



OFFICE OF THE COMMISSIONER OF CUSTOMS, NS- I
JAWAHARLAL NEHRU CUSTOM HOUSE, NHAVA SHEVA,
TAL: URAN, DIST: RAIGAD, MAHARASHTRA-400 707.

F. No. S/22-Gen-402/2017-18 AM (I) Pt.I

Dated: 03.08.2020

STANDING ORDER NO. 20/2020

Sub: Implementation of Phase II of the Faceless Assessment- regarding.

Attention of all the officers and staff of JNCH is drawn to Board's Circular No. 34/2020-Cus dated 30.07.2020 which is to be read with CBIC Circular No. 28/2020- Customs dated 05.06.2020 and Notification No. 50/2020- Cus(NT) 05.06.2020 and JNCH Public Notice No. 95/2020, 96/2020 dated 31.07.2020.

2. In pursuance of Board's Circular 34/2020 - Customs dated 30.07.20, the phase II of faceless assessment for Chapter-29 in Mumbai I/II/III Customs zones will begin on 03.08.2020. Board's Instruction no 09/2020 - Customs dated 05.06.20 has elaborated the procedure to be followed.

3. Detailed instructions/Procedures have been issued vide Public Notice cum Standing Order No.-96/2020 dated 31.07.2020.

4. For ease of reference, workflow of the bill of entry in Faceless Assessment Group (FAG) is attached as annexure A and B.

5. The procedure to be followed in ICES remains the same as was followed in the pilots for faceless assessment.

6. Since locations in Mumbai zones become part of the faceless assessment for CTH 29 of Indian Tariff Act for the first time, different facts of it in ICES are detailed below:

6.1. Site and Role allocation: For faceless assessment group (FAG), new roles have been created in ICES – VAO (for the appraiser of the FAG) and VDC (for the AC/DC of the FAG). Officers from the select sites have been nominated by order for the faceless assessment group. For Mumbai Zones, the sites with Faceless Assessment Group are INBOM1, INBOM4 and INNSA1 for Group 2A. Respective System Managers will allot VAO and VDC roles to the nominated officers at these sites. The group allocation for these officers can also be done from AND role like it is done for other appraising roles.

6.2. Functionalities in VAO and VDC Roles – The functionalities are similar to the existing APR and ACL roles. Query can be raised by faceless group, can be replied to online through icagate, and amendments too can be filed online. Amendments filed before the assessment is complete will also come to the FAG officers for approval. Facility of eSanchit can be used for submission of all the relevant supporting documents. Functionalities other than assessment like Section 48 approval, Single Window Recall, Bond Management, OOC Cancellation etc. will continue to be with the port of Import only and will not be available in these new roles.

6.3. Administrator Role: Additionally, a role VDN has been created which will be allotted to the JC/ADC in-charge of FAG. The option to push a Bill of Entry from FAG to Port of Import in exceptional circumstances as given in the Board's Instructions is also available with the VDN role. The option to recall a Bill of Entry from FAG to the Port of Import is available in the ADN role at the Port of Import. Both, the recall as well as push functionalities should be used only in exceptional scenarios and with due approval of the respective JC/ADC or (Pr) Commissioner as explained in the Instructions. Further, the facility to reallocate BEs from one officer to another officer is available in the VDN role.

6.4. Examination: As elaborated in the Instructions, the faceless BEs after first check examination will come back to the FAG only for completion of assessment. However, any recall or reassessment after Second Check assessment will be done only at the port of Import. It has been noticed during the pilot run that the BEs are marked by the Examination officers at the Port of Import incorrectly to the Assessment Groups at times. The examination officers are required to note that First Check BEs of Faceless assessment groups may be marked back only to VAO/VDC after examination with detailed examination report to effectively assist the FAG in assessment. Similarly, if any BE is to be sent back after second check examination, the same may be marked only to the assessment group at the Port of Import, i.e. APR as provided in instructions.

