



25 SEP 2023

सीमाशुल्क आयुक्त कार्यालय (एन. एस. -II)

OFFICE OF THE COMMISSIONER OF CUSTOMS (NS-II),

मूल्यनिरूपण मुख्य (निर्यात) APPRAISING MAIN (EXPORT)

जवाहरलाल नेहरू सीमाशुल्क भवन
Jawaharlal Nehru Custom House

**जवाहरलाल नेहरू सीमाशुल्क भवन/JAWAHARLAL NEHRU CUSTOM HOUSE,
शेवा/SHEVA,**

**तालुका/ TAL-उरण/URAN, जिला/DISTRICT- रायगड/RAIGAD, महाराष्ट्र/MAHARASHTRA-
400707, (ई-मेल/email : apmainexp@jawaharcustoms.gov.in दूरभाष/Telephone
No: 022-27242700)**

फा. सं/F.No. S/12-Gen-03/2022-23 AM(X) Pt. XVIII दिनांक /Date:- .09.2023

दिनांक 31.08.2023 को सम्पन्न 'स्थायी व्यापार सुविधा समिति' (निर्यात) की बैठक का कार्यवृत्त

MINUTES OF THE MEETING OF THE PERMANENT TRADE FACILITATION COMMITTEE

(EXPORT) AUGUST HELD ON 31.08.2023

The PTFC meeting held through physical mode on 31/08/2023 was chaired by Shri. D. S. Garbyal, Commissioner of Customs (Gen/NS-III) and attended by Shri Sonal Bajaj, Commissioner of Customs (NS-V) and Shri Sanjeev Kumar Singh, Commissioner of Customs (NS-II).

The meeting was attended by the following members/participants of the trade:

क्रमसं./ Sr. No.	नाम(सर्वश्री/सुश्री/श्रीमती) Names(S. Shri /Ms./Mrs.)	(संगठन/संघ /पदनाम) Organisation/Association	Mode of attendance in PTFC
1	Anand Bhole	HMM Shipping	Physical
2	Victor Fernandes	MANSA	Physical
3	Kalpesh J. Jadhav	YML	Physical
4	S. Srinivas	CFSAI	Physical
5	Harshwardhan Gautam	Concor Terminal JN Port	Physical
6	Manish Kumar	CSLA/MANSA	Physical
7	Sunil Vaswani	CSLA	Physical
8	Subhash Bangar	All Cargo	Physical
9	Jacob Thomas	CFSAI	Physical
10	Venkatram Narayan	CFSAI	Physical
11	Nimish Desai	WISA	Physical
12	Ashok Saini	BCBA	Physical
13	Sanjay Shingote	BCBA	Physical
14	Maruti R. Gadge	BCBA	Physical
15	R. Rajasekhar	UPL	Physical
16	Nirav C. Thakker	BCBA	Physical

17	Ganpat P. Korade	BCBA	Physical
18	Vinayak B. Aparaj	BCBA	Physical
19	Sanjeev Harale	BCBA	Physical

2. विभाग की ओर से निम्नलिखित अधिकारियों ने बैठक में भाग लिया: -

Following Officers from the department attended the meeting: -

क्रमसं./ Sr.No.	नाम(सर्वश्री/सुश्री/श्रीमती) Names(Shri/Ms./Mrs.)	पदनाम Designation
1.	Shri Prasanna V. Pattanashetti	Addl. Commissioner, Customs
2.	Smt Mamta Saini	Addl. Commissioner, Customs
3.	Shri Vaibhav Pagare	Addl. Commissioner, Customs
4.	Shri Subhash Yadav	Addl. Commissioner, Customs
5.	Shri K.K. Prasad	Addl. Commissioner, Customs
6.	Ms. Usha Nilkanth Bhojar	Joint Commissioner, Customs

EXPORT COMMISSIONERATE

4. Ms. Usha Nilkanth Bhojar, Joint Commissioner of Customs, JNCH started the discussion on the agenda points of the meeting related to the Export Commissionerate.

