to the plaintiff's request for a prison sentence and an aggravation of the sentence, the defendant's record is devoid of criminal record. Because the penalty of imprisonment is one of the penalties that deprive liberty and its effects exceed others, the Committee concluded that the sufficiency of the sentences issued against him and the response of other requests were made.

With regard to the failure of the defendant or his representative to attend the hearing of the case despite the fact that he has been notified of a legal notification, and where Article (20) of the Rules of Operation for Zakat, Tax, and Customs Committees stipulates that: "If the defendant, his agent or his representative is informed of the case sheet or the date of the hearing - in accordance with Article (twelve) - or he or his agent or legal representative files a memorandum of his defence and does not attend, or he or his agent or representative attends any session and then is absent; The decision issued against him shall be considered in his presence", and since the defendant did not provide an excuse justifying his absence from the meeting of the committee convened to consider his case, Since the Committee considers that the case is fit for adjudication under what is available in its file, it concludes by issuing its decision in the case under consideration in person against the defendant.

For these reasons, and after deliberation, the Committee unanimously decided the following:

Decision:

First: Conviction of the Defendant .... (ID No.............) for customs smuggling.

Second: Obliging him to pay a fine of (4,131.60) four thousand, one hundred and thirty-one riyals and sixty halalas, equivalent to twenty percent of the value of the seizures.

Third: Obliging him to pay a fine of (20,658) twenty thousand six hundred and fifty-eight riyals equivalent to the value of the seizures as a Confiscation Substitute.

Fourth: Confiscation of the means of transport used, prepared and equipped for smuggling.

Fifth: Dismissal of all other requests.

May Allah's peace and blessings be upon our Prophet Muhammad and all his family and companions.

Administrative Customs

Customs Duties

The Customs Appeals Committee in Riyadh

Decision No. CR-2025-240102

Case No. AC-2025-240102

Keywords:

Customs - Customs duties - Collection - Differences - Importer’s non-entitlement.

Summary:

- **The importer’s request to annul the first instance decision No. (CTR-2024-136711), issued by the Third First Instance Customs Committee in Riyadh ruling the acceptance of the case procedurally, and the integrity of the Zakat, Tax and Customs Authority's conduct in collecting fees. Whereas, it was proved to the Appeals Committee that the appellant's statement in its regulations that the customs did not take into account the basis of calculating the value is a result given that the pricing of diesel was (2.8 Saudi riyals) per liter, which is the price approved by the company producing it after excluding the value of the subsidy, in addition to the fact that the Customs is the competent technical department to determine the value of the imported item, which does not affect its evaluation only the objection sent. This entails in upholding the first instance decision in its entirety.**

Document:

- Article (163) of the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH.

Facts:

The facts of this case are summarized in the fact that the appellant filed an objection before the Third First Instance Customs Committee in Riyadh, against the collection decision issued by the Zakat, Tax and Customs Authority No. (......................) for the year 1443 AH, which resulted in customs differences in a total amount of (805,962) eight hundred and five thousand nine hundred and sixty-two Saudi Riyals. After the Committee reviewed the statement of objection and all the attached documents, it issued its decision—subject of the appeal—ruling in its operative part as follows: "1. Acceptance of the case procedurally.

2. On the merits, the judgment is on the soundness of the conduct of the Zakat, Tax and Customs Authority in obtaining the differences of customs duties on the customs declarations numbering (45) customs declarations”.

Upon reviewing the appeal list submitted by the Customs Appeals Committee, it was found that it included a summary of the plea by correspondence with the Ministry of Commerce, which in turn addressed the Restrictions Department at the Authority and approved the validity of the customs items, and accordingly the imports were classified based on the statement of the Ministry of Commerce, as well as the plea for the issuance of the first instance decision based on the statement of a non-neutral and competent party in the case, and concluded with a request to accept the appeal and annul the decision, and as a precaution to assign a specialized expert to adjudicate the technical matters in dispute.

Upon reviewing the reply memorandum submitted by the appellant against it, the Customs Appeal Committee found that it included a summary of the argument that the tariff items objected to by the appellant had been studied by the competent department at the Authority - the General Directorate of Restrictions and Tariffs - which supported the action taken by the Authority, where it was reported that the items contained in the customs declarations under scrutiny had been declared to be using an erroneous customs item and with a lower than applicable customs duty category, and accordingly the customs data was re-enacted. The decision was based on the statement received by the Customs Tariff Department, and it also pushed the jurisdiction to the General Directorate of Restrictions and Tariffs.In accordance with Principle No. (16) extracted from the decisions of the Customs Appeals Committees, and concluded with a request to reject the appeal and the ruling to uphold the first instance decision.

Upon the Customs Appeals Committee's review of the appellant's rejoinder to the defense memorandum submitted by the appellee, it was revealed that it did not deviate from what was submitted in the statement of appeal, and concluded with a request to accept the appeal and reverse the decision, and alternatively, to appoint a specialized expert to adjudicate the technical matters subject of the dispute.

On Wednesday, 26/09/1446 AH, corresponding to 26/03/2025 AD,In the evening, the Customs Appeals Committee in Riyadh held its hearing through at (01:38) pm, the Customs Appeals Committee in Riyadh held its hearing through Video communication in accordance with the procedures of remote video litigation, based on the provisions of Item No. Video communication in accordance with the procedures of remote video litigation, based on the provisions of Item No.(1) Article Fifteen of the Rules of Operation for Zakat, Tax, and Customs Committees Issuede. To consider the appeal submitted by Royal Decree No. (25711) dated 08/04/1445 AH to consider the appeal submitted by (Factory................ Company Branch..................... on the Resolution No. (CTR-2024-136711) dated 19/12/1445 AH issued by the Third First Instance Customs Committee in Riyadh and after reviewing the case file and the appeal submitted by the appellant, the committee decided to close the pleadings.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH and the Rules of Procedure of the Zakat, Tax and Customs Committees Issued by Royal Decree No. (25711) dated 08/04/1445 AH, and the relevant laws and regulations.

Whereas, the appellant was notified of the preliminary decision on 30/06/2024 AD, and filed an appeal against the decision on 29/07/2024 AD, this entails the admissibility of the appeal as to form, for being filed by a party having legal capacity within the prescribed period for its execution pursuant to the provisions of Article (163) of the Unified Customs Law.

Upon reviewing the Committee's decision and the memoranda submitted by the parties; and since the appellant's defenses are confined to its lack of conviction in relying on the General Directorate of Customs Tariff, given that it conducted the classification pursuant to the clarification of the Ministry of Commerce, and considering the Directorate an un-neutral body; and having regard to the clarification submitted by the appellee (the Authority) from the General Directorate of Customs Tariff regarding the classification of the imported items; and whereas the (General Directorate of Customs Tariff) is the sole competent technical body for determining customs tariff headings, which represents the Kingdom in the meetings of the Technical Committee on the Harmonized System at the World Customs Organization that issued the codes and classification of the globally applied Harmonized System; and pursuant to Principle No. (16) extracted from the decisions of the appellate committees, which stipulates: 'The customs authority is deemed the technical administration qualified to determine the imported item, and consequently, the classification is not affected by a mere objection submitted against it or by requesting an expert opinion from another body."; the Committee therefore concludes that the defenses submitted by the appellant have no bearing on the outcome of the decision, particularly since they did not deviate in their entirety from what was previously raised before the decision-making committee, which addressed it within the recitation of the merits of the appealed decision. Accordingly, the Committee unanimously concluded to rule as follows:

Decision:

First: Accpetance of the appeal procedurally, filed by [..........] Factory, Commercial Registration No. (........................), against the Preliminary Decision No. (CTR-2024-136711) issued by the Third First Instance Customs Committee in Riyadh.

Second: Non-acceptance of the appeal on the merits, and upholding the first instance decision in its entirety, for the reasons and merits stated in this decision.

May Allah's peace and blessings be upon our Prophet Muhammad and all his family and companions.

The Customs Appeals Committee in Riyadh

Decision No. CAR-2025-246421

Case No. AC-2024-246421

Keywords:

Customs - Customs duties - Collection - Differences - Sugar products - Importer's non-entitlement.

Summary:

- **The importer's request to annul the first instance decision No. (CFR- 2024-234998), issued by the First Instance Customs Committee in Riyadh ruling the acceptance of the case procedurally, and the dismissal of the plaintiff's case regarding its objection to the Authority's decision to collect customs differences for the customs declaration No. (...) dated 07/05/1445 AH, amounting to (774,771.10) Saudi Riyals. Whereas it is established to the Customs Committee that the appellant's defense—stating that the appellee updated the duties for headings from the 8% duty category to the 15% duty category after the importation dates, thereby rendering the imposed duties un-owed—is incorrect; rather, the correct position is that the dispute lies in determining the correct tariff heading. Clarification was received from the competent authority upholding the Authority's approach in collecting duties related to the discrepancy in customs tariff headings. Furthermore, it is established to the Customs Committee that the appellant's defense is correct regarding restricting the dispute to the heading of (under-valuation), as the Authority accepted its objection to this heading for a number of (20) customs declarations. Consequently, this entails upholding the preliminary decision with its amendment by excluding (20) customs declarations related to (under-valuation) from the collection decision No. (...) dated 06/05/1445 AH.**

Document:

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- Article (163) of the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH.

Facts:

The facts of this case are summarized in the fact that the plaintiff has filed an objection before the First Instance Customs Committee in Riyadh, against the collection decision issued by the Zakat, Tax and Customs Authority No. (................) for the year 1445 AH, which resulted in customs differences in a total amount of (774,771.10) seven hundred and seventy-four thousand seven hundred and seventy-one riyals and ten halalas, and after reviewing the objection list and all the attached documents, the committee issued its decision - the subject of the appeal as follows:

"First: Acceptance of the case procedurally.

Second: Dismissal of the plaintiff's case with regard to her objection to the defendant's decision in the collection decision of statement No. (..................) dated (06/05/1445 AH) in the amount of (774,771.10 Saudi Riyals) that is the subject of the case".

Upon reviewing the appeal submitted by the Customs Appeals Committee, it was found that it included the summary of the argument that the First Instance Committee had based its decision on the report of the Customs Tariff Committee sent by email without enabling the appellant to view it, and that the decision is considered legally invalid because it exceeded the statutory rules related to defense rights, and the agent of the appellant company argues the error in adapting the case due to the Authority's acknowledgment of the appellant's No Conviction of the claim of impairment differences and that the dispute is limited to the differences of the customs tariff clause All the customs data in dispute were imported before the new tariff was updated from (8%) to the (15%) fee category, and the collection decision is considered invalid for non-compliance with the customs exemption Granted to Statement No. (................). It was also devoid of the formal and substantive requirements stipulated in the law, and concluded with a request to accept the appeal procedurally, and to annul the collection decision that is the subject of the case and erase all its effects.

The Customs Appeals Committee reviewed the reply memorandum submitted by the appellant against it, and it was found that it included the summary of the plea of the company's non-compliance with the customs policies and procedures related to the customs declaration with regard to the applicable customs tariff item, which resulted in the existence of customs duty differences due to the State Treasury, and the Authority is the technical body responsible for determining the item contained in accordance with Principle No. (15) extracted from the decisions of the Customs Appeals Committees, and concluded with a request to reject the appeal, and to uphold the first instance decision in its entirety.

Upon reviewing the appellant's response to the appellant's response to the reply memorandum submitted by the appellant against her, it was found that she did not deviate from what was submitted in the appeal list, and concluded by requesting the cancellation of the collection decision in question and the erasure of all its effects.

On Thursday, 13/09/1446 AH corresponding to 13/03/2025 AD, at 01:38 PM, the Customs Appeals Committee in Riyadh held its hearing via video communication in accordance with the procedures of remote video litigation, based on the provisions of Item No. (1) of Article Fifteen of the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH to consider the appeal submitted by a company. .... Decision No. (CFR - 2024-234998) dated 20/10/2024 AD issued by the First Instance Customs Committee in Riyadh, and after reviewing the case file and the appeal submitted by the Appellant, the Committee ,accordingly, considered that the Appellant (the Authority) should be assigned to provide details of the customs data that is the subject of the collection decision, including their numbers, dates, amounts, customs fees, amount, and the amount of the lost fee claimed by the Authority, and invoked for each of those statements, and assigned to respond to the appellant's statement that the amendment of the fee from (8%) to (15%) was After the date of import, registration of customs data, and submission of proof of the date of issuance of the decision to amend the fee, within two weeks from the date of their notification, and after the submission of the Authority, the appellant is to be provided by a copy thereof to submit what she has within a similar period. The session concluded at 02:36 pm.

On Thursday, 16/12/1446 AH corresponding to 12/06/2025 AD, at 02:40 PM, the Customs Appeals Committee in Riyadh held its hearing via video communication in accordance with the procedures of remote video litigation, based on what is stated in Clause (1) of Article Fifteen of the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH, to consider the appeal submitted by the company............... Decision No. (CFR - 2024-234998) dated 20/10/2024 AD issued by the First Instance Customs Committee in Riyadh, and after reviewing the case file and the appeal submitted by the appellant, the Committee decided to close the pleadings.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/4/1445 AH and the relevant laws and regulations.

Since the first instance decision was notified on 11/11/2024 AD, and the appeal against the decision was filed on 28/11/2024 AD, this entails accepting the appeal in a form to be submitted by the person in a capacity within the period prescribed for its conduct under Article (163) of the Unified Customs Law.

Whereas, by reviewing the case file and its annexes, and whereas the decision to collect the subject of the case is based on two principles, namely (choosing an incorrect customs tariff item - differences in low value), and where the appellant argues that the items in dispute were imported on a duty category of (8%), and that the appellant has updated the fee for the items contained in the disputed customs declarations from category (8%) to category (15%) after the dates of importation, which makes the imposed duties undue, and whereas, considering that items selected by the appellant and contained in the statements Customs According to the statement of the Tariff and Restrictions Department, the items are (1- Item ....) the item mentioned in the statement (..........) as (other - sugary products sweetness candies containing cocoa) with a duty category of (8%), while the correct item mentioned in the statement of the Tariff Administration (..............) is described as (others, in the form of pieces, plates or fingers) with a duty category of (15%). 2- Category (...........), the item contained in the statement (.........) with the description of (other - sugary products sweetness candies containing cocoa) with a fee category of (8%), while the correct item contained in the statement of the Tariff Administration (..........) as a description of others, in the form of pieces, plates or fingers) with a fee category of (15%). 3- Item (...........), the item contained in the statement (18069020000) describing (other - sugary products sweetness candies containing cocoa) with a duty category of (8%), while the correct item contained in the statement of the Tariff Department (..........) describes (others, in the form of pieces, plates or fingers) with a fee category of (15%). 4- Category (Galaxy ....), the item contained in the statement (..........) describing (other - sugary products sweetness candies containing cocoa) with a fee category of (8%), while the correct item contained in the statement of the tariff management (..........) describing (other, in the form of pieces, plates or fingers) with a fee category of (15%) 5- Item (..........), the item contained in the statement (.........) describing (other - sugary products sweetness candies containing cocoa) with a duty category of (8%), while the correct item contained in the statement of the Tariff Administration (...........) as describing (others, in the form of pieces, plates or fingers) has a duty category of (15%). 6- Item (..........), the item contained in the statement (........) as describing (other - sugary products sweetness candies containing cocoa) with a drawing category of (8%), while the correct item contained in the statement of the Tariff Administration (.........) is described as (other, in the form of pieces, plates or fingers with a drawing category of (15%). 7- Item (.........), the item contained in the statement (........) describing (other - sugary products sweetness candies containing cocoa) with a duty category of (8%), while the correct item contained in the statement of the Tariff Department (.........) is described as (sweetened biscuits) with a duty category of (10%). 8- Category (.........), the item contained in the statement (.........) describing (other - liquid white chocolate used in the preparation of beverages) with a duty category of (8%), while the correct item contained in the statement of the Tariff Administration (.........) describing (other, products in the form of concentrated liquid or paste containing cocoa) with a duty category of (15%). 9- Category (..........), the item contained in the statement (.........) as (Other - sugary products sweetness candies containing cocoa) in the category Fee (8%), while the correct item contained in the Tariff Department's statement (.........) describes (other, products in the form of concentrated liquid or paste containing cocoa) with a fee category of (15%). 10- Category (.........), the item contained in the statement (.........) describing (other - sugary products sweetness candies containing cocoa) with a fee category of (8%), while the correct item contained in the statement of the tariff management (.........) describes (other, in the form of pieces, plates or fingers .... Stuffed) with a drawing category (15%). Whereas, through the comparison of the items referred to above, it becomes clear to the Committee that the basis of the dispute is not to update the category of the fee from a lower percentage to a higher percentage, because after reviewing and searching through the Authority's website about the items selected by the appellant, it was found that they are still in the category of fee (8%) and have not been updated, but the basis of the dispute lies in the correct adoption of the incoming clause. He claims it, which he did not object to, and the Authority submitted the statement of the Restrictions and Tariff Department in its classification of the importer, and since the statement of the Tariff Department, the competent authority in determining the correct customs items, was issued in support of the Authority's approach, therefore, the Authority's conduct in collecting the fees related to the different items of the customs tariff is correct, and as for the appellant's argument that statement No. (..........) must be subject to the exemption, it is returned, given that this statement is not the subject of dispute and it has not been objected to in the As for the differences in customs duties related to the item "impairment", therefore, in view of the memorandum of the Respondent Authority submitted before the First Instance Committee, in which it was stated that: "With regard to the differences in customs duties due to the impairment of (20) customs declarations, we would like to state that during the objection stage, the Authority found out that the differences were calculated based on the suppliers' statement of account, and it was not proven that the expenses contained in the suppliers' statement were linked to the goods received for each declaration of customs data in dispute........... In light of the above, the objection in this regard was accepted for the purpose of returning it to the administration issuing the decision". Accordingly, and since the Authority accepted the appellant's objection in this regard, the Committee concludes to exclude those customs declarations, which decides to reject the appeal submitted and uphold the first instance decision with its amendment by excluding (20) customs declarations related to the impairment item from the collection decision No. (..........) dated 06/05/1445 AH.

Decision:

First: Acceptance of the appeal procedurally, filed by / Company........... , Commercial Registration No. (..........), against the First instance decision No. (CFR - 2024-234998), issued by the First Instance Customs Committee in Riyadh.

Second: On the merits, the first instance decision was upheld, with its amendment to exclude (20) customs declarations related to impairment from the collection decision No. (.........) dated 06/05/1445 AH, for the reasons and rationales contained in this decision.

May Allah's peace and blessings be upon our Prophet Muhammad and all his family and companions.

Keywords:

The First Instance Customs Committee in Riyadh

Decision No.	CFR-2025-262276
Case No.	AC-2025-262276

Customs - Customs duties - Collection - Differences - Household Furniture - Importer's non-entitlement.

Summary:

- **The importer's request from the First Instance Customs Committee in Riyadh against the Defendant / Zakat, Tax and Customs Authority, to consider the objection to the decision issued by the Authority to collect customs differences in the amount of (...) for the year 1446 AH in the amount of (1,106,062.09) Saudi Riyals. Whereas, the Customs Committee has proved to be correct in collecting customs duties related to the various items of customs tariffs and shipping cost fees, by receiving the statement of the competent authority that confirmed that the item to be used is (...) in the category of duty (12%) instead of item No. (...) in the category of duty (5%), which was issued by the Authority's decision, and the importer did not pay in the claim sheet regarding the claim of the Authority not to add the importer to the shipping costs, and the fact that the General Directorate of Customs Tariffs is the competent technical department to determine the correct item, the mere objection sent does not affect the validity of the collection decision. This entails: dismissal of the importer's claim in relation to the collection decision No. (...) dated 30/02/1446 AH.**

Document:

- Article (3-5) of the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH.
- Article (127) of the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH.
- Article (147) of the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH.

Facts:

The facts of the case are summarized in the statement of the case submitted by...... , National ID No. (..........) in its capacity as the legal agent of the plaintiff under the power of attorney No. (.........) dated 04/02/1446 AH, against the defendant Zakat, Tax and Customs Authority and objects to the collection decision issued by No. (..........) of 1446

AH, which resulted in customs differences in a total amount of (1,106,062.09) Saudi Riyals, based on several reasons, which are as follows: First, it considers that the decision is contrary to Sharia, order and logic, as arbitrary and unjustified fees were imposed on it, which is unfair to it and is not in line with reality. Second: It indicates that the decision was issued without clarifying the reasons or justifying its contents, despite the fact that it has paid all the fees prescribed for it. Third: It highlights that its record is free of any violations or penalties by any government agency, and that it works in the field of import and export without committing any mistake for a long time. Fourth: Finally, the plaintiff points out that the case is covered by the royal pardon No. 61877 issued on 27/10/1442 AH, which stipulates that non-major the cases are covered by the pardon, which justifies the cancellation of the decision issued against her. The plaintiff concluded its list by requesting the annulment of the collection decision in question.

This is presented to the defendant (Zakat, Tax and Customs Authority) which submitted a reply memorandum, the content of which is summarized as follows: The plaintiff argues that the fees were imposed arbitrarily. The Defendant asserts that the procedures it followed were in accordance with the Law, as the Regulator enacted statutory articles granting the Customs the right to audit the customs data and related documents, based on Article (127) of the Unified Customs Law. As for the issuance of the collection decision, the defendant states that differences in the customs value were discovered for the following reasons: "The taxpayer's failure to add the expenses of external shipping in the customs statements, which is contrary to the text of Article (26) of the Unified Customs Law, where the books submitted by the plaintiff were reviewed and compared with the documents submitted by the plaintiff during the preparation of the customs declaration. - As for the item used incorrectly, the defendant states that it found that the items entered during the preparation of the customs declaration were not the correct items, as the plaintiff used item (..........) for the item (pillow covers) and the defendant addressed the Restrictions and Tariff Department and found that the correct item according to their statement was cotton and polyester pillow the case s (from bed linen and not from bedspreads) and according to the percentages in the invoice, the item falls under the customs item (..........) with a 12% duty category. The defendant reiterates that the calculation mechanism was based on a comparison of the data provided by the taxpayer with official documents and accounting books, making the claim of an arbitrary estimate incorrect. The defendant also clarified that the customs value was calculated in accordance with the law, including the addition of external freight expenses that were not declared by the taxpayer. Also, the customs items used by the taxpayer were incorrect and were corrected based on what internal studies showed. The defendant ultimately confirmed that the decision issued against the taxpayer was based on the correct provisions of the law and took into account the customs standards followed, and therefore the decision was issued in accordance with the law, and the defendant concluded its memorandum by requesting the dismissal of the case submitted by the plaintiff.

On Thursday, 28/08/2025 AD, the First Instance Customs Committee in Riyadh held its hearing via video conferencing in accordance with the procedures of remote video litigation to consider the case before it. By calling on the parties to the case, the .... , National ID No. (..........) as an agent for the plaintiff .... Company Under the power of attorney No. (..........) and the date of 04/02/1446 H and pursuant to Attorney License No. (.........) dated

19/01/1444 AH, and [.........], National ID No. (.........), attended in her legal capacity as the representative of the defendant, the Zakat, Tax and Customs Authority, pursuant to the authorization issued by the Agency for Legal Affairs and Compliance at the Authority under No. (.........) dated 19/03/1445 AH. After verifying the attendance of the plaintiff's attorney and the defendant's representative, and upon the Committee's review of the case file, the Committee asked the plaintiff's attorney if he wished to add anything further to what he had submitted. He replied that he wished to submit a memorandum, which reads as follows: "First: Customs erred in combining and merging a number of (203) customs declarations into a single case, making it difficult for us to respond to all of them due to the variation in their items, goods, and conditions across different containers, and more than (5) years have passed since the containers [were cleared]. Second: The responsibility for matching customs tariffs [rests upon the authority]. Since the certifications issued by it are authentic and based on a laboratory test proving compliance with the approved standard specifications, we find that the responsibility falls upon the Customs Department and its employees. They are responsible for verifying these certifications and their validity prior to the clearance of goods, and they bear the responsibility for the consequences of their clearance decision. Had these customs tariffs been incorrect at the time, the shipment would not have been released! Accordingly, full responsibility lies with the Customs Administration and its officers; they are the ones who verified the customs tariffs at the time, issued the clearance, and finalized the goods delivery procedures without any undertakings". Upon asking the Authority's representative if she wished to add anything further to what had been submitted, she replied by resting her case on what was previously submitted. Accordingly, the Committee decided to close the pleadings in preparation for issuing the decision.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH, and the relevant laws and regulations.

Procedurally, and after reviewing the subject matter of the case, as it has been proven to the committee that this dispute is a customs dispute, it is considered one of the disputes within the jurisdiction of this committee. Whereas it is established from the documents of the case that the plaintiff filed the case in a legal capacity, and within the statutory period, which requires the case to be accepted procedurally.

On merits, the Committee considered the papers and documents included in the case file, and the requests, defenses and defenses expressed by the parties, the Committee found that the dispute lies with the plaintiff's objection to the collection decision No. (..........) of 1446 AH, based on the audit process that resulted in customs differences in the amount (1,106,062.09) Saudi Riyals.

Based on Article (3) paragraph (2/c) of the Rules of Operation for Zakat, Tax, and Customs Committees, which stipulates that: "The Customs Separation Committee Departments shall be competent to apply the provisions of the Unified Customs Law and its Implementing Regulations, as follows: (c) Consideration of objections to collection decisions pursuant to the provisions of Article (147) of the Law", and where Article (5) of the Rules of Operation for Zakat, Tax, and Customs Committees stipulates that: "A person in respect of whom a decision has been issued by the Commission may appeal against him within sixty days from the date of his notification thereof, and the Authority shall decide on the grievance within ninety days from the date of its submission, and the complainant shall have a grievance within thirty days from the date of his notification of the rejection or partial acceptance of the grievance, or the passage of ninety days without a decision on it. Do any of the following: .... B. Filing a direct the case before the Judicial Departments", as stipulated in Article (147) of the Unified Customs Law, which stipulates that: "a. The Director General or his delegate may issue the necessary decisions for the collection of customs taxes and other fees and fixed customs fines that the taxpayer abandons to pay, and the collection decisions issued in accordance with this Article shall have the force of an executive bond", and based on Article (127) of the Unified Customs Law, which stipulates that the employees of the Department have the right to view papers, documents and records Correspondence, commercial contracts and documents of any kind, directly or indirectly, related to customs operations, and their seizure in the event of a violation, shall be with the shipping and transport establishments and all natural and legal persons related to customs operations. After reviewing the documents and defenses submitted, it becomes clear that the dispute lies in the plaintiff's objection to the collection decision No. (10352/1446) issued against her, and since the decision issued in what the defendant considered to be correct was based on two things, namely: first, not adding shipping costs, and the plaintiff did not attach supporting documents and did not pay for it in the statement of claim submitted by her. Second: The plaintiff chose an item that the defendant believes is incorrect, which is (..........) a drawing category (5%) and the description of (pillow covers) and that the item to be used is (..........) a drawing category (12%) with a description of (from other textile materials), and also the plaintiff did not add defenses on this point and did not attach documents related to the objection about the item used.

Upon reviewing the respondent's reply memorandum, which was attached to a photocopy of the statement of the Tariff Department, it stated as follows: "After studying the attachments, it is clear that the incoming is cotton and polyester pillow the case s (made of bed linen and not from bed linen). According to the percentages in the invoice, the item falls under the customs item (..........) with a 12% duty category" and accordingly, and based on the appellate decision (CR - 2025-240102), which stipulated in its reasons: "The General Administration of Customs Tariffs is the only technically competent body in determining the customs items, which represents the Kingdom in the meetings of the Technical Committee of the Harmonized System at the World Customs Organization, which issued the codes and classification of the Harmonized System applied globally." Based on the appellate decision No. (595), which stipulates in its content that "the customs authority is the competent technical department to determine the item received, and therefore the classification does not affect it by the mere objection sent to it and the request for expertise from another party", which is decided to dismiss the plaintiff's the case (Company.........) Commercial Registration No. (..........) regarding the collection decision No. (......./........) in the amount of (1,106,062.09) Saudi Riyals.

For these reasons, and after deliberation, the Committee unanimously decided:

Decision:

First: Acceptance of the case procedurally.

Second: Dismissal of the plaintiff's claim (………. Company) Commercial Registration No. (……….) in relation to the collection decision No. (……….) dated 30/02/1446 AH in the amount of (1,106,062.09) one million one hundred and six thousand and sixty-two Saudi Riyals and nine halalas that are the subject of the case. .

May Allah's peace and blessings be upon our Prophet Muhammad and all his family and companions.

The First Instance Customs Committee in Riyadh

Decision No. CSR-2025-261943

Case No. AC-2025-261943

Keywords:

Customs - Customs duties - Collection - Differences - Importer's entitlement.

Summary:

- **The importer's request to the Second Instance Customs Committee in Riyadh against the defendant / Zakat, Tax and Customs Authority, to consider the objection to the collection decision issued against it by the Authority No. (……) dated 21/12/1443 AH, which includes the calculation of customs differences in the amount of (227, 834. 53) Saudi Riyals. Since it has not been proven to the Customs Committee that the Authority's argument regarding the suspension of the consignments received by the plaintiff at one or more stations before their arrival in the destination country must be provided, and since the attached bills did not indicate the suspension of the consignments at the (transit) station, but were directly from the port of the country neighboring Switzerland to Saudi territory, the importer must not provide proof of fulfillment of the exemption conditions since the shipping bills stated that the containers of the goods sent were not opened. This result: Annulment of the Authority's decision against the importer, related to the collection decision No. (...) dated 31/12/1443 H.**

Document:

- Article (3) of the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH.
- Article (98) of the Unified Customs Law of the Gulf Cooperation Council Countries of the Gulf issued by Royal Decree No. (M/41) dated 03/11/1423 AH.
- Article (127) of the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH.
- Article (147) of the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH.

Facts:

The facts of this case are summarized in the fact that the plaintiff institution filed an objection to the collection decision issued against it by the Zakat, Tax and Customs Authority (ZATCA) No. ....) dated 21/12/1443 AH, which includes calculating customs differences in the amount of (227, 834. 53) two hundred and twenty-seven thousand, eight hundred and thirty-four riyals and fifty-three halalas.

Upon reviewing the plaintiff's statement of claim, the committee found that it summarizes the exemption from customs duties on imports originating in Switzerland—a member state of the EFTA agreement—as effected at the customs port, specifically by the exemptions section, after inspection by the customs inspector and the head of the customs group, in accordance with the necessary procedures and documents. Exemption is granted only after fulfilling the conditions stipulated in the agreement. Regarding the customs data under audit, which number (10) data, which are accompanied by the bill of lading, invoice, Swiss certificate of origin, and the approved shipment movement certificate (...), which details the shipment's movement from the factory to Saudi Arabian ports with the same quantities and specifications, without any alteration or division, the plaintiff further states that the auditor was provided with a declaration and confirmation from the factory and exporter in Switzerland, certified by the Swiss Chamber of Commerce, affirming that the shipments have not undergone any modification, alteration, or addition. Therefore, the plaintiff requests the annulment of the collection decision under appeal.

