

**OFFICE OF THE CHIEF COMMISSIONER OF CUSTOMS MUMBAI ZONE-II
JAWAHARLALNEHRU CUSTOM HOUSE, NHAVASHEVA
URAN, RAIGADH DISTRICT, MAHARASHTRA-400707.**

File No.S/ 22 ♦ Gen -116 / 2008 AM

Date:21.04.2009

STANDING ORDER No. 17/2009.
(Referred / amended vide S.O.No. 10/2010, 06/2011)

Subject: Procedure for drawal of samples and testing.

The volume of import/export trade has expanded over the last few years and consequently the samples which need to be sent for test increased considerably. Considering importance of systematic drawal of samples, and getting them tested expeditiously, to reduce time lag, and transaction costs, it is desirable that testing is done by Customs laboratories situated in Mumbai. Although Customs labs have the expertise, due to absence of necessary test equipment or facility, it is not possible to conduct certain tests. In some cases, Allied acts also require mandatory testing of certification agencies.♦

2.♦♦♦♦♦♦♦♦ In order to have uniformity in approach for laboratory testing, a committee consisting of representatives of the three Custom Houses viz. Jawaharlal Nehru Custom House (JNCH), New Custom House, Air Cargo Complex and representatives of three Customs laboratories at Mumbai(JCH, NCH, Sahar ACC) was set up to recommend the testing laboratories for various category of tests and procedure to be followed.♦ The Committee consulted the Allied testing agencies ,and various other testing laboratories for identifying alternative Government laboratories or Private NABL Accredited Laboratories situated in Mumbai, where the samples may be referred for testing. The details of facilities available for testing of various commodities in the Customs (DYCC) labs of JNCH/NCH, the alternative Governments laboratories or Private NABL Accredited Laboratories identified by the Committee are given in the ♦**Annexure-I.**

2.1 ♦♦♦♦♦ Detailed instructions on drawal of samples for inspection, examination or test, reasons for drawing,testing of samples, procedure for drawing & dispatch of samples by shed♦ staff, writing and maintenance of Test

Reports etc. are given in the **◆Appraising Manual**, and relevant parts are reproduced on the Intranet of JNCH. All the officers are advised to go through these instructions.

2.2.◆◆◆◆◆ The following procedure is further prescribed for sampling of import and export goods, storage of samples, arranging for tests, recording of test reports and related matters at Jawaharlal Nehru Custom House with a view to facilitating the process.◆ The new procedure will be effective from **1st May 2009.** ◆◆*In order to avoid transition time holdup and delay of clearance of consignments due to sudden discontinuation in reliance on various existing local non NABL accredited laboratories , the existing practice of relying on the local laboratories shall be continued till 15 th July 2009, before which time these labs need to get themselves NABL accredited, failing which they shall be discontinued automatically.]*

3.◆◆◆◆◆◆◆◆◆◆ SAMPLING DURING IMPORT:◆◆◆◆ The samples need be drawn in the import/ export wherever the revenue implications are high, and in case of doubtful declaration by importer/ exporter, or where verification of item description or specification is needed. Normally wherever there is test report available for the same commodity with reference to the same supplier and the same importer, unless there is a reason for doubt, a previous test report which is less than 6 months old can be relied upon. If the imported goods are accompanied by manufacturer◆s invoice, and manufacturer◆s test report or test report of an accredited testing lab in the country of export of the goods, the goods may be released without a test bond. Subject to these conditions, a few situations wherein the samples are required to be sent for test are described below:

3.1◆◆◆◆◆◆◆◆ In case of Vegetable oils (Edible grade), testing is done in terms of CBEC circular 40/2001.◆ In case of non-edible grade vegetable oils viz crude palm styrene & Palm fatty acid distillates, wherever customs duty concession is available subject to fulfillment of procedure under Customs (import of goods at concessional rate of duty for manufacture of excisable goods) Rules 1996, the procedure is inbuilt under these rules to ensure enduse