(I) Agenda points proposed by Brihanmumbai Custom Brokers

Association (BCBA): -

1) Challenges being faced in Examination of Containers selected by EDI System

We would like to bring to your kind notice that, as per feedback received from our members, there have been considerable delay in carrying out Examination of Factory Stuffed Containers in the Centralised Parking Plaza.

In view of endeavour of Govt, of India's Export Endeavours & N.E.E.V, we request for the following:

1.) For all Non-Facilitated S/bills, Examination and LEO should be carried out within 4-6 hours of registration of the S/Bill. A robust mechanism should be in place for tracking the queries being raised so as to ensure timely clearance. We also seek your assistance in timely redressal of grievances by the concerned nodal officer.

2.) In order to avoid damage to export cargo (particularly Perishable, Refrigerated, Pharmaceutical goods, AEO Exporters etc) which is a result of the repacking not being done as per the original packing norms, it is suggested that non-invasive examination with help of scanners be considered on urgent basis.

3.) Deployment of adequate officers for carrying out 24x7 Examination of Export Cargo on rotation basis. We seek your kind co-operation for smooth and timely clearance of Export Cargo moving thru JN Customs.

प्रतिक्रिया/Response: The Chair stated that (1) the issue will be examined and a suitable decision will be taken accordingly, (2) a proposal for such scanner already under consideration and is under progress, (3) Manpower will be increased in future as some new officers are going to join the department.

GENERAL COMMISSIONERATE

3. Shri Krishana Kumar Prasad, Additional Commissioner of Customs, JNCH started the discussion on the agenda points of the meeting related to the General Commissionerate.

I. AGENDA POINTS RAISED BY CFSAI

1) **Agenda Point :- Expediting the decision of Hold Containers withheld by various Investigating Agencies.**

As on date approx. 1331 containers of 23 member CFSS are on hold. Request for taking up with investigating agencies at the earliest in getting the permission for disposal of said containers at the earliest and release the container to Shipping Line.

प्रतिक्रिया/Response: Point closed as discussed in Import agenda points.

1. **Agenda Point :- One Time Permission for disposal of Export Longstanding goods lying in CFSs for longer period –**

Approximately close to 794 export consignments are lying uncleared in CFSs for a indefinite period.

Refer to the minutes of PTFC meeting held 04th August 2022 it has been minuted as quoted below :-

“The Chair stated that a draft Public Notice regarding guideline of disposal of Export Longstanding lying in various CFS for a long time has been sent to the Board on 25.02.2021 vide F.No.S/JNCH-D-205/2018-19 for approval, reply of the same is still awaited.” We once again request JNCH to kindly permit one time permission for expeditious disposal of export longstanding cargo.

प्रतिक्रिया/Response: The Chair stated that first, bring the matter to the notice of Export Commissionerate, then the issue will be taken up by disposal section.

2. **Agenda Point :- Issues and Challenges faced by Member CFSs in implementation of SCMTR –**

CFSAI had furnished the list of issues and challenges faced by Member CFSs(Copy enclosed) in the SCMTR implementation and sensitised the matter in PTFC and also taken this up with DG Systems and ICEGATE team. As on date the issues remain unresolved and our submission requesting JNCH to take this up with DG Systems ICEGATE for a early resolution.

प्रतिक्रिया/Response: The Chair stated that the matter will be taken up with the DG system.

3. **Agenda Point :- Expeditious Disposal of Uncleared/Unclaimed RED sanders lying with Custodians –** Approximately list of 102 containers of Red

Sanders are lying uncleared in CFSs. CFSAI had raised the issue in PTFC in the month of April 2023. In the Minutes it was recorded as below:-

“The Chair had informed that the Board has granted a fresh quota in 60 cases for disposal of said goods . Disposal of the same will be done very soon .”

Our submission requesting to provide us the list of 60 containers where the Board has granted the permission for disposal to enable our member CFSs proceed for further course of action.

प्रतिक्रिया/Response: The Chair stated that the matter will be examined and suitable directions will be given.

II. AGENDA POINTS RAISED BY IMC

1. Agenda Point :- Request for Amendment in Public Notice No.33/2017 dated 15.3.2017 and Public Notice No.77/2017 dated 21.06.2017 for DPD movement.