Upon reviewing the committee of the reply memorandum submitted by the defendant (Zakat, Tax and Customs Authority), it was found that it included a summary of the fact that it reviewed a sample of the plaintiff's records of import data and reviewed the validity of the customs declaration for (10) import data during the years from 2017 to 2021, in which the import was exempted under the (EFTA) agreement, which stipulates that the origin is the direct shipment of consignments between the member states of the agreement, and that the exception to this is if the shipment was indirectly The Authority adds that some incoming consignments of Swiss origin, which is one of the member states of the (FATA) Convention, stopped during their shipment at one or several stations in countries outside the Convention before reaching the destination country, and accordingly, the Authority requested the plaintiff to provide proof that the products stopped at one or more stations were not subject to any changes or replacements and did not receive any response from the Accordingly, the exemption from incoming consignments was withheld, and consequently the issuance of the collection decision in question, after it became clear that the plaintiff's imports from the Swiss company (..........) stopped during their shipment at one or several stations in countries outside the countries of the (EFTA) agreement, namely (Germany - Belgium) before arriving at the destination country, as it is one of the conditions for the application of the provisions of the agreement that those products were shipped directly from one of the parties to the agreement to the other party, and in In the event that the products are transported through the territory of a party other than the parties to the agreement through transit, the importer is required to provide the appropriate proof from the customs authorities in the transit country that no change has been made to the goods, in accordance with paragraph (2) of Article (13) of Annex VI Chapter III of the Free Trade Agreement between the GCC countries and the European Free Trade Association (EFTA) countries................

The plaintiff (....... Foundation) then submitted a reply memorandum to respond to what was stated in the Authority's memorandum, which was submitted by her agent/....... , National ID No. (.........), under Power of Attorney No. (..........), issued on 18/09/2024 AD, and the attorney's license No. (..........), and it turns out that it includes what is summarized by the confirmation that the shipments are exempt under the (EFTA) agreement and that the consignments It is known that Switzerland does not have a sea port, so the shipment must come to the nearest seaport in order to be shipped to the Gulf countries, and all shipments are attached with a Swiss certificate of origin in addition to a certificate of movement of goods (........... In addition to the fact that the shipments were shipped directly from the port of export to the Kingdom and the shipments were not opened or tampered with, and the plaintiff confirms that the defendant's statement of the plaintiff's violation of paragraph (1) of Article (13) of Appendix (VI) of Chapter III of the Free Trade Agreement between the GCC and the European Free Trade Association countries is not true. The plaintiff adds that all the shipments were stamped with the seal of the factory in the country of origin and stamped with the seal of the Swiss state for export, and they remained in this condition and no change was made to them until they arrived in the Kingdom with all their seals, and it was not proven that they were opened anywhere outside the country of origin until they reached the importing party, and therefore the plaintiff requests the acceptance of the case and the ruling to annul the collection decision.

On Wednesday, 01/10/2025 AD, the Second Instance Customs Committee held its hearing in Riyadh in the presence of its members whose names are recorded in the hearing minutes, through video communication in accordance with the procedures of remote video litigation, based on what is stated in Item No. (1) of Article Fifteen of the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH, and by calling on the parties to the case, ... - Saudi national ID No. (..........) in its capacity as an agent for the plaintiff under power of attorney No. (...........) dated 16/02/1444 AH, and Attorney's License No. (.........), as .... , National ID No. (..........) in its capacity as a representative of the Zakat, Tax and Customs Authority under the authorization issued by the Deputy Governor of the Zakat, Tax and Customs Authority for Legal Affairs No. (..........) dated 19/03/1445 AH, and when the plaintiff's attorney asked about his client's case, he replied that she does not deviate from what is stated in the list of her claim filed with the General Secretariat of Tax Committees. When confronted with this, the defendant's representative replied that he confirms what is stated in the defendant's reply list and that he does not accept any new documents that were not submitted to the defendant during the examination and objection phase. Upon asking both parties whether they had any further statements, they replied in the negative. Accordingly, the Committee decided to close the pleadings in preparation for the issuance of the decision.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH and the relevant laws and regulations.

Procedurally, after the committee has been informed of the subject matter of the case, as it has been proven to it that this dispute is a customs dispute, it is considered one of the disputes within the competence of this committee, and since it is proven from the case documents that the plaintiff filed the case in a legal capacity, which requires the case to be accepted procedurally.

On merits, the Committee considered the papers and documents included in the case file, and the requests, defenses and defenses expressed by its parties, the Committee found that the dispute lies in the plaintiff's objection to the collection decision issued against her by the Zakat, Tax and Customs Authority No. (.........) dated 21/12/1443 AH, which includes the calculation of customs differences on (10) import data with a total amount of (227, 834. 53) two hundred and twenty-seven thousand, eight hundred and thirty-four Saudi Riyals and fifty-three halalas.

Based on paragraph (2/d) of Article (3) of the Rules of Operation for Zakat, Tax, and Customs Committees, which stipulates that: "The Customs Separation Committee Departments shall be competent to apply the provisions of the Unified Customs Law and its Implementing Regulations, as follows:

d. Consider objections to collection decisions pursuant to the provisions of Article (147) of the Law, and based on Article (98) of the Unified Customs Law, which stipulates that: " Customs taxes under this Regulation are the goods agreed to be exempted from the GCC Unified Tariffs”. In accordance with Article (127) of the Unified Customs Law, which stipulates that: "The employees of the Department shall have the right to view papers, documents, records, correspondence, commercial contracts and documents of any kind, directly or indirectly, related directly or indirectly to customs operations, and to seize them in the event of a violation, at the Maritime and Transport Institutions and all natural and legal persons related to customs operations”. Based on Article (5) of the Free Trade Agreement between the member states of the Cooperation Council for the Arab States of the Gulf and the countries of the European Free Trade Association (EFTA), which stipulates that: "Such products have been shipped directly from one of the parties to the agreement to the other, and in the case of the transportation of the products through the territory of another party other than the parties to the agreement through transit, it is stipulated: a. The products/consignments shall not be subject to any other operations other than unloading, reloading, fragmentation or any operation intended to preserve them, and shall remain under customs control in the country of transit during this period. (b) The importer shall provide the appropriate proof to the customs authorities of the importing party upon request that the conditions stipulated in paragraph (a) above have been met”.

Based on the foregoing, and after reviewing the papers and documents included in the case file, and the requests, defenses and defenses expressed by the parties, and where it became clear that the dispute between the two parties regarding the collection decision No. (..........) dated 21/12/1443 AH amounted to (227, 834. 53) two hundred and twenty-seven thousand eight hundred and thirty-four riyals and fifty-three halalas, where the defendant believes that the plaintiff violated the conditions of the exemption for (10) customs declarations in view of the transit of the consignments to a transit area without providing proof that the consignments did not It shall be changed in accordance with the aforementioned Article of the Free Trade Agreement between the Gulf States and the States of the Gulf States (AFTA), which led to the issuance of the collection decision in question. Whereas, upon examination and study of the documents submitted by the plaintiff, it was found that they were attached to a number of documents for each customs declaration in dispute, namely (customs declaration, invoice, transit certificate, certificate of origin, bill of lading), which did not prove what the Authority pays regarding the suspension of incoming consignments to the plaintiff at one or more stations before their arrival in the destination country, and since the geographical location of the country of import (Switzerland) shows that there are no seaports affiliated with it, and accordingly, the State of Switzerland sends the shipments by land. In addition, the bills attached to each statement did not indicate that the consignments were parked at the (transit) terminal but were directly from the port to Saudi territory, and the bills of lading indicated that the containers through which the goods were shipped were sealed with a number recorded on each bill of lading "Seal No. ...." or ".........", which proves that the consignment was not subjected to tampering or opening. This indicates that the consignment was not opened, added or reduced, which requires the annulment of the decision of the defendant / Zakat, Tax and Customs Authority, against the plaintiff / .... Foundation (Commercial Registration No. ....), related to the collection decision issued No. (.........) dated 21/12/1443 AH in the amount of (227, 834, 53) two hundred and twenty-seven thousand eight hundred and thirty-four riyals and fifty-three halalas.

For these reasons, and after deliberation, the Committee unanimously decided the following:

Decision:

Annulment of the decision of the defendant / Zakat, Tax and Customs Authority, against the plaintiff / institution......... (Commercial Registration No. ....), related to the collection decision issued by No. (...........) dated 21/12/1443 AH in the amount of (227, 834. 53) two hundred and twenty-seven thousand eight hundred and thirty-four riyals and fifty-three halalas.

May Allah's peace and blessings be upon our Prophet Muhammad and all his family and companions.

The First Instance Customs Committee in Riyadh

Decision No. CFR-2025-262702

Case No. AC-2025-262702

Keywords:

Customs — Customs duties — Collection — Differences — Conditions for eligibility for exemption on shipments — Importer's Non-Entitlement.

Summary:

- **The importer's request to the First Instance Customs Committee in Riyadh against the defendant / Zakat, Tax and Customs Authority, to consider the objection to the collection decision issued against it by the Authority No. (...) dated 26/09/2024 AD, which includes the calculation of customs differences in the amount of (2,484, 840. 47) Saudi Riyals. The Customs Committee has proven to the Customs Committee the correctness of the Authority's approach in collecting the duties, because after reviewing the certificate of origin provided by the importer - according to the case file - it is clear that it does not refer to the Arab broker in the notes field, which is contrary to what was stated in the Economic and Social Council Resolution No. (...) dated 08/02/2018 AD, which concludes: The dismissal of the importer's claim in relation to the collection decision issued by the defendant No. (...) dated 22/03/1446 AH.**

Document:

- Article (85) of the Unified Customs Law of the Gulf Cooperation Council Countries of the Gulf issued by Royal Decree No. (M/41) dated 03/11/1423 AH.
- Article (88) of the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH.
- Article (98) of the Unified Customs Law of the Gulf Cooperation Council Countries of the Gulf issued by Royal Decree No. (M/41) dated 03/11/1423 AH.
- Article (127) of the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH.

Facts:

The facts of the case are summarized that .... , National ID No. (..........), in its capacity as an agent for the plaintiff under Power of attorney No. (...........) issued on 11/11/2024 AD, and under the attorney's license No. (..........), filed its the case against the defendant, and objects to the collection decision issued by No. (.........) dated 26/09/2024 AD, which resulted in customs differences in a total amount of (2,484, 840. 47) Saudi Riyals.

Upon reviewing the committee of the list of the plaintiff's agent, the committee included a summary that the plaintiff's attorney argues that the .... and country of the Arab broker are clearly present in the invoice attached to the customs declaration, which is considered to meet the data required to be completed by the certificate of origin of the Arab broker. The plaintiff attached some invoices issued by the company's office in the UAE, explaining all its details. It is also argued that it is not stated in the Facilitation Agreement or the Arab Rules of Origin that the non-inclusion of some data in the Arab Certificates of Origin is a reason for withholding the exemption, but rather deals with this formal deficiency - if any - within the framework of what is stated in the Arab Rules of Origin, where Article (17) deals with the possibility of issuing certificates of origin retroactively, and Article (26) which includes that formal errors do not affect the detailed origin of the commodity. The plaintiff referred to the circular of His Excellency the Director General of Customs in 1435 AH with the number (.......... m) Regarding the Regulations for the Acceptance of Invoices issued from an Arab Country Other than the Country of Production recorded in the Certificate of Origin accompanying the goods, and this Circular does not include any reference or instruction to record the data of the Arab broker in field No. 7 of the certificate of origin and stipulates that it will be exempted from customs duties if the incoming consignment meets the conditions of exemption under the Greater Arab Free Trade Area. The plaintiff's attorney concluded his list by requesting the cancellation of the collection decision issued against the plaintiff.

When the case was presented to the defendant (Zakat, Tax and Customs Authority), it submitted a response memorandum that summarized that it found that the taxpayer was not entitled to the exemption because the conditions of eligibility for the exemption did not apply to the consignments in dispute due to the presence of an intermediary in the United Arab Emirates, and the non-reference to the Arab broker in the field specified in the certificates of origin provided with the customs data, and is considered contrary to what was stated in the Arab Economic and Social Council Resolution No. (2170) based on the recommendations of the Implementation and Follow-up Committee Meeting No. (44) in the second item. Paragraph (1) stipulates the adoption of the mechanism by referring in the certificate of origin (note 7) to the existence of an intermediary with the .... and country of the Arab mediator in the form mentioned in the above paragraph. It indicated that the general provisions of the Arab rules of origin and the resolutions of the Economic Council should be applied immediately after the circulation of the resolutions. Also, the submission of incomplete certificates of origin by not mentioning the intermediary in column (7) is not considered a difference and a formality according to the definition of Article (26) of the Rules of Origin for Arab Goods, which indicated that the differences are minor in the data recorded in the proof of origin and those contained in the documents submitted to the Customs Office, and the formal errors are "clear formal errors such as an error in copying the proof of origin on the typewriter", so the Authority believes that Article (26) cannot be applied to the certificate of origin for consignments in question. Disagreement. The Authority also attached in its memorandum a copy of the Economic and Social Council resolution, a copy of the recommendations, as well as a copy of the plaintiff's certificate of origin to prove that it was free of a declaration in field (7). The Commission concluded its response memorandum by requesting the dismissal of the case submitted by the plaintiff and endorsing the Authority's approach.

When this was presented to the plaintiff's attorney, he submitted a memorandum of reply, which included a summary of the fact that the Authority .... in its response that the data subject to the collection decision had already obtained the exemption prescribed at the time of clearance, according to the documents submitted at the customs port, and the porter requested at the time of the clearance to clarify the role of the intermediary and the reason for mentioning two invoices in the certificate of origin issued by Egypt and Morocco, and the port was informed At the time, with a letter explaining the role of the mediator and the reason for mentioning two invoices with the following certificate of origin, the plaintiff attached copies of the above-mentioned letters. The plaintiff believes that the Authority recognized the eligibility of the goods for the exemption determined after studying those documents by the specialist in exemptions at the port, and accordingly, the specialist explained on the certificate of origin that "as long as the Emirates invoice number is specified in the certificate, the exemption applies", and therefore the company has already declared the existence of an intermediary and mentioned this in the certificate of origin by mentioning the broker's invoice as well as the exporter's invoice with the certificate of origin. The plaintiff also argued that the regulator did not grant the right to the customs administrations to withhold the exemption, even if there were technical reasons for rejecting the certificate of origin, but it was explicitly stipulated in clause (b) of paragraph (1) of article (17) of the Arab Rules of Origin, that the certificate of origin can be issued retroactively in the event that the certificate of origin was not accepted at the time of import for technical reasons, upon submission of a letter from the customs authorities or the competent importing authority to that effect. This means that if we consider that the failure to mention the .... of the broker and his invoice in field No. (7) of the certificate of origin is a technical reason for the rejection of the certificate, then the remedy of this matter is by requesting the competent authorities in the country of import to issue a certificate of origin retroactively that addresses the technical defect in the certificate provided at the time of clearance, which did not happen when the goods are cleared, as the validity of the certificate of origin and the determination of the exemption entitlement has been determined, and the entitlement to the exemption has been studied, in the light of the certificates of origin and the clarifications provided by the company, and therefore the technical error A certificate of origin in accordance with the provisions of the Arab Rules of Origin is not a reason to determine that the goods are not eligible for the exemption prescribed under the Arab Convention. Also, any deficiency or deficiency in the data of the certificate of origin is the responsibility of the issuer in the country of export, and the importer has no role in this deficiency, as he only receives the certificate of origin from the exporter in the country of export and submits it to the customs in his country (country of import). In the event of an unacceptable deficiency by the competent authority of the State of import, this matter shall be dealt with within the framework of Article (17) as stated above. The plaintiff's attorney concluded his response memorandum by demanding the cancellation of the collection decision issued against the plaintiff.

On Thursday, 02/10/2025 AD, the committee held its hearing to consider the case held remotely, and to call on the parties to the case . Attend .... , National ID No. (..........) as an agent for the plaintiff .... Company By virtue of the power of attorney No. (..........) dated 09/05/1446 AH., Under the Law Firm's License No. (.........). He attended. .... National ID No. (..........) in its capacity as a representative of the Zakat, Tax and Customs Authority (ZATCA) Respondent under the authorization issued by the Agency for Legal Affairs and Compliance No. (...........) dated 19/03/1445 AH . After verifying the presence of the plaintiff's attorney and the defendant's representative, and after reviewing the case file, the committee found that it was ready to adjudicate on it. Accordingly, the Committee asked the plaintiff's attorney what he would like to add, and he replied that he was satisfied with what was stated in his claim sheet, and confirms that the Authority violated the content of the provision of Article (28) of the Agreement on the Facilitation and Development of Trade Exchange between Arab States, and the Committee asked the representative of the Authority what he would like to add other than what he submitted, and he confirmed that he adheres to what was stated in their reply memorandum, and that there is no violation of the provision of Article (28) of the Agreement on him, the Committee decided to close the pleadings, in preparation for the issuance of the decision.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH , and the relevant laws and regulations.

Procedurally, after the committee has reviewed the subject matter of the case, as it has been proven to it that this dispute is a customs dispute, it is considered one of the disputes within the jurisdiction of this committee, and since it is proven from the documents of the case that the plaintiff filed the case in a capacity, and during the statutory period, which requires the case to be accepted procedurally.

On the merits, the committee considered the papers and documents included in the case file, and the requests, defenses and defenses expressed by the parties, the committee found that the dispute lies with the plaintiff's objection to the collection decision issued by the defendant No. (...........) dated 26/09/2024 AD, which resulted in customs differences in a total amount of (2,484, 840. 47) Saudi riyals.

Based on the text of Article (147) of the Unified Customs Law, which stipulates that: "The Director General (Governor) may issue the necessary decisions for the collection of customs taxes and other fees and fixed customs fines that the taxpayer fails to pay." Article (127) of the Unified Customs Law of the Gulf Cooperation Council Countries also stipulates that: "The employees of the Department shall have the right to view papers, documents, records, correspondence, commercial contracts and documents of any kind related to customs operations, directly or indirectly. And seize it when there is a violation. This is done by shipping and transport institutions and all natural and legal persons related to customs operations. Article (85) of the Unified Customs Law of the Gulf Cooperation Council Countries stipulates that: "Goods exiting the free zones to the customs department shall be treated as foreign goods, even if they include local raw materials or items for which customs taxes have already been paid before they are brought into the free zones. Article (88) of the same law also stipulates that: "Goods imported from free zones and markets into or outside the State shall be treated as foreign goods." Article (98) of the same Law also stipulates that: "Goods agreed to be exempted from customs taxes and duties shall be exempted from customs taxes under this Law (the Law). Article 17 of the Agreement on the Facilitation and Development of Trade Exchange among Arab States states: "The exchange of goods between the States Parties shall be carried out directly and without the mediation of a non-Arab Party."

Based on the above defenses and documents, and where the Economic and Social Council Resolution No. (..........) dated (08/02/2018) AD stipulated: "Approval of the report and recommendations of the 44th meeting of the Implementation and Follow-up Committee, in which it was stated that the invoice issued by an Arab broker shall be accepted, provided that Article (17) of the Agreement on the Facilitation and Development of Trade Exchange between Arab States and compliance with the decisions of the Arab Economic Council shall be adhered to, and that the certificate of origin in field No. (7 - Notes) indicates the existence of an intermediary with a .... and country. The Arab broker in the following form is "the final seller of these goods (the .... of the Arab broker) in the (Arab broker's country) and that The broker's invoice includes the reference to the number and date of the issuer's invoice indicated in the certificate of origin. A perusal of the submitted certificate of origin shows that it does not refer to the Arab mediator in the notes field, which is contrary to what was stated in the above decision. The order hereby decides to dismiss the plaintiff's the case with respect to her objection to the collection decision issued by the defendant No. (..........) dated 22/03/1446 AH in the amount of (2,484, 840. 47) Saudi Riyals.

For these reasons, and after deliberation, the Committee unanimously decided the following:

Decision:

First: Acceptance of the case procedurally.

Second: Dismissal of the plaintiff's / company's the case .... Commercial Registration No. (..........) in relation to its objection to the collection decision issued by the defendant No. (..........) dated 22/03/1446 AH in the amount of (2,484, 840. 47) two million four hundred and eighty-four thousand eight hundred and forty Saudi Riyals and forty-seven halalas that are the subject of the case .

May Allah's peace and blessings be upon our Prophet Muhammad and all his family and companions.

The Customs Appeals Committee in Riyadh

Decision No. CR-2025-246100

Case No. AC-2025-246100

Keywords:

Customs - Customs Duties - Refund Fees - Pastries - Excess Duties - Importer's Entitlement

Summary:

- **Requesting the importer to cancel the initial decision No. (CFR -2024-239107), issued by the First Instance Customs Committee in Riyadh. The judge accepts the case procedurally and substantive remittance. Whereas, it was proved to the Appeals Committee from the facts of the case file and the correspondence contained therein that the competent authority has clarified the correct customs item of the product and the basis for calculating the fees prescribed thereon, in order to eliminate the existing contradiction in its description. The Committee also found that the appellant's request was based on the recovery of the excess fees in accordance with the approved statutory classification. This led to the annulment of the initial Decision and the ruling to refund the fees due according to the correct item.**

Document:

- Article (163) of the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH.

Facts:

The facts of this case are summarized that the appellant submitted an objection before the First Instance Committee against the decision issued by the Zakat, Tax and Customs Authority regarding the rejection of the request for the refund of customs duties for the customs declaration No. (..........) dated 01/05/2023 AD, and the First Instance Committee issued its decision on the subject of the appeal, which is as follows:

"First: Acceptance of the case procedurally.

Second, on merits:

The plaintiff's the case is dismissed with regard to its objection to the defendant's decision to refuse to refund the customs duties paid from (..........) Commercial Registration Company No. (.........) of statement No. (.........) dated 01/05/2023 AD, and an amount of (54,996) fifty-four thousand nine hundred and sixty-six riyals in the case of the plaintiff."

Upon reviewing the objection list submitted by the Customs Appeals Committee, it was found that it included a summary that the First Instance Committee relied on the defences sent because it did not verify the type of product according to the components, and the customs declaration was referred for inspection and customs duties were imposed with an incorrect item, and accordingly, the appellant demanded the refund of what was collected by the appellant against her of excessive fees due to the fact that the product in question is subject to the item (.......... - pies) according to what has been in force since 01/10/2023 AD, where all shipments were cleared in accordance with the recently mentioned item, which is subject to 10% customs duty and subject to total exemption in accordance with the (EFTA agreement), and the regulation added that what the appellant argued against it turned out to contradict the procedures taken by it, as the appellant had previously submitted a request for the refund of customs duties for statement No. (.........), which was previously cleared on the customs item (.......... - biscuits). Local) After submitting the required documents, the Authority accepted the refund request in accordance with the (EFTA) agreement and considered the product to be subject to item No. (.......- Pancakes), and after the company faced several contradictions by the Authority regarding the item applied to the item received, the appellant was asked to study the correct item of the product. It replied that the product in question .... It is subject to item No. (...........) of (hollow squared pies "waffles" and "wafers") which is subject to customs duty at a rate of 5%, and the appellant authority directed the company to refund the amount of the excess customs duties, and concluded the regulation by requesting the acceptance of the objection procedurally and substance, reversing the initial decision, and ruling again to cancel the Authority's decision and refund the excess customs duties of 5%.

Requesting an answer from the appellant against it (Zakat, Tax and Customs Authority), it submitted a response memorandum that included a summary of which included that the appellant was the one who extracted the customs declaration and stated item (.........) as a "sweetened biscuit" with a duty category of (10%), and this item is not exempt according to the (EFTA agreement), and the Authority relied on the opinion of the competent department in accordance with principle No. (16) extracted from the decisions of the Customs Appeals Committees, which stipulates that the Customs is the competent technical department to determine the imported item. The Appellant confirms that the Appellant's argument from the Authority's statement to her that the imported product is subject to item (.........) as (hollow squared pies "waffles" and "wafers") and a fee of (5%) because the After verifying with the competent department that the taxpayer submitted a ticket dated 31/10/2024 AD at one of the Authority's branches requesting to study the customs item of the item in dispute, and the request came accompanied by a copy of the product, the product invoice, and the technical bulletin of the product and its components, accordingly, the Authority referred the request to the Tariff and Restrictions Department, which reported on 31/10/2024 AD that the item is subject to item (..........) as (local biscuits) with a (10%) fee category, and on 04/11/2024 AD the taxpayer requested the same ticket to amend the item recorded in the statement subject to the ticket From item (..........) with a fee of 10% to item (.........) with a fee of 5%, he was informed that this can only be done by filing a request for refund, and accordingly, the Authority adheres to the correctness of its conduct in rejecting the refund request because the actual import is a local sausage and not pies, and therefore it is completely different from the item requested to be applied, and the response memorandum concluded with a request for a ruling to reject the appeal submitted and support the first instance decision.

The appellant submitted a memorandum of remarks to respond to what was stated in the Authority's memorandum, which the Committee reviewed and found that it did not deviate from the previously mentioned in the Appeal Regulations in order to confirm the validity of its claim for the refund of the fees in question.

On Thursday, 12/10/1446 AH, corresponding to 10/04/2025 AD , at 10:30 a.m., the Customs Appeals Committee in Riyadh held its hearing via video communication in accordance with the procedures of remote video litigation, based on what is stated in Item No. (1) of Article Fifteen of the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH, to consider the appeal submitted by .... Company. Resolution No. (CFR -2024 AD-239107) dated 03/10/2024 AD issued by the First Instance Customs Committee in Riyadh, where the Committee held an attendance session on 23/09/1446 AH corresponding to 23/03/2025 AD at the request of the Zakat, Tax and Customs Authority, which was attended by.......... , National ID No. (..........) in its capacity as a lawyer and agent for the appellant under the law license No. (.........) and under the power of attorney No. (..........) dated 05/06/1445 AH ., and the Commission did not attend the session despite being informed of its date, and after reviewing the case file and the appeal submitted by the appellant, the committee decided to close the pleadings.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/4/1445 AH , and the relevant laws and regulations.

Since the appellant was informed of the first instance decision on 14/10/2024 AD, and filed an appeal against the decision on 12/11/2024 AD, this entails accepting the appeal in a form to be submitted by a person of competent status within the period prescribed for it under Article (163) of the Unified Customs Law.

After reviewing the case file and the papers and documents it contained, the decision of the First Instance Committee, and the regulations and memoranda submitted by the parties to the case, and where it was found that the appellant company had submitted a request to the Zakat Authority.

And the Tax and Customs to study the imported product and inform it of the correct adoption thereof after it was found that there was a contradiction in the Authority's position on it as stated above, and where the appellant company received the Authority's reply on 5/11/2024 AD via email as follows (The concerned department stated the following: "The item registered in the statement.... 10%, item required .... 5%, the person charged with the amendment and the claim by way of refund", and since the appellant company has modified its claim for the refund of customs duties in accordance with the (EFTA) agreement to request the refund of customs duties in excess of 5% according to what was reported to it by the Authority with regard to the correct item of the imported product, which is with which the Appeals Committee decides to annul the first instance decision, and to order the refund of the customs duties in excess of (5%) in the amount of (27,483.09) Saudi Riyals Twenty Seven Thousand Four Hundred and Eighty Three riyals and nine halalat, and accordingly, the committee unanimously concluded to decide the following:

Decision:

First: Acceptance of the appeal in the form of a .... company , Commercial Registration No. (............), against the Preliminary Decision No. (CFR - 2024-239107) issued by the First Instance Customs Committee in Riyadh.

Second: In the matter, the cancellation of the first instance decision, and the ruling to refund the customs duties in excess of (5%) in an amount of (27,483.09) Saudi Riyals twenty-seven thousand four hundred and eighty-three Saudi Riyals and nine halalas.

May Allah's peace and blessings be upon our Prophet Muhammad and all his family and companions.

The Customs Appeals Committee in Riyadh

Decision No. CAR-2025-247675

Case No. AC-2025-247675

Keywords:

Customs — Customs Duties — Duties Refund — Household Appliances — Importer's Entitlement

Summary:

- **Requesting the importer to cancel the initial decision No. (CSR–2025-243778), issued by the Second First Instance Customs Committee in Riyadh. The judge dismissed the importer's claim related to his objection to the defendant's refusal to refund the customs duties in dispute. Whereas, after reviewing the case file and the correspondence, documents and letters contained therein, it was proved to the Appeals Committee that the importer was obliged to inform the Customs of the re-export procedures. The result of this is the acceptance of the appeal, the annulment of the initial Decision, the correction of the material error in the ……… of the importing company, and the ruling to refund the customs duties in question.**

Document:

- Article (163) of the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH.

Facts:

The facts of this case are that the appellant company has submitted an objection to the decision issued by the Zakat, Tax and Customs Authority (ZATCA) regarding the rejection of the request for refund of customs re-export duties related to the re-export declaration No. (………) dated 13/08/1435 AH related to the import statement No. (………..) dated 18/03/1434 AH and the import statement No. (………..) dated 18/03/1434 AH. The Third First Instance Customs Committee in Riyadh issued its decision No. (299/3) of 1442 AH, which stipulates the following:

"Inadmissibility of the case submitted by the ……… Company against the General Authority of Customs, which includes the request to recover customs duties, due to the lack of jurisdiction of the customs committees to consider the case on a state basis for the reasons explained."

The plaintiff filed an appeal against the decision, and the Customs Appeals Committee in Riyadh issued its decision No. (CR-2024-197059), which stated the following:

"1. Acceptance of the appeal in the form submitted by the Company.......... Commercial Registration No. (...........), against the Initial Decision No. (299/3) of 1442 AH issued by the Third First Instance Customs Committee in Riyadh.

2. In the matter of accepting it, annulment the first instance decision, and returning the case to the Third First Instance Customs Committee to consider its merits, for the reasons and grounds stated in this decision."

Accordingly, the First Instance Customs Committee in Riyadh issued its decision No. (CFR-2024-235051), which stipulates the following:

"Considering the case as if it were not."

Presenting the case before the Second Instance Customs Committee in Riyadh, it issued its decision No.

(CSR-2025-243778), which is as follows:

"Dismissal of the Plaintiff/......... Company Claim (Commercial Registration No. ....) related to its objection to the defendant's refusal of the Zakat, Tax and Customs Authority to refund the customs duties in dispute.

Upon reviewing the objection list submitted by the Customs Appeals Committee, it was found that it included a summary of the argument that the conclusion of the First Instance Committee in dismissing the case based on Article (5/16) of the Implementing Regulations of the Unified Customs Law shows that it does not apply to the incident in question, as the reason for the re-export was based on a directive from the Saudi Organization for Standardization and Metrology, and that the delays in the re-export of the goods in question belong to the defendant despite the correspondence that took place with the internal administrations The claim was made during the period stipulated in the text of Article (6/16) of the Implementing Regulations of the Unified Customs Law, and the original in the administrative court is that the entity should submit proof of the validity of what it pays, and concluded with a request to accept the appeal procedurally and substance, and the reversal of the initial decision to dismiss the case and the court again obliged the defendant to return the customs fees subject to the case , and oblige it to pay attorney's fees in the amount of (30,000) Saudi Riyals.

The Customs Appeals Committee reviewed the response memorandum submitted by the appellant against it, and it was found that it included the summary of the argument of the validity of the Authority's argument in its rejection of the request for the refund of customs duties because the appellant exceeded the statutory period specified for the refund of customs duties upon re-export, and the burden of proof falls on the appellant regarding what she claims, as the Authority did not make the claim, and the principle is that all goods imported to the Kingdom are subject to customs duties under the unified customs tariff in accordance with the text of Article (9) of the Customs Law and concluded by requesting a judgment to reject the appeal and uphold the first instance decision with all its rulings.