of the vegetable oil by the actual user manufacturers; so the testing is not mandatory. In case of doubt, the inhouse test results of User manufacturer may be relied upon. For rest of the cases, having no end use condition, testing should be done. Metals in ash or dross form are to be tested to verify the presence of any hazardous waste such as water soluble compounds of lead, copper, zinc, chromium, nickel, selenium, barium, and antimony. In case of fuel oil, furnace oil, sludge oil, used oil, tests are conducted to know whether it is waste oil which is banned in terms of CBEC circulars 60/97 date 12.11.97,106/2000 date 22.12.2000, read with circular No 33/01 date 4.6.2001 which fixed the parameters for testing. In case of base oil/TOBS, as value differs for different grades, samples are tested for different grades. Further, several waste materials are to be tested for the purposes of Hazardous Waste Management Rules 2008. In case of coal, samples are tested to ascertain whether it is coking or non coking coal. In case of ethyl alcohol, it is tested to ascertain whether it is of potable grade or industrial grade and to ascertain the alcoholic strength by volume . In case of stearic acid, testing is needed to ascertain the classification whether under CTH 2915 or under 3823, as percentage of purity is the determinant factor. In case of chemicals and other bulk cargo in tankers, samples are drawn for confirming the description. As vitrified tiles from china attract antidumping duty, samples are tested to ascertain whether vitrified or not. Due to the import restriction and cap value, artificial marble is tested. Textiles are tested for verifying the hazardous dyes, and with reference to CBEC circular 23/04 date 15.4.2004

4. SAMPLING DURING EXPORT: The normal conditions of sample drawal while export are follows: (i) Wherever the drawback amount is less than ten thousand rupees, sample need not be drawn. (ii)Wherever the drawback amount per shipping bill is between ten thousand rupees and one lakh rupees, and goods are of generic nature but brand rate is prescribed for individual exporter, samples may be drawn once in six months, and in case where export is under brand name of manufacturer and in respect of which brand rate has been prescribed, sample may be drawn once in a year subject to surprise element (iii) Wherever the drawback amount per shipping bill is between ten thousand rupees and one lakh rupees and drawback is based on certain specification or content of a material which cannot be ascertained by visual inspection ,the sample need be drawn from every

consignment .However sample may be drawn once in six months, if previous test report which is less than six months old or from an accredited lab (See Annexure I) is provided.◆ (iv) Where the drawback amount per shipping bill is more than one lakh rupees, sample need be drawn in all cases where admissibility of drawback cannot be decided on the basis of visual inspection of goods, subject to the periodical facilitation measures for the exports, where only specified percentage of consignments are only taken up by the Risk Management System (RMS) for physical examination.

In case of manufacturer exporters who have in house test facilities, samples may not be drawn but in house test results may be relied upon for logging of DEEC export book, as well as verification of credit under the Pass Book scheme, and grant of draw back, provided the in house test facility of the manufacturer exporter are approved by ISI/CSIR/Ministry of Science and Technology or the nodal ministry , or the manufacturer exporter has been awarded ISO 9002 certification, or has been awarded the GMP(Good manufacturing practices) certificate by concerned Drug Controller. In such cases exporter would have to enclose a copy of the in house test certificate with the shipping bill.

In case of manufacturer exporters, where the samples of export product have earlier been drawn by Central Excise authority and test results of the same are available, these test results can be relied upon for purpose of exports under export promotion schemes viz., DEEC, DEPB, Drawback schemes etc, provided such test reports bring out the technical characteristics of the inputs as required to be ascertained under the said schemes. In such cases manufacturer exporters would be required to obtain a copy of the test result duly certified by the jurisdictional central excise supdt, and submit the same along with the factory examination report of the export consignment. The test results obtained from the Central Excise laboratories shall be valid for six months from the date of their issue, for the purpose of waiving of the drawal of the samples under the export promotion schemes. However , the Customs officer would have the right to draw the samples by surprise, go in for a detailed verification/ testing etc., without assigning any reason whatsoever subject to the approval of the Asstt. Commissioner concerned. In case of Export promotion schemes,

under each license book, the first import, export, and in between only for random verification, samples need be drawn for test.

5.0. ◆◆◆◆◆ SAMPLING PROCEDURE:

◆◆◆◆◆ In order to streamline the procedure for drawal and forwarding of the samples for testing and recording of test reports, the following guidelines are issued. However, it is once again emphasized that all the instructions contained in Appraising manual as regards the manner of drawal of samples, sealing etc. and CBEC instructions, other instructions specific to an issue also should be strictly followed.

5.1 ◆◆◆◆◆ Procedure for requisitioning of samples:

(i). ◆◆◆◆◆ Wherever Assessing Officer feels that the samples are required to be drawn for testing due to requirement of policy or otherwise, the Assessing officer will forward the Test Memo duly signed by him indicating the requisite queries therein. The test memo module is available on the intranet in case of Import, and in EDI module in case of Export, which shall be filled in by the Appraiser or Supdt. concerned.

(ii). ◆◆◆◆◆ In cases where the Docks Officer is unable to identify the goods, he will make a reference of the same to the Assessing Officer and the Assessing Officer would then forward the Test Memo duly signed by him indicating the requisite details therein.