The Shipping Lines frequently refer to Customs Public Notice No.33/2017 dated 15.3.2017 and Public Notice No.77/2017 dated 21.06.2017, which states that the request for DPD movement to CFS nomination must be sent by the Importer jointly with his approved Custom Broker to the Forwarders and not directly to the Carriers/Shipping Lines. We request that the above mentioned Public Notices be kindly amended to enable the importer and Custom Brokers to directly intimate the shipping Lines/Carriers of their request for DPD or for their nominated CFS's, so as to avoid possibility of any lapses by the Forwarders, since all the losses are only borne by the Exim Industry. Further, once the Delivery Order has been issued by the Forwarder to the Custom Broker, the question of having it routed through the Forwarder is not understood, other than if there's some ulterior motive.

प्रतिक्रिया/Response: The agenda point will be taken up in the next PTFC meeting.

2. Agenda Point :- Issue at CFS gate that Preventive Officers at the gate of certain CFSs, leaves the premises by 10 to 10.30 p.m.

It has been brought to our notice that at certain CFS's the Preventive Officer at the gate, leaves the premises by 10 to 10.30 p.m. thereby delaying clearances and forcing the trade in the middle of night to go their home to get Lorries passed out. We request that Standing Order be issued that the Preventive office should not leave the CFS till all deliveries are completed or their shift time is completed.

प्रतिक्रिया/Response: JNCH is likely to get more newly appointed officers very soon and more officers will be deputed to resolve this issue. Till the time, bring the issue to the notice of DC/ incharge.

3. Agenda Point :- Setting up of WhatsApp group wherein the Customs and all Service providers, members of PTFC Meeting form part of the same. Since the TRS group has become non-functional.

It is regularly noticed that many issues are encountered on daily basis-

- 1) Repeated break down of EDI System.
- 2) Officers not at CFS's or their work stations, delaying examinations.
- 3) Officers are granted leave and the replacement details are not shared.
- 4) Difficulties encountered with reference to Container damage resulting in clearance being delayed

प्रतिक्रिया/Response: The Chair stated that the Whatsapp group has already been formed.

III. AGENDA POINTS RAISED BY CSLA

1) SMTP to be approved by boarding officer on weekends/holidays/after officer hours in case of non-generation of SMTP by ICEGATE system as per JNCH PN 167/2017 & 18/2017:-

In the last few months, SMTPS of many vessels were not auto generated by ICEGATE due to some technical glitches. Although there is already a public notice for alternative processes to be followed in such circumstances, The SMTPS were re-generated on the next working day only that led to delay in railing of the containers. The boarding department should be informed to re-generate SMTPS when it is not auto generated by ICEGATE, especially on holidays/weekends as guided in public notice 167/2017 & 18/2017.

प्रतिक्रिया/Response: The chair stated that take up the matter to the notice of DCPG.

2) Transshipment Process:

2A. Export / Import via transshipment through other Indian Port without going third country

– As per DG System circular 01/2018 foreign shipping lines have been allowed to do transshipment of EXIM containers from one Indian Port to Other Indian port. This is permissible in SCMT under CBEC circular 38/2018 regulation 9 (a) as sea carriers are required to file departure & arrival manifest at each port whenever cargo is loaded or discharged. Since SCMT filing is not yet functional, presently IGM of import shipments, is filed at the 1st Indian port as transshipment to other Indian port and on the basis of the TP copy approved manually by gateway customs, this shipment is loaded on another ship for import discharge at the other Indian port of call. Subsequently a new IGM is filed at this next Indian port of call with CFS/ICD details. A common SOP needs to be developed to cater this kind of transshipment requirement.

This point was discussed with Principal ADG, ICES System during a meeting at NCH Mumbai held on 11th Aug 2023. He mentioned that the existing process may be continued till SCMT message filing is successfully tested & implemented. He may further discuss this issue with the policy team to issue proper advisory to avoid any ambiguity by the customs office across the country.

JNCH is requested to continue the existing process until the SCMT message filing process is successfully tested & implemented.