7. Monitoring: Pendency reports and dashboards have been made available in the COM role for the commissioners to monitor pendency and processing of Bills of Entry assigned by the System to the FAG under their jurisdiction. A virtual dashboard is also provided where status of BEs pertaining to their jurisdiction but assigned to FAG at any port can be seen. Status reports are available in VDN and VDC roles also for the FAG officers to take action accordingly.

7.1. As per para 5.1 of the Instruction No. 9/2020 dated 05.06.2020, the responsibilities of the Nodal Commissioners, in relation to bills of entry dealt with by a particular Faceless Assessment Group, will include the following:

- I Monitor the assessment practice for uniformity of classification, valuation, exemption benefit and compliance with import policy conditions;
- II Ensure that best assessment practices are followed, taking into account international practices;
- III Study audit objections and take corrective actions with regard to assessments, wherever necessary and provide inputs to the concerned ports of import;
- IV Analyse the RMS facilitated bills of entry pertaining to Chapters falling under their purview and advise the DGARM regarding possible interventions or review of risk parameters;
- V Liaise with Principal Commissioner/Commissioner of Customs at ports of import with regard to interpretational issues pertaining to classification, valuation, scope of exemption notifications and trade policy conditions;
- VI Interact with their sectoral trade and industry for inputs, as well as to resolve their issues relating to assessment;
- VII Function as a knowledge hub or repository for that particular Chapter(s);
- VIII Examine the orders/appellate orders in relation to assessment practices pertaining to commodities assigned to each Faceless Assessment Group and provide inputs to the Commissionerates for reviewing of such orders so that uniformity of assessment orders could

7.2. It is to be noted that the Faceless Assessment Groups are required to develop as expert groups and eventually as National Assessment Centers. Hence the FAG has to pool up the knowledge and make a repository of all the information relating to the assessment of goods under the particular Chapter. Accordingly, the following instructions are issued to the officers posted in Faceless Assessment Group in Mumbai Customs Zone-II:

- i. A virtual dashboard has been provided to the Commissioner and all senior officers of CBIC to monitor and expedite clearance of bills of entry by the FAG. All the officers working in FAG are expected to quickly assess the bills of entry. Detailed reasons for keeping the assessment pending beyond live hours is expected to be furnished by the ADC/JC in charge to the Commissioner on a daily basis.
- ii. Total compliance to the RMS instructions appearing on the screen of FAG officers is expected. The instructions cannot be ignored by the officers, wherever, the RMS instructions are not related to the imported goods in a bill of entry, the same shall be recorded in the BE and also in a register and a periodic report shall be submitted to the Commissioner.
- iii. Description of the item imported is the key for proper assessment of the commodity. PAG officers shall ensure that the item imported is properly declared along with full details about it to ensure proper classification and eligibility for notification benefit. Complete details about the product including capacity/ratings of imported goods alongwith specific brand name etc should be declared. These are just indicative aspects of a description and officers shall encourage importers and Customs Brokers to properly declare every item in the Bill of entry in consonance with the CTH, end use and the exemption notification claimed, if any. Officers shall keep track of all such instances where in the descriptions are falling short of the requirements and report the same for issuing a monthly bulletin advising the importer and Customs brokers to provide complete descriptions in the future, failing which necessary action can be initiated against them under the Custom Act, 1962.
- iv. The officers shall study the present assessment practice concerning major commodities in the Groups being imported at customs station and being assessed by them as FAG Officers, and ensure uniformity in classification, valuation, exemption benefit, and compliance with import policy conditions. The FAG Officers shall make use of WCO Explanatory Notes, Classification decisions. Classification Opinions available on WCOs open source website.
- v. The Group has to list out the demands raised under Section 28 against an importer for a product under FAG by DRI or any other agency apart from audit objections on classification, exemptions, etc relating to the goods covered under the group during the last five years and ensure that the assessment is done after considering the precedents contained in the said cases/audit objections.
- vi. The FAG has to maintain the Valuation Circulars issued by DGOV in respect of goods covered under the Groups and ensure the valuation in line with the alerts issued in this regard. Access to NIDB should be taken by FAG officers and resort to verification of valuation and classification of an imported product in the national import database.
- vii. The FAGs are also required to analyse the orders/appellate orders, case laws/decisions relating to classifications, exemptions and valuation issues in respect of the goods covered under the groups and ensure application of such case laws which have attained finality for uniformity and consistency. Administration shall provide dedicated Excus package to FAG officers.
- viii. FAG should list out all antidumping duty notifications of the Chapter for ready reference and update it periodically. Every Bill of entry sent by RMS for verification shall be scrutinized keeping in mind the anti-dumping notifications applicable and ensure that the product