(iii). ◆◆◆◆◆ The details of all such Test Memos shall be entered in the Sample Test register to be maintained in the Group in the following format :

Proforma of sample register to be maintained in the Appraising Group:

o	SSN	B/E No. and date	Name of Importer	A No	CH	Date of Test Memo	Name of the Lab.	Date of receipt of Test report	Whether duplicate or remnant sample required. If so, date of intimation to central	Signature of Sign of A. O.
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							sample cell	

(iv). The samples need to be sent for test, preferably to the local Customs laboratory, and wherever local customs lab is not in a position to do the required test, other suitable Govt laboratories or private accredited laboratory may be chosen by the Assessing group, out of the list specified in Annexure I. The Assistant Commissioner, in charge of the assessing group may choose any laboratory based on the specific situation.

(v). The Assessing Officer will review the Test Memo Register every fortnight and shall send the details of Test Memos to the Customs Lab for which Test reports have not been received within three days. Further, details of Test Memos for which reports are pending for over a week shall be submitted to Additional Commissioner in charge of the Group for taking up directly with the laboratory in charge. For outside laboratories, the monitoring shall be done by the Central Sample Cell.

(vi). In case of export, the officer examining the goods , who has drawn the sample, shall maintain the record in the export Shed/ CFS sample register as below at para 5.4.

5.2. Central Sample Cell: A Central Sample Cell (CSC) headed by a Supdt. is established with the responsibility to collect the samples, their storage, arranging for tests and feeding test reports on EDI and intranet. The CSC will be under the charge of AC/P(G) for logistics purposes and will be under the overall supervision and control of Additional Commissioner (Import Docks) for supervision and monitoring.

5.3. The sample collection, storage, collection of test reports, dissemination of the data of test reports etc is to be monitored by Central

Sample cell located at **CFS Distripark Limited, Dronagiri** and any other CFS identified for the purpose with the approval of Commissioner (Imports). It will be manned by Customs staff under the charge of Addl. Commissioner (Import Docks). All the samples for which the Customs labs in Mumbai are unable to conduct the specific test sought, shall be forwarded by the Central sample cell, to the laboratories indicated in the **Annexure I**, as decided by the Asstt. Commissioner of the assessing group. The samples shall be sent to the other laboratory positively on next working day. In cases where the Customs Lab is unable to test even one of the queries sought in the test memo, the sample should be sent to the Lab where all the tests can be handled, so as to avoid delay. These decisions could be taken by the Supdt in charge of Central Sample Cell on the basis of the past database or in consultation with the Asstt. Commissioner of Assessing Group. As and when Customs Labs acquire the equipment / infrastructure to conduct such tests, the Jt director of the Customs Lab shall circulate the details of new tests which can be carried out, to the assessing groups and Central sample cell, so that those samples can be sent to Customs Lab.

Only the samples which need to be tested for the customs purposes, including of the samples to be tested by textile committee are to be handled by the Central Sample Cell. The sample collection and storage for the purposes of the Allied agencies (Drug Controller, PHO etc.) shall continue to be handled by the respective agencies only. The officers of the Central Sample cell shall collect the details of the charges levied by the outside laboratories for various tests from time to time and publish on the Notice Board for reference by the importers/CHAs. The Importer/ CHA need to ensure timely deposit of the test charges with the outside laboratories and handover one xerox copy of challan to the Central Sample Cell, so that the test report could be collected from the Testing agency by the Sample Collection officer. All the outside testing laboratories including the textile committee reports shall be collected only by the Customs officer, and the reports should not be handed over to the trade directly.

5.4 Procedure for drawal of samples:

(i). On receipt of request for sample from the Assessing group, the docks staff would physically draw the representative samples sought, in duplicate, in the presence of the CHA / authorized representative of the importer/exporter. The minimum quantity of the sample required for the test is indicated at **Annexure II**. The officers are advised to draw the sample accordingly, and to refrain from excessive sampling. The sample covers/packages should bear all relevant details viz., the Bill of Entry/Shipping Bill number, Importer/Exporter name, description of the goods, CHA name, etc., along with the manufacturer's trade label. Technical literature, if any found in the consignment should also be attached along with the test memo. Thereafter, the samples shall be sealed in the presence of authorized representative and signatures obtained of CHA / the authorized representative of importer/ exporter on the covers/packages. The samples along with test memo should be sent to the Central Sampling Cell (CSC).

(ii). The Test Memo forwarded by the Shed (docks) Assessing Officer will also be endorsed with the details of the seal number with which the samples were sealed. On receipt of the sample with test memo, the officer in charge of examination shall feed the details in the test module available on the intranet/EDI. The sealed samples would be handled only by the customs staff and shall be transported / forwarded as per the procedure prescribed for the same.

