

OFFICE OF THE COMMISSIONER OF CUSTOMS, NS-III
MUMBAI CUSTOMS ZONE-II
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TAL:- URAN, DIST : RAIGAD. PIN – 400 707.

F. No. S/22-Gen-402/2017-18/DPD/JNCH

Dated 18.04.2018

PUBLIC NOTICE NO. 63/2018

Subject: - Mechanism for drawal of representative samples in respect of DPD FCL containers from Terminals involving sampling by Customs or Participating Government Agencies (PGAs), operationalising "on-wheel sampling area for DPD FCL containers" -Reg.

Attention of the Importers, Exporters, General Trade, Port Terminal Operators, Shipping Lines / Shipping Agents, CFSs coming under the jurisdiction of JNCH, Nhava Sheva and all other stakeholders is invited to the Public Notice No 182/2016, dated 23.12.2016, 23/2017, dated 01.03.2017, 41/2017, dated 24.03.2017, 111/2017 dated 29.08.2017, Public Notice 156/2017 dated 15.12.2017 and various other decisions communicated through Standing Orders / Public Notices issued from time in relation to Direct Port Delivery.

2. At present clearance of many consignments is subjected to requirement of NOC from different participating government agencies like FSSAI, Animal Quarantine, Plant Quarantine, Regional Fertiliser Control Laboratory (RFCL) etc. For the purpose of NOC, samples are required to be drawn. Trade has been repeatedly raising the issues like:

- i. Container needs to shifted to CFS/warehouse only for the purpose of sampling, though facilitated for clearance without examination by Customs.
- ii. Considerable time is being taken by PGAs and other authorities for drawing samples and final release/clearance of said consignments, which increases the cost of transaction, besides increasing the dwell time.

3. In case of DPD FCL containers, containing import consignment of items requiring mandatory NOC from the respective PGAs, wherein the requirement of NOC has not been waived by the Single Window System, the respective PGAs draw the samples as per the existing laid down procedure. As per the existing system, the consignments are required to move from Port Terminals to preferred CFS/warehouse for drawal of samples from such DPD FCL. Authorized representative of PGA draws samples from such CFSs/warehouse and subsequently issues NOC in due course of time. It is a time consuming process and it increases the dwell time which needs to be curtailed to increase the overall efficiency and to reduce time and cost.

4. Members from trade & industries on many occasions have represented to Customs for devising some mechanism for DPD clients so that samples can be drawn from DPD FCL from Terminals only, so that time and cost involved in moving the containers from Terminal to CFS/warehouse only for the purpose of drawal of samples can be saved. This matter has been taken up with all the Terminal Operators and they were requested to notify separate area within Terminals, wherein sampling can be done by the Customs/PGAs, as the case may be, in respect of DPD FCL consignments.

5. Now, one of the Terminal operators, NSICT (M/s DP World) has demarcated "on-wheel sampling area for DPD FCL containers", wherein samples can be drawn by the Customs / PGAs and subsequently the containers can be allowed to move from Port to desired destination as per convenience of the Importer. In due course, GTI, JNPT and BMCT are expected to create similar facilities in their respective Terminals. Till then, NSICT Terminal (M/s DP World) have expressed their willingness to allow use of this facility created by them in NSICT Terminal for use by DPD FCL containers (requiring sampling) imported and cleared from GTI & JNPCT. This facility will be available during normal working hours on all working days. However, the same is likely to be extended on 24X7 basis depending upon the response of the trade.

6. "Test bond" can be furnished either as continuity bond or separate bond for each consignment. In both situations bond would be furnished to Out of Charge officer for acceptance. The further procedure would be as under –

(i) Facilitated Bill Of Entry routed through Assessing Group: In case, the Bill of Entry, for which the Test Bond is given, is facilitated through RMS for 'No Examination' but Bill of Entry is routed through Assessing Group, the Group officer shall follow the procedure of "test bond" as per provisions of Section 18 and follow Standing Order No 65/2016, dated 15.11.2016 in regard to issue of examination order. Assessing Officer will invariably add in the examination order that the samples may be drawn by the Customs in Terminals, before clearance of the goods from Port.

Further, Assessing Group should ensure that on receipt of test report from testing agencies, such Bills of Entry is finalized on priority. Assessing Group should ensure to finalize these Bill of Entry within 15 days of receipt of test report.

