

OFFICE OF THE COMMISSIONER OF CUSTOMS (NS-I)
JAWAHARLAL NEHRU CUSTOMS HOUSE,
NHAVA SHEVA, URAN, DIST: RAIGAD, MAHARASHTRA – 400 707

F.No. S/26-Misc-1131/2016-17/Gr I/NS-I

Dated: 23.12.2016

PUBLIC NOTICE NO. 182/2016

Sub:- Procedure in respect of clearance of import FCL (Full Container Load) containers involving Participating Government Agencies (PGAs)-reg.

Attention of all Participating Government Agencies, Importers, Customs Brokers, Shipping Agents, Logistics Service Providers, CFS Custodians/Terminal Operators, Warehouse Keepers and members of the Trade is invited to the fact that in case of imported goods wherein NOC for home clearance is required from different participating government agencies like Plant Quarantine, Animal Quarantine and FSSAI, a considerable time is taken for clearance of consignments, which enhances the cost of transaction, congestion in the terminal/CFS as well as dwell time. In this regard, a meeting was held with the officers of FSSAI, Plant Quarantine and Animal Quarantine at the conference hall, JNCH on 20.12.2016 which was chaired by the Chief Commissioner of Customs, Zone-II, JNCH. During the meeting, as a measure of trade facilitation including reduction in dwell time of clearance of the imported consignments were discussed and the following was decided unanimously:

2. The importers/customs brokers have option to file Home Consumption or Warehouse Bill of Entry for clearance of imported goods as per their convenience. However, if the importer files preferably a Warehouse Bills of Entry in case of FCL container of consignments pertaining to import items wherein mandatory NOC is required from participating government agencies like FSSAI, Plant Quarantine and Animal Quarantine, he will have added advantage of speedy clearance. In case, the Single Window has not waived the requirement of NOC from the respective PGA and rather has mandated for production of NOC, the sampling will be done by the respective government agency after physical warehousing of the goods in the premises of the warehouse keeper. The sampling can also be done by PGA in CFS depending on the convenience of the PGA as well as the importer. Once the sampling has been done and examination has been carried out (if the Bill of Entry is not an RMS facilitated Bill of Entry), the out of charge will be granted for physical warehousing without waiting for NOC from the respective PGAs and the goods will be physically warehoused. As already said, the option of sampling at Warehouse is also available, the goods can be granted out of charge by the Docks Officer without waiting for sampling if importer informs that the sampling will be done in the warehouse. However, the onus will lie upon the importer/customs broker to produce NOC from the respective participating government agency at the time of ex-bonding of the goods.

3. In case, the importer/customs broker files a Bill of Entry for Home Consumption and the said Bill of Entry after assessment is mandated for production of NOC from a PGA, then the importer/customs broker would be at liberty to ask for amendment for conversion of a Home Consumption Bill of Entry into a Warehouse Bill of Entry as stipulated under section 46(5) of the Customs Act, 1962. The jurisdictional Additional Commissioner, Group would consider such requests of conversion as stipulated under section 46(5) of the Customs Act, 1962. However, this exercise can be adopted only when the duty payment has not been done by the importer.

4. In case of FCL containers containing import consignments of items requiring mandatory NOC from the respective PGAs, wherein the importer/customs broker has filed Bill of Entry for Home Consumption and wherein the requirement of NOC has not been waived by the Single Window System, the respective PGAs would draw the samples as per the existing laid down procedure. The Docks Officer would, after examination, give out of charge without waiting for NOC from the respective PGA by satisfying himself that a 'No Use Bond' has been executed by the importer and the same has been duly accepted by the Dy./Asstt. Commissioner of Customs of the concerned Group. The Proforma of the 'No Use Bond' is enclosed herewith as Annexure-I to this Public Notice. It would be incumbent upon the importer to intimate customs and concerned PGAs about the place of storage if the goods are being stored in a customs de-bonded area or in DTA. A sentence about the storage place will be incorporated in the 'No Use Bond' itself. Such FCL containers would be sealed with Customs Bottle Seal and the Docks Officer would incorporate the seal no. affixed on the container in his examination report and subsequently out of charge shall be given after satisfying all requisite parameters.

5. It is a matter of fact that grant of NOC by respective PGA is a time consuming process especially in cases where the sample needs to be tested at a laboratory located outside Mumbai and where the testing procedure itself is a time consuming one. In such scenario the time taken for clearance of the cargo i.e. dwell time increases which needs to be curtailed to increase the overall efficiency, to cut the cost and to make the imports more competitive. At the same time the strict observance and compliance is required of Allied Acts such as the Destructive Insects and Pests Act, 1914 read with Plant Quarantine (Regulation of Import into India) Order, 2003, the Livestock Importation Act, 1898 read with 'Livestock Importation (Amendment) Act', 2001 and FSS Act, 2006 and Rules and Regulations made thereunder.

