



**OFFICE OF THE COMMISSIONER OF CUSTOMS (NS-IV),
MUMBAI ZONE-II, JAWAHARLAL NEHRU CUSTOM HOUSE,
NHAVA SHEVA, TALUKA: URAN, DISTRICT: RAIGAD,
MAHARASHTRA-400707.**

F. No. S/12-Gen-50/2016-17/AM(X)

Date: 21.06.2017

PUBLIC NOTICE NO. 78/2017

Sub: Processing of shipping bills in manual mode at JN, amendment to Public Notice No 01/2011, dated 04.01.2011, issued by JNCH, Mumbai Zone-II; reg.

Attention of the Importers, Exporters, General Trade, Port Terminal Operator, Shipping Lines/Shipping Agents, CFSs and all other stakeholders is invited to various Public Notices issued from time in relation to assessment, examination & clearance of export consignments including **Public Notice No 137/2011, dated 16.11.2011**, Public Notice No. 06/2009, dated 05.02.2009 and Public Notice No 01/2011, dated 04.01.2011 wherein the following categories of exports were allowed under "shipping bills in manual mode" with approval of the DC/AC(Docks):-

- (a) Ship Stores
- (b) Coastal Movement
- (c) Baggage
- (d) Carnet
- (e) Re-export under Section 74
- (f) Re-export under Section 69

2. Cases not covered by the above categories required approval of Additional / Joint Commissioner in-charge of Docks.

3 In tune with the Government of India initiative of 'Ease of Doing Business', and to facilitate export clearances, it has been decided to discontinue manual shipping bill procedure in respect of

- i. Re-export under Section 69 of Customs Act, 1962;
- ii. Re-export under Section 74 of Customs Act, 1962;
- iii. Re-export of goods imported under reward scheme as specified under Chapter 3 of Foreign Trade Policy.:
- iv. Re-export of goods imported under advance authorisation scheme as specified under Para 2 of Notification No. 96/2009-Cus., dated 11-9-2009 as amended:
- v. Re-export of imported goods imported under Notification No 158/95-Cus, dated 14.11.1995 as amended:
- vi. Export of Unaccompanied Baggage:
- vii. Export of ship stores (Section 89 of Customs Act, 1962):
- viii. Export of goods under ATA Carnet & re-export of goods imported under ATA Carnet;

Henceforth, all such shipping bills are required to be filed electronically in EDI System. However, in order to ensure that statutory and procedural requirements as prescribed in corresponding schemes / notifications / policy are complied with, following procedure is required to be followed by exporters as well as officers attending such clearances at Export Docks and Export Assessment.

3. Re-export under Section 69 of Customs Act:

3.1 Section 69 of the Customs Act reads as under:

SECTION 69. Clearance of warehoused goods for exportation. - (1) Any warehoused goods may be exported to a place outside India without payment of import duty if -

(a) a shipping bill or a bill of export has been presented in respect of such goods in the prescribed form;

(b) the export duty, penalties, rent, interest and other charges payable in respect of such goods have been paid; and

(c) an order for clearance of such goods for exportation has been made by the proper officer.

(2) Notwithstanding anything contained in sub-section (1), if the Central Government is of opinion that warehoused goods of any specified description are likely to be smuggled back into India, it may, by notification in the Official Gazette, direct that such goods shall not be exported to any place outside India without payment of duty or may be allowed to be so exported subject to such restrictions and conditions as may be specified in the notification.

3.2 As per the procedure followed now, shipping bill is filed in EDI but exporters are required to approach first to DC /AC (Bond) [For permission for re-export], then to DC / AC (Import Group) [For NOC] and then to DC/AC D' Node Dronagiri CFS for getting examination order (manual) on the hard copy of checklist. Thereafter, exporter had to get examination conducted at CFS (where the export material was brought) as per examination instructions. Thereafter, examination report is also mentioned / written manually on the copy of checklist.