(ii) Facilitated Bill Of Entry not routed through Assessing Group: In case, the Bill of Entry, for which the Test Bond is given, is facilitated through RMS for 'No assessment and No Examination', however, as per RMS/CCR/System instructions samples are required to be drawn for testing, Importer/CB shall approach the Assessing officer with a request to recall the Bill of Entry to follow procedure mentioned in 6(i).

7. In order to operationalise "on-wheel sampling area" inside NSICT Terminal", following procedure is being prescribed for drawal of samples:- (**Requirement/SOP of Terminal as per Annexure 'A' of this Public Notice**)

In respect of samples being drawn by Customs (test in DyCC Laboratory or by Textile Committee or any other agency as may be authorised / notified from time to time)

(A) For Importer/Customs Broker:-

- DPD importers will continue to follow Public Notice 110/2017 & PN 36/2018 for advance intimation / one-time intimation to Shipping line as per standard practice.
- For sampling inside the Terminal, DPD Importers have to inform the Terminal Operator **M/s DP World at 9819964632, email id – cs@dpworld.com,**

crm.nsict@dpworld.com in advance (at least 24 hours before expected arrival of vessel) with a copy to Customs [Boarding office contact 022- 27241270, email address - boardingofficejnch@gmail.com] that sampling from their DPD FCL consignment is required to be done in Terminal only.

- In this intimation, importer/customs broker will share the details of their representative who will be present at the time of sampling activities. These details will be used to allow terminal to issue one day pass to such authorized person.
- DPD importers have to obtain Delivery Order in advance.
- DPD importers have to pay all the charges/dues including on-wheel sampling charges raised by the Terminal operator before sending the trailer inside the Terminal. For this purpose, other than standard charges fixed by the Port Terminal, an extra charge for on wheel sampling is required to be paid as per following rates (till further revision)-

On wheel activities per container (regardless of size)	- Rs. 600/-
Seal Cutting Charge (regardless of size)	- Rs. 200/-
Re-sealing charge	- Rs. 100/-

- The authorised representative of Importer/Customs Broker to remain present during sampling & re-sealing of container.
- Importer/Customs Broker will co-ordinate with concerned Group for finalization of Bill of Entry based on test report obtained from testing agencies within 15 days of receipt of test report.

(B) For Terminal Operator

On receipt of request from the DPD client that sampling is to be done in Terminal, the concerned Terminal Operator have to –

- intimate the date and time to DPD Importer by email (copy to Customs at the email address as indicated above)
- raise invoice in advance inclusive of on wheel sampling charge.
- once all the charges of the terminal are paid by the Importer, Terminal to allow provisional release to tailor engaged for evacuation / pick up of DPD container
- to provide one-day entry pass to Importer/CB representative for facilitating sampling at port sampling area. Terminal will issue pass to only those persons, whose details have been shared by the Importer/CHA.
- to take the container to "on-wheel sampling area" inside NSICT Terminal" at the earliest (preferably either on the date of arrival of vessel or next day)
- arrange to provide seal cutting to those containers wherein sampling is to be carried out
- after sampling procedure and once Out of Charge is given, terminal to grant final release to that trailer/vehicle engaged by Importer for evacuation of container from terminal.

(C) For OOC Officer posted at Sampling Area (Boarding Officer)

- Boarding Officer linked to Sampling Area will draw samples from such "DPD/ RMS FCL consignment" in proper form and manner, get it sealed and will arrange to send the samples to "Central Sample Cell / DyCC or Textile Committee Laboratory or the other concerned laboratory, as the case may be, on daily basis. They will endorse on hard copy of OOC copy that sampling has been done.
- Regarding sending sealed samples, OOC officer should ensure that DyCC samples are sent on same day. Samples meant for Textile Committee will be forwarded as per present practice. For other agency, procedure presently being followed at CFSs will be continued to be followed for delivering the samples to such agencies / laboratories.
- Boarding Officer shall give out of charge with comments in the EDI system that "Sampling has been done and representative sealed samples are being forwarded to the concerned agency".

8. Presently, this facility of "on wheel sampling" is made available to (i) Representative sealed samples required to be sent to Textile Committee and (ii) Representative sealed samples required to be tested by DYCC during working hours only. Also containers containing commodity of heterogeneous nature are not covered under this facility.

9. In case of any difficulty, the specific issue may be brought to the notice of Deputy/Assistant Commissioner in charge of DPD Cell, NS-III (email address: dpd.amijnch@gmail.com) or NSICT Personal at 9819964632, email id – cs@dpworld.com, crm.nsict@dpworld.com (issues relating to Terminal) or Boarding Officer 022- 27241270, email address - boardingofficejnch@gmail.com(issues relating sampling).