(iii). The details of all such Test Memos and samples should also be entered in the CFS Sample Test register to be maintained in every Container Freight Station in the following format. The concerned Appraiser/Superintendent/Examiner posted at the CFS under whose supervision, the sample was drawn will ensure that these details are entered in EDI/intranet test module as also in the CFS Sample Register. He should also ensure proper storage of the samples, till they are deposited with the Central Sample Cell.

Proforma of register to be maintained in CFSs:

S. No.	B/E No./S.B No. and date	Name of Importer/ Exporter	CHA No.	Appg Group's ref No,date of Test Memo	Date of drawl of sample	Date of forwarding of samples and initials of the recipient	Sign of A.O. /E.O.
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5.5 Procedure for collection and storage of samples :

(i) A team comprising of One Preventive Officer and two sepoys will be deputed for collection and transportation of samples from various CFSs every morning.

(ii) After the samples are drawn in duplicate, the details of the same shall be entered in the Sample Test Register maintained at each CFS. Both set of samples shall be handed over to the officer deputed for collection and transportation of samples from various CFSs, after acknowledgement of receipt of the samples by signature of collection officer in the CFS sample register.

(iii) All the samples collected by the team will be collated and entered in the Central Sample register, maintained for this purpose, in Central Sample Cell, in the following proforma. One set of sealed samples should be stored in the Central sample cell, datewise. The other set shall be forwarded for the test. Care should be taken that seals of the samples are intact. The import/export samples shall be stored separately.

Proforma of register to be maintained at Central Sample Cell:

S. No.	B/E No./ S.B.NO, date	Name of Importer/ Exporter	Appg Group ref No, date of Test Memo	Name of CFS&Date of drawl of sample	Date of receipt of sample in Central Sample Cell	Name of the laboratory to which sample forwarded for testing	Date of receipt of Test Report	Date of forwarding of Test Report to Group	Location of duplicate sample/remnant sample	Disposal details of remnant /duplicate sample	signature
1	2	3	4	5	6	7	8	9	10	11	12

(iv) The sample register will be computerized in due course with search and related facilities. The EDI Section shall develop a suitable software for this purpose and install it within six months.

5.6 Procedure for testing of samples at Customs Labs, Outside Labs:

(i). The samples which are to be tested by the Customs lab, shall be handed over under acknowledgement, by afternoon. The details of all the samples received by the Customs lab shall be entered in the Customs Lab Sample Register, as per the proforma below. Separate registers shall be maintained for import / export samples. The head of the laboratory shall ensure that the tests are conducted within 2 days, and result handed over to the officers of Central Sample Cell.

Proforma of Register to be maintained at Customs Laboratory:

Sr.	SS	B/E No./ S.B.No. and date	Name of Importer/Exporter	Appg Group's ref No, date of Test Memo	Date of drawl of sample	Date of receipt of sample in DYCC	Name of the laboratory to which sample suggested to be forwarded for testing, if not tested in house	Date of receipt of Test Report	Date of forwarding of Test Report and Remnant samples to Central sample cell	Signature

(ii). The samples to be tested by outside laboratories will be indicated by the Appraising Group in the test memo itself. On that basis the team deputed for collection of samples will deliver all such samples to the specified laboratories under proper acknowledgement. They will also collect the test reports from such laboratories in respect of the samples delivered on the previous day(s). The test reports, on receipt, shall be entered in the Central Sample Cell register and forwarded to the Appraising Groups/Assessing sections of export promotion schemes under acknowledgement, on the same day or next working day. The Customs Labs reports along with remnant sample shall also be collected only by the officers of Central sample cell, who on updating

their records, shall forward the test report to the Appraising Groups/Assessing sections on the same day or following day.

(iii). A designated officer authorized by the Jt. Director and posted in Customs Lab shall feed the test reports in respect of samples tested by the Customs laboratory in the Samples test module on intranet/ EDI, so that the assessing group can have an immediate access to it. The hardcopies of the test memos, on receipt shall be kept in box files serially numbered by the concerned assessing group and the details cross checked with the date on EDI or intranet. In case of test reports received from outside laboratories, staff posted in the Central sample cell shall feed the test reports into the test module. Once the EDI sample test module, is fully in place, the aim is to do away with physical dispatch of test reports from one section to other, and to keep them as centralized records only in Central sample cell. This system can be introduced after review of the procedure, at a later stage.

(iv). The Supdt , Central sample cell, shall review the samples sent for test and reports received, and reconcile the statement every fortnight, and submit a monthly reconciliation statement, pointing the delays if any, to the Addl. Commnr (Import Docks), by 5th working day of each month. The Addl. Commissioner (Import Docks) will take up pending cases with the laboratories concerned for updating the test reports. He shall also submit a monthly report to Commissioner (Imports) or Commissioner (Exports) as the case may be with regard to samples pertaining to their charge by 10th of the following month.

