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फ़ाइल F.No.S/12-Gen-Misc-07/2018-19 AM(X)

दिनांक Date:15.06-2018

स्थाई आदेश / STANDING ORDER NO. 21/2018

SUB : Revised instruction for stuffing and sealing of reefer containers –reg.

Attention of the officers of this Custom House is invited to the Circular No. 13/2018-Customs dated 30.05.2018 issued by Central Board of Indirect Taxes and Customs (CBIC) on the above subject.

2. The Board has examined the representations received from trade associations, exporters, DGFT, field formations etc. regarding opening of e-sealed reefer containers at the Ports/ICDs for examination mentioning that in case of perishable items exported through reefer containers, the maintenance of temperature is of utmost importance. In the current scenario where the factory stuffed containers are being e-sealed by exporters themselves, sometimes due to selection by risk management system, these reefer containers are being picked up for examination at Customs ports/ICDs. It not only adds to transaction cost but also affects timely export of these perishable reefer containers.

3. The shift from erstwhile supervised factory stuffing to self-sealing was to facilitate easy movement of export containers and to secure against tampering en-route by use of one-time e-seals. As all Ports/ICDs may not have sterile, temperature controlled examination facilities, therefore, selection of reefer containers for examination might lead to contamination or spoilage. In order to address these issues, Board has decided to allow factory stuffing and sealing of reefer containers with perishable/ temperature sensitive export goods in the presence of Customs officials.

4. In respect of factory stuffed and sealed refrigerated containers sought to be exported through Nhava Sheva Port, the below procedure shall be implemented :-

(i) In case of exporters having stuffing premises under the jurisdictional area of Jawaharlal Nehru Custom House (JNCH), the exporter would give application to the Commissioner of Customs, NS-Gen, JNCH (FSP Cell) for availing supervised stuffing along with the list of export goods.

(ii) In case the Commissioner of Customs, NS-Gen, JNCH is satisfied that the export goods are sensitive to temperature and there are no sterile, temperature controlled examination facilities at the port, then he shall permit supervised stuffing and sealing in respect of such export goods. Permission once granted shall not be withdrawn unless any non-compliance of law, rules or regulations is noticed. The details of exporters who have been permitted such a facility along with the indicative list of export goods shall be sent to RMCC and to the Dy./Asstt. Commissioner of Customs, Appraising Main (Export), JNCH by the Dy./Asstt. Commissioner of Customs, FSP Cell, JNCH.

(iii) The request for supervised stuffing of reefer containers shall be given by the exporter at least 24 hours prior to stuffing to the Dy. Commissioner of Customs, Preventive

(General), JNCH indicating the nature of the temperature sensitive goods. The Dy. Commissioner of Customs, Preventive (General) shall depute officers to supervise examination, stuffing and sealing of the reefer containers.

(iv) The officers deputed for supervised stuffing would ensure that the reefer containers are stuffed with only such export goods as are sensitive to temperature and in accordance with the details of the export goods list furnished by the exporter. The containers would be sealed with RFID e-seals procured by the exporters and the data as required shall be uploaded by exporter as per the already prescribed procedure. The deputed officers shall endorse at least three copies of the invoice/ invoice-cum-packing list to the effect of examining the goods, stuffing and sealing by RFID e-seal under their supervision mentioning the date, place of stuffing, their name & designation.

(v) RMCC may take necessary steps to ensure that the reefer containers which have been sealed under the supervision of the officers are not subjected to examination at the port of export. However, if such reefer containers are selected for examination, the same may be brought to the notice of the Dy./Asstt. Commissioner of Customs i/c of Parking Plaza / CFS, who will grant waiver from examination after considering the facts and satisfying himself.

(vi) The officers entering the examination report of such reefer containers shall enter a comment to the effect that "container No. has been stuffed and sealed under the supervision of Shri/ Smt./Ms.(name) , (designation) on (date)" and the officers granting Let Export Order to such reefer containers shall verify the same. If the examination has been waived, the same shall also be recorded in the comments.

(vii) The Dy. Commissioner of Customs, Preventive (General), JNCH shall inform the said container details exporter wise to RMCC on monthly basis. RMCC, in turn, shall verify the details with the facilitation provided to the respective exporters in respect of the said reefer containers and inform the Commissioner of Customs, NS-Gen, JNCH in case of any discrepancy. The Commissioner of Customs, NS-Gen, JNCH shall, in the case of discrepancy, review the permission for supervised stuffing and sealing.

5. The above procedure prescribed in this standing order shall be observed only at the request of the exporter in respect of reefer cargo. In other cases, the existing self-sealing procedure with RFID e-seals would continue (the procedure for introducing and implementing electronic sealing for containers by exporters under self-sealing procedure prescribed vide Board's Circular No. 26/2017-Customs, dated 1.7.2017 and Circular No. 36/2017-Cus., dated 28.8.2017, this Custom House Public Notice No. 120/2017, dtd. 27.09.2017). MOT charges wherever applicable shall be paid at the prescribed rates in advance.

6. In respect of other types of sensitive cargo which may deteriorate or get contaminated etc. upon opening of the containers, the Commissioner of Customs, NS-Gen, JNCH shall exercise suitable discretion for valid reasons to override the RMS instructions. However, while doing so, he/ she shall inform the RMCC of instances of overriding the instructions and reasons thereof.

7. The Dy./Asstt. Commissioner of Customs, Preventive (General), JNCH is directed to make adequate arrangements for deputing CBIC officials for supervising factory stuffing & E-sealing of reefer containers carrying export goods.

8. Notwithstanding the above relaxation, the reefer container (s) may be selected for scanning/ examination on specific information / intelligence or occasional random basis or where it has come to notice that the RFID seal has been tampered with after being sealed in the presence of the Customs officer.

9. Difficulty, if any may be brought to the notice of Deputy / Assistant Commissioner in charge of Appraising Main (Export) through email / phones (email address: apmainexp@jawaharcustoms.gov.in, Phone No : 022-27244959).

Sd/-
(मानस रंजन मोहंती)
आयुक्त-सीमाशुल्क, NS- II, JNCH

प्रतिलिपि (By email only):

1. The Chief Commissioner of Customs, Mumbai Zone- II.
2. All the Commissioner of Customs, Mumbai Zone- II.
3. All Addl./Joint Commissioners of Customs, Mumbai Zone- II.
4. All Deputy/Asstt. Commissioners of Customs, Mumbai Zone- II.
5. The DC/EDI for uploading on the JNCH website.
6. BCBA/FIEO for circulation among their members, trade and industry.