



भारत सरकार GOVERNMENT OF INDIA
वित्त मंत्रालय MINISTRY OF FINANCE
राजस्व विभाग DEPARTMENT OF REVENUE
केन्द्रीय अप्रत्यक्ष कर और सीमा शुल्क बोर्ड

CENTRAL BOARD OF INDIRECT TAXES AND CUSTOMS

सीमा शुल्क आयुक्त का कार्यालय

OFFICE OF THE COMMISSIONER OF CUSTOMS

सीमाशुल्क गृह, विल्लिंगटन आईलैंड, कोच्चिन

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CIRCULAR. No.61/2018

Sub: Customs Clearance Facilitation Committee - Minutes of the meeting held on 29.09.2018 Reg.

Meeting of the Customs Clearance Facilitation Committee was held at 10.00 am on 28.09.2018 in the Conference Hall of Custom House, Cochin. Shri. Sumit Kumar, Commissioner chaired the meeting.

The following officers of Customs were present. S/Shri/Smt

1. Mahendra Verma R A, Deputy Commissioner
2. Dr.Raji N S, Deputy Commissioner
3. Sabu Sebastain, Asst. Commissioner
4. Phillip Sebastain, Asst. Commissioner
5. Joseph Sebastain, Asst. Commissioner
6. Bhuvanachandran P., Scientist E', NIC
8. Baiju Daniel, Appraising Officer
9. K P Suresh, Superintendent General
10. V.Usha, Superintendent of Customs

The Trade and other Govt. Organizations related to trade were represented by S/Shri:

1. Gautam Gupta, Cochin Port Trust
2. Raj Vinod, Cochin Port Trust
3. S S Sidhu, Plant Quarantine
4. Dr. Jesto George, FSSAI
5. Manoj C R, IGTPL
6. B N Jha, Spices Board
7. B Venu, Textile Committee
8. Alex K Ninan, Sea Food Exporters Association of India
9. N N Menon, EPC for EOU & Sez Unit
10. P Vinod Kumar, Reserve Bank of India

The Chair welcomed the members to the meeting. The minutes of the previous meeting and the action taken in respect of points thereon was taken for consideration after which fresh points were taken up.

FRESH POINTS FOR DISCUSSION

Point No. 1 – Lack of refrigerated storage facility at Cochin Port premise.

Shri Jestu George, FSSAI stated that attention to regulation 88(3) of FSSAI (Import) Regulations, 2017 which states that “The Port authorities and custodian of freight stations shall insure adequate and conducive storage infrastructure , meeting the safe of various types of imported food consignments in the Customs area till the imported articles of food is cleared by the Customs authority”. Presently even though Cochin Port is handling lot of refrigerated consignments, there is lack of refrigerated storage facility in any of CFS.

The Chair requested the representatives from Cochin Port Trust to offer comments. The Chair observed that in Cochin Port the Import and Export of goods are through ICTT, Vallarpadam which is an SEZ and the provisions of the custodianship under the Customs Act are not observed applicable in the said area.

Shri Gautham Gupta and Shri Raj Vinod from Cochin Port Trust stated that they are aware of the issue and the facility for refrigerated Cargo storage is presently available at GDKL CFS. Shri Gautham Gupta also stated that discussions / deliberations were held with the association of Seafood Exporters, MPEDA etc in the matter where the feasibility of setting up a refrigerated storage facility for Import / Export Cargo is being explored in consultation with the other stakeholders.

[for action: Assistant Commissioner (Docks)]

Point No. 2 Non cooperation from CFS in enforcing FSSAI regulation in rejected consignments where PNOG facility is issued.

The Chair informed the FSSAI Authorities that as far as Customs laws are concerned there is no concept of provisional NOC for the imported goods as there is no provision for provisional Out of Charge in the EDI system. Further, at present there is no bond or undertaking executed with the Customs authorities regarding the enduse condition for the imported item. Therefore once Out of charge is given it is final, there is no Bond in that. Further CBEC Circular No.09/2015-Cus dated 31.03.2015 provides for only six types of release orders from FSSAI. Provisional NOC is not one of the listed release orders prescribed under the Circular.