On Wednesday, 14/01/1447 AH, corresponding to 09/07/2025 AD, at 01:53 PM, the Customs Appeals Committee in Riyadh held its hearing via video communication in accordance with the procedures of remote video litigation, based on the provisions of Item No. (1) of Article Fifteen of the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH, to consider the appeal submitted by the company......... (..........) Resolution No. (CSR-2025-243778) dated 21/01/2025 AD issued by the Second First Instance Customs Committee in Riyadh, and after reviewing the case file and the appeal submitted by the appellant, accordingly, the committee decided to close the pleadings.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/4/1445 AH and the relevant laws and regulations.

Whereas the appellant was informed of the initial decision on 06/02/2025 AD, and filed an appeal against the decision on 11/02/2025 AD, this entails accepting the appeal in a form to be submitted by the person in a capacity within the period prescribed for it to be conducted under Article (163) of the Unified Customs Law.

Whereas, the dispute in the case is based on the importing company's demand to recover the customs duties in question, due to the re-export of the consignment in violation under the re-export statement No. (...........) dated 11/06/2024 AD, and whereas the appellant against it is based on the provisions of paragraph (5) of Article (16) of the Executive Bylaws of the Unified Customs Law, which stipulates that: "........... Customs duties shall be refunded in whole or in part on foreign goods re-exported outside the GCC countries in accordance with the following controls: 5- The re-export of foreign goods shall be carried out within a calendar year from the date of payment of taxes "customs duties on them when they are first imported from outside the GCC countries". Whereas, the importer did not challenge the appellant's payment against her for non-compliance with the provisions of paragraph (5-16) and acknowledges the passage of the said period, and since the importer pays to address the customs because the consignment is considered one of the restricted goods, which caused it to not be able to re-export as a result of the non-clearance, and accordingly attached a copy of the company's address to the customs with a letter dated 1435 AH, and since the audit of the attached documents is proven through it that the importer has attached letters proving its commitment to inform the customs of the procedures re-export according to the attached correspondence, as the letters contained The details of the goods, against which the appellant did not challenge the validity of what is contained in its letters and defences, and whereas the importing company has complied with the customs procedures required to be followed, which the committee concludes to accept the appellant's request to refund the customs duties related to the customs declaration No. (...........) dated 11/06/2014 AD, and where the Customs Appeals Committee noted that there was a material error in the statement of the .... of the importing company and its commercial registration in the previous decisions issued regarding the incident in question, and where it was mentioned in the .... of (.......... company , Commercial Registration No. (..........), which is correct according to the import statement and the re-export statement related to the consignment in question, is in the .... of (......... Company. (Company............), Commercial Registration No. (..........) Whereas such an observation does not change the conclusion reached by the decision, which requires its correction, accordingly, and where the matter was as stated, the Committee unanimously concluded to decide the following:

Decision:

First: Acceptance of the appeal in the form of the applicant/company.......... (Company.........), Commercial Registration No. (...........), against the Initial Decision No. (CSR – 2025- 243778), issued by the Second Instance Customs Committee in Riyadh.

Second: In the matter, the cancellation of the first instance decision, and the ruling to accept the appellant's request for the refund of customs duties related to the customs declaration No. (..........) dated 11/06/2024 AD, in the amount of (168,026.52) one hundred and sixty-eight thousand twenty-six riyals and fifty-two halalas, for the reasons and grounds stated in this decision.

May Allah's peace and blessings be upon our Prophet Muhammad and all his family and companions.

The Customs Appeals Committee in Riyadh

Decision No. CR-2025-243522

Case No. AC-2024-243522

Keywords:

Customs - Customs duties - Refund of duties - Foodstuffs - Importer's entitlement.

Summary:

- **Requesting the Zakat, Tax and Customs Authority to cancel the Preliminary Decision No. (CFR-2024-239103), issued by the First Instance Customs Committee in Riyadh. to accept the case procedurally, and to cancel the Authority's decision to reject the plaintiff's request regarding the refund of customs duties for statement No. (...) dated 04/02/2022 AD. Whereas, it was proved to the Appeals Committee, after reviewing the case file and the documents contained therein, that the importer's request was initially based on the request for the refund of customs duties in accordance with the (EFTA) agreement, and then amended to the request for the refund of the fees in excess of (5%), after receiving the Authority's statement on 05/11/2024 AD, directing it to the correct inclusion of the imported product, which is (5%) instead of the item recorded in the statement, which is (10%). This will result in the acceptance of the appeal procedurally, the annulment of the initial Decision, and the ruling to refund the customs duties exceeding (5%).**

Document:

- Article (163) of the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH.

Facts:

The facts of this case are summarized that (.......... Company) has submitted an objection before the First Instance Customs Committee in Riyadh against the decision issued by the Zakat, Tax and Customs Authority related to the rejection of the request for the refund of customs duties covered by the customs declaration No. (..........) on 04/02/2022 AD, and the Customs Committee issued its decision - the subject of the appeal - which is as follows:

"First: Acceptance of the case procedurally.

Second: Cancellation of the Defendant's decision to reject the plaintiff's request for the refund of customs duties for statement No. (..........) dated 04/02/2022 AD.

Upon reviewing the objection list submitted by the Customs Appeals Committee, it was found that it included the summary of the argument that the item included in the customs declaration is not exempt in accordance with the EFTA Convention, which was approved by the taxpayer himself in the response memorandum registered on 01/07/2024 AD, and since the actual import is not pies but sweetened biscuits, which is "biscuits.........", and that he does not envisage the existence of two items for the same item according to the integrated customs tariff, in addition to the fact that the plaintiff did not attach one of the other subsequent customs declarations in which he claims to have cleared the consignment It concluded with a request to accept the appeal, annul the first instance decision and the ruling upholding the integrity of the Authority's conduct in rejecting the objection submitted by the appellant against it regarding the rejected refund request for the Customs Declaration No. (..........) dated 04/02/2022 AD.

Upon reviewing the response memorandum submitted by the appellant against it, it was found that it included a summary that the customs declaration was referred for inspection and the imposition of customs duties according to an incorrect customs item, and from this point of view, the company requested to refund the excess fees that were collected, as all shipments were cleared with a customs duty of (10%) and subject to the total exemption in accordance with the EFTA agreement, and the company submitted a request to study the correct item of the product under the case on 31/10/2024 AD, and on 05/11/2024 AD the statement was received from Authority for Communication The email informing that the product in question is subject to item (..........) of (hollow square pies "waffles" and "wafers") and is subject to customs duty at a rate of (5%), and accordingly, the company was instructed to refund the amount of the excess customs duties, and concluded with a request to support the initial decision.

The appellant's response to what was stated in the response memorandum submitted by the appellant against her, and it was found that the summary of which included an affirmation that the appellant was not entitled to a refund of customs duties, and the comment also included a repetition of the defences presented in the appeal list, and concluded the comment with a request to annul the first instance decision, and to rule again to uphold the Authority's approach in rejecting the refund request.

On Wednesday, 05/09/1446 AH, corresponding to 05/03/2025 AD, at 02:41 PM, the Customs Appeals Committee in Riyadh held its hearing via video communication in accordance with the procedures of remote video litigation, based on what is stated in Clause (1) of Article Fifteen of the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH to consider the appeal submitted by the Zakat, Tax and Customs Authority against Decision No. (CFR -2024-239103) dated 25/08/2024 AD issued by the Committee The First Instance Customs in Riyadh After reviewing the case file and the appeal submitted by the appellant, the committee decided to close the pleadings.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/4/1445 AH and the relevant laws and regulations.

Whereas the appellant was informed of the initial decision on 09/09/2024 AD and filed an appeal against the decision on 08/10/2024 AD, this entails accepting the appeal procedurally to be submitted by a person in a capacity within the stipulated period under Article (163) of the Unified Customs Law. After reviewing the case file and the papers and documents it contained, the decision of the First Instance Committee, and the regulations and memoranda submitted by the parties to the case , and where it was found that the appellant company submitted a request to the appellant (Zakat, Tax and Customs Authority) to study the imported product and inform it of its correct adoption after it was found that there was a conflict in the Authority's position on it, and where the appellant company received the Authority's response on 05/11/2024 AD via email stating: (The relevant section stated the following: "the item recorded in the statement.......... 10%, Item Required .... 50%, the taxpayer is directed to amend and claim by way of refund", and since the appellant company has modified its claim for the refund of customs duties in full in accordance with the (EFTA) agreement to request the refund of customs duties in excess of (5%) according to what was reported to it by the Authority with regard to the correct item of the imported product, which is decided by the Appeals Committee to annul the first instance decision and rule to refund the customs duties in excess of (5%) in the amount of (29,024) twenty-nine thousand and twenty-four riyals, Accordingly, the Committee unanimously concluded to decide the following:

Decision:

First: Acceptance of the appeal procedurally, submitted by the Zakat, Tax and Customs Authority, against the Initial Decision No. (CFR - 2024 -239103), issued by the First Instance Customs Committee in Riyadh.

Second: In the matter, the cancellation of the first instance decision and the ruling to refund the customs duties in excess of (5%) in the amount of (29,024) twenty-nine thousand and twenty-four riyals, for the reasons and grounds stated in this decision.

May Allah's peace and blessings be upon our Prophet Muhammad and all his family and companions.

The Customs Appeals Committee in Riyadh

Decision No. CR-2025-238978

Case No. AC-2024-238978

Keywords:

Customs - Customs Duty - Refund of Duties - Mining Materials - Importer's Entitlement.

Summary:

- **Requesting the importer to cancel the initial decision No. (CTR - 2024 -231098), issued by the Third First Instance Customs Committee in Riyadh. The judge is dismissive of the case for not editing it. Whereas, it has been proven to the Appeals Committee that the description of the facts and their statutory judgment are matters within the jurisdiction of the authority overseeing the case in accordance with Article (153) of the Law of Criminal Procedures, and after reviewing the case file and the documents contained therein, it was found that the taxpayer's the case wasinitially based on a request for the refund of customs duties, making it a written the case that requires consideration by the First Instance Committee. This led to the acceptance of the appeal, the cancellation of the first instance decision, and the return of the case to the Customs Committee of First Instance for adjudication on the merits.**

Document:

- Article (163) of the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH.
- Article (153) of the Law of Criminal Procedures issued by Royal Decree No. (M/2) dated 22/01/1435 AH.

Facts:

The facts of this case are summarized in that (Factory Company..........) has submitted an objection before the Third First Instance Customs Committee in Riyadh against the decision issued by the Zakat, Tax and Customs Authority related to the rejection of requests for refund of customs duties, and the Customs Committee issued its decision - subject of the appeal, which is as follows:

"- Dismissing the case for not editing it."

Upon reviewing the objection list submitted by the Customs Appeals Committee, it was found that it included the summary of the plea that the initial decision did not address the subject matter of the case and the investigation into the reason for the non-application of the exemption decision issued to the company by the Ministry of Industry and

Mineral Resources, and was satisfied with formal reasons that the statement of claim had already met, and concluded with a request to accept the appeal procedurally and the reversal of the initial decision that is the subject of the appeal, and the determination of the company's entitlement to recover the customs duties for the data subject to the refund requests, due to the issuance of ministerial decisions for the exemption.

Upon reviewing the response memorandum submitted by the appellant against it, the Customs Appeals Committee found that it included a summary of the argument that the case wasnot legally drafted in accordance with the provisions of the applicable regulations, and that no productive and influential addition was submitted in the case, and concluded by requesting a judgment to reject the appeal, and to uphold the first instance decision with all its rulings.

The appellant's response to the Authority's response was received, and its summary included an affirmation of the drafting of the case in accordance with Article (11) of the Rules of Work of the Customs Committees, and concluded with a request to accept the appeal procedurally, and the reversal of the initial decision that is the subject of the appeal, and the determination of the company's entitlement to recover customs duties for the data subject to the refund requests, due to the issuance of ministerial decisions for the exemption.

On Thursday, 21/08/1446 AH, corresponding to 20/02/2025 AD, at 12:57 p.m., the Customs Appeals Committee in Riyadh held its hearing via video communication in accordance with the procedures of remote video litigation, based on the provisions of Item No. (1) Article Fifteen of the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH to consider the appeal submitted by (Company Factory........... against Decision No. (CTR-2024-231098) dated 20/11/1445 AH issued by the Third First Instance Customs Committee in Riyadh. After reviewing the case file and the appeal submitted by the appellant, the committee decided to close the pleadings.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/4/1445 AH and the relevant laws and regulations.

Since the appellant was informed of the initial decision on 29/05/2024 AD, and filed an appeal against the decision on 26/06/2024 AD, this entails accepting the appeal procedurally to be submitted by a person in a capacity within the period stipulated for it to be conducted under Article (163) of the Unified Customs Law.

Whereas it is established in the rules of litigation that the proper application of the law is a duty on the party supervising the case and ruling on it on its own without the need to do so at the request of the litigants, and therefore the party supervising the case has broad authority to estimate the facts and give them the description they deserve and to adapt them properly without being bound by the adaptation of the prosecution party or its opponent, in light of what its conviction is based on and what is the state of the evidence and evidence deduced from it, and reliance on it and its action As a basis for its judgment, as long as the documents related to it in the case file do not contradict what has been extracted and on which its doctrine and conviction to settle the dispute is settled, and its deduction is sound, reasonable, and leading to the conclusion it reached, and this is in accordance with what is stated in Article (153) of the Law of Criminal Procedures, which stipulates that the court shall not adhere to the description contained in the case list and must give the act the description it deserves, even if it is contrary to the description contained in thestatement of claim, Whereas, by reviewing the case file and its annexes, and after reviewing the reasons contained in the first instance decision that is the subject of the appeal, and whereas it has been established by the Appeals Committee that the taxpayer's filing of the case came on the basis of the request for the refund of customs duties from which the case is drafted and requires its consideration on the subject of matter by the First Instance Committee, which issued the decision under appeal, and where the matter was as stated, the Committee unanimously concluded to decide the following:

Decision:

First: Acceptance of the appeal procedurally, submitted by applicant/factory of ……… company Commercial Registration No. (……….), against the Initial Decision No. (CTR - 2024-231098), issued by the Third First Instance Customs Committee in Riyadh

Second: In the subject matter, the annulment of the initial Decision, and remanding the case to the First Instance Customs Committee to consider its merits, for the reasons and grounds stated in this Decision.

May Allah's peace and blessings be upon our Prophet Muhammad and all his family and companions.

The Customs Appeals Committee in Riyadh

Decision No. CR-2025-239089

Case No. AC-2024-239089

Keywords:

Customs - Customs Duty - Refund of Fees - Vehicle - Importer's Entitlement.

Summary:

- **Requesting the importer to cancel the initial decision No. (CTR - 2024 -231968), issued by the Third First Instance Customs Committee in Riyadh. ruling that the plaintiff's objection to the decision of the Zakat, Tax and Customs Authority to reject the request for refund of fees is not accepted. Whereas, it was proved to the Appeals Committee through a review of the case file that the attached invoice is identical to what the importer stated. Whereas, the provision of Article (1) of Item (7/B) of the Implementing Regulations of the Unified Customs Law, which prohibits the rejection of valuation information provided by the importer, in addition to the achievement of the exception for new vehicles not exceeding a distance of (1000) km. Accordingly, it is proven to the committee that the conditions of the exception and the validity of the documents are met. This will lead to the acceptance of the appeal, the annulment of the initial Decision, and remanding the case to the First Instance Customs Committee to consider its merits.**

Document:

- Article (163) of the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH.
- Article (1) of the Implementing Regulations of the Customs Law issued by Ministerial Resolution No. (2748) dated 25/11/1423 AH.

Facts:

The facts of this case are summarized in that (..........) has submitted an objection before the Third First Instance Customs Committee in Riyadh against the decision issued by the Zakat, Tax and Customs Authority (ZATCA) rejecting the objection submitted by him related to the valuation of the vehicle, in light of the plaintiff's import of a vehicle of type (.........) under the customs declaration No. (...........) dated 02/03/1445 AH.

"The plaintiff's objection to the Authority's decision to reject the request for refund of fees, for the reasons explained.".

Upon reviewing the objection list submitted by the Customs Appeals Committee, it was found that it included the summary of the objection to the decision issued by the Third Instance Customs Committee in Riyadh, and the argument that the Committee's decision based on its decision that the Customs had changed the assessment based on the invoices submitted by the plaintiff was incorrect.

Upon reviewing the response memorandum submitted by the appellant against it, the Customs Appeals Committee found that it included the summary of the plea of the inadmissibility of the case procedurally because it was not edited, and that the value of the vehicle was calculated based on the indicative lists of the vehicles, and concluded by requesting a ruling non-acceptance of the appeal procedurally , and as a precaution to reject it on the merits and the ruling to uphold the conclusion of the decision of the Third Instance Customs Committee in Riyadh.

Upon reviewing the appellant's comment on the contents of the response memorandum submitted by the appellant against it, it was found that it included the summary of the plea that he submitted the invoice for the first installment of the value of the car in the amount of (12,000) dollars, provided that the amount is completed when the vehicle arrives, and the Authority evaluated the vehicle twice, the first time, with a value of (152,038.8) The final valuation was SAR 168,932 with a difference of SAR 16894, and this is evidence of the customs error in the valuation.

On Thursday, 28/08/1446 AH, corresponding to 27/02/2025 AD, at 11:04 a.m., the Customs Appeals Committee in Riyadh held its hearing via video communication in accordance with the procedures of remote video litigation, based on the provisions of Item No. (1) of Article Fifteen of the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH, to consider the appeal submitted by (..........) against Decision No. (CTR - 2024 -231968) dated 27/11/1445 AH issued by the Third First Instance Customs Committee In Riyadh, after reviewing the case file and the appeal submitted by the appellant, the committee decided to close the pleadings.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/4/1445 AH and the relevant laws and regulations.

Since the appellant was informed of the initial decision on 05/06/2024 AD, and filed an appeal against the decision on 30/06/2024 AD, this entails accepting the appeal in a form to be submitted by a person in a capacity within the stipulated period under Article (163) of the Unified Customs Law.

Whereas, upon the review of the case file and its attachments, the Customs Appeals Committee reviewed the attached invoice, it was found that it included the detailed statement identical to what the importer submitted in his the case , and whereas the appellant (the Authority) entered into the claim that the documents submitted by him were incorrect and it was not possible to determine the value of the vehicle without denying or challenging the validity of what was contained in the purchase invoice attached to the case file against him, based on Article (1) of Clause (7/B) of the

The Implementing Regulations of the Unified Customs Law, which stipulates: "Customs shall not reject the information provided by the importer, buyer or producer related to the valuation of goods" as stipulated by the Regulations for the Import of Vehicles for Individuals. Whereas, the Committee has proved the validity of the attached invoice and in view of the exception contained in the regulations on the import of vehicles for individuals, which stipulates that the distance traveled shall not exceed (1000) kilometers, the Committee unanimously concluded to decide the following:

Decision:

First: Acceptance of the appeal procedurally, submitted by.......... , National ID No. (.........), against the Initial Decision No. (CTR - 2024-231968), issued by the Third First Instance Customs Committee in Riyadh.

Second: The subject matter is the annulment of the initial Decision, and the ruling obliging the Authority to recalculate customs duties based on the invoices submitted by the importer, for the reasons and grounds stated in this decision.

May Allah's peace and blessings be upon our Prophet Muhammad and all his family and companions.

The Customs Appeals Committee in Riyadh

Decision No. CR-2025-243481

Case No. AC-2024-243481

Keywords:

Customs - Customs Duties - Refund of Fees - Factory - Exemption - Importer's non-entitlement.

Summary:

- **Requesting the importer to cancel the initial decision No. (CSR-2024-237126), issued by the Second First Instance Customs Committee in Riyadh. ruling that the plaintiff's objection to the decision of the Zakat, Tax and Customs Authority, the subject of the case , is not accepted. Whereas, the Appeals Committee has found that the difference in the Commercial Registration Number between the Industrial License and the Customs Declaration is a substantial difference in accordance with the Regulatory Circulars, and it is not permissible to elaborate on the interpretation of the exemption as it is an exception that applies in its narrow scope. It was also found that the exemption decision No. (8044) is effective as of 23-01-2024 AD, while the date of the statement in question precedes that, which negates the validity of the exemption. Accordingly, it was decided that the appellant's argument was incorrect because the conditions of exemption and conformity required by law were not met. The result is the rejection of the appeal and the upholding of the first instance decision in all its rulings.**

Document:

- Article (13) of the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH.

Facts:

The facts of this case are summarized in that the appellant submitted an objection before the Second Instance Customs Committee in Riyadh against the decision issued by the Zakat, Tax and Customs Authority related to the rejection of the request for refund of customs duties of the customs declaration No. (...........) due to the fact that the data recorded in the customs declarations and the invoice did not fully match the requested exemption decision, and the Customs Committee issued its decision - subject of the appeal, which is as follows:

"- Rejection of the Plaintiff/......... Company's objection (Special Number ....) on the decision of the defendant / Zakat, Tax and Customs Authority, the subject of the case ."

Upon reviewing the objection list submitted by the Customs Appeals Committee, it was found that it included a summary of the exemption decision No. (8044) applicable to the consignment of the main company because the main commercial registration (the company) and the subsidiary commercial register (the factory) fall under one distinctive number with the number (...........) at the Authority, and the difference in the number of the commercial and main register is one of the simple formal differences considering that the sub-register is an integral part of the main register and not an independent entity, and the regulation concluded by requesting a judgment in favor of the appellant in Refund requests based on the documents submitted in support of the case .

In requesting an answer from the appellant against it (Zakat, Tax and Customs Authority), it submitted a response memorandum that included a summary of which stated that the exemption decision requested to be applied was issued to the sub-registry, while the incoming one belongs to the main register, which shows that the data contained in the customs declaration that is the subject of the plaintiff's claim does not match the industrial exemption decision, which is contrary to Circular No. (193/63/M) because the difference in the number of the commercial registration recorded in the customs declaration and the commercial register recorded in the exemption decision is not considered to be one of the industrial exemption cannot be applied to the customs declaration in this case, and the aforementioned industrial exemption decision does not apply to the statement that is the subject of the refund request because the statement that is the subject of the refund request No. (..........) dated 15/03/1445 AH while the industrial exemption decision No. (8044) dated 12/07/1445 AH starts The memorandum added that the original is that all goods are subject to customs duties except for those excluded by the law and cannot be expanded, and the memorandum concluded by requesting a ruling to reject the appeal submitted and upholding the first instance decision with all its rulings.

The appellant submitted a response memorandum to the Authority's memorandum, which was reviewed by the Committee and found that it did not deviate from the previously mentioned in the Appeal Regulations to confirm the validity of its claim for the refund of the fees in question.

On Thursday, 28/08/1446 AH, corresponding to 27/02/2025 AD, at 10:10 a.m., the Customs Appeals Committee in Riyadh held its hearing via video communication in accordance with the procedures of remote video litigation, based on what is stated in Clause No. (1) of Article Fifteen of the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH to consider the appeal submitted by the company.......... Decision No. (CSR-2024 -237126) issued by the Second Instance Customs Committee in Riyadh, and after reviewing the case file and the appeal submitted by the appellant, the committee decided to close the pleadings.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/4/1445 AH , and the relevant laws and regulations.

Whereas the appellant was notified of the initial decision on 30/09/2024 AD, and submitted an appeal against the decision on 7/10/2024 AD, this entails the acceptance of the appeal procedurally as it was submitted by a person with standing within the time frame established for its execution as stipulated in Article (163) of the Unified Customs Law.

Whereas, having informed the Customs Appeals Committee of the case file and its annexes, and since the appellant's arguments were limited to the fact that the sub-register subject to the exemption is an integral part of the main commercial register and that what applies to the subsidiary applies to the main one, with regard to the exemption decision and the related circulars, we find that Circular No. (M/193/63) specified exclusively the differences that are formal, such as mentioning the word "factory" instead of "company", and the exemption is granted. The said word is considered a material difference and the exemption is not granted, and the circular explicitly emphasized on the competent authority to ensure that the commercial registration number recorded on the industrial license matches the commercial registration number under which the import was made, and stated that "this must be strictly adhered to", therefore, the interpretation of the clear and explicit text that considers the difference of the commercial registration number to be a material difference under which the exemption is not made, and this does not affect the appellant's statement about the lack of independence of the sub-register Circular No. (325/63/M) stipulated that the exemption requires the sorting of items according to the invoice and that the customs information and data are in full conformity with the exemption decision, and that the Committee's review of the decision that the appellant requests to be applied, which is Resolution No. (8044), it becomes clear that the date of the exemption was stated in a text from 23-01-2024 AD to 22-01-2027, and since the date of the statement is in question. the case is 15-03-1445 AH corresponding to 30-09-2023 AD , which makes it clear that the exemption decision is not valid as it was issued on a date later than the date of the statement in question, and this result does not affect the appellant's statement that both the main and subsidiary records fall under one distinctive number because the distinctive number is a statement for the purposes of Zakat and has nothing to do with customs procedures and exemptions. The Committee unanimously concluded to decide the following:

Decision:

First: Acceptance of the appeal procedurally, submitted by/ .... company, Saudi Closed Joint Stock Company, Commercial Registration No. (.........), against the Initial Decision No. (CSR-2024 -237126) issued by the Second First Instance Customs Committee in Riyadh

Second: Rejecting it on the merits, and upholding the first instance decision in all its rulings, for the reasons and grounds stated in this decision.

May Allah's peace and blessings be upon our Prophet Muhammad and all his family and companions.

The Customs Appeals Committee in Riyadh

Decision No. CAR-2025-247298

Case No. AC-2025-247298

Keywords:

Customs — Customs duties — Duty refund — Importer's non-entitlement

Summary:

- **Requesting the Authority to cancel the Preliminary Decision No. (CSR-2024 -239429), issued by the Second Instance Customs Committee in Riyadh. Accepting the importer's objection to the decision of the Zakat, Tax and Customs Authority to reject the request for refund of duties. Whereas, it was proved to the Appeals Committee that the Authority's reliance on Article (5) of the Rules of Work of the Customs Committees is not valid, as this article relates to grievances against the decisions of the Authority before the case wasregistered, which does not apply to the case under consideration. It was also found that the nature of the case is a demand for the recovery of customs duties governed by the text of Article (174) of the Unified Customs Law only. Accordingly, the argument submitted by the Authority is not based on a valid basis that leads to the rejection of the appeal and the upholding of the first instance decision in all its rulings.**

Document:

- Article (163) of the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH.
- Article (174) of the Unified Customs Law of the Gulf Cooperation Council Countries of the Gulf issued by Royal Decree No. (M/41) dated 03/11/1423 AH.
- Article (5) of the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH .

Facts:

The facts of this case are summarized in that the plaintiff has submitted an objection before the Customs Committee of First Instance against the decision issued by the Zakat, Tax and Customs Authority rejecting the refund request submitted by the plaintiff and related to the customs declaration No. (……….) dated 28/11/1442 AH, and accordingly, the Second First Instance Customs Committee in Riyadh issued its decision - subject of the appeal, which is as follows:

"Acceptance of the Plaintiff/......... Company Claim (Commercial Registration No. ....) Facing the Defendant / Zakat, Tax and Customs Authority, related to its demand for the refund of customs duties of the import declaration No. (.........) dated 28/11/1442 AH, in the amount of (67,152.38) sixty-seven thousand one hundred and fifty-two riyals and thirty-eight halalas."

The Customs Appeals Committee reviewed the appeal list submitted, and it was found that it included the summary of the argument that the Authority notified the taxpayer of the rejection of his objection on 26/11/2023 AD, while the date of registration of the case before the customs committees on 09/07/2024 AD exceeded more than (10) months, and thus the Authority's decision is fortified by the force of the law in accordance with the stipulation of Article (6) of the Rules of Operation for Zakat, Tax, and Customs Committees, and the Authority also argues that the decision under appeal is inadequate in its reasons, and the appellant's non-commitment against it to submit The documents necessary to recover the customs duties during the stage of the refund request as well as during the objection stage, despite the fact that it was granted several times in both stages, and concluded with a request to accept the appeal, annul the first instance decision, and rule that the case should not be accepted as a result of the missed period of the statutory period of objection, and as a precaution to dismiss the plaintiff's the case and support the Authority's approach in rejecting the refund request.

Upon reviewing the response memorandum submitted by the appellant against it, the Customs Appeals Committee found that it included the summary of the argument that the period between the notice of refusal and the registration of the case was submitted During the process, the company filed a complaint with the Commission after it refused to refund the refund and remained under processing and the response was not received, and the company also submitted a request to register a case with the committee and it was rejected due to the failure to file it with a lawyer, and then the case was filed according to which the request was accepted in the refund of the fees, and the company's agent also argues its right to refund the customs duties because it meets all the necessary conditions prescribed by the law for the refund of the value of the tax in accordance with the text of Article (97) of the Law, and concluded with a request not to accept the appeal submitted by and obliging it to refund the customs fees that are the subject of the case , and to preserve the company's right to compensate for attorney's fees.

Upon reviewing the appellant's response to the appellant's response to the response memorandum submitted by the appellant against her, it was found that he did not deviate from what was previously submitted in the appeal list, and concluded with a request to accept the appeal, annul the first instance decision, and rule that the case should not be accepted in the form of a missed period for the objection, and in precaution to dismiss the plaintiff's the case and support the Authority's approach in rejecting the request for refund.

On Wednesday, 12/02/1447 AH corresponding to 06/08/2025 AD , at 01:39 PM, the Customs Appeals Committee in Riyadh held its hearing via video communication in accordance with the procedures of remote video litigation, based on the provisions of Item No. (1) of Article Fifteen of the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH to consider the appeal submitted by the Zakat, Tax and Customs Authority against Decision No. (CSR-2024 -239429) dated 01/12/2024 AD issued by the

Customs Committee The Second Instance in Riyadh, and after reviewing the case file and the appeal submitted by the appellant, the committee decided to close the pleadings.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/4/1445 AH and the relevant laws and regulations.

Since the initial decision was notified on 22/12/2024 AD, and the appeal against the decision was filed on 21/01/2025 AD, this entails accepting the appeal in a form to be submitted by a person of competent status within the period prescribed for it under Article (163) of the Unified Customs Law.

Whereas, it is not instructed for the appellant to take into account the reasons for the decision under appeal without adding whenever it deems that these reasons supersede any new information, because in its support it is loaded with its reasons, it does not find in the appeals addressed to it anything that deserves a response more than what those reasons contained, and this does not affect the Authority's argument based on Article (5) of the Rules of Work of the Customs Committees. In that article, it is obligatory to appeal to the Authority against the decisions issued by it before registering them before the customs committees, which is not conceivable in this case, because the fact of this case is a demand for the refund of fees, which in this case is governed by what is stipulated in Article (174) of the Unified Customs Law, and since the reasons for the decision that is the subject of the appeal are sufficient to make it clear that the defences submitted do not affect the result of the decision, which makes the appeal without The committee unanimously concluded to decide the following:

Decision:

First: Acceptance of the appeal procedurally, submitted by the Zakat, Tax and Customs Authority, against the initial decision No. (CSR-2024-239429), issued by the Second First Instance Customs Committee in Riyadh.

Second: Rejecting it on the merits, and supporting the first instance decision in all its rulings, for the reasons and grounds stated in this decision.

May Allah's peace and blessings be upon our Prophet Muhammad and all his family and companions.

The Customs Appeals Committee in Riyadh

Decision No.	CAR-2025-247818
Case No.	AC-2025-247818

Keywords:

Customs - Customs duties - Refund of duties - Research vessel - Importer not entitled.