- description, COO/COE and the transport documents are not mis declared to avoid anti-dumping duties.
- ix. The information mentioned at clause ii to vi should be kept in soft copies as a resource for reference by all FAG officers. This knowledge base shall be shared periodically with FAGs of corresponding groups at Mumbai Customs Zone-I, II and III, through the Commissioner.
 - x. The FAG should not routinely resort to return the Bill of Entry to Port Assessment Groups in terms of para No. 5.3.2 of Instruction No. 9/2020 dated 05.06.2020. In every case a Bill of Entry has to be returned to PAG, the same shall be done with due approval of Addl./Joint Commissioner in file bringing out the reasons for resorting to para no. 5.3.2.1. (a) and (c). In respect of any other exceptional circumstances due approval of Commissioner shall be taken before returning the bill to PAG.
 - xi. A fortnightly report of all such cases where the assessment is referred to PAGs by FAG is to be furnished together with reasons for each Bill of Entry to the Commissioner.
 - xii. FAGs are required to examine the documents uploaded in e-Sanchit properly and may ask for further documents by raising a query in the system. FAG may also raise a query to the importer concerning classification, exemption, or valuation. However, routine queries and piecemeal queries should be avoided. A query should be specific, unambiguous and genuine.
 - xiii. FAG officers may order first check examination to ascertain the classification, exemption claimed, or for any other reason. But as far as practicable first check examination be avoided. Specific instructions shall be given for examination in the second check procedure specifying that if the goods are not conforming to parameters ordered for examination, the shed may mark the Bill of Entry back to FAG. Wherever testing is required for assessment, FAG shall give complete details of parameters to be checked in the examination order so as to enable the shed officers in preparation of appropriate test memo.
 - xiv. Wherever the FAG does not agree with the self-assessment made by the importer, the same may be intimated to the importer by electronic mode and consent of the importer for re-assessment is obtained. If the importer does not agree with the proposed re-assessment, an opportunity shall be given for hearing in the virtual mode as per the Board's instructions vide F.No. 390//Misc/3/2019-1C dated 27.04.2020. A speaking order has to be issued by the FAG within 15 days in terms of Section 17(5) of Customs Act, 1962.
 - xv. The Speaking order orders issued by the FAG shall be subject to review in terms of Section 129D (2) of the Customs Act, 1962. The review section of the office of Commissionerate shall process every order passed by the FAG for decision by the competent authority. If a decision is taken to file an appeal against such speaking order, then the FAG has to file and pursue such appeal, if any, by FAG before the Commissioner (Appeal) having jurisdiction over the port of Import. All subsequent follow up of the dispute shall be under the purview of FAG.
 - xvi. FAG in Mumbai Customs Zone-II shall create a @gov.in mail id for the FAG Group for all communication. Strict compliance to para 5.1 of the instructions no 09/2020 dated 05/06/2020 in respect of exchange of communication is expected.
 - xvii. All communication with the other nodal Commissionerates shall be done with the approval of the Commissioner.
 - xviii. FAG shall report all such cases in which the self-assessment of the bills of entry was changed by the officers. A fortnightly report on all such cases shall be submitted to the Commissioner for onward communication with all Jurisdictional Port Commissioners and DGARM for further necessary action to insert possible interdiction.
 - xix. FAG has to maintain a Register in the form specified in Annexure-C, date wise and to furnish reports as mentioned thereunder to the Commissioner in respect of Sl. No. 2, 7 and 8 as per the format specified in Annexure C.