In export case wherever ETP (export transshipment permit) is not applicable (especially in the case of a foreign vessel which is not registered as a coastal carrier), the EDI export general manifest is filed at the first gateway port where the shipping bill is processed and the arrival manifest is required to be filed as transshipment at the next Indian transshipment port. Since SCMT is not yet functional, the shipping line is required to file such export shipment as foreign transshipment in EDI import general manifest at the next Indian transshipment port as mentioned in CBEC circular 38/2018 under regulation 9(a). As transshipment is directly between two sea ports, there is no need of bond & bank guarantee for doing such a type of export transshipment. The final export

out of india, from an Indian transshipment port, can be done on the basis of the manual transshipment permit allowed by transshipment port customs.

On the Export Transshipment issue, ADG ICES mentioned that the necessary modification will be made in the system so that ETP could be generated without any need of bond and the existing manual filing process may be continued until SCMT message filing functionality is fully tested & implemented.

In the case of KATTUPALLI Customs who have been insisting on ETP filing at NHAVA SHEVA & MUNDRA, ADG ICES mentioned that he would discuss this issue with the CBIC Policy Team & request them to issue an advisory to all Customs locations, including KATTUPALLI Customs to follow the existing manual process till the necessary modifications are made in the system (to have ETP without any need of Bond no).

JNCH is requested to continue existing manual processes until necessary modification is made in the system to have ETP without any need of bond number and SCMT message filing functionality is fully tested & implemented.

2B. Export via transshipment through Srilanka/Bangladesh/Pakistan port without change of vessel – Export containers originated from one Indian port to be transhipped through other Indian port by travelling third country without change of vessel. In SCMTR, This kind of transshipment is allowed through designated foreign routes under regulation 9.1.a subject to filing of arrival or departure manifest as the case may be and submission of bond form. The designated foreign routes mentioned in regulation under clause 2 (f) for transshipment of coastal goods are Srilanka & Bangladesh Port only. Since EXIM shipments can not be classified as coastal goods, such export transshipment is done subject to filing of arrival & departure manifest. The manual transshipment permit is approved by the customs at Indian transshipment port and accordingly final export out of India is done. As mentioned in CBEC circular 9.1.c that whenever transshipment is done directly between two sea ports there is no need to execute bond & bank guarantee for such transshipments. CBIC is requested to clarify whether authorized carriers are required to execute a transshipment bond for form IX A,B,C or D for doing this type of transshipment which is happening in between two sea ports through foreign territories. Also it is requested to issue a SOP so that there should be a uniform process for all customs locations across the country. In the designated foreign routes countries, Pakistan too should be added, as Indian Export cargo would remain onboard the vessel at the concerned Pakistani port without the change of vessel.

On this point ADG ICES mentioned that the transshipment bond needs to be submitted at the port where SCMT registration & national container bond registration have been done. It was informed to him that the few customs locations were insisting shipping lines to execute bond at the port from where transshipment will be taking place. He stated that this issue needs to be taken up with the policy department who should issue advisory / sensitize the locations. JNCH is requested to take up this matter with the CBIC policy team to issue advisory / sensitize all customs offices across this country.

2C. Export via transshipment through Srilanka/Bangladesh port with change of vessel –

As per CBEC Circular 38/2018 clause 9 which supports DG Shipping general order 1/2018, Shipping lines are permitted to carry imported or exported

goods for foreign transshipment. As mentioned in CBEC Circular 38/2018 under regulation 9.1.c shipping lines are required to execute a continuity bond of transshipment for FORM IX A/B/C/D and subsequently the arrival / import manifest is needed to be filed at the transshipment Indian port of call, as transshipment cargo, when Indian Export cargo is landed for transshipment. The final export out of India is done on the basis of the manual transshipment permit approved by the customs department. Since this type of export shipment involves multiple handling (loading from Indian port, then temporary offloading at Sri Lanka / Bangladeshi Port and thereafter transshipment at Indian port for export to foreign port) which may require certain time duration to complete all the process, the transshipment of such export containers may require one month time duration to complete all the process as mentioned in bond format FORM IX A/B/C/D under section 9.1.c of CBEC Circular 38/2018.