Further if the goods are non-compliant or not conforming to the FSSAI requirements, then the goods become liable for confiscation for violation Section 111(d) of the Customs Act and the importer liable for penalty under section 112. Further in such cases the imported goods are to be destroyed or re-exported as the case may be.

It has been brought to notice by the Chair by the FSSAI Authority Shri Jestu George, that the Food Import Clearance System provides for provisional NOC under regulation 8 (7) of the FSSAI regulations subject to production of undertaking before the FSSAI authorities and the Customs authorities that sale would take place only after the final no objection Certificate.

The Chair requested the FSSAI authorities to provide the details of the Bills of entry wherein such provisional NOC's are issued by FSSAI so as to initiate action under the Customs Act. Further it was also informed that the practice in other Customs stations like JNCH etc would be examined so as to issue appropriate instructions in this matter.

[for action: Assistant Commissioner (Appg.I)]

Point No. 3 Quarterly data to FSSAI.

Shri Jestu George, FSSAI pointed out that they are not receiving any statistical datas of Adjudication orders issued by the Customs authorities.

The Chair informed that as a matter of practice the adjudicating authority while passing order in respect of any violations of any provisions of FSSAI a copy of the order is endorsed to FSSAI and like wise to all other stakeholders in the matter. The Chair informed that if any specific case is brought to his notice necessary arrangements shall be made to serve the copy of such orders to FSSAI. The feasibility of forwarding the copies of the adjudication orders involving FSSAI Regulation via e-mail to the dedicated e-mail address of the FSSAI, Cochin can be explored by the respective adjudicating authorities.

[for action: Deputy Commissioner (Apprg.(I))]

Shri Jestu George, FSSAI informed the members that the Lab analysis reports from the approved labs for the test conducted for the Bills of entries are available in the FSSAI website to the importers / registered users for verification and reference.

Point No. 4 AEO Status of Cochin Port Trust

Shri. Raj Vinod Cochin Port Trust, submitted that CPT has applied for AEO Status and requested to intimate the present status of the application.

Shri Sabu Sebastian Assistant Commissioner (SIIB) informed that a copy of the application has been received in the Custom House and is being processed for legal for further and necessary action as per the revised instruction issued by the CBIC vide Circular No.03/2018 dated 17.01.2018. It is informed that the legal compliance verification for AEO programme in respect of Cochin Port Trust was forwarded to the Chief Commissioner's office on 20.04.2018. The Chief Commissioner's Office Cochin, in pursuance to the email dated 19.06.2018 received from the Directorate of International Customs vide letter dated 30.07.2018 had intimated that the Cochin Custom House has to sent legal compliance verification report along with recommendation letter and Pre- Certification report with RUDs for AEO certification including that of M/s Cochin Port Trust.

The further action is initiated by the CBIC/Custom House, Cochin for appropriate action. The list of the approved AEO's are published in the CBIC website under the hyperlink Indian AEO programme.

[for Action: Assistant Commissioner (SIIB)]

Since no other points came up for discussion, the Chair declared the meeting with a word of thanks to the members. The date for next meeting of the Permanent Trade Facilitation Committee will be intimated through the Custom House website www.cochincustoms.nic.in. Points for discussion, if any, may be sent on or before **07.11.2018**. Enquiries if any may be made at the telephone number 0484-2667040 or by email at **ccu@cochincustoms.gov.in or ccucochin@gmail.com**.

Sd/-
(Sumit Kumar)
Commissioner

F.No. S.65/01/2015-Pt.I-CCU-CUS
Dated: 29.10.2018

// Attested//


Baiju Daniel
Appraising Officer (CCU)

The Hindi version follows.

Submitted to:

**The Chief Commissioner of Central Tax , Central Excise &
Customs, Thiruvananthapuram Zone, Kochi.**
**The Additional Director General, Directorate of Tax Payer Service,
Bangalore Zonal Unit, 4th Floor TTMC Building, Above BMTB Bus
Stand, Domlur, Bangalore-560071.**

Copy to:

Joint Commissioner
All D.Cs & A.Cs
All members