(v). All the test samples which are mandatorily to be tested by Allied agencies viz, Asst Drug controller, Plant Quarantine Authority, Public Health Authority, Wild Life Authority, etc. shall be handled by themselves as per their stipulated procedure. However the allied agencies shall coordinate their examination such that the customs examination and their examination can happen simultaneously to avoid double destuffing and restuffing of the Cargo. The Allied agencies may give their reports in a sealed cover addressed to the Supdt (Central sample cell) through the authorized representative of the importer/ exporter. In cases where the allied agencies prefer sampling by Customs, they may give a general authorization in writing to the Commissioner (Imports) or Commissioner (Exports), as the case may be, who shall be

authorizing the Central Sample Cell to collect and deliver the samples which shall be acknowledged by the agency concerned.◆ The Commissioner (Imports)/ (Exports) will also issue instructions for drawal of such samples by the Examining Officer and their subsequent disposal based on the acknowledgement from the agency concerned.◆ The procedure presently followed for sampling and testing by Allied Agencies is described at◆ **Annexure- III.**

6.◆◆ DISPOSAL OF REMNANT AND DUPLICATE SAMPLES:

Normally samples need be retained for only six months, however wherever provisional assessment is done, or the matter is under investigation by any investigation agency having bearing on the test report, the samples need be retained for longer period. In case of advance license scheme, the samples need be retained, until logging is completed. In case of Hazardous waste, the samples need be retained for two years. The efforts should be to expedite the disposal of the remnant samples and duplicate samples, after receipt of the test reports, and finalizing the test bonds. If the test reports are not contradicting the descriptions, or no retest is sought by the Assessing group / importer, exporter, the disposal of the remnant and duplicate sample should be done immediately after six months.◆◆ After obtaining NOC from Assessment Group/ Assessing section of export promotion schemes, Central Sample Cell may return the duplicate/remnant samples to the importer / exporter concerned.◆ All unclaimed samples shall be destroyed by Central sample cell by following the prescribed procedure in Appraising Manual or other instructions issued from time to time.◆ The Appg. Groups should everymonth review status of the samples sent for test and reports received and convey details of samples to be retained beyond six months to the Central Sample Cell.◆ For this purpose, the Supdt. in charge of Central Sample Cell shall send a list of samples pending beyond six months to all Appraising Groups who shall respond within 7 days.◆ Addl. Commissioner (Import Docks) shall review the position of remnant/duplicate samples every month and pass orders on their further disposal/destruction in consultation with the assessing group concerned.◆

**(N. SASIDHARAN)
CHIEF COMMISSIONER OF CUSTOMS**

Encl.: **◆** As above.

Issued from F.No.S/43-61/2008(P)JNCH.

To

All the Concerned Officers,

Copy to:-

1. The Commissioner of Customs, Imports/Exports , JNCH, Sheva.
2. The Director, C.R.C.L.
3. The Director General of Valuation, DGRI, DG(Systems) & DG/CEI, Mumbai.
4. The Chief Commissioner of Customs Mumbai I, III **◆** Mumbai.
5. All Addl./Jt. Commissioner of Customs (Imports/Exports),JNCH, Sheva, Jt. Director (CRCL), JNCH, Sheva, NCH.
6. All Dy../Asstt. Commissioner of Customs, JNCH, Sheva.
7. Office copy.
8. Web site.

Annexure **◆III**

SAMPLING AND TESTING PROCEDURE BY ALLIED AGENCIES

a) **◆◆◆◆◆◆◆◆ ASSISTANT DRUG CONTROLLER : (ADC **◆**s)** Office is situated at Speedy CFS, J N Port, Nhava sheva, Tel No. 27242698, Fax No. 27240139. **◆** On prior appointment with the Importer/ CHA, shall draw the samples in presence of the Customs Officer. **◆** The representative of the ADC on perusal of the labels on the inner and outer packages, shall give their observation on the hard copy of the Bill of entry with their official stamp, after allocating a specific serial number for each bill of entry in the register maintained for such purpose in their office, and reflecting such serial number on the bill of entry.

b) PORT HEALTH OFFICER(PHO)s Office is situated at Sector 3, JNPT Township, Building No A/ 7, Road No 6, Sheva, Tel No. 2724 2592, Mobile No. 9819952472, Email : radhikarajamani04@gmail.com It works 9 am to 6 pm, on six days week. The Importer/ CHA shall take the appointment of the PHO on previous day, or on same day before 1230 Hrs, based on which the PHO shall be visiting the various examination centres and shall draw the samples themselves in presence of the Customs Officials. The samples shall be forwarded for test by PHO staff on same day or the following day. The test reports shall be handed over by the PHO staff to the office of the Asst Commnr (Docks) concerned on the following day, apart from the endorsement on the hard copy of the Bill of entry, available with the Importer/ CHA. The endorsements shall show the reference number of the test samples in the PHO master test register maintained for this purpose. The PHO shall conduct two rounds of visits to the examination centres everyday, one in forenoon, and another round at about 3.30 PM, so as to coincide with the Customs examination timings, and to avoid delay.