Please note that the majority of the cargo to / from the East & the West coasts of India ports currently gets transshipped at foreign ports such as Colombo, Singapore or even Jebel Ali / Salalah, whereas, the same can be transshipped at Indian ports like Cochin, Nhava Sheva, Hazira, Mundra, Katapulli, etc. However please note that there is no direct viable and cost effective feeder network available between the East & the West coast ports of India. Hence the foreign transshipment of containers can only be done at Indian ports by using Colombo as one of the transshipment ports.

This will assist in enhancing transshipment volume further from Indian ports provided the bond procedure is made simple and online.

On this point ADG mentioned that this is policy level matter, The CBIC policy team only can guide and formulate any process with regard to this matter. Could JNCH kindly request CBIC to clarify about the transshipment bond required for doing Indian Transshipment with discharge of containers at third country. Also in case bond required, whether it should be an EDI bond number or manual number and whether it is required to be mentioned in the arrival & the departure manifest to be filed under SCMTR regulation by the authorized sea carrier.

Further it is requested to arrange an SOP through CBIC so that a uniform process could be adopted by all customs locations across the country.

प्रतिक्रिया/Response: The Chair stated that whatever the Transshipment has been carried out through INNSA1, the already existing practise shall be followed without any change.

IV. AGENDA POINTS RAISED BY MANSA

1) Ground Rent charges (only if applicable) on DPD-CFS boxes exiting any of DP World Nhava Sheva Terminals will be directly invoiced to end customer/ consignee from 16-June-2021. But, NSICT continue to raise invoice for DPD-CFS containers' Ground Rent to shipping lines.

2) Export Transshipment process from Nhava Sheva to Kattupalli/Chennai port:- As you are aware, in view of cabotage relaxation the Foreign Flag vessels are also allowed to carry coastal EXIM / Empty containers. The Foreign Flag vessel doesn't have a carrier Bond. The containers are loaded on the basis of Shipping Bill and subsequently EGM is filed.

As per SCMTR, there is no need of separate transshipment permission. The authorized carrier will have to file arrival & departure manifest only without

any need of transshipment bond. Further, it is very clearly mentioned in customs manual that manual transshipment permit will be allowed for foreign import transshipment case without any need of bond & bank guarantee for foreign vessel operators.

1. There should be no requirement of Carrier's bond in ETP as foreign flag vessel doesn't have a Carrier Bond.
2. ETP should be auto generated from the system as soon as shipping bills with container number is processed by the shipper/their authorized representative.
3. ETP should be auto transmitted to the concerned shipping line & gateway Customs as mentioned by the Shipper in the shipping bills.
4. Import Foreign TP (POL FOREIGN PORT, FPD FOREIGN FORT, TRANSHIPMENT PORT - NHAVA SHEVA) should be also processed electronically without any requirement of bond number. Presently manual foreign TP is allowed by the customs import noting department.
5. Present manual process (Similar to manual import foreign TP) should continue for all type of transshipment until provision for Electronic TP is made in the system.
6. The process needs to be updated to Katupalli customs as well.

Export Transshipment process implemented by JNCH for JNPT to MbPT vide Public Notice No 76/2018 dated 10-05-2018 on, "Implementation of Export Transshipment (ETP) Module for movement of export cargo from J.N.Port to gateway port in ICES-reg" PN No 10/2016-17 dated 12-09-2016 on, "Introduction of Export Transshipment Module for Movement of Export Cargo from Port to Gateway Port in ICES-regarding, and Public Notice No 47/2019 dated 21-06-2019 on, "Implementation of Export Transshipment (ETP) Module for movement of export cargo from Kolkata Port to Gateway Port in ICES-clarification", are attached for ready reference.

In view of SCMTR regulation, DG Shipping Circular & existing process of foreign import transshipment, Customs system should generate ETP document without any need of bond number and continue existing manual TP process for Import & Export transshipment until ETP process is tested & established successfully for foreign flag vessels.