10. 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.

11. This Public Notice will come into effect from 25th April 2018.

Sd/-

(SUBHASH AGRAWAL)

Commissioner of Customs (NS-III).

Copy to:

1. The Chief Commissioner of Customs, Mumbai Zone-II, JNCH.
2. The Commissioner of Customs, NS-G/ NS-I/ NS-II / NS-IV / NS-V, JNCH.
3. All Additional / Joint Commissioners 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. All Terminal operators, Representative of BCBA / FIEO for information and circulation among their members for information.
7. AC/DC, EDI for uploading on JNCH website immediately

Annexure – 'A'

1. The Trade will send an email to **cs@dpworld.com** (24x7 manned work station, barring public holidays) with a CC copy to **crm.nsict@dpworld.com**, the Subject header shall be **"DPD-OWE-SAMPLING REQUEST – IEC#, Importer Name, CHA Name as on BEO"**. The Trade members are requested to ensure complete information sought in the provided format annexed.
2. The Terminal for the specific purposes of the one-day gate pass shall send a link to the customer and the customer will be required to fill in the application form on line. The Terminal shall approve such requests following the standard security checks and controls in place, however the finalisation of the One Day Gate pass shall be done as per existing rules by CISF personnel.
3. Terminals will revert back over email with the gate pass link within maximum period of **6 (Six) working hours** (Public Holidays excluded 26th January , 15th August, 2nd October).
4. Terminal will provide authorised Seal Cutter for cutting and re-sealing of bottle seals. Re-Sealing the container with a Terminal bottle seal post withdrawal of Samples, the Terminal will levy a container re-Sealing charge as per applicable Tariff. Charges applicable for sampling and sealing are mentioned above.
5. The customer on the appointed date and time is requested to approach the Terminal in their LMV following all rules and regulations of Workplace Safety as enforced by the Terminal. The LMV shall be parked exclusively at the LMV parking area near the NSICT Administration building. LMV's are PROHIBITED inside the Terminal yard and in the Sampling area.
6. The Customer shall approach the 24x7 Terminal Customer Care desks with a copy of the BE, Shipping Line Delivery order, and obtain a manual entry slip for entering into the sampling area.
7. The Customer is required to follow the demarcated and designated Pedestrian path to reach the designated sampling area, and remain at all times confined for the sake of Safety to all, within the designated area. Unauthorised access to any other area of the Terminal is PROHIBITED.
8. The Customer shall show the manual sampling yard entry slip to the Guard posted at the Yard-Administration building pedestrian access gate and then shall be allowed into the sampling area.
9. The Terminal assumes that the container doors are amenable to be easily and effortlessly opened/closed by manual means. In case terminal has to arrange required labour/cargo handling equipment for opening/closing of containers, trade will be billed on spot and the amount is to be paid for by

the customer at the time. The charges for such activities shall be priced on a case specific basis depending on resources and time needed.

10. The Terminal shall provide a Ramp which shall comfortably dock on the ETV container door side, and the sampling activity will be performed using the provided ramp.
11. The Terminal appointed Seal Cutter shall cut the seal on directions of the Customs Officer posted for on wheel sampling activity.
12. Once the Samples are drawn, the Terminal Seal Cutter shall immediately seal the container after closing its doors using a Terminal bottle seal.
13. Post-sampling and after obtaining OOC, Customer will move to the DP World CS office to provide the OOC copy duly endorsed with "On wheel sampling done" remark. DP World CS will issue a release pass. Customer to carry the release pass back to the Sampling area and hand it over to the DPW personnel. DPW personnel will endorse the In Gate Receipt with the changed seal number and endorse the release pass as accomplished to the customer. The customer to then leave the Terminal premise
14. HSE compliance Trade – The Trade is requested to follow, adhere and honour the Personal Protective Equipment norms of the Terminal when at the sampling area. Trade is expected to ensure its people visiting the Terminal wear in the minimum a Hard Hat, High Visibility Jackets and Safety Shoes. The Terminal shall summarily prohibit entry of personnel to its premise if they are found not complying to this basic minimum PPE regulation.
15. The sampling activities will be carried out during working hours from 0930 hrs to 1730 hrs. To ensure smooth operations the Sampling gate cut off for ETV entry at 1630 hours.