Summary:

- **Requesting the importer to cancel the initial decision No. (CFR-2025-243656), issued by the First Instance Customs Committee in Riyadh. The judge accepts the appeal in the form and dismisses the importer's claim in relation to his objection to the imposition of storage duties on his goods. Whereas, it was proved to the Appeals Committee that the appellant's defences were limited to her dispute in the adoption of the General Administration of Customs Tariffs on the pretext of its impartiality, while it was proved to the Committee that the Department is the technical authority exclusively competent to determine the customs items. Since the appellant's objection does not constitute an effective argument and is nothing more than a sent appeal, and in accordance with principle (16) which establishes the authority of the classification issued by the Customs, what she submitted does not change the result. This resulted in the rejection of the appeal and the upholding of the first instance decision in all its rulings.**

Document:

- Article (163) of the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH.

Facts:

The facts of this case are summarized in that the appellant company filed its the case before the First Instance Committee to request the refund of the storage fees imposed on the customs declaration No. (...........) dated 04/10/1439 AH, in the amount of (1,667,453) million six hundred and sixty-seven thousand four hundred and fifty-three Saudi Riyals, and accordingly, the First Instance Customs Committee in Riyadh issued its decision - the subject of the appeal - with the number (CFR-2025-243656) which is as follows: "First: Acceptance of the case procedurally. Second: Dismissal of the Plaintiff's the case .... Commercial Registration No. (..........) in Relation to its Objection to the Imposition of Storage Fees on the Research Vessel .... An amount of (1,667,453) One Million, Six Hundred and Sixty-Seven Thousand, Four Hundred and Fifty-Three Riyals, the subject of the case ."

Whereas, the above-mentioned decision was not accepted by the appellant (Company...........) which submitted its objection list before the Customs Appeals Committee in Riyadh, which it reviewed and found that it included the summary of which is that the company submitted adequate defenses before the First Instance Customs Committee to confirm the correctness of its position in its demand for the refund of the storage fees. Goods to be subject to customs duties, which did not happen, and the fees of storage fees are not due on ships, but on imported or exported goods that are left in the customs yards as stipulated in Article (107) of the Unified Customs Law, in addition to the circular of His Excellency the Governor of the Authority No. 30/11/M dated 3/01/1440 AH, which specified the mechanism for calculating storage fees and did not deal with the means of transportation but the goods, and the appellant requests the assistance of an independent expert in accordance with Article (25) of the Rules of Operation for Zakat, Tax, and Customs Committees With regard to whether the ship is subject to storage fees or not, the appeal was concluded with a request to accept the case procedurally, and the cancellation of the decision of the Customs of Duba Port to collect storage fees in the amount of (1,667,453) on 05/12/2018 by a bank transfer from .... Company , and the judgment obliging the defendant to pay litigation fees in the amount of (50,000) Saudi riyals.

When the appeal was presented to the appellant against it (Zakat, Tax and Customs Authority), it submitted a response memorandum that was reviewed by the committee, which was found to contain the summary of which the Authority adheres to what has been submitted above, and the conclusion of the committee's decision that is subject to the appeal, where the search vessel submitted .... (carrying a foreign flag) to the port of Duba in the Kingdom of Saudi Arabia, and a customs declaration (temporary entry) was issued because it is linked to a research project, based on what is stipulated in the Unified Customs Law in Article (90) related to temporary entry, as the Manual for Temporary Entry was defined as "the entry of goods or means of transport into the Kingdom temporarily with the suspension of the collection of customs duties and taxes thereon in accordance with the procedures described in the Unified Customs Law and its Implementing Regulations", and the regulator set the mechanism of temporary entry The Authority added that after the inspection and inspection of the vessel, the statement was referred to link the tax and fees to a letter of guarantee until it leaves in accordance with the Unified Customs Law and its Implementing Regulations, and accordingly, the plaintiff was asked to provide a letter of guarantee to link the value added and other fees until it leaves the Kingdom of Saudi Arabia, and the plaintiff was delayed (10) days to provide the guarantee, noting that the guarantee provided by it is related to the value added tax The tax insurance was linked immediately after the submission of the VAT letter by the plaintiff and the letter of guarantee was not provided for the other fees - storage fees, and the statement was referred to collect the storage fees, and the plaintiff was late as she did not submit the letter of guarantee related to the storage fees until 14/11/1439 AH, noting that the date of the statement is 04/10/1439 AH, which makes it clear that the plaintiff is the one who excessively and delayed the termination The response memorandum concluded with a request for a ruling that the case is not admissible because it has already been adjudicated, and in reserve the judgment rejecting the case on the merits and upholding the Authority's approach in collecting fees.

On Wednesday, 05/02/1447 AH, corresponding to 30/07/2025 AD , at 02:29 PM, the Customs Appeals Committee in Riyadh held its hearing through Visual communication in accordance with the procedures of remote video litigation, based on the provisions of Item No. (1) of Article Fifteen of the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH ., to consider the appeal submitted by .... Company Decision No. (CFR-2025-243656) dated 05/01/2025 AD issued by the First Instance Customs Committee in Riyadh, and after reviewing the case file and the appeal submitted by the appellant, the Committee decided to close the pleadings.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/4/1445 AH and the relevant laws and regulations.

Since the appellant was informed of the initial decision on 27/01/2025 AD, and filed an appeal against the decision on 24/02/2025 AD, this entails accepting the appeal procedurally to be submitted by a person in a capacity within the period stipulated for it to be conducted under Article (163) of the Unified Customs Law.

After reviewing the case file and the papers it contained, and the decision of the First Instance Committee that is the subject of the appeal, and whereas the appellant requests the cancellation of the decision of the Customs of the port of Duba to collect storage fees, and obliging it to pay attorney's fees, and whereas it is not incumbent on the appellant to take into account the reasons for the decision under appeal without adding whenever it deems these reasons supersedable to be used to provide any new information, because in its support it is loaded with reasons to indicate that it did not find any objections addressed to it This does not affect the appellant's argument that the ship does not carry goods and therefore the customs duties do not apply to it, as the Authority based its decision on the Unified Customs Law and its Implementing Regulations and the Fees and Fees System of Port Services as per the Circular Amount Customs No. 11/30 dated 23/01/1440 AH regarding the calculation of storage fees pursuant to Circular No. 11/308/M dated 18/07/1439 AH, as the fees claimed to be refunded are fees collected for a service performed by the port in application of the Port Services Fees and Fees Law and collected in favor of the General Authority for Ports, and since the principle is that the fees are due except in an explicit text, which requires this committee to reject the appeal on the merits, and to uphold the first instance decision in all its rulings.

Based on the above, and after deliberation, the Committee unanimously decided the following:

Decision:

First: Acceptance of the appeal procedurally, submitted by/ .... company , Commercial Registration No. (............), against the Preliminary Decision No. (CFR-2025-243656) issued by the First Instance Customs Committee in Riyadh.

Second: Rejection of the appeal on the merits, and upholding the first instance decision in all its rulings, for the reasons and grounds stated in this decision.

May Allah's peace and blessings be upon our Prophet Muhammad and all his family and companions.

The First Instance Customs Committee in Riyadh

Decision No. CFR-2025-262285

Case No. CDR-2025-262285

Keywords:

Customs - Customs duties - Refund of fees - Error in invoice - Importer not entitled.

Summary:

- **Requesting the importer of the First Instance Customs Committee in Riyadh against the Defendant / Zakat, Tax and Customs Authority to consider the objection to the Authority's decision to reject the request for refund of customs duties related to the customs declaration No. (...) dated 05/08/1445 AH. Whereas, it was established to the Committee that the reason for the rejection of the refund request was due to the failure to meet the condition of full conformity between the data contained in the invoice, the customs declaration and the exemption list, in violation of the requirements for granting preferential treatment for customs exemption in accordance with the provisions of the Unified Customs Law and the circulars regulating the same, and what the Customs Committees have settled upon. The result of this is the acceptance of the case procedurally, and in the matter of the dismissal of the imported the case Commercial Registration No. (...), with regard to the request for the refund of customs duties under the customs declaration No. (...) dated 05/08/1445 AH , an amount of (48,158.06) Saudi Riyals.**

Document:

- Article (47) of the Unified Customs Law of the Gulf Cooperation Council Countries of the Gulf issued by Royal Decree No. (M/41) dated 03/11/1423 AH.
- Article (57) of the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH.
- Article (174) of the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH.
- Article (3 and 5) of the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH .

Facts:

The facts of the case are that .... In its capacity as the owner of the factory, ID No. (...........) filed a case against the defendant (Zakat, Tax and Customs Authority) and requested the refund of customs duties related to the customs declaration No. (..........) dated 05/08/1445 AH.

When the case was presented to the defendant (Zakat, Tax and Customs Authority), it submitted a response memorandum that was reviewed by the committee, which included its demand to reject the case submitted by the plaintiff.

Presenting this to the plaintiff, the owner submitted a memorandum of response that was reviewed by the Committee, which included the rejection of the formal defenses contained in the Respondent's Memorandum, acceptance of the case on the merits, cancellation of the decision issued to calculate customs duties on the statement in question, and reclassification of the goods according to the customs tariff for by-products not intended for final use.

On Sunday, 31/08/2025 AD, the First Instance Customs Committee in Riyadh held its hearing via video conferencing in accordance with the procedures of remote video litigation to consider the case before it. By calling the parties to the case , the plaintiff Asala / .... , National ID No. (..........). .... National ID No. (..........) as an agent for the plaintiff under Power of Attorney No. (...........) dated 10/09/1446 AH and under Law License No. (..........) dated 23/02/1444 AH. .... National ID No. (...........) in its capacity as a representative of the Respondent Zakat, Tax and Customs Authority According to the authorization issued by the Agency for Legal Affairs and Compliance at the Authority No. (..........) dated 19/03/1445 AH and after verifying the presence of the plaintiff's representative. The defendant's representative, and after reviewing the case file, the committee asked the plaintiff what he would like to add other than what he submitted, and he replied sufficiency. When the representative of the Commission asked what he would like to add other than what he submitted, he replied that we would suffice and stick to what was previously submitted to him, and after deliberation, the committee decided to postpone the consideration of the case for further study, with the hearing to be set at a later date.

On Sunday, 07/09/2025 AD, the First Instance Customs Committee in Riyadh held its hearing via video conferencing in accordance with the procedures of remote video litigation to consider the case before it. By calling the parties to the case , the plaintiff attended Asalah/....... , National ID No. (............) and attended/ .... National ID No. (..........) in its capacity as an agent for the plaintiff under power of attorney No. (..........) dated 10/09/1446 AH and under a law license No. (...........) dated 23/02/1444 AH. .... National ID No. (...........) in its capacity as a representative of the Zakat, Tax and Customs Authority (ZATCA) Respondent pursuant to the authorization issued by the Agency for Legal Affairs and Compliance No. (..........) dated 19/03/1445 AH and after verifying the presence of the plaintiff's representative. and the defendant's representative, and after reviewing the case file. The committee asked the plaintiff what he would like to add other than what he submitted, and he replied sufficiency. When the representative of the Commission asked what he would like to add other than what he submitted, he replied that it would be enough for him, and the committee decided to close the pleadings, in preparation for the issuance of the decision.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH , and the relevant laws and regulations.

Procedurally, after the committee has reviewed the subject matter of the case, as it has been proven to it that this dispute is a customs dispute, it is considered one of the disputes within the jurisdiction of this committee, and since it is proven from the documents of the case that the plaintiff filed the case in a capacity, and during the statutory period, which requires the case to be accepted procedurally.

On the merits, the Committee considered the papers and documents included in the case file, and the requests, defenses and defenses expressed by the parties, the Committee found that the dispute lies with the plaintiff's objection to the Authority's decision to reject the request for the refund of customs duties related to the Customs Declaration No. (..........) dated 05/08/1445 AH .

Based on Article (3) of paragraph (2/e) of the Rules of Operation for Zakat, Tax, and Customs Committees, which stipulates that: "The Customs Separation Committee Departments shall be competent to apply the provisions of the Unified Customs Law and its Implementing Regulations, as follows: e. Consideration of objections submitted to the decisions issued rejecting refund requests", Article (5) of the Rules of Operation for Zakat, Tax, and Customs Committees stipulates that: "A person in respect of whom a decision has been issued by the Authority may appeal against him within sixty days from the date of his notification thereof, and the Authority shall decide on the grievance within ninety days from the date of its submission, and the complainant shall have a grievance within thirty days from the date on which he was notified of the rejection or partial acceptance of the grievance, or the passage of ninety days without a decision on it. Doing any of the following: a. Requesting the referral of the grievance to the internal committee for the purpose of settlement. If the taxpayer rejects the decision of the internal committee regarding the settlement or the period specified in the settlement rules has passed without reaching a settlement, he may object to the decision of the Authority before the adjudication chambers within thirty (thirty) days from the date of being informed of the decision of the internal committee or if the period specified in the settlement rules has elapsed without reaching a settlement. The objection does not include a settlement with the Internal Committee. (b) Filing a direct the case before the Arbitration Departments", as stipulated in Article (57) of the Unified Customs Law: "The Customs Duties shall be collected in accordance with the contents of the customs declaration, and if the result of the inspection shows a difference between it and what is stated in the customs declaration, the Customs Duties shall be collected on the basis of this result, without prejudice to the right of the customs to collect the fines due when necessary in accordance with the provisions of this Law, based on Article (174) of the Unified Customs Law, which stipulates that: "No claim or claim for the refund of customs duties that have been paid more than three years ago shall not be accepted." Article (47) of the Unified Customs Law, which stipulates that: "Upon clearance of any goods, even if they are exempt from customs duties, a detailed customs declaration shall be submitted to the Customs Department in accordance with the forms adopted within the framework of the GCC States, which includes all the information that enables the application of the customs regulations and the collection of the customs taxes and duties due for statistical purposes", and based on Circular No. (63/325/M) dated 26/07/1439 AH, which stipulates that "no consignment received will be exempted." It is recorded in the import statement in general, as the exemption requires the sorting of the items of the declaration according to the invoice attached to the statement, and the information recorded in the import statement and the invoice attached to the exemption decision are in full conformity, and in the case of submitting an incomplete declaration in the statement of what is indicated in the decision, such as not specifying the size or weight. etc., this will lead to the withholding of the exemption."

After reviewing the defenses and documents submitted by the two parties, the Committee found that the dispute was limited to the plaintiff's request for a refund of customs duties in the amount of (48,158.06) Saudi Riyals for the customs declaration No. (.........) dated 05/08/1445 AH, as the reason for the rejection of the request for the refund of customs duties by the defendant in the objection stage was first due to an error in the invoice as it was a duplicate of items, and when the objection was rejected in the second stage, the objection was rejected due to the difference in the unit between the invoice and the exemption list, and the plaintiff did not attach the exemption list to ensure the validity of what it objects to in addition to the final statement, but argued that the principle of the refund of customs duties is the issuance of the exemption, regardless of the difference in the information recorded in the documents at the stage of submitting the application, such as: (invoice, customs declaration, exemption list), and based on Article (47) and Circular No. (63/325/M) referred to above, in addition to what was included in the appeal decision

No. (CR - 2023-155508), which stipulated: "The reliance on the importer's entitlement to customs exemption requires him to observe the conditions that are interrogated by his preferential treatment related to the advantage of customs exemption from duties, as is evident from the text of the article and the circular in addition to the decision The appellant on the necessity of full conformity in the information to grant the beneficiary preferential treatment, which decides to dismiss the plaintiff's claim with respect to the request for the refund of customs duties under the customs declaration No. (..........) dated 05/08/1445 AH in the amount of (48,158.06) Saudi Riyals.

For these reasons, and after deliberation, the Committee unanimously decided the following:

Decision:

First: Acceptance of the case procedurally.

Second: Dismissal of the plaintiff's the case .... Commercial Registration No. (..........) with respect to the request for the refund of customs duties under the Customs Declaration No. (..........) dated 05/08/1445 AH an amount of (48,158.06) Forty-eight thousand one hundred and fifty-eight Saudi Riyals and six halalats that are the subject of the case .

May Allah's peace and blessings be upon our Prophet Muhammad and all his family and companions.

The First Instance Customs Committee in Riyadh

Decision No. CFR-2025-263025

Case No. CDR-2025-263025

Keywords:

Customs - Customs duties - Refund of duties - Export - Importer's non-entitlement.

Summary:

- **The importer's request to the First Instance Customs Committee in Riyadh against the Defendant / Zakat, Tax and Customs Authority to consider the objection to the Authority's decision to reject the request for refund of customs duties related to the customs declaration No. (...........) dated 17/08/2023 AD, which was re-exported with statement No. (...........) dated 27/06/2024 AD. Whereas, it was proved to the Committee - according to the case file and what the Customs Committees have settled on - that the items in question fall within the products of (tobacco and its derivatives), which are among the items that are legally exempted from the provisions of customs duty refund, and it was also found that the plaintiff did not meet the statutory requirements set for the refund of duties, because the re-export statement was not linked to the import statement in accordance with the requirements of the Implementing Regulations of the Unified Customs Law, and the errors raised attributed to the customs broker do not exempt the importer from his legal liability. The result of this is: the acceptance of the case procedurally, and the dismissal of the plaintiff's the case .... National ID No. (..........), with regard to the request for the refund of customs duties under the customs declaration No. (...........) dated 17/08/2023 AD with an amount of (2,526,171) riyals.**

Document:

- Article (11, 47, 57, 97, 158 and 174) of the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH.
- Article (3 and 5) of the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH .
- Article (1) of the Implementing Regulations of the Customs Law issued by Ministerial Resolution No. (2748) dated 25/11/1423 AH.

Facts:

The facts of the case are summarized as that.......... ID No. (.......... In its capacity as an agent for the plaintiff under Power of Attorney No. (...........) dated 13/06/1442 AH and under Law Firm No. (.........) dated 16/11/1444 AH., he filed a case against the defendant (Zakat, Tax and Customs Authority) requesting the refund of customs duties related to Customs Declaration No. (..........) dated 17/08/2023 AD, which was re-exported by Statement No. (..........) dated 27/06/2024 AD.

When the case was presented to the defendant (Zakat, Tax and Customs Authority), it submitted a response memorandum that was reviewed by the committee, which included its demand not to accept the case procedurally as an original request and to reject it as a precautionary request.

Presenting this to the plaintiff's attorney, he submitted a memorandum of response that was reviewed by the committee, which included his demand to accept the case procedurally and substance and to enable his client to recover the customs duties of the statement in question.

On Thursday, 28/08/2025 AD, the First Instance Customs Committee in Riyadh held its hearing via video conferencing in accordance with the procedures of remote video litigation to consider the case before it. By calling the parties to the case , he attended............... ،(National) ID No. (..........) as an agent for .... By virtue of Power of Attorney No. (...........) dated 13/06/1442 AH and by Attorney License No. (..........) dated 16/11/1444 AH. .... National ID No. (...........) in its capacity as a representative of the Zakat, Tax and Customs Authority (ZATCA) Respondent under the authorization issued by the Agency for Legal Affairs and Compliance with the Authority No. (.........) dated 19/03/1445 AH and after verifying the presence of the plaintiff's attorney. and the defendant's representative, and after reviewing the case file. The committee asked the plaintiff's attorney what he would like to add other than what he had submitted, and he replied sufficiency. When asked what he would like to add other than what he presented, the representative of the Commission replied that it was sufficient. Accordingly, after hearing from the parties to the case, the committee decided to close the door of the case for further study and in preparation for the issuance of the decision .

On Sunday, 07/09/2025 AD, the First Instance Customs Committee in Riyadh held its hearing via video conferencing in accordance with the procedures of remote video litigation to consider the case before it. By calling on the parties to the case , the .... (National) ID No. (...........) as an Agent for .... By virtue of Power of Attorney No. (...........) dated 13/06/1442 AH and under Law Firm No. (...........) dated 16/11/1444 AH. .... National ID No. (...........) in its capacity as a representative of the Zakat, Tax and Customs Authority (ZATCA) Respondent pursuant to the authorization issued by the Agency for Legal Affairs and Compliance at the Authority No. (..........) dated 19/03/1445 AH and after verifying the presence of the plaintiff's attorney. and the defendant's representative, and after reviewing the case file. The committee asked the plaintiff's attorney what he would like to add other than what he submitted, and he replied sufficiency. When the representative of the Commission asked what he would like to add other than what he had submitted, he replied that it was enough, and the committee decided to close the pleadings in preparation for the issuance of the decision .

Grounds:

After reviewing the Unified Customs Law for the GCC States issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing the rules of the work of the Zakat, Tax and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH , and the relevant laws and regulations.

Procedurally, after the committee has reviewed the subject matter of the case, as it has been proven to it that this dispute is a customs dispute, it is considered one of the disputes within the jurisdiction of this committee, and since it is proven from the documents of the case that the plaintiff filed the case in a capacity, and during the statutory period, which requires the case to be accepted procedurally.

On the merits, the Committee considered the papers and documents included in the case file, and the requests, defenses, and defenses expressed by its parties, and the Committee found that the dispute lies with the plaintiff's objection to the Authority's decision to reject the request for the refund of customs duties related to the Customs Declaration No. (..........) dated 17/08/2023 AD, which was reissued with Statement No. (..........) dated 27/06/2024 AD.

Based on Article (3) paragraph (2/5) of the Rules of Operation for Zakat, Tax, and Customs Committees, which stipulates that: "The Departments of the Customs Separation Committee shall be competent to apply the provisions of the Unified Customs Law and its Implementing Regulations, as follows: 5. Consideration of objections submitted to the decisions issued rejecting refund requests", Article (5) of the Rules of Operation for Zakat, Tax, and Customs Committees stipulates that: "A person in respect of whom a decision has been issued by the Authority may appeal against him within sixty days from the date of his notification thereof, and the Authority shall decide on the grievance within ninety days from the date of its submission, and the complainant shall have a grievance within thirty days from the date on which he was notified of the rejection or partial acceptance of the grievance, or the passage of ninety days without a decision on it. Doing any of the following: a. Requesting the referral of the grievance to the internal committee for the purpose of settlement. If the taxpayer rejects the decision of the internal committee regarding the settlement or the period specified in the settlement rules has passed without reaching a settlement, he may object to the decision of the Authority before the adjudication chambers within thirty (thirty) days from the date of being informed of the decision of the internal committee or if the period specified in the settlement rules has elapsed without reaching a settlement. The objection does not include a settlement with the Internal Committee. (b) Filing a direct case before the Arbitration Chambers", as stipulated in Article (57) of the Unified Customs Law that: " If the result of the inspection shows a difference between it and what is stated in the customs declaration, the customs tax "duties" shall be collected on the basis of this result, without prejudice to the right of the Customs to collect the fines due when necessary in accordance with the provisions of this Law (the Law), and based on Article (174) of the Unified Customs Law, which stipulates that: "No claim or claim shall be accepted for the refund of customs duties that have been paid more than three years ago", and where Article (11) of the Unified Customs Law stipulates that: "Customs duties shall be imposed, amended and abolished by the legal instrument in force in each Member State, taking into account the decisions issued by the GCC States in this regard and the provisions of the international conventions in force." Article (47) of the Unified Customs Law stipulates that: "Upon clearance of any goods, even if they are exempt from customs duties, a detailed customs declaration shall be submitted to the Customs Department in accordance with the forms adopted within the framework of the GCC States, which includes all the information that enables the application of the customs regulations and the collection of the customs taxes and duties due for statistical purposes." Whereas, Article (97) of the Unified Customs Law stipulates that: "The customs duties collected on foreign goods shall be refunded in whole or in part, in accordance with the regulations and conditions determined by the Implementing Regulations." Article (112) of the Unified Customs Law stipulates that: "The customs broker shall be responsible for his work and the actions of his subordinates before importers and exporters and before the administration in accordance with the provisions of this Law", and based on Article (158) of the Unified Customs Law, which stipulates that: Cargo owners, employers and freight carriers shall be responsible for the actions of their employees and all employees for their benefit with regard to the duties and taxes collected by the Customs Department and the fines and confiscations stipulated in this Law and resulting from those actions.".

After reviewing the defenses and documents submitted by the two parties, the committee found that the dispute is limited to the request for the refund of customs duties as a result of the re-export of a commodity, where the plaintiff argues that there is a report stating that the consignment conforms to the consignment, in addition to arguing that the savior is the one who made the mistake It attached a letter in which the customs broker contracting with the plaintiff apologized for the procedural error that occurred and is the one who bears his responsibility, and inferred the correctness of its position that the defendant "the Authority" had recovered the excise tax.

While the defendant argues that it rejected the refund request because the plaintiff did not link the import statement to the re-export statement, which is contrary to what is stipulated in Article (15) paragraph (c) of the Implementing Regulations of the Unified Customs Law referred to above, and with regard to the plaintiff's argument that the error was caused by the customs broker, the defendant responds that according to Article (158) of the Unified Customs Law, the plaintiff is legally responsible for the consignments.

Accordingly, and in view of the above, the Committee considers that the plaintiff's claim should be dismissed, given that the procedure stipulated in Article (15) paragraph (c) of the Implementing Regulations of the Unified Customs Law requires that the re-export declaration be linked to the import statement, and as for the customs report, the report is not considered evidence of the plaintiff's entitlement to the refund of customs duties, as the report is for the inventory and verification of the fact that the goods in question are the same as the goods contained in the consignment, as the article stipulates that the customs declaration must be confirmed This is stipulated in the appellate decision issued in the case No. (AC - 2024-240208) for the same dispute and the same category "tobacco" as follows: "Whereas, by reviewing the first instance decision and the regulations submitted by the parties, in addition to the decision applicable to the disputed the case, it became clear that it expressly stipulated that customs duties shall not be returned if the re-exported commodity is tobacco products and its derivatives, and the customs shall not receive or withdraw any request in this regard", and whereas the imported Shisha tobacco In the consignment, it is considered one of the tobacco derivatives mentioned in Article II of the Anti-Smoking Law, which does not apply to the customs duty refund procedures because tobacco is exempt from all facilities and preferences."

With regard to the plaintiff's argument that the customs broker is the one who bears the existing error, Article (158) of the Unified Customs Law, which was inferred by the defendant, stipulates that the importer is Who bears the mistakes of the customs broker in the event of their occurrence, as the broker works only under an authorization provided by the importer, and the importer bears the mistakes made by the customs broker before the customs. The order decides to dismiss the case with respect to the refund of customs duties related to customs declaration No. (...........) in the amount of (2,526,171) Saudi Riyals.

For these reasons, and after deliberation, the Committee unanimously decided the following:

Decision:

First: Acceptance of the case procedurally.

Second: Dismissal of the plaintiff's case .... National ID No. (.........) in connection with the request for the refund of customs duties for the customs declaration No. (...........) dated 17/08/2023 AD an amount of (2,526,171) two million five hundred and twenty-six thousand one hundred and seventy-one Saudi riyals subject to the case.

May Allah's peace and blessings be upon our Prophet Muhammad and all his family and companions.

The First Instance Customs Committee in Riyadh

Decision No. CFR-2025-263032

Case No. CDR-2025-263032

Keywords:

Customs - Customs duties - Refund of duties - Tobacco derivatives - Importer's inadequacy.

Summary:

- **The importer's request to the First Instance Customs Committee in Riyadh against the Defendant / Zakat, Tax and Customs Authority to consider the objection to the Authority's decision to reject the request for the refund of customs duties related to the Customs Declaration No. (...........), dated 19/08/2023 AD, and reissued with statement No. (..........), and dated 27/06/2024 AD. Whereas, it has been proven to the Committee, according to the case file and the judgment of the Customs Committees, that the item that is the subject of the refund request falls within the products of (tobacco and its derivatives), which are among the items that are legally exempted from the provisions of customs duty refund. It was also found that the plaintiff did not meet the statutory requirements for the refund of duties, because the re-export statement was not linked to the import statement as required by the Implementing Regulations of the Unified Customs Law. In addition, the procedural error attributed to the customs broker does not exempt the importer from its legal liability. This led to the acceptance of the case procedurally, and the receipt of its claim as a matter of fact with respect to the request for the refund of the customs duties in dispute.**

Document:

- Article (11, 47, 57, 97, 158 and 174) of the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH.
- Article (3 and 5) of the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH .
- Article (15) of the Implementing Regulations of the Customs Law issued by Ministerial Decree No. (2748) dated 25/11/1423 AH.

Facts:

The facts of the case are summarized as that.......... ID No. (.......... In its capacity as an agent for the plaintiff under Power of Attorney No. (...........) dated 13/06/1442 AH and under a law license No. (.........) dated 16/11/1444 AH., he filed his the case against the defendant (Zakat, Tax and Customs Authority) and requested the refund of customs duties related to Customs Declaration No. (..........) dated 19/08/2023 AD, which was re-issued by Statement No. (..........) dated 27/06/2024 AD.

When the case was presented to the defendant (Zakat, Tax and Customs Authority), it submitted a response memorandum that was reviewed by the committee, which included that the case was not accepted procedurally as an original request and that it was rejected on the basis of a precautionary request.

Presenting this to the plaintiff's attorney, he submitted a memorandum of response that was reviewed by the committee, which included his demand to accept the case procedurally and substance and to enable his client to recover the customs duties of the statement in question.

On Thursday, 28/08/2055, the First Instance Customs Committee in Riyadh held its hearing via video conferencing in accordance with the procedures of remote video litigation to consider the case before it. By calling the parties to the case , he attended........... ،(National) ID No. (...........) as an agent for .... Commercial under Power of Attorney No. (...........) dated 13/06/1442 AH and under Attorney License No. (...........) dated 16/11/1444 AH. .... attended National ID No. (...........) in its capacity as a representative of the Zakat, Tax and Customs Authority (ZATCA) Respondent pursuant to the authorization issued by the Agency for Legal Affairs and Compliance No. (..........) dated 19/03/1445 AH and after verifying the presence of the plaintiff's attorney. and the defendant's representative, and after reviewing the case file. The committee asked the plaintiff's attorney what he would like to add other than what he had submitted, and he replied sufficiency. When asked what he would like to add other than what he presented, the representative of the Commission replied that it was sufficient. After hearing from the parties to the case, the committee decided to close the door of the case for further study and in preparation for the issuance of the decision .

On Sunday, 07/09/2025 AD, the First Instance Customs Committee in Riyadh held its hearing via video conferencing in accordance with the procedures of remote video litigation, to consider the case before it and to call on the parties to the case , ...(National) ID No. (..........) as an agent for .... By virtue of Power of Attorney No. (...........) dated 13/06/1442 and under the Law of Attorney License No. (..........) dated 16/11/1444 AH. .... National ID No. (...........) in its capacity as a representative of the Zakat, Tax and Customs Authority (ZATCA) Respondent under the authorization issued by the Agency for Legal Affairs and Compliance No. (...........) dated 19/03/1445 AH and after verifying the presence of the plaintiff's attorney. and the defendant's representative, and after reviewing the case file. The committee asked the plaintiff's attorney what he would like to add other than what he submitted, and he replied sufficiency. When the representative of the Authority asked what he would like to add other than what he submitted, he replied that he would suffice with it, the committee decided to close the pleadings, in preparation for the issuance of the decision .

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH , and the relevant laws and regulations.

Procedurally, and after the committee has been informed of the subject matter of the case, as it has been proven to it that this dispute is a customs dispute, it is considered one of the disputes within the jurisdiction of this committee, and since it is proven from the documents of the case that the plaintiff filed the case in a capacity, and within the statutory period, which requires the case to be accepted procedurally.