c) ANIMAL QUARANTINE AND CERTIFICATION SERVICE is provided by Quarantine Officer (WR), Animal Quarantine and Certification Station, Koper Khairane, Sector 11, Near Balaji Garden, Navi Mumbai 400 709 , Tel No 27552021, Mob 9324557391, 9892563721, Fax 27552021, email: quarantineofficer@vsnl.net, website : [http:// dahd.nic.in](http://dahd.nic.in).The importer/ CHA need to take prior appointment and submit the requisite documentation. The documentation may include, copy of license issued by DGFT, if any, copy of sanitary import permit issued by Dept of Animal husbandry, copy of veterinary certificate from official Veterinarian of the Exporting country as per conditions mentioned in the attached health requirement with the license or permit, vaccination record of the animals, undertaking in original allowing the post import quarantine work, copy of invoice, Bill of entry. It shall be the responsibility of the Importer/ CHA to take necessary permission from Customs or ensure presence

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of Customs Officers to open, and to repack, load, unload, bring the livestock product to concerned AQCS station or to the place of inspection.

d) DIRECTORATE OF PLANT PROTECTION, QUARANTINE AND STORAGE, Regional Plant Quarantine Station, Haji Bunder Road, Sewri,

Mumbai 400015, Tel No 23757459, Fax. 23748548, email : rpqfstm@nic.in website : www.plantquarantineindia.org ,with an office at Speedy CFS, Nhava Sheva, are authorized to implement various provisions and regulations issued under section 3 of The Destructive Insect & Pest Act, 1914 (DIP Act). This is with a view to regulating the import of plant and plant materials to prevent any inadvertent entry and establishment of pests associated with imported plants, plant materials. This would require testing of all plants, plant products viz, seeds, tissue cultures, saplings, live plants, grains of cereals & pulses, cutflower, fresh fruits and vegetables, fibre crops, medicinal herbs etc. On prior appointment by the Importer/ CHA, samples are drawn and collected by Plant quarantine officials after inspection of the consignments, and after verification of duly filled in application form PQ15, import permit if any, phytosanitary certificate, Bill of entry, bill of lading etc, as per the standard operating procedure for sampling .The fees collected is as per schedule IX of the Plant quarantine (Regulation of import into India) Order 2003.

e) WILD LIFE REGIONAL OFFICE under Ministry of Environment and Forests have their Mumbai Office at 11, Air Cargo Complex, Sahar, Mumbai 400099 and at 501 B, A wing, New CGO complex, Near RBI, Belapur, Navi Mumbai, Tel No. 26828184,Email : rddwr@vsnl.com, website: <http://www.cites-indiawest.org>. They receive applications from the Importers/ CHA between 1000 am to 1200 Hrs on Wednesday and Friday. After receiving of application, entry is made in registers maintained for this purpose in their office.

f) TEXTILES COMMITTEE Textile committee laboratory and Research Centre are situated at R Balu Road, Prabhadevi chowk, Prabhadevi, Mumbai 400025, Tel No. 66527500,66527550, Fax 66527554,66527509, Email: tclab@bom7.vsnl.net.in. The tests on textile samples are done in terms of public notice number 12(RE-2001)/1997 -2002 date 3/05/2001. The average sample size required is metre by full width of fabric .If any pattern made of yarns of different fibres are present, the sample should contain at least two repeat patterns .In case of yarn, the sample should not be entangled, and if linear density,tenacity etc. need to be tested, the sample need to be in form of a package. For dye content, the duration of test is two working days, and for other parameters, time taken for test is upto 3 working days. The testing of the samples shall be done by the Textile Committee as per the guidelines / instructions agreed upon by them in their memorandum dated

13/11/2003 issued from File No. TC / LAB ♦ CUSTOMS / 2003 and submitted by them to the Customs.

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ANNEXURE 2

INSTRUCTIONS OF THE APPRAISING MANUAL AS REGARDS PROCEDURE OF DRAWAL , TESTING OF THE SAMPLES.

1. Call for sample - general principles :

♦(i)♦♦ In order to decide the classification of some goods or for ascertaining their value or for any other purposes of the Customs Act 1962, samples of the goods have to be drawn either for inspection or testing. The Customs Officer's powers for drawal of samples and their disposal are covered section 144 of the Customs Act, 1962. Whether samples should be drawn for inspection or testing before

classifying the goods or valuing them, is assessing officer's discretion under section 17(1) & (2) of the customs Act, 1962.

