



OFFICE OF COMMISSIONER OF CUSTOMS NS- IV
JAWAHAR LAL NEHRU CUSTOM HOUSE, NHAVA SHEVA
TAL: URAN, DIST. RAIGAD, MAHARASHTRA-400707

F.No. S/12-Gen-82/2015-16 AM(X)

Date: 28.07.2017

PUBLIC NOTICE NO. 97/2017

Sub: Detailed guidelines for re-testing of samples - reg.

Attention of all the importers, Exporters, Customs Brokers, and other stake holders is invited to the guidelines communicated by Board Circular No. 30/2017-Cus dated 18.07.2017 on the above subject (*Detailed guidelines for re-testing of samples*).

2. In order to have uniformity in approach among the field formations with regard to re-testing of samples, the following procedure is prescribed by the Board:

- a) Customs officers may draw the samples from import consignments for testing, wherever needed. The results of all test reports, adverse or otherwise, is communicated to the importer or his authorized representative/ Customs Broker immediately on its receipt.
- b) In case the importer or his agent intends to request the jurisdictional Additional/ Joint Commissioner of Customs for a re-rest, the same shall be made in writing to the said officer within a period of **ten days** from the receipt of the communication of the test results of the first test. Customs officers **will** take a reasoned view in case the importer or his authorized representative Customs Broker is unable to do so for reasons beyond his control.
- c) Where the Additional/Joint Commissioner of Customs grants an opportunity for a second test, he will clearly indicate in writing the name and address of the laboratory/ institution where the second test can be carried out. Such referral for re-testing will be made only after being reasonably sure that the desired re-testing facilities exist at the laboratory/ institution.
- d) Re-test would be made **only on the remnants of the samples originally tested or on duplicate representative sealed samples** in the custody of the Customs. Further, to avoid delays, samples for second tests will be marked as "**immediate**" before sending to the laboratory. In a case, it may so happen that fresh samples have to be drawn, then such sampling would be done in the presence of the importer or his representative/customs broker.

- e) The requests for re-test of samples on the ground that the original sample was not representative would be entertained **only if the consignment is still in Customs control**. At the time of drawing the samples, the importer or his representative shall be present and certify that the samples drawn are representative.
- f) The competent authority will consider the results of the re-test without prejudice to the results of the first test. In case there is a variation in the results of the first test and the re-test, the competent authority will take the decision relying upon either of the tests specifying the grounds in writing for the decision so taken. In case the competent authority is unable to decide whether to rely upon the first or the re-test results, then it may order a **second re-test** provided the consignment is still within the customs control. However, this option will not be resorted to in every case of variation between the first test and re-test results.
- g) The facility of re-testing, is a trade facilitation measure, which, generally, will not be denied in the ordinary course. However, there might arise circumstances where the customs officer is constrained to deny the re-testing facility. However, such denial would be occasional and on reasonable grounds to be recorded in writing.
- h) Where the re-testing procedure is done at the instance of the department instead of the importer, the above procedure will be followed mutatis mutandis.
3. Difficulty, if any may also be brought to the notice of Deputy / Assistant Commissioner in charge of either:
- Appraising Main (Import) through email / phones (email address: appraisingmain.jnch@gov.in, Phone No : 022-27244979, 27244980); or
 - Appraising Main (Export) through email / phones (email address: apmainexp@jawaharcustoms.gov.in , Phone No : 022-27244959,).
4. The earlier Public Notices issued in this regard stands amended to the above extent. Action to be taken in terms of decisions taken in this Public Notice should be considered as standing order for the purpose of officers and staff.

Sd/-

(SUBHASH AGRAWAL)

Commissioner of Customs (NS-IV).

Copy to:

1. The Chief Commissioner of Customs, Mumbai Zone-II, JNCH.

2. The Commissioner of Customs, NS-G/ NS-I/ NS-II / NS-III/ NS-IV / NS-V, JNCH.
3. All Additional / Joint Commissioner of Customs, JNCH.
4. All Deputy / Assistant Commissioner of Customs, JNCH.
5. All Sections / Groups of NS-G, NS-I, NS-II / NS-III/ NS-IV / NS-V, JNCH.
6. Representative of BCBA / FIEO for information and circulation among their members for information.
7. AC/DC, EDI for uploading on JNCH website immediately