6. The CFS custodians are requested to allocate some area within the CFS and to make a formal application with customs for de-notifying the same so that the out of charged FCL containers can be stored temporarily on the request of the importer/customs broker till the time NOC is received from the respective PGA. The importers would also be at liberty to take the sealed FCL containers after out of charge to a warehouse or a storage place in the domestic tariff area. However, it would be binding upon the importer as well as the customs broker to ensure that the customs seal is not tampered with and the cargo is not sold, used, consumed, transferred or dealt with in any other manner whatsoever without obtaining NOC from the respective PGA. The non-observance and non-compliance of the same would attract the legal action including penal action as stipulated in the respective Acts, Rules and Regulations of PGAs as well as the Customs Act, 1962. In case, the NOC is not granted by the concerned PGA (even after exhausting the appellate mechanism by the importer), the goods shall be brought back to the concerned CFS by the importer so that the adjudication process can be initiated and re-export/destruction of the goods can be done as required by law.

7. It may be mentioned that the participating government agencies have been following the practice of provisional NOC of cargo pending the final NOC after taking a proper bond from the importer. Therefore, the PGAs are requested to extend the scope of provisional NOC to all goods after a proper study and suitable changes in the existing procedure so that the dwell time is reduced. There may be circumstances where the importer may be asked to furnish dual 'No Use Bond' one in favour of the PGA and another in favour of the customs. However, it is emphasized that the facilitation measure being extended by this Public Notice should not be confused with any laxity in observance and compliance of the Acts, Rules, Regulations and Notifications of PGAs.

8. The active co-operation of the PGAs, CFS custodians, Warehouse Keepers, shipping lines, freight forwarders, importers, customs brokers is solicited for successful implementation of this public notice. At the same time, any difficulty being faced in this regard may be immediately brought to the notice of the undersigned so that the difficulties can be removed. All the stakeholders are, therefore, requested to assist in the Department's endeavor to curtail the dwell time and the cost of import.

Sd/-
(DR. JOHN JOSEPH)
PR. COMMISSIONER OF CUSTOMS,
NHAVA SHEVA-I, JNCH

Encl: Annexure-I

Copy to:

1. The Chief Commissioner of Customs, Mumbai Zone II, JNCH
2. The Pr. Commissioner of Customs, Nhava Sheva I, JNCH
3. The Commissioner of Customs, Nhava Sheva II, III, IV, V and General, JNCH
4. All the Additional/Joint Commissioners of Customs, JNCH
5. All the Deputy/Assistant Commissioner of Customs, JNCH
6. The Dy. Commissioner of Customs, EDI for uploading on the JNCH, Customs website
7. Bombay Custom House Agent Association
8. All PGAs
9. All CFS
10. Notice Board
11. Office copy.

Annexure-I

NO USE BOND

KNOW ALL BY THESE PRESENTS THAT M/s....., hereinafter referred to as the “IMPORTER” which impression shall unless excluded by or repugnant to the context include their heirs, executors, administrators and legal representatives hereby firmly bind ourselves unto the President of India (hereinafter referred to as the Government) to pay on demand and without demur Rs. (the value of the goods) to the Commissioner of Customs, JNCH, Nhava Sheva hereinafter called the “Commissioner” which expression shall include the person for the time being performing the duties of the Commissioner of Customs, JNCH, Nhava Sheva).

Sealed with our Seal with this day of

The Deputy/Assistant Commissioner of Customs (hereinafter called the Proper Officer) has agreed to allow the clearance of the goods described in schedule mentioned below imported by the Importer pending submission of mandatory No Objection Certificate from the respective Participating Government Agencies, i.e. FSSAI, Plant Quarantine and Animal Quarantine Authorities as the case may be. And the proper officer has agreed to allow clearance of the goods pending NOC from PGA subject to the Importer binding himself to produce requisite post-clearance NOC from PGA to the satisfaction of the proper officer and upon importer agreeing to furnish such bond as is herein contained.

NOW THE CONDITIONS OF THE ABOVE BOND ARE SUCH THAT:

1. If the importer observes the relevant rules concerning the PGAs and does not tamper with customs seal affixed on the FCL container and further the cargo contained therein is not sold, used, consumed, transferred or dealt with in any other manner without obtaining NOC from the respective PGA and subsequently,
2. If the importer produces the NOC from concerned PGA to the proper officer in respect of the goods mentioned in the schedule and,
3. If the importer indemnifies the Customs Department for any loss arising out of any dispute in the matter of NOC from PGA and,
4. The importer informs Customs about place of storage and binds himself as much as that in any situation wherein he decides or requires to shift the cargo to any other place, he will arrange to inform the Customs and concerned PGA Authorities about the new place of storage with complete address and telephone no within 24 hours and,
5. Importer shall provide smooth and unhindered access to various agencies of Customs and Concerned PGAs who can at any time verify that customs seals have not been tampered with,

THEN THE ABOVE WRITTEN BOND SHALL BE VOID & OF NO EFFECT OTHERWISE THE SAME SHALL REMAIN IN FULL FORCE AND VIRTUE.

1. This bond is given under the orders of the Central Government for performance of an Act in which the public are interested.
2. The President through the Deputy/Asst. Commissioner of Customs, Mumbai or other officer may recover the amount due in the manner laid down in sub-section 142 of the Customs Act, 1962, without prejudice to any other mode of recovery.

SCHEDULE OF GOODS

1. Bill of Entry No. & Date:
2. Bill of Lading no.:
3. Container No.:

4. Name of the Vessel:
5. Description of goods:
6. Country of origin:
7. Quantity:
8. Assessable Value:
9. Complete Address of Place of Storage:

Witness:

1. _____
2. _____

(Signature of Importer)