On the merits, the committee considered the papers and documents included in the case file, and the requests, defenses, and defenses expressed by the parties, and the committee found that the dispute lies with the plaintiff's objection to the Authority's decision to reject the request for the refund of customs duties related to the customs declaration No. (..........) dated 19/08/2023 AD, which was reissued with statement No. (..........) dated 27/06/2024 AD.

Based on Article (3) Paragraph (2/5) of the Rules of Operation for Zakat, Tax, and Customs Committees, which stipulates that: "The Customs Separation Committee Departments shall be competent to apply the provisions of the Unified Customs Law and its Implementing Regulations, as follows: 5. Consideration of objections submitted to the decisions issued rejecting refund requests", Article (5) of the Rules of Operation for Zakat, Tax, and Customs Committees stipulates that a person in respect of whom a decision has been issued by the Authority may appeal against him within sixty days from the following day. The Authority shall decide on the grievance within ninety days from the date of its submission, and the grievant shall be notified within thirty days from the date of notification of the rejection or partial acceptance of the grievance, or the passage of ninety days without a decision on it. Doing any of the following: a. Requesting the referral of the grievance to the internal committee for the purpose of settlement. If the taxpayer rejects the decision of the internal committee regarding the settlement or the period specified in the settlement rules has passed without reaching a settlement, he may object to the decision of the Authority before the adjudication chambers within thirty (thirty) days from the date of being informed of the decision of the internal committee or if the period specified in the settlement rules has elapsed without reaching a settlement. The objection does not include a settlement with the Internal Committee. (b) Filing a direct the case before the Arbitration Chambers", as stipulated in Article (57) of the Unified Customs Law that: " Customs Duties in accordance with the contents of the customs declaration, and if the result of the inspection shows a difference between it and what is stated in the customs declaration, the Customs Duties shall be collected on the basis of this result, without prejudice to the right of customs to collect the fines due when necessary in accordance with the provisions of this Law and regulations." , based on Article (174) of the Unified Customs Law, which stipulates that: "No claim or claim for the refund of customs duties that have been paid more than three years ago shall not be accepted." Whereas, Article (11) of the Unified Customs Law stipulates that: "Customs duties shall be imposed, amended and abolished by the legal instrument in force in each of the Member States, taking into account the decisions issued by the GCC States in this regard and the provisions of the international conventions in force." Article (47) of the Unified Customs Law stipulates that: "Upon clearance of any goods, even if they are exempt from customs duties, a detailed customs declaration shall be submitted to the Customs Department in accordance with the forms adopted within the framework of the GCC States, which includes all the information that enables the application of the customs regulations and the collection of the customs taxes and duties due for statistical purposes." Whereas, Article (97) of the Unified Customs Law stipulates that: "The customs duties collected on foreign goods shall be refunded in whole or in part, in accordance with the regulations and conditions determined by the Implementing Regulations." Article (112) of the Unified Customs Law stipulates that: The customs broker shall be responsible for his work and the actions of his subordinates before importers and exporters and before the administration in accordance with the provisions of this Law ("the Law"), and based on Article (158) of the Unified Customs Law, which stipulates that: Owners of goods, employers and transporters of goods shall be responsible for the actions of their employees and all employees for their benefit with regard to the duties and taxes collected by the Customs Department and the fines and confiscations stipulated in this Law and resulting from those actions.".

After reviewing the defenses and documents submitted by the two parties, the committee found that the dispute is limited to the request for the refund of customs duties as a result of the re-export of a commodity, where the plaintiff argues that there is a report stating that the consignment conforms to the consignment, in addition to arguing that the savior is the one who made the mistake It attached a letter in which the customs broker contracting with the plaintiff apologized for the procedural error that occurred and is the one who bears his responsibility, and inferred the correctness of its position that the defendant "the Authority" had recovered the excise tax.

While the defendant argues that it rejected the refund request because the plaintiff did not link the import statement to the re-export statement, which is contrary to what is stipulated in Article (15) paragraph (c) of the Implementing Regulations of the Unified Customs Law referred to above, and with regard to the plaintiff's argument that the error was caused by the customs broker, the defendant responds that according to Article (158) of the Unified Customs Law, the plaintiff is legally responsible for the consignments.

Accordingly, and in view of the above, the Committee considers that the plaintiff's claim should be dismissed, given that the procedure stipulated in Article (15) paragraph (c) of the Implementing Regulations of the Unified Customs Law requires that the re-export declaration be linked to the import statement, and as for the customs report, the report is not considered evidence of the plaintiff's entitlement to the refund of customs duties, as the report is for the inventory and verification of the fact that the goods in question are the same as the goods contained in the consignment, as the article stipulates that the customs declaration must be confirmed The importer's entitlement to his customs duties, and this is what was stipulated in the appellate decision issued in the case No. (AC - 2024-240208) for the same dispute and the same category "tobacco" as follows: "Whereas, by reviewing the initial decision and the regulations submitted by the parties, in addition to the decision applicable to the disputed the case, it became clear that it expressly stipulated that "customs duties shall not be returned if the re-exported commodity is tobacco products and its derivatives", and that the customs shall not receive or withdraw any request in this regard. The content contained in the consignment is considered one of the tobacco derivatives mentioned in Article II of the Anti-Smoking Law, which does not apply to the customs duty refund procedures since tobacco is exempt from all facilities and preferences."

With regard to the plaintiff's argument that the customs broker is the one who bears the existing error, Article (158) of the Unified Customs Law, which was inferred by the defendant, stipulates that the importer Who is bears the mistakes of the customs broker in the event of their occurrence, as the broker works only under an authorization provided by the importer, and the importer bears the mistakes made by the customs broker before the customs. This order decides to dismiss the case in relation to the refund of customs duties related to customs declaration No. (230703) in the amount of (1,261,078.20) Saudi Riyals.

For these reasons, and after deliberation, the Committee unanimously decided the following:

Decision:

First: Acceptance of the case procedurally.

Second: Dismissal of the Plaintiff's the case .... Commercial Registration No. (..........) in connection with the request for the refund of customs duties for the customs declaration No. (..........) dated 19/08/2023 AD in the amount of (1,261,078.20) million two hundred and sixty-one thousand seventy-eight Saudi Riyals and twenty halalas that are the subject of the case .

May Allah's peace and blessings be upon our Prophet Muhammad and all his family and companions.

The First Instance Customs Committee in Riyadh

Decision No.	CFR-2025-247479
Case No.	AC-2025-247479

Keywords:

Customs - Customs duties - Duty refund - Steel and metals - Importer is not entitled.

Summary:

- **Requesting the importer to seek reconsideration of the first instance decision No. (CTR - 2023-546), issued by the Third Instance Customs Committee, Judge: Rejection of the request for reconsideration from the Company (...........) Commercial Registration No. (...........) in the form of what is explained in the reasons. The petitioner (...) must file a new the case after the issuance of the decision of the Committee for the Resolution of Conflict of Jurisdiction for Application No. (1) of (1445 A.H.). Whereas it was established to the Committee, in accordance with the case file and the judgment of the Customs Committees, that there was a case of a petition for reconsideration stipulated by law, it ruled that the petition should be accepted procedurally. On the merits, the Committee found that the importer's argument that the consignment is exempt under the Tayseer Convention as it is of Arab origin is incorrect. This is because it proved the integrity of the defendant's conduct and the correctness of its application of the law when it ruled that the importer was not entitled to the exemption because the consignment was produced in a factory located within a special economic zone, which excludes it from the scope of the exemption in accordance with Article (85) of the Unified Customs Law. This will lead to: Acceptance of the petition procedurally, and the importer's claim will be rejected with a request for refund of customs duties.**

Document:

- Article (85) of the Unified Customs Law of the Gulf Cooperation Council Countries of the Gulf issued by Royal Decree No. (M/41) dated 03/11/1423 AH
- Article (3) of the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH .
- Article (200) of the Law of Sharia Procedures issued by Royal Decree No. (M/1) dated 22/01/1435 AH.

Facts:

The facts of this case are that the company.......... Commercial Registration No. (..........), filed its the case before the Third First Instance Customs Committee in Riyadh to object to the Customs non-response to its demand for the refund of the customs duties imposed on the customs declaration No. (............), and the committee issued its decision No. (CTR-2023-546), which is as follows: "The committee does not have jurisdiction to consider the case."

On him. The petitioner submitted a request to the Committee for the Resolution of the Conflict of Jurisdiction and issued its decision in Application No. (1) of 1445 AH, which is as follows: "The consideration of the case submitted by .... Company (Commercial Registration No. ....) Against/ Zakat, Tax and Customs Authority. regarding the demand for the refund of the value of customs duties from the competence of the customs committees."

Accordingly, the petitioner filed a request for reconsideration of the decision issued by the Third First Instance Customs Committee in Riyadh No. (CTR-2023-546), and the Committee issued its decision No. (CTR-2024-226353), which reads as follows: "The request for reconsideration from (.......... Company) is not accepted. Commercial Registration No. (...........) Form of the Reasons Explained. The petitioner (......... Company) must file a new the case after the issuance of the decision of the Committee for the Resolution of the Conflict of Jurisdiction for Application No. (1) of (1445 A.H.).

Since this decision was not accepted by the petitioner, she filed an appeal against the decision of the Third Instance Customs Committee in Riyadh No. (CTR-2024-226353), and the Customs Appeals Committee in Riyadh issued its decision No. (CR-2025-233302), which reads in its operative part: "Second: On the merits, the cancellation of the first instance decision, and the return of the case to the Customs Committee of First Instance for consideration on the merits, for the reasons and grounds stated in this decision.".

On Thursday, 04/09/2025 AD, the First Instance Customs Committee in Riyadh held its hearing via video conference in accordance with the procedures of remote video litigation to consider the request for reconsideration submitted by .... Company The Decision of the Customs Committee of First Instance No. (CTR-2024-226353). Calling the parties to the case , I attended......... National ID No. (...........) as an agent for the petitioner under Power of Attorney No. (.........) dated 10/03/1445 AH and under the Certificate of Identification of a Trainee Lawyer No. (...........) dated 12/01/1445 AH . I attended......... National ID No. (..........) in her capacity as a representative of the Zakat, Tax and Customs Authority (the petitioner) under the authorization issued by the Agency for Legal Affairs and Compliance at the Authority No. (.........) dated 19/03/1445 AH, and after verifying the presence of the petitioner's attorney and the petitioner's representative, and after reviewing the case file and the petition, it was found that the case was returned from the Appeals Committee Decision No. (CR - 2025-233302). The Committee asked the Petitioner's attorney what she would like to add other than what was submitted, and she replied sufficiency. When the petitioner's representative asked what she would like to add other than what was submitted, she replied that it was sufficient for it, and the committee decided to close the pleadings, in preparation for the issuance of the decision.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/4/1445 AH , and the relevant laws and regulations.

Upon consideration of the papers and documents contained in the case file, and the requests and defenses expressed by the parties, the Committee found that the petitioner filed a request for reconsideration of Decision No. (CTR-2024-226353) issued by the Third Instance Customs Committee in Riyadh.

Whereas, the petition for reconsideration submitted by the company was based on paragraph (b) of Article (200/1) of the Law of Sharia Procedures, based on the petitioner's obtaining conclusive papers in the case, represented in the decision of the Committee for the Resolution of the Dispute of Jurisdiction referred to issued on 11/04/1445 AH corresponding to 26/10/2023 AD, which was confirmed by the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH , included in its third article (2/E) when listing the competencies of the customs committees. Objections submitted to the decisions issued rejecting the requests for refund and arranging the convening of the competence of the customs committees to consider disputes related thereto, which shall determine the acceptance of the petition procedurally.

On the merits and by reviewing the case file, it becomes clear that the dispute is about the plaintiff's request for the refund of customs duties in the amount of (1,031,631.12) Saudi riyals, as she imported a consignment from the Arab Republic of Egypt (……… Company) and indicates that the consignment is exempt under the (Tayseer) agreement, which exempts the importer from paying customs duties, while the defendant refused the refund because the plaintiff is not entitled to the exemption based on Article (85) of the Unified Customs Law because the consignment was produced from a factory located in a free zone. The plaintiff has attached the certificate of origin stating that the consignment is of Egyptian origin, while the defendant relies on the fact that it has corresponded with the Egyptian Customs, which stated that the factory is located in an economic zone. After reviewing the documents attached to the case and based on Articles (20, 21 and 24) of the Implementing Regulations of the Law of Economic Zones of a Special Nature in the Arab Republic of Egypt, we believe that the defendant's conduct is correct and sound, as the goods imported into the Egyptian territory from the economic zones are treated as goods coming from abroad as well as Arab countries, which is the reason for the dismissal of the plaintiff's case. .

For these reasons, and after deliberation, the Committee unanimously decided:

Decision:

First: Acceptance of the request for reconsideration procedurally.

Second: Dismissal of the Plaintiff's case ………. Company Commercial Registration No. (………) in connection with the request for the refund of customs duties for Customs Declaration No. (………..) an amount of (1,031,631.12) One Million Thirty-One Thousand Six Hundred and Thirty One Saudi Riyals and Twelve Halalas.

May Allah's peace and blessings be upon our Prophet Muhammad and all his family and companions.

The First Instance Customs Committee in Riyadh

Decision No. CFR-2025-243670

Case No. PC-2024-243670

Keywords:

Customs - Customs duties - SOM refund - Air conditioners - Re-export - Importer not being entitled.

Summary:

- **Requesting the importer to the First Instance Customs Committee in Riyadh against the Defendant / Zakat, Tax and Customs Authority to consider the objection to the Authority's decision to reject the request for the refund of customs duties related to the customs declaration No. (1), dated 28/01/1445 AH . Whereas, it was proved to the Committee - according to the case file and the judgment of the Customs Committees - that the consignment of the air conditioners was cleared under the undertaking not to dispose of customs duties, and was later re-exported. The importer argued that the reason for the refusal was due to a technical defect that prevented the re-export declaration from being linked to the import declaration, and that this was beyond its control. Whereas, it has been proven to the Committee - in accordance with the case file and the relevant laws and regulations - that the importer did not comply with the statutory conditions for the refund of duties, especially the requirement that the re-export declaration be linked to the import statement, and that what was raised regarding the technical defect does not give rise to a reason for exemption from compliance with the prescribed legal procedures, especially with the failure to report this before the rejection of the refund request, resulting in the acceptance of the case procedurally, and its return as a matter with regard to the request for the refund of customs duties.**

Document:

- Article (97) of the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH.
- Article (98) of the Unified Customs Law of the Gulf Cooperation Council Countries of the Gulf issued by Royal Decree No. (M/41) dated 03/11/1423 AH.
- Article (174) of the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH.

Facts:

The facts of the case are summarized that (............) - National ID No. (..........), an agent for .... , as a director of .... , Commercial Registration No. (............) under Power of Attorney No. (..........), dated 22/03/1443 AH and Law License No. (..........) dated 22/08/1444 AH filed his the case against the defendant and objected to the rejection of a request for refund of customs duties covered by the customs declaration No. (..........) dated 28/01/1445 AH ., where he submitted on 26/10/2024 AD, a list of objections to the decision to reject the refund request. It summarizes its content as follows: The plaintiff states that she applied for a refund of customs duties and this was rejected by the defendant because the customs broker did not prove the return statement issued on the import statement. The plaintiff submitted an objection to the defendant's decision, as the authority to link the re-export declaration to the import declaration had not been activated at the expense of the customs broker, which caused the broker's inability to carry out the required linking process, which is technical. The plaintiff adds in her objection objectively that the shipment was cleared with a pledge not to dispose of customs duties amounting to (1,071,072.95) riyals, and after (3) months, the Ministry of Commerce received a statement that the air conditioners did not conform to specifications and standards. Finally, the plaintiff requested the refund of her customs duties amounting to (311,015,81) riyals.

On 10/12/2024 AD. The defendant (Zakat, Tax and Customs Authority) submitted a reply memorandum, summarizing its content as follows: With regard to what the plaintiff stated about the broker's inability to carry out the required linkage process, the defendant states that the Authority verifies during the objection study phase the correctness of the plaintiff's argument that she encountered a problem in fixing the import declaration on the re-export declaration because the customs broker does not have the linking feature, and that it submits to the Authority with ticket number (...........) to solve the problem, and it was found that the action taken by it was incorrect, as it is - That is, the plaintiff did not submit the ticket to report the problem until 17-07-2024 AD, i.e. on a later date of rejection of the refund request, which shows that the export procedures have been terminated without affirming the import declaration and without a request to address the technical problem, if it exists. The defendant believes that this is contrary to the conditions of re-export stipulated in Article (15) of the Implementing Regulations of the Unified Customs Law and Article (30) of the Controls Governing Customs Procedures. The memorandum ended with the request of the defendant (the Authority) to rule to dismiss the case submitted by the plaintiff.

On Sunday, 02/02/2025 AD, the committee held its hearing to consider the case held remotely, and by calling on the parties to the case , the .... National ID No. (..........) in its capacity as an agent for the plaintiff under Power of Attorney No. (...........) dated 22/3/1443 AH and under a Attorney's License No. (..........) dated 22/8/1439 AH. He attended. ..... National ID No. (...........) in its capacity as a representative of the Zakat, Tax and Customs Authority (the defendant) under the authorization issued by the Agency for Legal Affairs and Compliance at the Authority No. (.........) dated 19/03/1445 AH, and after verifying the validity of the parties to the case , and after reviewing the case file on it, the committee asked the plaintiff's attorney what he would like to add other than what he submitted, and he replied that we are satisfied with what has already been submitted, and by asking the representative of the

Authority what he would like to add other than what he submitted. Answer: A response memorandum has been submitted, and we confirm and adhere to the procedural defense.

The Committee asked the representative of the Authority about the ticket attached to the case list? He answered: I cannot review the ticket and ask for a time limit to review it from the competent department, so after deliberation, the committee decided to postpone the consideration of the case to a session to be determined later, and give the plaintiff time to submit the letter addressed to the defendant related to the technical problem it faces that prevented the submission of the re-export request, provided that the defendant's representative responds to the technical ticket and its number shown in the case file within (ten days) from the date of this hearing.

On 11/02/2025 AD. The defendant (Zakat, Tax and Customs Authority) submitted a reply memorandum, summarizing its content as follows: The plaintiff did not submit the ticket to report the existence of a problem until 17/07/2024 AD, i.e., a later date after the rejection of the refund request. The plaintiff also re-exported without affirming the import statement with the re-export statement, and since this is so, the regulator came up with statutory texts regulating the recovery of customs duties and set applicable conditions for them, as Article (15) of the Implementing Regulations of the Unified Customs Law stipulates that: "a. The goods shall be re-exported under re-export statements that include all the distinctive elements of the goods, and shall be regulated in accordance with the decision of the Director General. The person re-exporting the goods may not be the importer, provided that the Customs Department approves the same. c. The customs declaration number under which the goods were imported must be affixed to the re-export declaration. d. The goods shall be subject to customs inspection and customs procedures prescribed under the Uniform Customs Law. "Article (30) of the Regulations Governing Customs Procedures, which stipulates that: "1. Goods may be re-exported in accordance with the following: a. The owner of the goods or his delegate shall register the information of the goods to be re-exported through the electronic platform and attach the import statement under which the goods were entered. b. Install and link the import declaration to the re-export statement. c. The Authority shall match the goods to be re-exported in accordance with the risk criteria within twenty-four (24) hours from the date of completion of the information. 2. The owner of the goods, after completing the procedures for re-exporting his goods, may submit a request to the Authority for a refund of customs duties in accordance with the provisions of the Unified Customs Law and its Implementing Regulations. "Based on the above-mentioned facts and regulatory texts, it is clear that the importer did not comply with the Implementing Regulations of the Unified Customs Law as well as the controls regulating customs procedures to be eligible for refund, as he re-exported the goods without affirming the import declaration with the re-export statement, which resulted in his inability to pay customs duties. Regardless of the validity of this argument, which is not acknowledged, the plaintiff did not initially submit the creation of the problem and the claim of technical defect until after the rejection of the refund request, which is contrary to the Implementing Regulations of the Unified Customs Law as well as the controls regulating customs procedures, which have explicitly stated the conditions and procedures to be achieved before claiming the refund of customs duties. The memorandum ended with the request of the defendant (the Authority) to rule to dismiss the case submitted by the plaintiff.

On 16/02/2025 AD, the plaintiff submitted a memorandum of attachment in response to what was stated in the memorandum of the defendant (the Authority), summarizing its content as follows: The plaintiff states that she submitted a request for a refund of customs duties and this was rejected by the defendant because the customs broker did not prove the return statement of export on the import statement, and the plaintiff submitted an objection to the defendant's decision as the authority to link the return export statement to the import statement had not been activated at the expense of the customs broker, and accordingly A meeting with the Zakat, Tax and Customs Authority on 08/08/2024 AD, to discuss and dialogue regarding the request for refund of the customs duties under discussion, and all the details were explained to the Zakat, Tax and Customs Authority and it was answered during the meeting in the affirmative of its requests, and that the request will be re-examined and responded to as soon as possible, and after two weeks of the meeting, it was informed by the Customs Department to reject the objection. Finally, the plaintiff requested the refund of her customs duties amounting to (311,015.81) riyals.

On Sunday, 16/02/2025 AD, the committee held its hearing to consider the case held remotely, and by calling on the parties to the case , the .... , National ID No. (.............) in its capacity as an agent for the plaintiff under Power of Attorney No. (..........) dated 22/3/1443 AH and under Attorney License No. (..........) dated 22/8/1444 AH. .... National ID No. (...........) in its capacity as a representative of the Zakat, Tax and Customs Authority (ZATCA) Respondent under the authorization issued by the Agency for Legal Affairs and Compliance No. (..........) dated 19/03/1445 AH ., and after verifying the authenticity of the presence of the plaintiff's representative and the defendant's representative, and after the committee asked the defendant's representative about what he was used for in the previous session regarding the submission of the letter addressed to the defendant related to the technical problem it faces that prevented the submission of a request Re-export, provided that the defendant's representative responds to the technical ticket as shown in the case file? Answer: The statement was submitted and attached to the case file, so the committee decided to close the pleadingss in preparation for the issuance of the decision.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH , and the relevant laws and regulations.

Procedurally, after the committee has been informed of the subject matter of the case, as it has been proven to it that this dispute is a customs dispute, it is considered one of the disputes within the jurisdiction of this committee, and since it is proven from the documents of the case that the plaintiff filed the case in a capacity, and during the statutory period, which requires the case to be accepted procedurally.

On the merits, the Committee considered the papers and documents included in the case file, and the requests, defenses and defenses expressed by the parties, and the Committee found that the dispute lies in the defendant's rejection of the request for the refund of part of the customs duties covered by the customs declaration No. (.........) dated 28/01/1445 AH .

Based on the text of Article (174) of the Unified Customs Law, which stipulates that: "No claim or claim for the refund of customs duties that have been paid more than three years ago shall not be accepted." Article (97) of the same law also stipulates that "the customs taxes and duties collected on foreign goods shall be refunded in whole or in part in the event of their re-export, in accordance with the regulations and conditions determined by the Implementing Regulations." Article (98) of the same Law also stipulates that "Goods agreed to be exempted from customs taxes and duties shall be exempted from customs taxes under this Law (the Law).

"Based on the aforementioned defenses and documents, where it is clear that the plaintiff has submitted a request for refund and did not link the two import and re-export statements, and the defendant rejected the request as a result of the breach of the main condition for the refund of the re-export fees, and then the plaintiff filed a ticket stating that there was a technical malfunction, but the plaintiff should have talked about the technical problem before submitting the objection request, as in the event of a technical problem, the plaintiff will not be able to file the request for refund of the fees In accordance with Article (30) of the Regulations Governing Customs Procedures, which resolves the dismissal of the plaintiff's the case related to the recovery of customs duties resulting from the re-export of the plaintiff …….. Company Ltd. for the customs declaration No. (……….) in the amount of (311,015.81) three hundred and eleven thousand fifteen riyals and eighty-one halalas that are the subject of the case .

For these reasons, and after deliberation, the Committee unanimously decided:

Decision:

First: Acceptance of the case procedurally.

Second: Dismissal of the plaintiff's the case related to the recovery of customs duties resulting from the re-export of the plaintiff (………. Company) Commercial Registration No. (…………) for Customs Declaration No. (…………..) in the amount of (311,015.81) Three Hundred and Eleven Thousand Fifteen Riyals and Eighty-One Halalas the subject of the case.

May Allah's peace and blessings be upon our Prophet Muhammad and all his family and companions.

The First Instance Customs Committee in Riyadh

Decision No. CSR-2025-277

Case No. CDR-2024-261019

Keywords:

Customs - Customs duties - Duty refund - Factory equipment - Importer not entitled.

Summary:

- **The importer filed a claim with the First Instance Customs Committee in Riyadh against the defendant, the Zakat, Tax and Customs Authority, to review the Authority's decision rejecting the request for a refund of customs duties related to Customs Declaration No. (..........), dated 19/05/1442 AH. The Committee determined—based on the case file and established precedents of customs committees—that the customs declaration in question predates the effective date of Exemption Decision No. (............), and that decisions issued are not retroactive and do not create a vested right to a refund. Furthermore, the Committee found that the statutory period for submitting a refund request, as stipulated in Article (174) of the Unified Customs Law, had expired, and that the necessary legal conditions for benefiting from the exemption were not met. Consequently, the Committee accepted the claim procedurally but rejected it on its merits, and the importer is not entitled to a refund of the disputed customs duties.**

Document:

- Article (98) of the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH.
- Article (174) of the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH.

Facts:

The facts of this case are summarized that : The company [..........Company] (Commercial Registration No. ....) filed objection No. .... dated 06/11/2024 AD, against the decision issued by the Zakat, Tax and Customs Authority No. .... dated 07/06/2023 AD, which rejected the refund request submitted by the plaintiff regarding Customs Declaration No. .... dated 19/05/1442 AH.

On Wednesday, 30/04/2025 AD, the committee held its hearing to consider the case held remotely. By calling the parties to the case, the plaintiff's representative, ………, national ID No. (………..), appeared by virtue of power of attorney No. (………..) dated (06/04/1446 AH) issued by (Notaries) and by virtue of a law license No. (………..) dated (11/10/142 AH). Also present was ………., national ID No. (……….), in its capacity as a representative of the Zakat, Tax and Customs Authority, the plaintiff, by virtue of the authorization issued by the Legal Affairs and Compliance Agency of the Authority No. (………..) dated 19/03/1445 AH. When the plaintiff's representative was asked about the statement submitted in this case, she replied (that it does not deviate from what was stated in the statement of claim deposited with the General Secretariat of the Zakat, Tax and Customs Committees). She stated that she had six points supporting her client's viewpoint, which she sent electronically to the committee and requested that they be written down as they were received from her in the hearing minutes of the session, and they are as follows: First/ That the period does not apply to shipments of equipment belonging to the factory and that the shipment arrived in the year 1443 AH according to the customs declaration No. (………..) dated 19/05/1442 AH. The Royal Decree was issued in 1443 AH, and it is not permissible to apply the Royal Decree retroactively because the shipment arrived before the issuance of the exemption decision No. (4290/S) dated 09/01/1444 AH due to the industrial license not having expired, and the Royal Decree was implemented in 1445 AH, while the shipment arrived in 1443 AH, i.e., before the implementation of the Royal Decree. Therefore, it is not permissible to apply the Royal Decree retroactively, but rather it applies to shipments that arrive after the Royal Decree dated 08/04/1445 AH. Secondly, we clarify to the committee that Article (174) of the Customs Law does not apply to the company, which stipulated: No claim or the case for the refund of customs duties (fees) that have been paid for more than three years shall be accepted. Therefore, this article applies to institutions or companies in the event that they do not submit a request to refund customs duties within 3 years and the period expires without submitting a request to the Authority to refund customs duties. As for the company that is the subject of the case now, since the issuance of the exemption decisions until the date of review with the Authority and the Ministry of Industry, which stated that a letter was issued to amend the date of the validity period of the decision, but the Ministry of Industry and the Authority did not enable the company to view these letters and were satisfied with providing us with the registration numbers of these letters with each entity, and therefore the text of Article (174) of the Unified Customs Law does not apply to us. Thirdly, the reason for the delay in submitting objections is the existence of a letter amending the effective date period of the decision. We submitted it from the beginning, and the request was rejected because the effective date of the decision issued by the Ministry of Industry and Mineral Resources does not apply to the shipment received by us retroactively. Therefore, we submitted it to the Ministry of Industry and Mineral Resources, and a letter was prepared amending the effective date period of the decision and sent to the Authority. We were unable to submit another objection because we did not receive the letters issued by the Ministry of Industry and Mineral Resources, and they refused to provide us with a copy of the letters sent, considering them confidential documents between the two parties. We request the three letters registered with the Authority with the number (……….) and dated 15/03/1445 AH, the number (………) and dated 18/09/1444 AH, and the number (……….) and dated 18/09/1444 AH, which confirm our entitlement to the exemption and that the effective date of the decision applies to the shipment received by the factory during the Corona pandemic. Fourthly, we would like to clarify to the committee that the exemptions for factory equipment are granted only once upon the factory's establishment. These shipments, which were cleared and exempted, were intended for use in the factory, in accordance with Royal Decree No. (50) of 1384 AH. Therefore, we request the refund of the customs duties linked to the insurance, amounting to (26,728,888) riyals, as the exemption pertains to shipments specifically for factory construction and differs from raw materials, which are required annually. Consequently, we request the application of the exemption and the refund of the customs duties after receiving letters from the Ministry of Industry confirming the amendment of the decision's validity period to align with the shipment's arrival. Fifthly, the Customs Authority has been difficult to deal with and has created obstacles preventing the company from recovering the customs duties linked to the insurance, based on the exemption decisions issued by the Ministry of Industry. These obstacles, which hinder the company from obtaining the exemptions, are also a reason for the company's inability to file objections. Sixth, the request to obtain these letters issued by the Ministry of Industry and registered with the Authority under number (..........) dated 15/03/1445 AH, number (..........) dated 18/09/1444 AH, and number (...........) dated 25/10/1444 AH, which confirm the company's entitlement to the exemption based on these letters. According to these letters, the validity period of the decision issued by them was amended, and the shipment arrived during the Coronavirus pandemic. There were special directives from the highest authority to facilitate matters for companies by instructing the relevant authorities, namely the Ministry of Industry and Mineral Resources, to facilitate the work of factories to ensure their entitlement to these exemptions. The company experienced a delay in obtaining the industrial license during this period. When confronted with this, the defendant's representative responded that he affirms what was stated in the defendant's statement of defense and that he will not accept any new documents that were not submitted to the defendant during the examination and objection phase. Accordingly, the committee requested the defendant's representative to respond in writing and in detail to the points raised by the plaintiff's attorney in this case, and to submit their response to the electronic the case file with the General Secretariat of the Committees no later than the end of the workday on Monday, 05/05/2025 AD. The committee then adjourned the proceedings until Wednesday, 07/05/2025 AD.