You are requested to implement the Export Transshipment process from Nhava Sheva to Kattupalli/Chennai port at the earliest

प्रतिक्रिया/Response: The Chair stated that whatever the Transshipment has been carried out through INNSA1, the already existing practise shall be followed without any change.

3) Disposal of Garbage, at present, is not undertaken at night time by the Marine Department (MC & PC):-

For the vessel berthing at night and sailing early morning Shipping lines are not able to provide this service to the vessel. Even though the permission is obtained in advance from the Terminal / Customs by the Shipping Lines (actually its not a job of the Shipping Line) but the vessel berth / Sail at night time. The matter has been discussed with the Marine Dept and the Harbour Master. Also for the vessel berthing at BMCT, Shipping Lines need to obtain port passes / Tempo permission from BMCT. Actually its not the responsibility of Shipping Lines, as the Vendor is appointed by JNP Marine

Dept. Harbour Master has given assurance that he will discuss this with the Dy Conservator and will come up with a good solution.

प्रतिक्रिया/Response: The point will be discussed in the next PTFC meeting

V. AGENDA POINTS RAISED BY BCBA

1. Request for issuance of PN for Drawback and EGM Errors

We would like to bring to your kind notice that Air Cargo Customs are regularly issuing Public Notices containing list of EGM Errors. We are enclosing herewith latest PN No 28/2023 & 29/2023 for your ready reference. This issue has been addressed in earlier PTFC meeting also. We request for similar PN to be issued from JN Customs regularly as this will help trade to approach Customs / relevant stakeholders with necessary documents to resolve the same and get credit of export incentives.

प्रतिक्रिया/Response: The point will be discussed in the next PTFC meeting.

5. The members of the meeting were informed that the mode and date of conducting next PTFC meeting shall be informed well in advance. **All the Association members were requested to forward their agenda points, if any, at least 07 working days in advance by e-mail to Appraising Main (Export) Section on apmainexp@jawaharcustoms.gov.in for taking up the issue in the upcoming PTFC meeting.**
6. The meeting ended with vote of thanks to the Chair.
7. This issues with the approval of the Commissioner of Customs, NS-II.
8. Minutes are placed on JNCH website and also being sent through emails to the members.

humb
22/01/2023
(AL Sajeeb Hussain)

सहायक आयुक्त, सीमाशुल्क/Asst. Commissioner of Customs,
मूल्यनिरूपण मुख्य(निर्यात)/Appraising Main (Export),
जेएनसीएच, न्हावा शेवा-II/ JNCH, Nhava Sheva-II.

सेवा में /To,

पीटीएफसी के सभी सदस्यों को ई मेल के माध्यमसे /All the Members of PTFC(through email)

प्रतिलिपि/Copy to :(ई मेल के माध्यम से)

- 1) मुख्य आयुक्त, सीमाशुल्क, मुंबई अंचल-II/Chief Commissioner of Customs, Mumbai Zone-II;
- 2) प्रधान अपर महा निदेशक, करदाता सेवा महानिदेशालय, मुंबई/The Principal Add. Director General, Directorate General of Tax Payers Services, Mumbai Zonal Unit, room No 133/139, New Custom House, Mumbai-400001 (mzu-dgtps@gov.in);
- 3) लोकपाल , अप्रत्यक्ष कर, मुंबई/The Ombudsman, Indirect Taxes, Mumbai;
- 4) सीमाशुल्क आयुक्त, मुंबई अंचल-II/ Commissioner of Customs, Mumbai Zone-II;
- 5) सभी अपर/संयुक्त आयुक्त, जेएनसीएच, न्हावा शेवा /All ADCs/JCs JNCH, Nhava Sheva;
- 6) सभी उप/सहा आयुक्त, जेएनसीएच, न्हावा शेवा /All DCs/ACs JNCH, Nhava Sheva;
- 7) सहा/उप आयुक्त, ईडीआई, जेएनसीएच, न्हावा शेवाको अविलंब वैबसाइट में अपलोड करने के लिए/AC/DC, EDI, JNCH, Nhava Sheva, for uploading on JNCH website;
- 8) कार्यालय प्रति/Office Copy.