Guidance note on the Importation and Customs clearance of Medicines and Medical Equipment in response to the novel coronavirus pandemic (COVID-19)

“Survive together or sink together”

I. General background

In light of the current novel coronavirus (2019-nCoV) global pandemic (COVID-19), the United Nations’ Office for the Coordination of Humanitarian Affairs (UN OCHA) in collaboration with the United Nations Conference on Trade and Development (UNCTAD) and the World Customs Organization (WCO) have compiled a list of measures for humanitarian operators. It serves as a guidance note as to how to be prepared before dispatching medicines and medical equipment to countries affected by COVID-19. Being aware of and complying to the measures put in place by Customs administrations and cross-border agencies leads to a reduction in delays at Customs entry points.

Humanitarian operations cannot take place without compliance to national legal frameworks and respect for State sovereignty.

Note on counterfeit medicines for humanitarian operators

“The WCO reminds the general public to exercise extreme caution when purchasing critical medical supplies from unknown sources, particularly online. The use of these goods may cost lives. While the world is gripped by the fight against COVID-19, criminals have turned this into an opportunity for fraudulent activity. There have been an alarming number of reports quoting seizures of counterfeit critical medical supplies, such as face masks and hand sanitizers in particular.”

WCO COVID-19 Urgent Notice: counterfeit medical supplies and introduction of export controls on personal protective equipment
II. Checklist for a humanitarian operator willing to import relief items

### General questions

1. Do I know what the relevant government agencies involved in the process of importing aid are? Which actors I will interact with in the importation process?
2. Is my organization registered as a humanitarian operator in the country?
3. What are the standard operating procedures?
4. What are the relevant processes for gaining exemptions from national duties, taxes and restrictions?
5. Are there pre-existing facilitation measures for importation that I can take advantage of?
   5.1. Are there any fast track/green lane procedures in place?
   5.2. Is there a one-stop-shop mechanism?
6. Who are the focal points within the country?
   6.1. To whom I can share my pipeline to centralize the information?
   6.2. To whom I can send my Customs documents in advance?
7. What are the domestic transparency guidelines and accountability mechanisms in the case of wrongdoing during the importation process?

### Medicines and Medical Equipment

8. Are there any restrictions to export medicines and medical equipment from the country of export?
9. Does the country impose any embargoes on the importation of source goods from certain countries of origin?
10. Are the medicines and medical equipment I want to import allowed in the country?
11. What are the requirements of the national regulatory authority for the importation of medicines and medical equipment?
    11.1. What document is required for its importation?
    11.2. Is there a need for a specific certification from the Ministry of Health/the national drug regulatory authority?
12. What are the exceptional measures put in place by the government to avoid the usual sampling process undertaken by the national drug regulatory authority due to the urgent nature of the pandemic?
13. What are the relevant quality standards for medicines that must be met?
14. What are the guidelines for the expiry date of the goods from the arrival date (for example, the goods must arrive within 12 months of their expiry date)?
15. Is the aid labelled and packaged appropriately in a language that is legally accepted in the country of import?
16. Do I already know the HS codes of the medicines and medical equipment I am exporting/importing?
17. Is information regarding national extended HS codes for COVID-19 essential items needed on the export documents to facilitate quick Customs release?
18. Do we have a reliable Customs broker?
   18.1. Is the Customs broker familiar with the importation of these goods during a disease outbreak? How aware are they of the facilitation measures during the response to the COVID-19?
   18.2. If not, does my agency have to request the help of another actor who can?

19. In terms of cost and quality, should I import the medical aid or buy it locally?
20. Is there government mandatory/deliberate push for local purchase of medicines and medical equipment? Is an exception to import granted?
21. Are humanitarian actors required to provide Letters of No Objection (LoNo) for medicines and medical equipment manufactured locally? Is there an exception during the COVID-19 outbreak?
22. Are there any specific risks to purchasing locally/regionally in this period, such as quality, security, reputational, financial (i.e. black market dynamics)?

Other emergency relief items related to the COVID-19 pandemic response (not Medicines or Medical Equipment)

23. What are the relevant processes for gaining exemptions from duties, taxes and fees for non-medicines and medical equipment-related goods related to the COVID-19 pandemic response?
24. What are the fast track/green lane procedures in place for these products?
25. What are the specific HS codes defined by the Customs administration for these items?
26. Is this information needed on the export documents to facilitate quick Customs release?
27. What are the temporary importation routes for non-consumable critical items such as ambulances?
28. What are the consequences/penalties for failure to account for or regularise the importation requirements for non-medicines and medical equipment-related goods related to the COVID-19 pandemic response?

Borders

29. Is the country of importation landlocked?
   29.1 If yes, which borders do I have to cross to import the goods?
30. What are the locations of the specific ports of entry (land, air or sea borders) for the importation of medicines or medical equipment?
31. Is there a cold room and/or refrigerated container plugin facilities if it is required for the aid I am importing?
32. Are there additional checkpoints set up by the country which may delay the flow of goods or increase the number of physical checks of cargo?
33. Are transport companies from the country to neighbouring countries still operational?
34. Is there mandatory quarantine of truck drivers in neighbouring countries when they come from your mission country?
Warehousing and stock management questions

35. Are you aware of the location of stocks of medicines and medical equipment related to the COVID-19 pandemic response?
36. Are there any national emergency stocks in place?
37. Have stocks of medicines and medical equipment related to the COVID-19 pandemic response of hospitals/distributors/suppliers been requisitioned by the government?
38. Is there an ongoing or anticipated fuel crisis in the country (Jet A1, Diesel)?

III. Useful links

1. World Customs Organization, webpage on COVID-19
2. United Nations, Office for the Coordination of Humanitarian Affairs, webpage on COVID-19
3. World Customs Organization, HS classification reference for COVID-19 medical supplies
4. World Customs Organisation, Resolution on the role of Customs in natural disaster relief operations
5. World Customs Organisation, List of national legislation of countries that adopted temporary export restrictions on certain categories of critical medical supplies in response to COVID-19
6. World Health Organisation, webpage on COVID-19
7. European Commission Implementing Regulation (EU) 2020/402 of 14 March 2020 making the exportation of certain products subject to the production of an export authorisation

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