8. Faceless Assessment Group consisting of Appraisers/Superintendents and Assistant Commissioner/Deputy Commissioner and other concerned should comply with the above directions and those in the Board's Instruction No. 09/2020-Customs dated 05.06.2020. In case of any inconsistency between this Standing Order and the Instruction No. 09/2020-Cus dated 05.06.2020, the Instruction No. 09/2020-Cus dated 05.06.2020 shall prevail.

9. Difficulty, if any, faced in implementation of the said Standing Order may be brought to the notice of the Addl. /Joint Commissioner (Appraising Main (Import)) through email on appraisingmain.jnch@gov.in.


3.8.2020
(Sunil Kumar Mall)

Commissioner of Customs (NS-I)

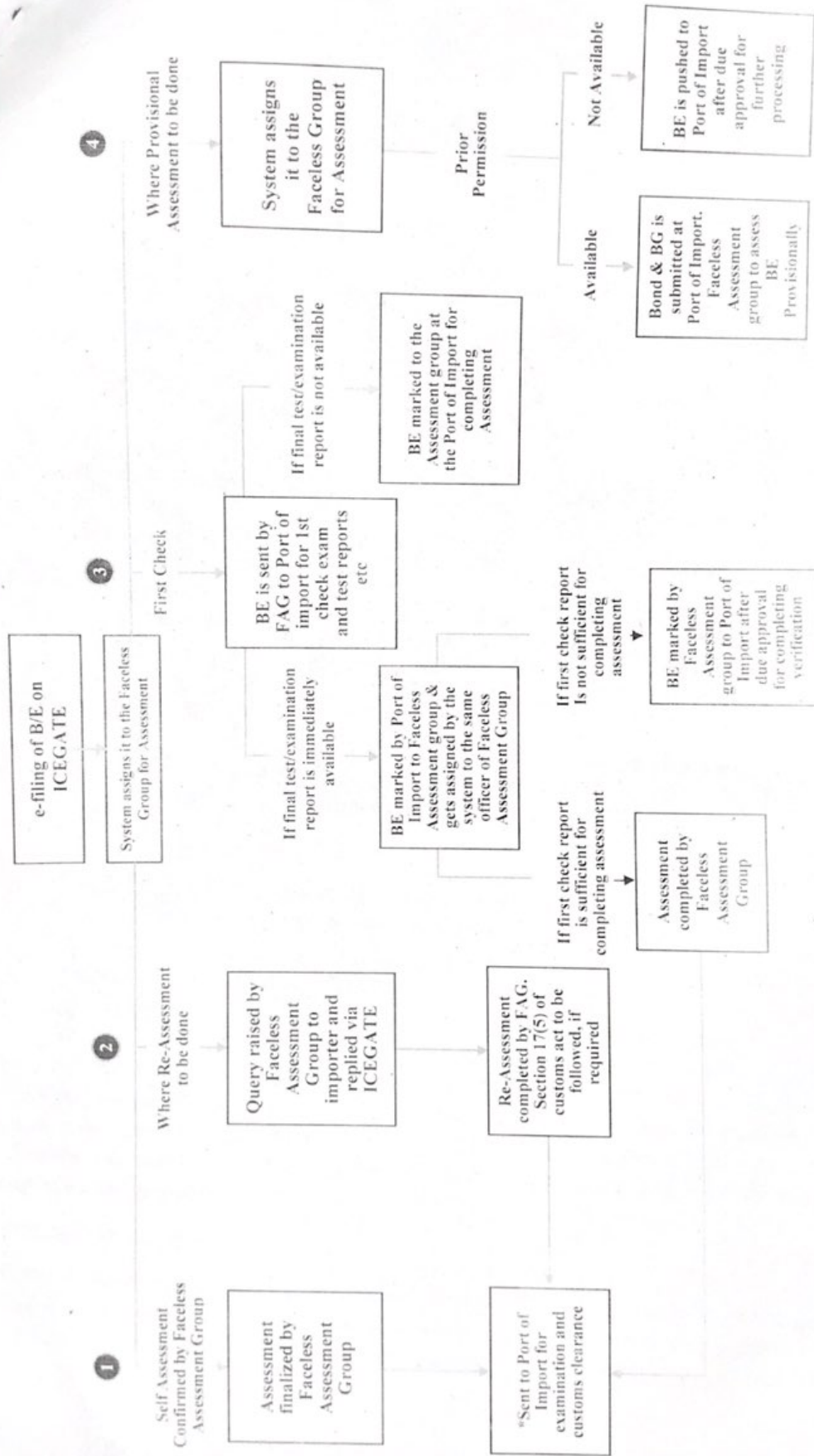
Copy to:

1. The Chief Commissioner of Customs, Mumbai Zone-II, JNCH.
2. The Commissioner of Customs, NS-G/II, NS-I/Audit, NS-III and NS-V, JNCH.
3. All Additional/Joint Commissioners of Customs, JNCH.
4. All Deputy/Assistant Commissioners of Customs, JNCH.
5. All Sections / Groups/FAG of NS-G, NS-I, NS-II /NS-III/NS- Audit/NS-V, JNCH.
6. AC/DC, EDI for uploading on JNCH website immediately.

Annexure-A

Sl. No.	Scenario	Work-Flow
1.	First Check	Approved for First Check by Faceless Assessment Groups, goes to local shed (Port Verification Unit) for examination, comes back to Faceless Assessment Group for assessment.
2.	Provisional Assessment	Where prior permission is available, Faceless Assessment Group to assess it. Bond and BG to be registered at local port of import. If no prior permission, BE to be sent to port of import for assessment.
3.	Reassessment for valuation	Either through query and consent. Or in case First Check is given for valuation by CE etc., then like case 1.
4.	Reassessment for Classification where testing is required	If ordered by Faceless Assessment Group as first check, then test memo to be sent by port of import and send back the BE to Faceless Assessment Group with test report. Alternately, can be sent to port of import for provisional assessment
5.	First check but for provisional assessment	Approved for 1st Check by Faceless Assessment Group but assessment cannot be finalised by Faceless Assessment Group for want of further inputs/ test reports. To be sent to port of import for provisional assessment.

Annexure B



* Any re-filing or assessment of BE after this stage will be dealt with at Port of Import Page 13 of 34

Annexure-C

Table- Form of Register to be maintained date wise.

Date:

S.No.	Description	Chapter-29
1.	No. of BEs assessed by FAG	
2.	No. of BEs in which the assessment is modified by FAG	
3.	No. of BEs in 2 above in which the importer agreed with re-assessment by FAG.	
4.	No. of BEs in which speaking order is issued/under process	
5.	No. of BEs in which query raised by FAG	
6.	No. of BEs ordered for first check	
7.	No. of BEs in which RMS instructions are not relevant	
8.	No. of BEs returned to Port Assessment Groups by FAG	

- In respect of Sl. No. 2, List of BEs together with issue in brief to be furnished fortnightly to Commissioner together with remarks whether interdictions to be inserted in RMS as per following format.

Sr. No.	BE No. and Date	Port of Import	Issue in brief for which assessment was modified	Suggested interdiction in RMS
1.				

- In respect of Sl. No. 5 and 6, concerned ADC/JC, Mumbai Customs Zone-II, to review all BES and reasons for query/first check on a fortnightly basis.
- In respect of Sl. No. 7, fortnightly report along with details of each BE and issue in brief to be submitted to Commissioner as follows:-

Sr. No.	BE No. and Date	Port of Import	RMS instructions are not relevant
1.			

- In respect of Sl. No. 8, fortnightly report along with details of each BE and issue in brief to be submitted to Commissioner as follows:-

Sr. No.	BE No. and Date	Port of Import	Reasons for which the BE is returned to PAG	Remarks
1.				