(ii) When the Asst Commissioner. or Appraiser considers that the test of any sample is necessary, he will forward the sample with the requisite memo duly filled up by the clerk and countersigned by the Appraiser, to the chemical examiner under his signature in the usual manner.

(iii) Samples of dyes, which have not either been already tested within the specified period or which are not already included in the standard test, shall be similarly tested at the instance of the Appraiser and Asst. Commnr. concerned.

(iv) When the amount of duty involved is large, the scrutinising Appraiser should consult the A.C. concerned, regarding any special arrangements desirable to ensure that representative and uncontaminated samples are drawn and are protected against tampering or substitution. The Appraiser should discuss such cases with the Asstt. Commissioner, unless they are covered by general order.

(v) It is of utmost importance that samples should be dealt with in such a way that tampering or substitution can not pass undetected. Officer concerned should take all reasonable precautions against such tampering or substitution, and officers receiving samples should examine them closely that the seals are not tampered to satisfy themselves that the samples they receive are the samples actually drawn by the examining officers.

2. Reasons for Testing of Samples :

To determine whether duty is chargeable under the tariff heading and the rate of duty claimed or under some other heading of the tariff at a higher rate, and for checking permissibility of import/export as to whether the licence produced or claimed for coverage under freely permissible for import/ export etc. is acceptable or not.

3. Drawing of Samples, avoidance of Delay-Instruction Reg.:



To avoid delays and safeguarding revenue, it should be ensured that samples, where necessary, are drawn with utmost promptitude and that follow-up action is taken without any loss of time.



◆◆◆◆ Procedure for Drawing & Dispatch of Samples by Shed staff



◆◆◆◆◆◆◆◆◆◆ (i) ◆ All examining officers, including Appraisers / Superintendents will pay particular attention to the drawing and sealing of samples. It is of utmost importance that all samples drawn should be kept in the control and under the supervision of the examining/appraising officer, from the time when they are drawn and till they are sealed. After samples have been drawn, the examining officer should not hand them over to importer's representative or the clearing agents, for taking them to the office for the purpose of sealing. When the samples drawn are small in size, the officer should himself carry them to the sectional office or the same may be handed over, either to a peon accompanying the examining officer or to the importer's representative or to the clearing agents to be carried under examiner's escort to the sectional office for sealing. But the examining officer should, in these cases keep a constant watch and vigil to prevent substitution. Under no circumstances should samples other than those of large size, which are not easy to be substituted, be made over to the importer's representatives or to the clearing agents, before they are properly sealed with customs seals. While sealing the sample, the examining officer should ensure that no chance of substitution is afforded to the importers during transit from the shed to the sectional office. If he has the slightest doubt, fresh sample should be drawn. The examining officer, while reporting on the Bill of Entry/Test Memo should mention the seal number with which the samples are sealed and samples should always be sealed with the sectional seals.



◆◆◆◆◆◆◆◆◆◆ (ii) ◆◆ Each examining officer will be provided with lead seal with an identification serial number and wire with which he would seal such samples. If he cannot carry the samples then he will seal them immediately after drawing and will hand over to the respective parties for carrying to the shed appraiser's office. Odd size

(vi) Where it is found necessary to send samples in bottles or metal containers, it should first be seen that such containers are perfectly clean.

5. Some specified commodities and procedure to Draw samples :

(i) Procedure for drawl of samples of some specified commodities like poisonous drugs, irritant and narcotics substances, paper samples, liquid samples, chemical samples, cargos like betelnuts , food colours , transformer oil , ferrous metals and their scrap etc. is detailed in para 6.18 of the Appraising Manual.

6. Laboratory Test Reports - sanctity and maintenance of :

(i) Samples will be sent for test to the laboratory along with a test memo in form C.B.R. Customs-149(copy at Annexure 3), in which the chemical examiner's report also will be entered.

(ii) The section which sends the sample must ensure entering of the description of sample, price, ship's name, manufacturer's name, importer's name, Bill of entry or other number etc. to enable the sample being connected with a consignment and the information which is sought from the laboratory. The sending section should not encroach on the space meant for the laboratory reports.