On Wednesday, 07/05/2025 AD, the committee held its hearing to consider the case remotely, by calling the parties to the case. The plaintiff's representative, [.........], appeared in court with National ID No. .... , Power of Attorney No. .... dated 06/04/1446 AH issued by [Notary Public], and Attorney's License No. .... dated 11/10/1442 AH. [.........] also appeared, holding National ID No. .... , representing the Zakat, Tax and Customs Authority, by virtue of authorization issued by the Authority's Legal Affairs and Compliance Agency under No. .... dated 19/03/1445 AH. When the plaintiff's representative was asked about the statement of claim submitted in this case, she replied that it did not deviate from what was stated in the statement of claim filed with the General Secretariat of the Zakat, Tax and Customs Committees. When confronted, the Authority's representative confirmed that he had nothing to add beyond what was contained in the case file. When asked if they had any further statements, they both replied in the negative. Accordingly, the committee decided to close the pleadings in the case for further study and deliberation.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing The Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH, and the related regulations and laws.

procedurally; and after reviewing the subject matter of the case, the Committee has determined that this is a customs dispute, and therefore falls within the jurisdiction of this Committee. Furthermore, it is established from the case documents that the plaintiff filed the case with standing, thus necessitating the acceptance of the case procedurally. With respect to substance, after examining the documents and papers included in the case file, and the requests, defenses, and arguments presented by the parties, the Committee has determined that the dispute lies in the defendant's refusal to grant the plaintiff's claim for a refund of the customs duties related to Customs Declaration No. (.........) dated 19/05/1442 AH.

Based on Article (174) of the Unified Customs Law, which stipulated: “No claim or the case shall be accepted for the refund of customs duties that have been paid for more than three years,” and as Article (98) of the Unified Customs Law stipulated that: “Goods agreed upon to be exempted in the unified customs tariff of the GCC countries shall be exempt from customs duties under this law.” Based on Circular No. 325/63/M dated 26/07/1439 AH, which stipulated that: "No shipment will be exempted if it is listed in the import declaration as a whole, as exemption requires sorting the items in the declaration according to the invoice attached to the declaration, and the information recorded in the import declaration and the attached invoice must completely match the exemption decision. If a statement is submitted that is incomplete compared to what is stated in the decision, such as not specifying the size or weight, etc., this will result in withholding the exemption.

" After reviewing the arguments and documents submitted by both parties, the committee found that the dispute lies in the effective date of the exemption decision. Upon reviewing Customs Declaration No. (..........) dated 19/05/1442 AH, it is clear that it predates the effective date of Exemption Decision No. (4290/S). Furthermore, the plaintiff cited in her statement of claim the letters addressed from the Ministry of Industry and Mineral Resources to the defendant, which indicate the plaintiff's entitlement to the exemption. Regarding the exemption, the committee determined that these letters did not determine whether the plaintiff was entitled to the exemption or not, but rather constituted an amendment to the effective date of the exemption decision.

For these reasons, and after deliberation, the committee unanimously decided the following:

Decision:

The plaintiff's the case / ....Company (Commercial Registration No. ....), filed against the defendant / Zakat, Tax and Customs Authority, is dismissed.

May Allah's peace and blessings be upon our Prophet Muhammad and upon his family and companions.

The Customs Appeals Committee in Riyadh

Decision No.	CR-2025-243421
Case No.	AC-2024-243421

Keywords:

Customs - Customs duties - Duty refund - Ground rent - Importer not entitled to it.

Summary:

- **The importer requested the annulment of the initial decision No. (CFR-2024-231583) issued by the First Instance Customs Committee in Riyadh, which dismissed the importer's claim regarding the rejection of the request for a refund of the customs duties in question. The Appeals Committee found that the appellant's assertion in her memorandum that storage fees are considered ancillary services covered by the exemption decision is irrelevant. It is established that the ministerial decision limited the state's responsibility for taxes, customs duties, and income tax, excluding storage fees. These fees are due for the period exceeding the shipment's storage time and are not considered ancillary services. Furthermore, the exemption is an exception to the general rule and cannot be interpreted broadly. Consequently, the appeal is rejected, and the initial decision is upheld in all that it ruled.**

Document:

- Article (163) of the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH.

Facts:

The facts of this case are summarized that (..........Company.) submitted an objection before the First Instance Customs Committee in Riyadh against the decision issued by the Zakat, Tax and Customs Authority regarding the rejection of the request for a refund of customs duties for Customs Declaration No. (..........) dated 08/03/1438 AH. The Customs Committee issued its decision – the subject of this appeal – which stipulated the following:

"First: the case is accepted procedurally.

Second: The plaintiff's the case is dismissed with respect to its objection to the rejection of the request for a refund of customs duties for Customs Declaration No. (..........) dated 03/08/1438 AH, which is the subject of this case ."
Upon reviewing the submitted appeal, the Customs Appeals Committee found that it included, in summary, the argument that the decision violated regulations, that ground rent fees are inextricably linked to customs duties and

cannot be separated, that the exemption encompassed all supporting services, customs duties, and any related services, ground rents, or other charges. The appeal concluded with a request to accept the appeal procedurally and substance, overturn the decision, and rule anew obligating the Authority to refund the ground rent fees.

On Thursday, 28/08/1446 AH (corresponding to 27/02/2025 AD), at 10:26 AM, the Customs Appeals Committee in Riyadh held its hearing via Video conferencing in accordance with remote visual litigation procedures; based on what was stated in item number (1) of Article fifteen of the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH. To consider the appeal submitted by (Company..........) against Decision No. (CFR - 2024-231583) dated 28/08/1445 AD, issued by the First Instance Customs Committee in Riyadh, and after reviewing the case file and the appeal submitted by the appellant, the committee decided to close the pleadings.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/4/1445 AH, and the related regulations and laws.

And given that the appellant was notified of the initial decision on 08/09/2024 AD , and filed an appeal against the decision on 06/10/2024 AD , the appeal is therefore accepted procedurally, as it was submitted by a party with standing within the period stipulated for such proceedings, in accordance with Article (163) of the Unified Customs Law.

After reviewing the case file and its attachments, the Customs Appeals Committee finds that the appellant's appeal is based on the claim that storage fees are among the supporting services included in the exemption decision. The ministerial decision explicitly states that the state bears taxes, customs duties, and income tax, and makes no mention of storage fees. Storage fees cannot be considered supporting services because they are levied based on the period the importer exceeded the permitted storage time for the shipment in warehouses. Since the exemption is an exception to the general rule, it should be applied only to the specific the case for which it was issued. Therefore, the clear and explicit text should not be interpreted broadly. Consequently, there is no reproach against the reviewing authority for the appeal for adopting the Grounds of the decision subject to the appeal without addition whenever it sees in these Grounds what suffices to avoid presenting anything new; because in upholding it, based on its Grounds, it indicates that it did not find in the objections raised against it anything that deserves a response beyond what those Grounds contained. As the grounds for the appealed decision are sufficient to support its ruling, the committee concludes that the submitted defenses have no bearing on the outcome. Therefore, the appeal is deemed without merit. His rejection led the committee unanimously to conclude the following:

Decision:

First: The appeal is accepted procedurally, submitted by [..........Company], Commercial Registration No. .... , against the initial decision No. (CFR-2024-231583) issued by the First Instance Customs Committee in Riyadh.

Second: The appeal is rejected on its merits, and the initial decision is upheld in all that it ruled, for the reasons and grounds stated in this decision.

May Allah's peace and blessings be upon our Prophet Muhammad and upon his family and companions.

The First Instance Customs Committee in Riyadh

Decision No.	CFR-2025-247913
Case No.	AC-2025-247913

Keywords:

Customs - Customs duties - Customs paper differences - Oils - Importer's entitlement.

Summary:

- The importer filed a claim with the First Instance Customs Committee in Riyadh against the defendant, the Zakat, Tax and Customs Authority, challenging the Authority's decision to collect customs duty differences amounting to SAR 4,753,116. The Customs Committee, based on the case file and established precedents of previous customs committees, determined that the defendant's claim that the manufacturing company's headquarters in the Arab Republic of Egypt falls within the free zone, and therefore the company was not entitled to the applicable customs exemptions, was unfounded. The Committee found the importer's claim to be true, asserting that the company's headquarters is outside the free zone and that its operations are conducted within the Egyptian domestic market. This was supported by official correspondence from competent authorities and documents proving the company's compliance with Egyptian tax regulations. Upon reviewing all documents and arguments, the Committee found the importer's the case to be more compelling and the defendant's evidence insufficient to establish the manufacturing company's location within the free zone. Consequently, the Committee accepted the claim procedurally and overturned the collection decision and the resulting customs differences.

Document:

- Article (147) of the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH.
- Article (171) of the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH.
- Article (5) of the Rules of Operation for Zakat, Tax, and Customs Committees, issued by Royal Decree No. (25711) dated 08/04/1445 AH.

Facts:

The facts of the case are as follows: [......... of plaintiff], National ID No. (...), acting as agent for [..........Company], Commercial Registration No. (...), and by virtue of Power of Attorney (...), filed a case against the defendant, objecting to the collection decision issued against the company under No. (1387) of 1441 AH, which resulted in customs duties amounting to a total of (4,753,116) Saudi Riyals.

Accordingly, the Third First Instance Customs Committee in Riyadh issued its decision No. (CTR-2024-204975), whose ruling states the following:

1- the case is procedurally accepted.

2- On the merits, the Zakat, Tax and Customs Authority's action in claiming the customs duties differences specified in Collection Decision No. (...) of 1441 AH, which is the subject of this case , is deemed correct.

Accordingly, the plaintiff appealed the aforementioned decision, submitting a memorandum of objection to the collection decision in question. The memorandum summarizes its content as follows: The First Instance Committee placed the entire burden of proof on [..........Company] on the grounds that it failed to provide customs data demonstrating whether [..........Company] Egypt was located within a free zone or not. This was based on the assumption that customs procedures are the determining factor and that free zones are not subject to import declarations, standard customs procedures, or the usual customs duties. This assertion is incorrect and contradicts reality, as the appellant company obtained a copy of the import declaration belonging to the importer [..........Company] Egypt. Furthermore, the appellant submitted evidence that [..........Company] pays customs duties, value-added tax, and industrial profits tax. In addition, the appellant submitted invoices proving that this company sells within Egypt on a regular basis, thus confirming that it is not located within a free zone. The memorandum also included other substantive arguments and concluded with a request to overturn Decision No. (CTR-2024-204975) issued by the Third First Instance Customs Committee in Riyadh, to annul the collection decision in question, and to recover the bank guarantee No. (.........) issued on 08/26/2021 AD for the amount of (4,753,116) riyals, for .... company

Accordingly, the Customs Appeals Committee in Riyadh issued its decision No. (CR-2025-235821), which states the following: "...........2- On the merits, the initial decision is overturned, and the case No. 20000 is returned to the First Instance Customs Committee for reconsideration, for the reasons and grounds stated in this decision."

After the case wasreviewed by the First Instance Customs Committee in Riyadh, the defendant (the Zakat, Tax and Customs Authority) submitted a response memorandum, the content of which is summarized that : The plaintiff's headquarters is located on the Ain Sokhna Road within the Adabiya Free Zone, adjacent to the coast and near the Adabiya Port. The free industrial zone was designated by the Egyptian General Authority for Suez Canal Economic Zones. The defendant attached a Google Maps image showing the boundaries of the free industrial zone, and another image from the Egyptian General Authority for Economic Zones website. The defendant stated that the plaintiff's payment of taxes does not negate the fact that the premises are located within the free zone. The determining factor in whether or not a premise falls within the free zone is its location as defined by the legislator in Article 1 of the Unified Customs Law. The plaintiff also attached evidence proving that the imports were exempt from customs duties because they fall under a zero-rate category, which clearly demonstrates the inaccuracy of the plaintiff's claim. The defendant also attached an email containing several attachments that it believes prove the plaintiff's headquarters are located within the free zone. (Electronic correspondence of the General Administration for International Cooperation - Company website - A document from the General Authority for Economic Zones in Egypt explaining the Egyptian free zones - Excel for customs data for the plaintiff's imports - Correspondence of the International Agreement Department - Images taken from Google Maps), as well as the statement received from the General Administration for International Cooperation that the specialists had previously studied the matter and found that the plaintiff's factory is located in the free zone - attached - and the boundaries of the free zone are confined between the Suez coast and the railway line, and because the file was issued in 2012, I referred to the maps of that year from Google - and it was found that there are factories classified within the free zone such as (.......... Egyptian) and they are less than two kilometers away from the location of the plaintiff's factory, and therefore it is seen to withhold the exemption from it.

Upon presenting this to the plaintiff, she argued in her memorandum against the defendant's claim that the plaintiff's headquarters are located in the free zone and therefore not subject to the facilitation agreement, as follows: The company [..........Company] - Egypt - is not located in the free zone, neither its headquarters nor its factory nor any of its branches. Furthermore, the company's location is in the city of 10th of Ramadan, [Governorate ....]. The plaintiff submitted a letter from the Head of the Investment Services Sector addressed to the Embassy of the Arab Republic of Egypt in the Kingdom, numbered .... , issued at the plaintiff's request, stating that its investment is domestic and specifying the addresses of the plaintiff's branches, confirming that they are located in the industrial zone. The plaintiff also submitted a statement from the Egyptian Real Estate Registry Office clarifying the company's location. She explained that oils are exempt from customs duties and attached (7) pages and an announcement in the Official Gazette regarding the exemptions, along with customs data from a valid agency. She also responded to the attached map images, stating that the free zone is located east of the railway line within a narrow strip, while the company's location is west of this line. She argued that the presence of commercial shops on the attached map indicates that it is not within the free zone. She also clarified that she sells directly to the Egyptian market and issues tax invoices, and that it is impossible for a company located in a free zone to sell in the Egyptian market. She submitted direct purchase invoices. She attached copies of the Implementing Regulations of the Egyptian Customs Law to illustrate the nature of her customs declaration and its issuance through the Nafaza platform. She also attached copies of the Egyptian Customs website and the Official Gazette to show the customs tariff for her products and that they are zero-rated and exempt from taxes.

On Thursday, 14/08/2025 AD, the First Instance Customs Committee in Riyadh held its hearing via video conference, in accordance with remote video litigation procedures, to consider the case before it. Upon calling the parties to the case, [.........] appeared, holding National ID No. (...........), acting as the plaintiff's representative by virtue of Power of Attorney No. (...........) dated 21/10/1443 AH and by virtue of Attorney License No. (.........). National ID No. (..........) appeared as the representative of the Zakat, Tax and Customs Authority, the defendant, by virtue of the authorization issued by the Authority's Legal Affairs and Compliance Agency under No. (..........) dated 19/03/1445

AH. After reviewing the case file and verifying the legal standing of the parties, the committee determined that the case had been returned from the Appeals Committee by Decision No. (2025-235821-CR). The committee asked the plaintiff's representative if he wished to add anything, and he replied that he stood by what had already been submitted. The committee then asked the defendant's representative if he wished to add anything, and he replied that he was satisfied with what had already been submitted. Therefore, the committee decided to close the pleadings in preparation for issuing its decision.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing The Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH, and the relevant regulations and laws.

Procedurally; and after reviewing the subject matter of the case, the Committee has determined that this is a customs dispute, and therefore falls within the jurisdiction of this Committee. Furthermore, the case documents establish that the plaintiff filed the case with due standing and within the prescribed timeframe, thus necessitating the acceptance of the case procedurally.

Regarding the subject matter, after reviewing the papers and documents included in the case file, and the requests, defenses, and arguments presented by the parties, the committee determined that the dispute revolves around the plaintiff's objection to collection decision No. (..........) of the year (1441 AH) based on an audit that resulted in customs discrepancies amounting to (4,753,116) riyals, based on the plaintiff's headquarters being located in the free zone in Adabiyah, Arab Republic of Egypt, and accordingly the collection decision was issued.

Based on Article (3), Paragraph (2/c) of the Rules of Operation for Zakat, Tax, and Customs Committees, which stipulated that: "The First Instance Customs Committees are responsible for applying the provisions of the Unified Customs Law and its Implementing Regulations, as follows: c- Considering objections to collection decisions in accordance with the provisions of Article (147) of the System, and where Article (5) of the Rules of Operation for Zakat, Tax, and Customs Committees stipulated that: "Anyone against whom a decision has been issued by the Authority may appeal to it within (sixty) days from the day following the date of notification thereof, and the Authority shall decide on the appeal within (ninety) days from the date of its submission, and the appellant has (thirty) days from the day following the date of notification of the rejection of the appeal or its partial acceptance or the expiry of the ninety days without a decision being made on it." Performing any of the following: .... b- Filing a direct the case before the adjudication courts," as stipulated in Article (147) of the Unified Customs Law, which states: "a- The Director General or his designee may issue the necessary decisions to collect customs duties, other fees, and fixed customs fines that the taxpayer has failed to pay. Collection decisions issued in accordance with this article shall have the force of an enforceable instrument." Based on Article (174) of the Unified Customs Law, which states: "No claim or the case for the refund of customs duties paid more than three years ago shall be accepted." Based on Article (5) of the Rules and Conditions for Verifying Proof of Origin, which states: "The application submitted under paragraph (4) of these Rules and Conditions must include, at a minimum: a- A valid certificate of origin issued by the competent authority in the exporting country, in accordance with the approved certificate of origprocedurally attached to the national rules of origin. Its acceptance is conditional upon compliance with the provisions of Article (18) of the national rules of origin. b- Copies of the relevant invoices." With goods duly certified by the customs authorities in the exporting country. C- A report from a certified and licensed chartered accountant in the country of origin, with a branch in the Kingdom registered and licensed by the Saudi Organization for Auditors and Accountants, provided that the chartered accountant is different from the one who prepared the factory's annual financial statements in the country of origin, clarifying the following: 1- The percentage of added value according to the national rules of origin. 2- The localization rate for industrial establishments, documented by the competent authority in the country of origin, provided that the rate is based on a 26-week average.

After reviewing the documents and arguments presented, it is clear that the dispute revolves around the plaintiff's objection to collection decision No. (..........) of the year (1441 AH) based on an audit that resulted in customs discrepancies amounting to (4,753,116) riyals, based on the plaintiff's headquarters being located in the Al-Adabiyah Free Zone in the Arab Republic of Egypt.

Considering the documents submitted by the plaintiff in the case file, it appears that the plaintiff attached an official statement issued by the Head of the Investment Services Sector at the General Authority for Investment and Free Zones in the Arab Republic of Egypt, addressed to the Embassy of the Arab Republic of Egypt in the Kingdom of Saudi Arabia. This statement explicitly states that the company (..........- Egypt -.........) "is considered a domestic investment and does not operate under the free zone system." This statement was issued by a competent official body and is therefore considered a valid legal presumption that cannot be disregarded, as its content clarifies the plaintiff's objective legal status. The plaintiff also submitted several domestic sales invoices (attached under the title: Memorandum .... against the Zakat, Tax and Customs Authority, dated 9-8-1445 AH), issued by the ....Company Egypt to clients within the Arab Republic of Egypt, including companies such as (..........- Markets ......,.......... for Trade). These invoices included value-added tax and the company's tax identification number, which is prohibited for companies operating under the free zone system according to Article (41) of the Egyptian Investment Law No. (72) of 2017, which stipulates that: "Projects within Free zones are subject to the provisions of applicable tax and fee laws in Egypt. This confirms its activity within the Egyptian domestic market, which contradicts the nature of free zones, which prohibit direct sales within the local market. The defendant relied on Google Maps images and correspondence from the Customs Authority to establish that the plaintiff's headquarters were located in the Ain Sokhna Public Free Zone. However, the plaintiff clarified that the Public Free Zone is located east of the Ain Sokhna Road, while the company's location is west of the road, thus placing it outside the free zone's boundaries. Furthermore, the plaintiff submitted a statement from the Real Estate Registration and Documentation Authority (attached under the title: "Request for Reconsideration of the case of ....Company Regarding the Collection Decision") confirming that the land on which the factory is built is not within the free zone. This official statement reinforces the aforementioned points, constituting two pieces of evidence that contradict the defendant's arguments in its memoranda. Moreover, the correspondence is issued by entities concerned with trade and investment in Egypt and is therefore more likely to reflect the reality within the Arab Republic of Egypt than the Google Maps images of the plaintiff's company location. Additionally, the attached sales invoices issued by the plaintiff to stores within Egypt clearly state the official address of the plaintiff's company, indicating its location in Industrial Zone-......- Egypt, and in reference to what was stated in Appeal Decision No. (CR - 2023-162421) in Appeal No. (AC-2022-162421), in which the Appeals Committee upheld the initial decision - which sees that preventing the sale of products in the Egyptian market and requiring their export therein is an indication that the company is considered to be within the free zones and has the same facilities - and this contradicts the plaintiff's the case in this case , as it was proven that she sold her products in the Egyptian market and the Authority did not prove that she obtained the facilities of the free zones or that there were restrictions preventing her from selling the goods within the local market, which is why it was decided to accept the plaintiff's the case and cancel the decision of the defendant (the Authority) Collection Decision No. (...........) for the year (1441 AH) and what resulted from it in terms of customs differences in the amount of (4,753,116) riyals.

Decision:

Cancel the collection decision issued by the defendant, the Zakat, Tax and Customs Authority, No. (..........) for the year (1441 AH) against (..........Company.) Commercial Registration No. (...........), and the resulting customs differences amounting to (4,753,116) four million, seven hundred and fifty-three thousand, one hundred and sixteen Saudi Riyals.

May Allah's peace and blessings be upon our Prophet Muhammad and upon his family and companions.

The Customs Appeals Committee in Riyadh

Decision No. CAR -2025- 247694

Case No. AC-2025- 247694

Keywords:

Customs - Customs duties - Duty refund - Data discrepancy - Machine - Importer's entitlement.

Summary:

- **The importer requested the annulment of the initial decision No. (CSR - 2025-246251), issued by the Second First Instance Customs Committee in Riyadh, which dismissed the importer's the case against the Zakat, Tax and Customs Authority. The Appeals Committee determined that the customs tariff item in the exemption decision matched the item declared in the customs declaration, with the difference being limited to the commercial description and not the item number. This fulfills the regulatory requirement of conformity according to the relevant circulars and regulations. Furthermore, the commercial .... on the invoice is irrelevant to the item description in the approved customs tariff, provided it matches the customs item number, which is the basis for determining the applicable tariff category. Consequently, the initial decision was annulled, and the appellant was granted the right to a refund of the claimed duties.**

Document:

- Article (163) of the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH.

Facts:

The facts of this case are summarized that : The appellant company submitted an objection before the First Instance Customs Committee against the decision issued by the defendant rejecting the plaintiff's request for refund related to Customs Declaration No. (...........) dated 21/05/1443 AH. Accordingly, the Third First Instance Customs Committee in Riyadh issued its decision No. (CTR-2023-137108), whose ruling states the following:

" the case is not accepted procedurally because it was submitted by someone without standing." The company appealed the decision, and the Customs Appeals Committee in Riyadh issued its decision No. (CR - 2024-231036), which reads as follows:

"First: The appeal is accepted procedurally, submitted by the plaintiff/..........Company., Commercial Registration No. (.............), against the initial decision No. (CTR - 2023-137108), issued by the Third Customs Primary Committee in Riyadh.

Second: On the merits, the initial decision is overturned, and the case is returned to the Customs Primary Committee for consideration on its merits, for the reasons and grounds stated in this decision."

Upon reviewing the case before the Second Customs Primary Committee in Riyadh, it issued its decision – the subject of the appeal – which reads as follows:

"the case submitted by the plaintiff/..........Company (Commercial Registration No. ....), against the defendant/Zakat, Tax and Customs Authority, is dismissed." Upon reviewing the appeal brief submitted by the appellant's lawyer, the Customs Appeals Committee found that it included the argument that the item number in the customs declaration, the ministerial exemption, and the invoice are identical, and that the descriptions contained in the customs declaration, the invoice, and the exemption are merely descriptions that clarify the operation of the machine only, and the difference that occurred may be due to an error in translation or in data transfer, etc. He also argues that his client submitted all the written documents that support the validity of her claim, position, and defenses, and concluded by requesting that the appeal be accepted procedurally and substance, that the initial decision be overturned, and that the amount of insurance paid be refunded.

Upon reviewing the respond memorandum, the Customs Appeals Committee found that it contained a summary of the argument that, upon examining the taxpayer's request and objection, it was discovered that the item .... in Customs Declaration No. (.........) subject to the refund request and in the invoice attached to the declaration differed from the item .... in the exemption decision. This resulted in the impossibility of applying the industrial exemption to the declaration in question due to the complete discrepancy in ....s. Therefore, the principle is to collect the customs duties due to the state treasury, and exemption is only granted in exceptional circumstances, and such exceptions cannot be broadened. The memorandum concluded by requesting that the appeal be dismissed and the initial decision upheld in its entirety.

Upon reviewing the appellant's response to the respondent's reply memorandum, the Customs Appeals Committee found that it did not deviate from what had been previously presented in the appeal brief, while reaffirming the right to a refund of the customs duties in question. The appellant concluded by requesting that the defendant be ordered to refund the customs duties linked to the insurance, amounting to (198,886.28) riyals.

On Wednesday, 14/01/1447 AH, corresponding to 09/07/2025 AD , at (02:09) PM, the Customs Appeals Committee in Riyadh held its hearing via Video conferencing in accordance with remote visual litigation procedures; based on what was stated in item number (1) of Article fifteen of the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH, to consider the appeal submitted by the company.......... against Decision No. (CSR-2025-246251) dated 07/01/2025 AD , issued by the Second First Instance

Customs Committee in Riyadh, and after reviewing the case file and the appeal submitted by the respondent, the committee decided to close the pleadings.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/4/1445 AH, and the related regulations and laws.

And given that the appellant was notified of the initial decision on 20/01/2025 AD , and filed an appeal against the decision on 13/02/2025 AD , the appeal is therefore accepted procedurally, as it was submitted by a party with standing within the period stipulated for such proceedings, in accordance with Article (163) of the Unified Customs Law. After reviewing the case file and its contents, and considering the arguments presented by the appellant company, And given that the customs tariff item stated in the exemption decision is identical to the tariff item declared in the customs declaration in question, with the difference being only in the description, and since the customs tariff item is identical, this indicates the validity of the appellant's declaration of the actual import. The objective is to assign a single, consistent number to the customs tariff item, while the description is similar in meaning but differs from the precise description. This does not negate the appellant's right to a refund of the customs duties in question, as all information is identical. The inclusion in the customs declaration is based on the tariff item and its accompanying description, and the item included in the declaration encompasses the disputed item. Furthermore, the requirement stipulated in Circular No. (325/63/M) dated (26/07/1439 AH) for conformity is effectively fulfilled by the conformity of the customs tariff item. Not by literal matching of the ...., because the .... listed in the invoice is the trade .... used by the exporting establishment, while the description in the declaration is the description of the item according to the Integrated Customs Tariff page. Since the Authority agrees with what the appellant argues regarding the matching of the customs item, but disagrees with the description and .... of the product, the Committee concludes by deciding to cancel the initial decision and to rule to refund the customs duties related to Customs Declaration No. (...........) dated 21/05/1443 AH. Since the matter is as stated, the Committee unanimously decided the following:

Decision:

First: The appeal submitted by [..........Company], Commercial Registration No. .... , against the initial decision No. (CSR-2025-246251) issued by the Second First Instance Customs Committee in Riyadh, is accepted procedurally.

Second: On the merits, the initial decision is overturned, and the appellant is ordered to pay a refund of the customs duties related to Customs Declaration No. .... dated 21/05/1443 AH, in the amount of (198,866.28) one hundred ninety-eight thousand eight hundred sixty-six riyals and twenty-eight halalas, for the reasons and grounds stated in this decision.

May Allah's peace and blessings be upon our Prophet Muhammad and upon his family and companions.

The Customs Appeals Committee in Riyadh

Decision No. CR-2025-235965

Case No. CF-2024-235965

Keywords:

Customs - Customs duties - Fee collection - Customs paper discrepancies - Data discrepancies - Submitting invoices with high or low values - Importer not entitled.

Summary:

- **The importer requested the annulment of the initial decision No. (CTR- 2024-204989), issued by the Third First Instance Customs Committee in Riyadh. This decision accepted the case procedurally and ruled that the Zakat, Tax and Customs Authority's actions in claiming the customs duty differences were correct. The Appeals Committee found that the importer's claim in his memorandum regarding the lack of jurisdiction of the issuing authority for the valuation was irrelevant, as it was established that the basis of the claim stemmed from a violation of Article (26) of the Unified Customs Law by failing to declare the true price. The appellant did not provide any evidence to the contrary or to support the inclusion of the disputed costs. Consequently, the appeal was rejected, and the initial decision was upheld in its entirety.**

Document:

- Article (26) of the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH.
- Article (163) of the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH.

Facts:

The facts of this case are summarized that the Appellant submitted an objection before The First Instance Committee against the Zakat, Tax and Customs Authority, which had issued against her Collection Decision No. (..........) dated 11/19/1444 AH, resulting in customs duties amounting to (847,591.92) eight hundred forty-seven thousand five hundred ninety-one Saudi Riyals and ninety-two Halalas. The collection decision was issued based on the Authority's finding that the company had not complied with customs policies and procedures related to customs declarations, specifically by failing to include shipping, packaging, and packing costs in the declared transaction value when preparing the customs declaration. This resulted in a partial loss of customs duties owed to the state treasury. After reviewing the case, The First Instance Committee issued its decision—the subject of this appeal—which reads as follows:

“1- Acceptance of the case procedurally .

2- On the merits, the Zakat, Tax and Customs Authority is found to have acted correctly in demanding the customs duties due as stated in Collection Decision No. (........../........../..........) for the year (1444 AH) subject of the case.”

Since the aforementioned decision was not accepted by the Appellant Company, it submitted an appeal brief, which the committee reviewed and found to contain the following summary: that the customs had already collected the customs duties and shipping fees according to the type of invoice submitted to customs. Therefore, the customs administration valued the goods twice: the first time upon arrival, which is the correct valuation consistent with reality and the actual import; and the second time after a long period of time had passed since clearance. Accordingly, the company challenges the value determined by the audit department. Furthermore, the documents were not presented to the relevant departments in the authority (the valuation department) by the audit department or The First Instance Committee to confirm the validity of the submitted invoices and the type of shipping. The brief concluded with a request to accept the appeal procedurally and substance, to cancel the primary decision under appeal, to cancel the collection decision, and to erase all its effects.

In response to the Appellant's request for a reply (the Zakat, Tax and Customs Authority), the Authority submitted a memorandum summarizing its adherence to the initial decision, arguing that the Appellant's appeal merely reiterated the original claim. The Authority asserted that it exercised its legally mandated right by examining and auditing the disputed customs data. This revealed costs that the company had failed to include in the declared customs value when preparing the customs declaration, resulting in a partial loss of customs duties payable to the state treasury. Furthermore, the Customs Authority did not collect duties twice, as the audit revealed outstanding duties owed to the state treasury that the Appellant had not paid. The memorandum concluded by requesting that the appeal be dismissed and the initial decision upheld in its entirety.

Appellant submitted a memorandum of response to the Authority's memorandum, which the committee reviewed. The memorandum essentially reiterated the arguments presented in the appeal brief, asserting that the Authority's statements were unsubstantiated and lacked a detailed legal basis for explaining the discrepancies in each individual customs declaration.

On Wednesday, 13/08/1446 AH, corresponding to 12/02/2025 AD , at (02:49) PM, the Customs Appeals Committee in Riyadh held its hearing via Video conferencing in accordance with remote visual litigation procedures; based on what was stated in item number (1) of Article fifteen of the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH, to consider the appeal submitted by the company......... against Decision No. (CTR-2024-204989) issued by the Third First Instance Customs Committee in Riyadh. After reviewing the case file and the appeal submitted by the Appellant, the Committee decided to close the pleadings.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/4/1445 AH, and the related regulations and laws.