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◆◆◆◆◆◆◆◆◆◆ (iii) The report from the laboratory should similarly be confined to data which would assist the Appraising Department. to decide classification, assessment etc. If the chemical examiner wishes to make a recommendation regarding the classification or on other aspect, it should not be made on the test report itself, but on a separate note sheet. There are certain types of materials, where a report cannot be intelligibly worded except by indicating or implying the classification. Such cases cannot be helped. The test reports should not be loaded with figures or observations which are not likely to be of use to the Appraising Department. Test memos and reports should not be treated as note sheets. The reports must be entered on the memo by the chemist and initialed. Even when the reports are

typed, the chemist should initial them. Erasing and overwriting are forbidden. If any error has crept in, the figures or words which are erroneous should be neatly scored out and the correct figures or words entered in their place. All corrections must be initialed and dated by the chemical examiner (or other officer) who signs the report. No slips of paper carrying a report or correction should be pasted on the main document to hide or replace an old (perhaps erroneous) entry. Such practice is forbidden even if the slip of paper is signed and dated both by the chemist and the chemical examiner.

(iv) If a report is irretrievably spoilt, the laboratory should call for a fresh test memo properly written up from the sending section and make the report on this fresh test memo.

(v) Test reports must be copied by a clerk into a laboratory register maintained for the purpose. Before copying the reports, he must make sure that there are no unattested corrections. If there are any, he should bring them to the notice of the chemical examiner. Each report entered in the laboratory register must be initialed by the chemist concerned, in token of its correctness. If any mistake has been made in copying the report, the correction should be initialed by the chemical examiner. This is necessary as the registers serve as permanent bound office copies of the reports.

(vi) If an appraiser or other officer who handles a test report for the first time after receipt from the laboratory notices any unattested corrections in the report, he must bring the fact to the notice of the chemical examiner through the head of the section. Special care should be taken by the test section to ensure that original test reports issued by the laboratory are not lost or misplaced.

7. Test memos writing & signature on :

(i) One test memo should not contain more than one sample to be tested in the custom house laboratory. The test section, Appraising deptt. should also keep note of the above instructions. All test memos should be signed by the Appraisers themselves before sending samples to laboratory for testing.

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◆◆◆◆◆◆◆◆ (ii) In sending articles of a poisonous or dangerous nature for test to chemical examiner, if Appraiser comes to know such nature through technical literature, if any made available by the trade to him, must prominently mark "poisonous" or

"dangerous" as the case may be. Appraiser should pay special attention to this, as absence of such marking may lead to serious accident in the laboratory.

(iii) When two or more samples drawn from the same consignment are sent to the chemical examiner for test, they must be entered in separate test memos in one sheet and balance in the continuing sheets, and when samples are sent at different intervals of time and the second samples are sent under another test memo such memo should have a serial number different from that of the first memo to which ,efforts should be made to provide a cross reference for guidance, .

(iv) Where a sample is marked for "immediate" attention of, and report by the chemical examiner, the request should be initialed by the Asstt. Commissioner of the group concerned.

(v) It should be noted that the chemical laboratory is not expected to indicate any tariff item that would be applicable to the sample tested. As a general principle, queries on the test memos need to pertain only to composition and descriptions of the goods and any other details that may be necessary for determining the classification and admissibility under license .The assessing officers, at the various levels, should not ask the deputy chief chemist/chemical examiner, to give the tariff classification, but should put the proper query enabling the laboratory to carry out tests required for determining the classifications. When technical opinions regarding classification are obtained from the deputy chief chemist/chemical examiner, these should neither be made available to the party nor should they state that their assessment is based on such opinions.

8. Dispatch of samples from docks and jetties :

(i) In order to reduce the delay in dispatch of samples from the docks and jetties to the laboratory for test, M.T.O should ensure that the custom house vehicle starts from custom houses on scheduled time on every working day for collection of samples from the various sections in the docks. An officer should accompany the vehicle for collecting and escorting the samples from the sectional offices in the docks. Each section in the docks and jetties should maintain a register in token of dispatch of samples.

(ii) The escorting officer will have to check the seal and the samples at the time of their collection and ensure that they are delivered intact to the laboratory, who will also check these.

(iii) Other documents, such as duplicate bill of entry connected with the consignment from which samples are drawn, shall be forwarded by the dock and jetty staff directly to the group unit concerned in the transit book or by hand of the importer or clearing agent's clerk as the case may be, after making note thereon, regarding drawal of samples and dispatch to the laboratory.

9. Sample-time for submission at the custom house :

Samples which are required by the custom house for inspection or chemical test from the docks and jetties respectively, should reach the custom house before 3.50 p.m. beyond which time, group appraiser can not receive them. In cases where samples have been drawn within the stipulated times but for unavoidable reasons cannot be delivered by 3.50 p.m. the importers or clearing agents may approach the officer posted in Central Sample cell, who, if he considers that there are sufficient reasons for the delay, will recommend acceptance to the scrutinising appraisers concerned. Should samples be drawn during the last round of examination, the time should invariably be endorsed on the bill of entry by the Examining Officer.