Whereas the Appellant was notified of the initial decision on 17/04/2024 AD , and filed an appeal against the decision on 08/05/2024 AD , the appeal is therefore accepted procedurally, as it was submitted by a party with standing within the period stipulated for its filing, in accordance with Article (163) of the Unified Customs Law. And since there is no reproach against the reviewing authority for the appeal for adopting the Grounds of the decision subject to the appeal without addition whenever it sees in these Grounds what suffices to avoid presenting anything new; because in upholding it, based on its Grounds, it indicates that it did not find in the objections raised against it anything that deserves a response beyond what those Grounds contained, and this is not affected by the Appellant's argument that the valuation of the imported shipments was not carried out by a competent authority within the agency, since the basis of the dispute lies in calculating the differences in customs duties resulting from a violation of Article (26) of the Unified Customs Law through the failure to declare the price due and paid, and since the Appellant did not provide convincing justifications or provide evidence to prove that these costs were added to the value of the transaction, and since the grounds for the appealed decision are sufficient to support its ruling, it is therefore necessary to declare that the arguments presented do not affect the outcome of the decision, and therefore the appeal is without basis and must be rejected. Accordingly, the committee unanimously concluded to decide the following:

Decision:

First: Acceptance of the appeal procedurally, from its presenter/..........Company. Commercial Registration No. (............), against the initial decision No. (CTR- 2024-204989) issued by the Third First Instance Customs Committee in Riyadh.

Second: The appeal is rejected on the merits, and the initial decision is upheld in all that it ruled, for the reasons and grounds stated in this decision.

May Allah's peace and blessings be upon our Prophet Muhammad and upon his family and companions.

The Customs Appeals Committee in Riyadh

Decision No. CR-2025-243375

Case No. AC-2024-243375

Keywords:

Customs - Customs duties - Fee collection - Customs differences - Free zone - Submitting inaccurate invoices - Importer not entitled.

Summary:

- **The Authority requests the annulment of the initial decision No. (CFR- 2024-235263) issued by the First Instance Customs Committee in Riyadh. This decision accepted the case procedurally but, on the merits, nullified the defendant's action. The Appeals Committee found, based on shipping documents and invoices, that a foreign intermediary was involved in the transaction, as companies based in a free zone and others in Switzerland intervened in managing the shipment, thus violating the exemption conditions. The appellant failed to provide evidence proving direct contracting without intermediaries or clarifying the status of the intervening companies. Consequently, the appeal is accepted, the initial decision is annulled in its entirety, and the Authority's course of action is upheld.**

Document:

- Article (163) of the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH.
- Article (88) of the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH.

Facts:

The facts of this case are summarized that (The Establishment........... owned by/..........) submitted an objection before the First Instance Customs Committee in Riyadh against the collection decision issued by the Zakat, Tax and Customs Authority under number (.........) for the year 1443 AH, which resulted in customs differences amounting to a total of (1,996,083.70) one million nine hundred and ninety-six thousand eighty-three riyals and seventy halalas. After reviewing the Establishment's objection and all the attached documents, the Committee issued its decision – the subject of this appeal – which states the following:

" the case is accepted procedurally and, on the merits, the defendant's action is cancelled."

Upon reviewing the appeal brief submitted by the Appellant (Zakat, Tax and Customs Authority), the Customs Appeals Committee found that it included the following arguments: The company [..........Company] is based in the United Arab Emirates – Umm Al Quwain Free Zone. This is confirmed by the invoices submitted by the taxpayer, which clearly show the free zone codes, thus confirming that [..........Company] is treated as a foreign intermediary due to its location in the free zone. Furthermore, the Authority, after reviewing the documents attached to the customs declarations for the shipments received by the company, found that foreign parties were involved in the import operations, which disqualifies it from exemption under the Trade Facilitation and Development Agreement. The Authority also argued that it had attached all the documents to the customs declarations subject to the collection decision, which, upon examination, confirmed the presence of intermediaries. The Authority further argued that the collection decision in question was valid, as it fulfilled all the necessary procedural requirements and complied with the Unified Customs Law. The brief concluded with a request to accept the appeal, overturn the initial Appellant decision, and uphold the Authority's right to claim the customs duty differences stipulated in the collection decision in question.

Upon reviewing the Appellant's response memorandum, the Customs Appeals Committee found that it contained a summary of the Appellant's argument that the Authority's appeal memorandum did not include any substantive defenses to address, but rather merely reiterated previous arguments. The Appellant also affirmed its adherence to all the legal arguments and supporting evidence previously submitted in the statement of claim and the memoranda presented in the initial and appellate proceedings. Furthermore, the Appellant emphasized that all invoices pertaining to the shipments subject to the initial decision were issued by Arab companies, and that no invoices for the shipments were issued by foreign companies. The Appellant concluded by requesting the rejection of the Authority's appeal and the upholding of the initial decision to overturn the collection order in question.

On Thursday, 28/08/1446 AH (27/02/2025 AD), at 10:28 AM, the Customs Appeals Committee in Riyadh held its hearing via Video conferencing in accordance with remote visual litigation procedures; based on what was stated in item number (1) of Article fifteen of the rules of operation for the Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH, to consider the appeal submitted by the Zakat, Tax and Customs Authority on Decision No. (CFR- 2024-235263) dated 15/08/2024 AD , issued by the First Instance Customs Committee in Riyadh, and after reviewing the case file and the appeal submitted by the Appellant, the Committee decided to close the pleadings.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/4/1445 AH, and the related regulations and laws.

Whereas the Appellant was notified of the initial decision on 05/09/2024 AD , and filed an appeal against the decision on 03/10/2024 AD , the appeal is therefore accepted procedurally, as it was submitted by a party with standing within the period stipulated for its filing, in accordance with Article (163) of the Unified Customs Law.

Whereas, upon reviewing the case file and its attachments, and whereas, upon examining the shipping documents excluding the invoice, it is evident that the imported materials were manufactured by [..........Company] in the Arab Republic of Egypt, and the funds were transferred to [..........Company] in the United Arab Emirates; and whereas it is evident that [..........Company] is based in a free zone in the United Arab Emirates, thus indicating the presence of a foreign intermediary, given that companies located in free zones are treated as foreign entities according to Article (88) of the Unified Customs Law; and whereas, upon reviewing the invoices, it is evident that [..........Company] in Switzerland was the supplier to the importer, and it is evident that a foreign intermediary, described in the invoice as the consignee, was involved, thus indicating a breach of the exemption conditions according to Article (17) of the Agreement on Facilitating Trade Exchange between Arab States, as the shipping documents clearly show that the transaction was not conducted directly with the supplier but rather through the involvement of foreign intermediaries in the sale process; and whereas the Appellant's argument against it is not valid, as the withholding of the exemption by the Authority was due to the presence of an intermediary from a free zone, and furthermore, the Appellant failed to clarify the relationship of [..........Company] Regarding the transaction and its nature as a direct delivery of the shipment to the Kingdom of Saudi Arabia, the committee determined that there was mediation between the Swiss company and Appellant against it. As the matter was as stated, the committee unanimously concluded the following:

Decision:

First: Acceptance of the appeal procedurally, submitted by the Zakat, Tax and Customs Authority, against the initial decision No. (CFR- 2024-235263) issued by the First Instance Customs Committee in Riyadh.

Second: On the merits, the initial decision is overturned in its entirety, and the Authority's course of action is upheld, for the reasons and grounds stated in this decision.

May Allah's peace and blessings be upon our Prophet Muhammad and upon his family and companions.

The Customs Appeals Committee in Riyadh

Decision No.	CAR-2025-247372
Case No.	AC-2025-247372

Keywords:

Customs — Customs duties — Collection of duties — Customs differences — Discrepancies in items — Submitting invoices with high or low values — Importer's non-entitlement

Summary:

- **The importer requested the annulment of the initial decision No. (CSR - 2024-240661), issued by the Second First Instance Customs Committee in Riyadh, which dismissed the importer's claim regarding his objection to the collection decision in question. The Appeals Committee established that the statement from the General Directorate of Restrictions and Tariffs is the competent technical authority for classification, and that its conclusion is based on approved technical explanations from the relevant expert body. The submitted objections or requests for expertise from another entity are not considered valid as they do not affect the accuracy of the classification. Consequently, the initial decision is upheld in all that it ruled.**

Document:

- Article (163) of the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH.

Facts:

The facts of this case are summarized that The plaintiff submitted an objection before the First Instance Customs Committee against the collection decision issued by the Zakat, Tax and Customs Authority under number (..........) for the year 1445 AH, which resulted in customs differences amounting to a total of (2,163,837.21) two million, one hundred and sixty-three thousand, eight hundred and thirty-seven riyals and twenty-one halalas. Accordingly, the Second First Instance Customs Committee in Riyadh issued its decision – the subject of this appeal – which stipulates the following:

"The plaintiff's/branch of ....Company (Commercial Registration No...........) related to collection decision No. (...........) dated 22/09/1445 AH, in the amount of (2,163,837.21) two million, one hundred and sixty-three thousand, eight hundred and thirty-seven riyals and twenty-one halalas, is dismissed."

Upon reviewing the appeal brief, the Customs Appeals Committee found that it included, in summary, the argument that the appealed decision relied on the statement of the Customs Tariff Department and considered its statement as the deciding factor in the case, even though it is a department affiliated with the defendant. The committee also overlooked the substantive arguments presented, as it is always necessary for the court to address any substantive argument in its ruling. Furthermore, the decision contradicted itself, as the rules of the Harmonized System consider the origin of the material in two ways: firstly, the decision's conclusion that the determining factor for the validity of the classification is the "origin of the material" without addressing the main characteristic of the product is incorrect; and secondly, the origin of the material in the contested item is cake, yet the decision completely disregarded this point. The appeal concluded with a request to accept the appeal procedurally and consider it orally, to overturn the initial decision, and to cancel the customs differences for the disputed items.

Upon reviewing the Appellant's response memorandum, the Customs Appeals Committee found that it included the following argument: The inspection revealed that the establishment had declared the value of goods for incoming shipments in one customs declaration at a value lower than the correct customs value, and had subjected them to an incorrect customs tariff item number (...........) when the correct one is customs tariff item number (...........). Furthermore, it had subjected them to incorrect customs tariff items for one hundred and sixty-six (166) customs declarations, based on which the collection decision in question was issued. The Authority maintains its position based on the findings reached after reviewing and studying the documents related to the shipments, which led to the discovery of the company's violation and the resulting customs differences. Moreover, the Authority is the sole entity authorized to determine the correct customs tariff item. The Authority concluded by requesting that the appeal be dismissed and the initial decision upheld in its entirety.

Upon reviewing Appellant's response to the memorandum submitted against it, the Customs Appeals Committee found that it did not deviate from what had been previously presented in the appeal brief, and concluded by requesting the cancellation of the customs differences for the disputed items.

On Wednesday, 12/02/1447 AH, corresponding to 06/08/2025 AD , at 1:34 PM, the Customs Appeals Committee in Riyadh held its hearing via Video conferencing in accordance with remote visual litigation procedures; based on what was stated in item number (1) of Article fifteen of the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH. To consider the appeal submitted by ....Company against Decision No. (CSR-2024-240661) dated 10/12/2024 AD , issued by the Second First Instance Customs Committee in Riyadh, and after reviewing the case file and the appeal submitted by the Appellant against it, the Committee decided to close the pleadings.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH, and the related regulations and laws.

And given that the initial decision was issued on 31/12/2024 AD , and the appeal against the decision was submitted on 26/01/2025 AD , the appeal is therefore accepted procedurally, as it was submitted by a party with standing within the period stipulated for such proceedings, in accordance with Article (163) of the Unified Customs Law.

After reviewing the case file and its attachments, and considering that the basis of the present dispute rests on Appellant's objection to the collection decision in question, No. (42589/1445) of 1445 AH, and having considered the report from the General Directorate of Restrictions and Tariffs, which studied the goods in accordance with the regulations and classification rules, and based on the technical explanations of the imports provided by the Authority, the expert body responsible for classifying goods, as it is the technical department qualified to determine the imported goods, the classification is not affected by the mere objection submitted against it or the request for expertise from another party. Therefore, there is no fault in the Appeals Committee's adoption of the grounds for the appealed decision without additions, whenever it deems these grounds sufficient and obviates the need for any new input. This is because its affirmation, based on the stated grounds, indicates that it found nothing in the objections raised that warranted a response beyond what was already included in those grounds. The defenses submitted by Appellant do not alter the outcome of the decision. And since the grounds for the decision are subject to The appeal is sufficient to support his ruling, which necessitates determining that the arguments presented do not affect the outcome of the decision, thus rendering the appeal without supporting grounds and requiring its rejection. Accordingly, the committee unanimously concluded the following:

Decision:

First: Acceptance of the appeal procedurally submitted by [..........Company], Commercial Registration No. .... , against the initial decision No. (CSR - 2024-240661), issued by the Second First Instance Customs Committee in Riyadh.

Second: The appeal is rejected on its merits, and the initial decision is upheld in all that it ruled, for the reasons and grounds stated in this decision.

May Allah's peace and blessings be upon our Prophet Muhammad and upon his family and companions.

The Customs Appeals Committee in Riyadh

Decision No. CR-2025-234437

Case No. AC-2024-234437

Keywords:

Customs - Customs duties - Fee collection - Customs differences - Submitting invoices with high or low values - Importer's entitlement.

Summary:

- **The importer requested the annulment of the initial decision No. (CTR - 2024171054), issued by the Third First Instance Customs Committee in Riyadh. This decision upheld the proper conduct of the Zakat, Tax and Customs Authority in demanding the customs duty differences outlined in the collection decision under appeal. The Appeals Committee found that the importer's claim of recusal was valid, as the judge involved in issuing the initial decision and directing the field audit notice was proven to be in violation of Article (94) of the Law of Sharia Procedures. Furthermore, the invalidity stipulated in Article (95) was established due to the presence of one of these conditions. Therefore, the initial decision was deemed to have been flawed by an impediment to the proper consideration of the case. Consequently, the appeal was accepted, the initial decision was annulled, and the case wasremanded to The First Instance Committee for reconsideration.**

Document:

- Article (163) of the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH.
- Article (44) of the Rules of Operation for Zakat, Tax, and Customs Committees, issued by Royal Decree No. (25711) dated 08/04/1445 AH.
- Articles (94-95) of the Law of Sharia Procedures, issued by Royal Decree No. (M/1) dated 22/01/1435 AH.

Facts:

The facts of this case are summarized that The Zakat, Tax and Customs Authority, after subsequent auditing through its established inspection procedures, determined that the plaintiff had submitted invoices with understated values to evade customs duties owed on (102) customs declarations. The establishment submitted purchase invoices in the customs declarations containing prices that did not match the prices recorded in the establishment's accounting books and records. This resulted in a partial loss of customs duties owed to the state treasury. Furthermore, the Authority, through its field visit to the establishment's premises and after reviewing its records, confirmed that the actual values of the incoming shipments, as shown in its records, exceeded the values declared to customs in the customs declaration. Accordingly, the Authority issued Decision No. (..........) of 1441 AH to collect these differences. On 23/01/2023 AD, the establishment submitted an objection to the collection decision issued against it before the Third First Instance Customs Committee in Riyadh. After reviewing the establishment's objection and all the attached documents, the Committee issued its decision, whose ruling states the following:

"The integrity of the Authority's conduct The Zakat, Tax, and Customs Authority is demanding the customs duty differences specified in Collection Decision No. (.........) of the year (1444 AH), which is the subject of this case."

Upon reviewing the submitted appeal brief, the Customs Appeals Committee found that it included, in summary, the argument that the financial claim was extinguished due to the death of the establishment's owner, and that the initial decision was invalid because one of the committee members participated in it in his previous official capacity and expressed an opinion on it. The appeal concluded with a request to accept the appeal procedurally, to overturn the decision, and to cancel Collection Decision No. (............) of the year 1441 AH, considering it null and void and erasing all its consequences.

Upon reviewing the Appellant's response memorandum, the Customs Appeals Committee found that it included a summary of the argument that Appellant's agent did not discuss the death of the establishment's owner with The First Instance Committee, despite being given the opportunity to do so. The Authority maintains its position on the initial decision under appeal, as well as the validity of its procedure in issuing Collection Decision No. (..........) of 1441 AH, due to the establishment's non-compliance with customs policies and procedures related to customs declarations. The response memorandum concluded by stating that the Authority leaves it to the Committee to decide what it deems appropriate regarding the argument presented by Appellant, and regarding what is stipulated in Article (159) of the Unified Customs Law.

On Thursday, 16/07/1446 AH, corresponding to 16/01/2025 AD , at (10:23) AM, the Customs Appeals Committee held its hearing to consider the appeal submitted by the .... Foundation, against Decision No. (2024 -171054-CTR) dated 07/09/1445 AH issued by the Third First Instance Customs Committee in Riyadh. After reviewing the case file and the appeal submitted by the Appellant, the Committee decided to close the pleadings.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/4/1445 AH, and the related regulations and laws.

Whereas the Appellant was notified of the initial decision on 24/03/2024 AD , and filed an appeal against the decision on 02/04/2024 AD , the appeal is therefore accepted procedurally, as it was submitted by a party with standing within the period stipulated for its filing, in accordance with Article (163) of the Unified Customs Law.

After reviewing the case file and its contents, and considering the arguments presented by the parties, And given that the decision under appeal was issued by the Third Primary Committee in Riyadh, with Mr. (..........) as a member, And given that the notification addressed to the importer regarding the field audit of the collection decision under appeal was from Mr. (..........) in its capacity as ...., And given that, based on Article (44) of the Rules of Operation for Zakat, Tax, and Customs Committees, which stipulates that: "A request for recusal or disqualification of a member of the panel is subject to the provisions of the Law of Sharia Procedures, the Criminal Procedures Law, and the Procedures Law before the Board of Grievances, as applicable and in accordance with the nature of the case ....", and after reviewing Article (94) of the Law of Sharia Procedures, which stipulates that: "A judge shall be prohibited from hearing a case, even if not requested by one of the litigants, in the following circumstances: 5- If he has issued a fatwa or represented one of the litigants in the case, or written about it, even if this was before his appointment to the judiciary, or if he has previously considered it as a judge, expert, or arbitrator, or He had given testimony in it, or initiated an investigation procedure in it." Article (95) of the Law of Sharia Procedures stipulates the invalidity of the judge's action or ruling in the cases mentioned in Article (94) of the same law, even if it was done with the agreement of the litigants. Since the matter was as mentioned, the Appeals Committee concluded by deciding the following:

Decision:

First: Acceptance of the appeal procedurally, submitted by [..........Company], Commercial Registration No. .... , against the initial decision No. (2024 AD-171054-CTR) issued by the Third First Instance Customs Committee in Riyadh.

Second: On the merits, the initial decision is overturned and the case is remanded to the First Instance Customs Committee for reconsideration, for the reasons and grounds stated in this decision.

May Allah's peace and blessings be upon our Prophet Muhammad and upon his family and companions.

The Customs Appeals Committee in Riyadh

Decision No. CR-2025-244279

Case No. CF-2024-244279

Keywords:

Customs - Customs duties - Fee collection - Customs differences - Submitting invoices with high or low values - Importer's ineligibility

Summary:

- **The importer requested the annulment of the initial decision No. (CFR - 2024-233471) issued by the First Instance Customs Committee in Riyadh, which dismissed the importer's claim regarding his objection to the customs collection decision in question. The Appeals Committee found that the importer's arguments in his memorandum—that he had relied for years on the applicable customs tariff code and that a previous customs directive or two prior studies of the importer supported his position—were inconsequential. This was because the submitted document was not proven to have been issued by the competent authority, nor was it proven that two studies had yielded conflicting results. Furthermore, the statement issued by the Restrictions Department confirmed that tariff code (8701) applied to the disputed import, according to the World Customs Organization's interpretations concerning road tractors. Consequently, the appeal was rejected, and the initial decision was upheld in its entirety.**

Document:

- Article (163) of the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH.

Facts:

The facts of this case are summarized that Appellant submitted an objection before The First Instance Committee against the Zakat, Tax and Customs Authority, which had issued against her Collection Decision No. (...........) dated 12/05/1445 AH, resulting in customs differences amounting to a total of (1,714,559.31) one million, seven hundred and fourteen thousand, five hundred and fifty-nine Saudi Riyals and thirty-one Halalas. The collection decision was issued based on the Authority's finding that the company had not complied with customs policies and procedures related to customs declarations, specifically by failing to include shipping costs in the declared transaction value. Furthermore, the company had not adhered to the applicable customs tariff item, resulting in a partial loss of customs duties owed to the state treasury for (37) customs declarations. After reviewing the case, The First Instance Committee issued its decision – the subject of this appeal – which reads as follows:

"First: Acceptance of the case procedurally .

Second: The plaintiff's claim regarding her objection to the defendant's decision concerning the collection of customs duties is dismissed." the case No. (............) dated 12/05/1445 AH, for the amount of (1,714,559.31) one million seven hundred and fourteen thousand five hundred and fifty-nine Saudi Riyals and thirty-one Halalas, subject of the case."

Since the decision was not accepted by Appellant Company, it submitted an objection memorandum, which the committee reviewed. The memorandum stated that the company had been importing this type of truck head for over twelve years, subjecting it to item (.........) with a duty of 12%, and had not encountered any problems except with import declarations No. (..........) and No. (...........) after customs had subjected it to item No. (......) with a duty of 15%. Furthermore, the company submitted a request, and the Tariff and Restrictions Department confirmed that the imports should be subjected to the correct item (..........) with a duty of 12%. It was also confirmed that customs continues to subject the company's imports to item No. (..........) with a duty of 12% to this day. Moreover, the initial committee based its decision on Article (127) of the Unified Customs Law, which is an inappropriate basis, as the Restrictions Department did not request any documents from the company. Rather, it based its classification of the imports on a copy of the import declarations it received from the Audit Department. It is clear that the department based its assessment on this. The regulations contained fragmentary explanations from the Customs Organization's guidelines, which stipulate that classification must be based on actual inspection and that relying solely on documents is insufficient. It would have been more appropriate to request the company to provide proof of its classification of the imports. If the company was not convinced, it should have been required to visit the company's showroom or the customs office and inspect the imports. The regulations further stated that the Restrictions Department's statement was deemed illegal due to its violation of the general rules for interpreting the Harmonized System. Moreover, item (8701) with a (15%) charge does not apply to the imports, as the imports are designated for transporting goods, while this item includes tractors whose function is solely towing and pushing. The regulations concluded by requesting that the appeal be accepted procedurally, the initial decision under appeal be overturned, and a ruling be issued that the Zakat, Tax and Customs Authority is not entitled to collect the customs duty differences imposed by the collection decision. The Appellant Company is obligated to pay the customs duty differences resulting from the non-addition of shipping fees, amounting to (4,924.98) four thousand nine hundred and twenty-four riyals and ninety-eight halalas.

In response to the Appellant's request for a reply (the Zakat, Tax and Customs Authority), the Authority submitted a memorandum summarizing that, to facilitate import and export procedures in terms of time and cost, Customs accepts documents submitted by importers on the basis that they are presumed to be true. However, verification is conducted after clearance to confirm the validity of the submitted documents and the integrity of the procedures. If the Authority finds them to be invalid, it collects the duties, taxes, and fines that would otherwise have been lost to the state treasury. Appellant selects the customs tariff item "Vehicle bodies containing driver's cabins" under number

(..........) with a duty of (12%), whereas the correct item is subject to tariff item number (...........) with a duty rate of (15%), according to the Tariff and Restrictions Department. The Department stated that the World Customs Organization's explanations stipulate that "road tractors" refer to motor vehicles designed to tow or pull semi-trailers over long distances. Road tractors and semi-trailers together form a combination known by various ....s (such as "articulated trucks"). Tractor trailers, etc.), these vehicles typically contain a diesel engine and can be driven at speeds exceeding the permitted traffic speeds in urban areas on the road network (meaning streets in general, including regular and express roads) when fully loaded. These vehicles have an enclosed cabin for the driver and passengers, sometimes with sleeping facilities. This applies to the imports of the company subject to the collection decision. The response memorandum concluded by requesting the dismissal of the appeal and the upholding of the initial decision in its entirety.

On Wednesday, 05/09/1446 AH, corresponding to 05/03/2025 AD , at 1:43 PM, the Customs Appeals Committee in Riyadh held its hearing via Video conferencing in accordance with remote visual litigation procedures; based on what was stated in item number (1) of Article fifteen of the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH, to consider the appeal submitted by Company.......... One Person Company, based on Decision No. (CFR - 2024-233471) issued by the First Instance Customs Committee in Riyadh, and after reviewing the case file and the appeal submitted by the Appellant, the Committee decided to close the pleadings.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/4/1445 AH, and the related regulations and laws.

Whereas the Appellant was notified of the initial decision on 24/09/2024 AD , and filed an appeal against the decision on 23/10/2024 AD , the appeal is therefore accepted procedurally, as it was submitted by a party with standing within the period stipulated for such proceedings, in accordance with Article (163) of the Unified Customs Law.

After reviewing the case file and its attachments, the Customs Appeals Committee found that the collection decision was based on two grounds: (failure to include shipping costs in the transaction value – selection of an incorrect customs tariff item). Appellant's objection concerns the discrepancies related to its non-compliance with the applicable customs tariff item for (20) customs declarations, resulting in differences amounting to (1,709,634.33) riyals. The Appeals Committee is justified in accepting the grounds for the appealed decision without additions, as it deems these grounds sufficient and unnecessary to introduce any new points. The Committee's affirmation of the decision, based on its stated grounds, indicates that it found no grounds for further response beyond what was already provided. Appellant's argument that it has been importing the disputed items for years under the tariff item applied at the direction of Customs after submitting a request to determine the correct tariff is irrelevant. Upon reviewing the attached document supporting this claim, no evidence was found to indicate that it was issued by Customs. The authority or the Tariff and Restrictions Department, and the validity of the initial decision is not affected by Appellant's claim that the import was studied twice, as the study is intended to determine the correct applicable item, and there is no evidence that the two studies yielded different results. As for Appellant's claim that item number (..........) with a (15%) duty does not apply to the import because the import is for transporting goods, while this item includes tractors whose function is solely towing and pushing, this is refuted. This is because the statement provided by the Restrictions Department included the explanations of the Customs Organization stating that: "Road tractors" refers to motor vehicles designed to tow or pull semi-trailers over long distances. Road tractors and semi-trailers together form a combination known by several ....s (such as "articulated trucks," "tractor trailers," etc.). Therefore, the aforementioned item's details apply to the disputed import, contrary to Appellant's assertion that the item is only for tractors whose function is towing and pushing. The item includes other categories, including motor vehicles designed to tow or pull semi-trailers over long distances, or what It is called articulated trucks and can be driven on the streets while fully loaded. Therefore, the specifications mentioned in the statement are found by the committee to include the disputed import. Since the reasons for the decision under appeal are sufficient to support its ruling, it is necessary to decide that the arguments presented do not affect the outcome of the decision, which means that the appeal is without a basis to support it and must be rejected.

Therefore, the committee unanimously concluded with the following report:

Decision:

First: Acceptance of the appeal procedurally, submitted by [..........Company], a single-person company, Commercial Registration No. .... , against the initial decision No. (CFR - 2024-233471) issued by the First Instance Customs Committee in Riyadh.

Second: The appeal is rejected on its merits, for the reasons and grounds stated in this decision.

May Allah's peace and blessings be upon our Prophet Muhammad and upon his family and companions.

The Customs Appeals Committee in Riyadh

Decision No. CR-2025-232815

Case No. AC-2024-232815

Keywords:

Customs - Customs duties - Collection of duties - Customs differences - Submitting invoices with high or low values - Fabrics - Importer not entitled.

Summary:

- **The importer requested the annulment of the initial decision No. (CTR - 2023-139490), issued by the Third First Instance Customs Committee in Riyadh. This decision accepted the objection procedurally but rejected it on its merits, ruling that the Authority's procedure in demanding the collection of the customs duty difference was sound after excluding the discrepancies in the declaration in question and adjusting the amount due, as stated in the decision referred to it to avoid repetition. The Appeals Committee determined that the importer's claims regarding three import declarations for which no decision had been issued by the Tariff Committee were irrelevant, as the initial decision had excluded the discrepancies in declaration (...........) due to non-compliance with the applicable tariff item, thus reducing the outstanding differences to (299,963 riyals). Furthermore, it was found that the Tariff Committee's decisions concerning declarations (141991) and (146004) were unclear despite requests for their clear presentation, and the appellant failed to provide any supporting documentation. Consequently, the appeal was rejected, and the initial decision was upheld in its entirety.**

Document:

- Article (163) of the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH.

Facts:

The facts of this case are summarized that Appellant Company filed its claim before the Customs Committees to object to the collection decision issued against it by the Zakat, Tax and Customs Authority No. (...........) of 1440 AH, which resulted in customs duty differences on the company's imports in the total amount of (327,190) three hundred twenty-seven thousand one hundred ninety riyals. The First Instance Committee issued its decision, which is the subject of this appeal, accepting the objection procedurally but rejecting it on the merits, and ruling that the Customs Authority's procedure in demanding the collection of the customs duty differences stated in collection decision No. (.........) of 1440 AH was correct, with the exclusion of the customs duty differences related to import declaration No. (..........) at the (12%) duty rate, and amending the amount claimed to be (299,963) two hundred ninety-nine thousand nine hundred sixty-three riyals, as stated in the operative part and reasoning of the decision under appeal, to which it is referred to avoid repetition.

Upon reviewing the appeal brief, the Customs Appeals Committee found that it summarized the following: The Director General of the General Department of Customs Auditing informed the company of the decision of the Tariff and Studies Committee of the General Authority of Customs regarding the customs tariff classification for a shipment of assorted fabrics. The Committee had reviewed import data numbers (........), (........), (.......), (.......), (.......), (.......), (......), and two samples from declaration number (..........), which consisted of plain fabrics dyed with 100% polyester warp and weft yarns made from continuous filaments. Therefore, the imports were classified under tariff heading (..........), which carries a 5% duty. The company clarified that the defendant's representative did not address any of the aforementioned statements or the Authority's error in classifying the shipment as subject to a 15% duty despite the notification of a 5% duty. Furthermore, the company stated that import data numbers (.....), (.....), (.....), and part of declaration number (..........) were subject to the sub-heading with a 12% duty. Part of it is subject to a (10%) fee, which was not addressed by the defendant's representative. Furthermore, the data with figures (..........), (..........), (.........) have not been decided upon, and no decision has been issued by the Tariff and Studies Committee regarding them. Therefore, there is no justification for issuing a collection decision before a decision is reached. Appellant confirms that it continues to import from most of the companies and factories included in the import data subject to the decision. The petition concludes with a request to accept the objection procedurally and substance and to amend the amount of the collection decision to be consistent with the decision of the Tariff and Studies Committee of the General Authority of Customs.

Upon requesting a response from the Zakat, Tax and Customs Authority, it submitted its response memorandum dated 06/05/2024 AD, which summarized that the decision under appeal was issued on 04/07/1444 AH, corresponding to 26/01/2023 AD , and the company did not file its appeal until 03/03/2024 AD , thus demonstrating that it did not file the appeal within the statutory period. Furthermore, the initial committee, in its decision under appeal, excluded the differences related to customs declaration number (.........) with a duty rate of (12%) due to the difference between the item used and the item mentioned in the Tariff Committee's decision number (...........) dated 05/06/1441 AH and number (..........) dated 24/08/1440 AH, which was issued for items identical to these items and upon which the collection decision was based. The committee represents the technical body competent to determine the applicable customs items according to the International Convention on the Harmonized System of Classification and Coding of Goods. The response memorandum concluded by requesting a ruling to dismiss the appeal on procedural grounds and, alternatively, to reject it. Subject to and upholding of the initial decision in its entirety.

On 12/05/2024 AD, Appellant submitted a memorandum in response to the Zakat, Tax and Customs Authority's reply. The memorandum stated that the company had not received or been notified of the decision until 08/02/2024

AD, and had filed its objection on 03/03/2024 AD. Therefore, the objection was procedurally admissible. The memorandum reiterated the points previously mentioned in the appeal brief and concluded with the same requests contained therein.

After reviewing the case file, the appeal submitted by the company, and the Authority's response regarding it, the Committee found that the case wasready to be decided in its current state after the Committee was informed of the facts of the case and the sufficiency of what was submitted to form its conviction and decide on it in light of the reasons on which the appeal was based.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/4/1445 AH, and the related regulations and laws.

Whereas the Appellant was notified of the initial decision on 08/02/2024 AD , and filed an appeal against the decision on 03/03/2024 AD , the appeal is therefore accepted procedurally, as it was submitted by a party with standing within the period stipulated for its filing, in accordance with Article (163) of the Unified Customs Law.

After reviewing the case file and its contents, the initial decision under appeal, and the arguments presented by the parties, the Appeals Committee, after examining the case, determined that the dispute between the company and the Zakat, Tax and Customs Authority stems from Appellant's objection to the initial committee's decision regarding collection decision No. (..........) of 1440 AH. This decision resulted in the imposition of customs duty differences on Appellant in the total amount of (327,190) three hundred twenty-seven thousand one hundred ninety riyals, due to the company's non-compliance with customs procedures related to classification. The company selected customs item No. (.........) with a duty rate of (5%), while the imported goods were subject to customs item No. (..........) with a duty rate of (12%).

Article (147) of the Unified Customs Law stipulates that: "A- The Director General may issue the necessary decisions to collect customs duties, other fees, and fixed customs fines that the taxpayer fails to pay. B- Objections to collection decisions may be filed with the administration within fifteen days from the date of notification. However, this does not suspend execution unless security is provided for the claimed amounts by way of a bank guarantee or cash." Article (57) of the Unified Customs Law also stipulates that: "Customs duties shall be collected according to the contents of the customs declaration. If the inspection reveals a discrepancy between the contents and the customs declaration, the customs duties shall be collected based on this discrepancy, without prejudice to the rights of the Customs Authority." Article (176) of the same law stipulates that: "Without prejudice to other applicable laws and regulations in the country, the statute of limitations for the Customs Authority, if no action is taken, shall be as follows: 2- Five years for the following the cases, unless a claim is filed..." Regarding it: C - To collect taxes - customs duties and other fees that were not collected due to an error by the customs department starting from the date of registration of the customs declaration.

Based on the foregoing, and since the Authority audited the import data and records of the company Appellant and found an error in the classification, as the submitted documents declared the shipment to be (fabrics) which the importer subjected to customs item number (..........) at a duty rate of (5%), pertaining to the item description (other dyed ribbons), and since, upon reviewing the invoices and technical explanations, the Authority determined that the actual import should be subject to the correct tariff item, which is item number (..........) at a duty rate of (12%), according to the decision of the Tariff and Studies Committee of the Authority No. (...........) dated 04/07/1437 AH, which states that the imported item is (men's fabrics woven from 100% polyester subject to customs item number (..........) at a duty rate of 12%), this is not affected by Appellant's claim that some import data was subjected by the Authority to the (12%) rate and others to (10%), and that this was not adjusted in calculating the customs differences payable, as this is established according to the data table. Subject to collection fees, the Authority requests payment of the difference in customs duties between what was declared during final clearance, which is item number (..........) with a duty rate of (5%), and the correct item corresponding to the actual import, which is item number (..........) with a duty rate of (12%). This demonstrates that the Authority did not subject any declaration to the duty rate of (10%). Furthermore, what was stated in the tariff decision was an explanation of the main and sub-items and the difference between them. The Appellant's mention of three import declarations numbered (............), (.......), and (.........) for which no decision was issued by the Tariff Committee and which were not adjudicated, while these shipments were included in the collection decision, does not invalidate the initial decision. This is because, according to the initial decision under appeal, the differences related to customs declaration number (...........) with a duty rate of (12%) were excluded due to the difference between the item used and the item mentioned in Tariff Committee Decision No. (..........) dated 05/06/1441 AH and No. (...........) dated 24/08/1440 AH. On items identical to this item, the total difference payable becomes (299,963) two hundred ninety-nine thousand nine hundred sixty-three riyals instead of (327,190) three hundred twenty-seven thousand one hundred ninety riyals. As for the import data (............) and number (...........), and since the Tariff Committee decision number (...........) dated 05/06/1441 AH and number (..........) dated 24/08/1440 AH attached to the case file was found to be unclear, making it impossible to examine it to verify the validity of what the Appellant had claimed, and since the request was directed to both parties to submit the aforementioned decisions clearly to determine whether that data was among what was subject to the difference in collection fees or not, and since those documents that support the Appellant's claim were not submitted, it was decided to reject the submitted appeal and uphold the initial decision in all its provisions. Accordingly, the Appeals Committee concluded by deciding the following:

Decision:

First: Acceptance of the appeal procedurally, submitted by [..........Company], Commercial Registration No. .... , against the initial decision No. (CTR-2023-139490) issued by the Third First Instance Customs Committee in Riyadh.

Second: The appeal is rejected on its merits, and the initial decision is upheld in all that it ruled, for the reasons and grounds stated in this decision.

May Allah's peace and blessings be upon our Prophet Muhammad and upon his family and companions.

The First Instance Customs Committee in Riyadh

Decision No. CSR-2025-246647

Case No. AC-2024-246647

Keywords:

Customs - Customs duties - Collection of duties - Customs differences - Submitting invoices with high or low values - Perfumes - Importer not entitled.

Summary:

- **The importer filed a claim with the First Instance Customs Committee in Riyadh against the defendant, the Zakat, Tax and Customs Authority, to review the Authority's decision to collect customs duties amounting to SAR 3,671,877. The Customs Committee determined that the importer's claim that these amounts were unrelated to the imported goods, but rather represented fees for technical and administrative services and trademark usage rights not subject to sale and therefore not included in the customs value according to the Unified Customs Law and its Implementing Regulations, was incorrect. This determination was based on the Committee's examination of the documents and correspondence, the absence of conditions for adding the levy to the customs value, and the importer's acknowledgment of having paid the applicable customs duties at the time of importation in accordance with regulations. Consequently, the Committee accepted the claim procedurally but rejected it on its merits, upholding the disputed collection decision.**

Document:

- Article (5) of the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH.
- Articles (27, 147, 126) of the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH.

Facts:

The facts of this case are summarized that The company (..........Company), Commercial Registration No. (..........Company), is appealing a collection decision issued by the Zakat, Tax and Customs Authority under No. (..........Company) for the year 1444 AH, which resulted in customs duties amounting to a total of (3,671,877) three million, six hundred and seventy-one thousand, eight hundred and seventy-seven Saudi Riyals.

Accordingly, the Third First Instance Customs Committee in Riyadh issued its decision No. (CTR-2024-178743), which stated: "the case is inadmissible procedurally, as it was not submitted within the statutory period."

The plaintiff appealed the aforementioned decision, and the Customs Appeals Committee in Riyadh issued its decision No. (CR-2024-232217), which stated: "Secondly: On the merits, the initial decision is overturned, and the case is returned to the First Instance Customs Committee for consideration on its merits, for the reasons and grounds stated in this decision."

The plaintiff submitted an objection to collection decision No. (..........) of the year (1444 AH), the content of which is summarized that : The plaintiff stated that the Appeals Committee of the Authority did not examine or study the technical aspects, nor did it obtain or rely on a technical opinion issued by the competent authority within the Authority (the Valuation Committee). The opinion of the technical auditor does not rise to the level of a binding decision that must be adopted and implemented. The committee based its decision on the findings of the audit team without examining the validity of the conclusion and opinion reached by the subsequent audit team, which lacked a technical opinion from the competent authority. The Appeals Committee in the Authority did not provide a sufficient explanation of the basis on which the differences were built and how the differences were calculated for each customs import declaration. Based on Article "1", Paragraph "9" of the Implementing Regulations of the Unified Customs Law of the Gulf Cooperation Council Countries, which stipulates that "the importer has the right, upon written request, to obtain a written explanation from the Customs Administration regarding how the customs value of the imported goods was determined," and as stated in Article (62-A) of the Unified Customs Law of the Gulf Cooperation Council Countries (if a dispute arises between the competent customs officer and the owner of the goods regarding the value of the goods due to a difference in their type or origin or for another reason, the matter shall be referred to the Director. If the customs officer approves the opinion and the owner of the goods does not accept it, the matter shall be referred to the Director General to settle the dispute or refer it to the Valuation Committee), noting that the ....Company The company did not receive from the Authority's Appeals Committee or the subsequent Customs Audit Team an explanation of the basis on which the customs differences were built or clarifications on how the amount of the customs duty difference stipulated on each customs declaration was calculated. The company was also not provided with any decision issued by the Valuation Committee. As stated in the subsequent audit report, some payments and amounts due to the supplier related to the imported goods should be added to the customs value as part of the actual price paid or payable to the supplier. The company confirms that, with regard to some payments and amounts due to the supplier which the Customs Audit Team believes should be added to the declared value of the imports, the customs value of the imported goods was declared at the time of import and the amounts referred to and due to the supplier are unrelated to the imported goods. Therefore, there are no discrepancies in value between the declared customs value and the value due and paid on the imported goods according to the company's records. The company insists and emphasizes that the payments and amounts due to the supplier, "..........Company.", other than the amounts due and paid for the imported goods, relate to the company's fair share of the fees and expenses for technical and administrative support services provided by ....Company (such as staff training, technical support, and other administrative expenses for ....Company..) and are unrelated to the imported goods. The company also confirms that the declared customs value for each incoming shipment represents the correct customs value and is consistent with the implementing regulations and explanatory memoranda of the Unified Customs Law of the Gulf Cooperation Council Countries, fulfilling all conditions related to the transaction value according to the first method of customs valuation. Regarding customs treatment with respect to the quarter and royalties

The audit team indicated in its report on the business results, referred to in the email correspondence received on 08/09/2022, that it had carried out audit procedures on the company's financial and accounting records and reviewed the commercial correspondence between .... Trading Company and .... Company regarding payments for royalties for the trademark and licensing fees. From the company's perspective, and as is known from the technical customs point of view and in accordance with applicable local and international customs regulations, certain conditions must be met and evaluated to reach a conclusion as to whether payments for royalties and/or licensing fees should be added to the transaction price or the price due or paid. These conditions are: the royalty or licensing fee must be related to the goods being appraised; the royalty or licensing fee must be a condition of the sale and must be paid by the buyer directly or indirectly; and the royalty or licensing fee must not have been included in the price paid or payable. The plaintiff also addressed the relationship to the imported goods, the condition of sale, the right of distribution, and withholding tax. Finally, the company affirmed its full compliance with customs policies and procedures and the Unified Customs Law of the Gulf Cooperation Council Countries, stating that it had submitted the documents related to the incoming shipments at the time of import, organized its customs import declarations, and paid all applicable customs duties in full without violating any of the applicable customs procedures and policies. Accordingly, the company confirms its commitment to customs policies and procedures and the Unified Customs Law, and has declared the actual customs value at the time of import for each incoming shipment. The declared values match the amounts due or paid for the incoming goods and the authorized import transactions, according to the company's accounting and commercial records, which were reviewed, verified, and confirmed by the customs audit team. Subsequently, in the company's opinion, the materials and regulatory justifications referred to in the post-audit report and the notice of rejection of the appeal issued by the Appeals Committee of the Authority dated 19/01/2023 AD, upon which the post-audit team based its calculation of the customs duty differences and its decision to add them to the customs value of the imported goods, are unrelated to the customs value of the imported goods and are therefore inapplicable. Furthermore, the audit team failed to provide the required technical decision from the relevant technical committee, the Valuation Committee, which has jurisdiction over such matters. Given the Customs Audit Team's assumption that the payments made by [..........Company] to the supplier represent royalties that should be added to the customs value, it should be noted that this assumption is incorrect, as the conditions for adding royalties to the customs value are not met. Furthermore, the company confirms that the payments made and due to [..........Company] (except those related to the imported goods, which represent the declared customs value at the time of import) are not related to the imported goods. These amounts due/paid in the records are payments for technical and administrative services provided by [..........Company], for which [..........Company] has already paid the applicable taxes.

The defendant (the Zakat, Tax and Customs Authority) submitted a response memorandum, the content of which is summarized that : The Authority's representative stated that the plaintiff's claims were entirely unfounded, as a meeting had been held with the plaintiff during the audit and objection phase. The differences that led to the collection decision were discussed and clarified. Furthermore, the taxpayer was notified of the audit results, and their receipt of the report detailing the customs duties for each customs declaration was confirmed. Therefore, it is evident that the Authority explained to the plaintiff all the reasons upon which the collection decision was based. This is further confirmed by the fact that the plaintiff is challenging the contents of the audit report and discussing the Authority's calculation method; thus, it is inconceivable that she was unaware of it. The representative also stated that through a subsequent audit of the company's customs, commercial, financial, and accounting records, and following a field visit to the taxpayer pursuant to the powers granted to it under Article (127) of the Unified Customs Law, the Authority determined that the plaintiff purchases and imports its products from [..........Company], and that this exporting company is demanding from the plaintiff sums of [amount in 1.25] riyals. (........), and the Authority inquired with the plaintiff and requested her to provide clarification regarding the reason for paying the amounts according to the invoices and whether they represent a percentage of perfume sales or other products or for the use of the .... "...........". The company stated that the amounts are paid for the right to use the brand ....s whose rights are owned by the ....Company.. in the region. This indicates the plaintiff's admission during the audit phase that these fees are royalty fees for exploiting an intellectual property right or usage license, and that her current claim that they are for technical services or employee training services is incorrect, as she has not provided any documents to support her claim. Furthermore, when the Authority inquired during the audit phase whether, in the event that these amounts are not paid for the use of the brand ....s whose rights are owned by the ....Company Middle East, the imported goods bearing the brand ....s are sold by the exporting company to you, she stated that the ....Company Arabia must pay the royalty for these brands since it does not own the usage rights, and that failure to pay the royalty will result in the suspension of shipments. The representative of the Authority concluded by requesting the dismissal of the case.

On Sunday, 23/03/2025 AD, the committee convened to consider the case. Upon calling the parties, [.........] (a Saudi national) appeared, holding ID number [.........], acting as the plaintiff's representative by virtue of power of attorney number [.........], issued on 20/09/1446 AH. The defendant's representative, [.........], appeared, holding national ID number [.........] and authorization issued by the Legal Affairs and Compliance Agency under number [.........], dated 19/03/1446 AH. When the plaintiff's representative was asked about his client's the case, he replied that it did not deviate from what was stated in her statement of claim filed with the General Secretariat of the Zakat, Tax, and Customs Committees. When confronted with this, the defendant's representative affirmed what was stated in the defendant's statement of defense and rejected any new documents not submitted to the defendant during the examination and objection phase. When both parties were asked if they had any further statements, they replied in the negative. Accordingly, the committee decided The committee closed the door to pleading and deliberation.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH, and the related regulations and laws.

Procedurally; and after the Committee reviewed the subject matter of the case, and having established that this is a customs dispute, it falls within the jurisdiction of this Committee. Furthermore, it is established from the case documents that the plaintiff filed the case with due standing and within the prescribed period, therefore, the case must be accepted procedurally. Regarding the subject matter, after reviewing the documents and papers included in the case file, and the requests, defenses, and arguments presented by the parties, the committee determined that the dispute revolves around Collection Decision No. (..........) of the year (1444 AH), which resulted in customs differences amounting to a total of (3,671,877) three million, six hundred and seventy-one thousand, eight hundred and seventy-seven Saudi Riyals.

Based on Article (5) of the Rules of Operation for Zakat, Tax, and Customs Committees, which stipulates that: "Anyone against whom a decision has been issued by the Authority may appeal it within (sixty) days from the day following the date of notification. The Authority must decide on the appeal within (ninety) days from the date of its submission. The appellant may, within (thirty) days from the day following the date of notification of the rejection or partial acceptance of the appeal, or if the ninety days have passed without a decision being issued, take any of the following actions: .... b- File a direct the case before the adjudication circuits." Based on Article (147) of the Unified Customs Law, which states: “A- The Director General or his delegate may issue the necessary decisions to collect customs duties and other fees and fixed customs fines that the taxpayer fails to pay, and the collection decisions issued in accordance with this article shall have the force of an executive instrument.” Based on Article (26) of the Unified Customs Law, which stipulated that: “The value for customs purposes shall be calculated in accordance with the provisions and bases contained in the Implementing Regulations.” Paragraph (Fourth/B) of Article (1) of the Implementing Regulations of the Unified Customs Law, which clarifies the addition of the following costs to the extent borne by the buyer, when those costs are not included in the price actually paid or payable for the imported goods: 5- Fees that the buyer must pay, whether directly or indirectly, in return for his exploitation of an intellectual property right or usage licenses, as a condition of the sale by which ownership of the goods under valuation was transferred to his possession and related to the imported goods under valuation when they are not included in the price actually paid or payable, and based on Article (127) of the Unified Customs “Law” of the Cooperation Council for the Arab States of the Gulf, which stipulated that: “The administration’s employees have the right to review papers, documents, records, correspondence, commercial contracts and documents of any kind related - directly or indirectly - to customs operations; They shall be seized in the case of any violation, at shipping and transport companies and all natural and legal persons involved in customs operations. The aforementioned companies and persons shall retain all the aforementioned documents for a period of five years from the date of completion of the customs operations.

The committee, after reviewing the case file and studying the documents, determined that the dispute between the plaintiff and the defendant revolves around adding "royalty" amounts to the customs value of imported goods. According to Article (26) of the Unified Customs Law and Paragraph (b/5) of Article (1) of the Implementing Regulations, fees paid for intellectual property rights or usage licenses, which are a condition of sale, must be added to the customs value. The committee noted that on 29/01/2025 AD, the plaintiff was asked to provide supporting documents clarifying the nature of the disputed amounts paid (in consideration for technical services and training), as well as proof of payment of withholding tax on the disputed amounts. The plaintiff failed to provide these documents. Upon reviewing the attachments in the case file, it was found that the plaintiff had previously acknowledged in her email correspondence with the defendant that the amounts were paid in consideration for the right to use the trademarks owned by [..........Company] Middle East in the region. It was also established that the fee must be paid and that failure to pay it would result in the suspension of shipments, which necessitates the dismissal of the claim submitted by the plaintiff/Company [..........Company] (Commercial Registration No. [..........Company]) against the defendant/Zakat, Tax and Customs Authority.

For these reasons, and after deliberation, the committee unanimously decided the following:

Decision:

The case submitted by the plaintiff/..........Company Trading (Commercial Registration No. ....) against the defendant, the Zakat, Tax and Customs Authority, is dismissed.

May Allah's peace and blessings be upon our Prophet Muhammad and upon his family and companions.

The First Instance Customs Committee in Riyadh

Decision No. CSR-2025-248151

Case No. AC-2025-248151

Keywords:

Customs - Customs duties - Collection of duties - Customs differences - Submitting invoices with high or low values - Vegetable oils - Importer not entitled.

Summary:

- **The importer filed a claim with the Second First Instance Customs Committee in Riyadh against the defendant, the Zakat, Tax and Customs Authority, challenging the Authority's decision to collect customs duty differences amounting to SAR 8,412,216.56. The Customs Committee found the importer's claim to be true, asserting that the supplying companies are located on the mainland and not within free zones. The importer submitted official documents, including commercial licenses, registration certificates, sales invoices, and certificates of origin, demonstrating the validity of her legal position. Upon reviewing the case and supporting documents, the Committee found the defendant's claim regarding the supplying companies' location within free zones to be unsubstantiated, and the importer's claim to be true. Consequently, the Committee accepted the claim procedurally and overturned the disputed collection decision and the resulting customs differences.**

Document:

- Article (3) of the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH.
- Articles (5, 88, 98, 147) of the Unified Customs Law of the Gulf Cooperation Council Countries issued by Royal Decree No. (M/41) dated 03/11/1423 AH.

Facts:

The facts of this case are summarized that The plaintiff submitted an objection to the collection decision issued against her by the Zakat, Tax and Customs Authority, No. (..........) dated 02/11/1444 AH, which included calculating customs differences amounting to (8,520,766.52) riyals. The Authority issued a notice of partial acceptance of the request for (3) customs declarations amounting to (108,549.96) riyals. The total collection decision then amounted to (8,412,216.56) riyals.

Since the plaintiff did not accept the decision, she filed her the case before the Third First Instance Customs Committee in Riyadh. The Committee issued its decision No. (CTR - 2024-225785), which ruled in its operative part that the case wasinadmissible on procedural grounds because it was not filed within the statutory period.

Upon appeal of the decision, the Customs Appeals Committee issued its decision No. (CR - 2028-236253), which ruled in its operative part: "Secondly: On the merits, the initial decision is overturned." the case wasreturned to the First Instance Customs Committee for consideration on its merits. This is for the reasons and grounds stated in this decision. Upon reviewing the statement of claim submitted by the plaintiff's attorney, [.........], National ID No. [........], pursuant to Power of Attorney No. [........] issued on [Date ....] (25/10/2023 AD), and Lawyer's License No. [........], the committee found that it includes a summary of her entitlement to exemption for (31) customs declarations valued at (713,426,36) Saudi Riyals. She also objects to the defendant's action, as the defendant claimed that the customs declarations issued by [Company ....] and the shipment issued by [Company ....] and its derivatives, numbering (31) customs declarations and valued at (713,426,36) Riyals, were issued by two companies located in the free zone. This is incorrect, as [Company ....] is a UAE limited liability company located on the mainland, not in a free zone. Evidence of this is the commercial license issued by the Dubai government for each company, which proves the company's ...., license number, and address, even though it is a foreign company. The license indicated that the company was located in a free zone. The certificate issued by the Dubai Department of Economy and Tourism confirms its registration in accordance with the relevant procedures and laws of the UAE, particularly federal law. Had it been located in a free zone, it would not have received a certificate from the Dubai Department of Economy and Tourism, nor would it have been registered under UAE federal law, as free zones operate under different regulations than the national law.

As for [..........Company] and its subsidiaries, it is an Omani limited liability company that made direct transfers to the company through its invoices without an intermediary. Therefore, the defendant's claim that [..........Company] is located in a free zone is incorrect. Official documents are the determining factor, and the mere assumption of its presence in a free zone without evidence or any counter-argument to the evidence presented is invalid and cannot form the basis of a decision. This makes the customs declarations eligible for exemption, as these are Gulf companies located on the mainland and have fulfilled all the required conditions for exemption. The plaintiff concluded its statement by requesting exemption from the customs duties imposed on it in the customs declarations issued by [..........Company]. ....Company. and ....Company and its derivatives, numbering (31) statements with a value of (713,426,36) Saudi Riyals.

Upon reviewing the response memorandum submitted by the defendant (the Zakat, Tax and Customs Authority), the committee found that it included the following summary: It was confirmed that the company "......." is located in a free zone in the UAE, which is the basis for collecting customs duties on shipments passing through it. The defendant indicated that goods originating from the production line owned by the company "..........." in Oman are shipped via the UAE to the Kingdom of Saudi Arabia, which includes their passage through the Dubai Free Zone. The defendant explained that this passage through the free zone justifies the imposition of customs duties. It added that the shipments in question were facilitated through the company "............. Africa." The plaintiff, in its letter of objection, acknowledged the need to pay the customs duty differences for these shipments, as the shipping was not done directly but rather through the free zone in the UAE, which contradicts standard customs procedures. Therefore, it was confirmed that the customs duties due resulted from this facilitation through the free zone. Regarding the documents, the defendant stated that upon examining the commercial licenses, a match was found between the license of the company ".......... General" and its subsidiary in the free zone. The plaintiff submitted a memorandum of response, including the same addresses listed on the company's commercial license, which reinforces the claim that the company operates within the free zone. This was based on the 2021 annual report of the company, which stated that the company is located in the Jebel Ali Free Zone. The defendant submitted these documents as further evidence of the company's geographical location classification and, consequently, the validity of imposing customs duties. The defendant noted that the certificates of origin issued for shipments originating from the free zone or the UAE mainland did not indicate any discrepancies or irregularities in the documentation. The defendant further asserted that the plaintiff had not provided sufficient documentation to prove that the shipments did not pass through the UAE free zone, and argued that this strengthened its position in collecting the due customs duties. The memorandum concluded by requesting the dismissal of the case submitted by the company. The plaintiff subsequently submitted a memorandum of response to the Authority's memorandum. The summary of the case includes the following: It is clear from the defendant's submissions that the dispute in this case concerns whether the supplying company, [..........Company], is located in a free zone in the United Arab Emirates or not. The plaintiff submitted all documents proving that the company is Emirati and located on the mainland, not in a free zone. Furthermore, the defendant did not attach any documents or evidence. Regarding the shipments received from [..........Company] and its subsidiaries, an Omani limited liability company, the disputed shipments were issued directly on their invoices without an intermediary and were shipped directly to the Kingdom of Saudi Arabia. This is evidenced by the shipping documents, purchase invoices, and certificates of origin attached. The defendant's claim that the shipments entered through a free zone is unsubstantiated. The plaintiff also confirmed their willingness to pay the customs duties related to the invoices issued by the companies located in the free zone – [..........Company] Africa [..........Company] Free Zone and [..........Company], totaling (341) customs declarations with a value of (7,698,543.19) Saudi Riyals.

On Wednesday, 05/11/2025 AD , the Second First Instance Customs Committee in Riyadh held its hearing in the presence of its members whose ....s are recorded in the hearing minutes, via Video conferencing in accordance with remote visual litigation procedures; based on what was stated in Item No. (1) of Article Fifteen of The Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH; and by calling the parties to the case; [.........] appeared, holding National ID No. (...........) by virtue of Power of Attorney No. (..........) dated (10/04/1445 AH), and Attorney's License No. (..........), acting as the plaintiff's attorney. [.........] appeared, holding National ID No. (...........) as the representative of the Zakat, Tax and Customs Authority by virtue of the authorization issued by the Deputy Governor of the Zakat, Tax and Customs Authority for Legal Affairs, No. (..........) dated 24/04/1447 AH. When the plaintiff's attorney was asked about his client's claim, he replied that it did not deviate from what was stated in her statement of claim filed with the General Secretariat of the Zakat, Tax and Customs Committees. When the defendant's representative was confronted with this, he replied that he affirmed what was stated in the defendant's statement of defense and that he would not accept any new documents that were not submitted to the defendant during the examination and objection phase. When both parties were asked if they had anything further to say, they replied in the negative. Accordingly, the committee decided to close the pleadings in preparation for issuing its decision.

Grounds:

After reviewing the Unified Customs Law of the Gulf Cooperation Council Countries, issued by Royal Decree No. (M/41) dated 03/11/1423 AH, and after reviewing the Rules of Operation for Zakat, Tax, and Customs Committees issued by Royal Decree No. (25711) dated 08/04/1445 AH, and the relevant regulations and laws.

Procedurally, and after reviewing the subject matter of the case, the Committee has determined that this is a customs dispute, and therefore falls within the jurisdiction of this Committee. Furthermore, the case documents establish that the plaintiff has standing, and the case must be accepted procedurally.

Regarding the subject matter, after reviewing the documents and papers included in the case file, and the requests, defenses, and arguments presented by the parties, the committee determined that the dispute stems from the plaintiff's objection to the collection decision issued against her under number (………/…………/……………) dated 02/11/1444 AH, which calculated customs differences amounting to (8,520,766.52) riyals. The authority issued a partial acceptance notice for (3) customs declarations amounting to (108,549.96) riyals. Therefore, the total collection decision amounts to (8,412,216.56) riyals.

Based on paragraph (2/d) of Article (3) of the Rules of Operation for Zakat, Tax, and Customs Committees, which stipulates that: "The First Instance Customs Committees are responsible for applying the provisions of the Unified Customs Law and its Implementing Regulations, as follows:

(d) Considering objections to collection decisions in accordance with the provisions of Article (147) of the System," and based on Article (98) of the Unified Customs Law, which stipulates that: "Goods agreed upon for exemption in the Unified Customs Tariff of the GCC countries shall be exempt from customs duties under this law," and in accordance with Article (875) of the Unified Customs Law, which stipulates that: "Goods leaving free zones to the customs department shall be treated as foreign goods, even if they contain local raw materials or items for which customs duties have already been paid before their entry into the free zones," and based on Article (88) of the Unified Customs Law, which stipulates that: "Goods entering from free zones and markets into or outside the country shall be treated as foreign goods." Based on Article (147) of the Unified Customs Law, which stipulates that: "a- The Director General may issue the necessary decisions to collect customs duties, other fees, and fixed customs fines that the taxpayer fails to pay. b- Objections to collection decisions may be filed with the administration within fifteen days from the date of notification; however, this does not suspend execution unless security is provided for the claimed amounts in the form of a bank guarantee or cash." And according to Article (17) of the Agreement on

Facilitating and Developing Trade Exchange among Arab States: "Goods shall be exchanged directly between the States Parties without the mediation of a non-Arab party."

Based on the foregoing, and after reviewing the documents and papers included in the case file, and the requests, defenses, and arguments presented by the parties, and after examining the commercial license issued by the Government of Dubai to [..........Company], an Emirati limited liability company, under number [License Number], and after studying the submitted documents, it appears that the commercial license does not indicate that [..........Company] is a foreign company in the free zone. A search on Google Maps revealed that the company's location matches the location registered on the license. Further research revealed another company with a similar .... to the company in question, [..........Company], with license number [License Number], and that the licensing authority is the Jebel Ali Free Zone, which is explicitly stated, unlike the company in dispute. Additionally, a search on the website of the National Economic Register of the UAE Ministry of Economy revealed the company's .... and license number, indicating that the licensing authority is the Department of Economy and Tourism in Dubai. The same search also revealed another company, [..........Company], with license number [License Number], and that the licensing authority is the Jebel Ali Free Zone. This confirms that [..........Company] is located on the mainland and not in the free zone. The committee finds the plaintiff's claim valid regarding the customs declarations issued by [..........Company], totaling 28 declarations and valued at SAR 634,289.4. As for the customs declarations issued by [..........Company], totaling three declarations and valued at SAR 79,136.96, a review of the documents submitted by the plaintiff reveals that the company is an Omani limited liability company and made direct transfers on its invoices without an intermediary. Therefore, the collection differences amounting to SAR 713,426.36 (seven hundred and thirteen thousand, four hundred and twenty-six riyals and thirty-six halalas) are to be cancelled.

For these reasons, and after deliberation, the committee unanimously decided the following:

Decision:

Annulment of the decision of the defendant/Zakat, Tax and Customs Authority, against the plaintiff/Company........ (Commercial Registration No. ....) related to the collection decision No. (...........) dated 02/11/1444 AH for the amount of (713,426.36) seven hundred and thirteen thousand four hundred and twenty-six riyals and thirty-six halalas.

May Allah's peace and blessings be upon our Prophet Muhammad and upon his family and companions.