3.3 Main requirement under Section 69 of the Customs Act is to establish that the goods being exported are warehoused goods. This may require examination and verification of various parameters, including but not limited to physical properties, weight, marks and numbers, test reports, if any, documentary evidences vis-à-vis import documents etc. for identification of the goods. Therefore, AC /DC incharge of export examination and issuance of LEO will ensure that suitable comments about establishing identity of goods are entered in the "Departmental Comments" field in the system before issue of Let Export Order (LEO). It is further re-iterated that identity of goods needs to be established through examination even if the shipping bill is facilitated by RMS.

3.4 Sample examination report may be as under:

*"Inspected lot, checked marks & numbers & net weight, **examined 10%**. Identity established with import document i.e. Bill of Entry No _____, dated _____ and concerned invoice & packing list. Present market value and FOB value declared in the shipping bill is fair. Checked and found that value of goods at the time of re-export is more than the value of goods at the time of import. Checked and found that re-export is against freely convertible currency (except where such condition has been relaxed by Notification No --- dated ----).. Representative samples drawn and forwarded to DyCC for testing (if sample is required to be drawn)."*

3.5 It is also decided that there is no need for NOC from concerned Import (Group). Restriction / prohibitions for export, if any are to be seen by officer incharge of CEAC or Export Docks officer, as the case may be.

3.6 Shipping bill should be filed under Scheme Code 00 (till a separate "scheme code" is provided for this category of export).

4. Re-export under Section 74 (Drawback allowed on re-export of duty-paid goods):

4.1 In this regard, attention is invited to Board Circular No. 46/2011 – Customs [F.No.603/01/2011-DBK], dated 20th October, 2011 and Circular No. 35/2013-Customs [F.No.603/01/2011-DBK], dated 5th September, 2013, wherein it has been provided that:

3.1 Instructions relation to "identification of goods" and "determination of use" in terms of Section 74 of the Customs Act, 1962.

(a) In terms of the section 74 of the Customs Act, 1962, the export goods are to be identified to the satisfaction of the Assistant/Deputy Commissioner of Customs. This may require examination and verification of various parameters, including but not limited to physical properties, weight, marks and numbers, test reports, if any, documentary evidences vis-à-vis import documents etc., for identification of the goods. If such export goods have been 'used after import', the same is to be determined besides establishing the identity of the goods.

4.2 Therefore, AC /DC incharge of export examination and issuance of LEO will ensure that the suitable comments about ***"identification of goods" and "determination of use" as required in terms of above instructions issued for the purpose of Section 74 of the Customs Act, 1962*** are entered in the "Departmental Comments" field in the system before issue of Let Export Order (LEO). It is further re-iterated that identity of goods and period of use needs to be established / ascertained by examination of goods & documents even if the shipping bill is facilitated by RMS.

4.3 Sample examination report may be as under:

"Inspected lot, checked marks & numbers & net weight, examined 100% under DC/AC Export Docks Supervision. Identity established with import document i.e. Bill of Entry No _____, dated _____ and concerned invoice & packing list. Export is within time period i.e. 2 years (in case of goods were not used after import) or 18 months ((in case of goods were used after import). Present market value and FOB value declared in the shipping bill is fair. Representative samples drawn and forwarded to DyCC for testing (if sample drawn), Goods not found to be used / found to be used"

4.4 Shipping bill under claim of drawback under Section 74 may be filed under Scheme Code 19 and Drawback Sr. No 9801 (till a separate "scheme code" is provided for this category of export). Drawback claim will continue to be filed as per provisions of Re-export of Imported Goods (Drawback of Customs Duties) Rules, 1995. Officers processing drawback claims under Section 74 of the Customs Act will ensure that the goods have actually been exported by verifying the relevant EGM filed by shipping line in the EDI system instead of present practice of manual verification through MCD section. Such shipping bills need to be finalised in the system by "Drawback section" after disposal of drawback claims.

4.5 In case all other categories of re-export of imported goods, which are not sought to be cleared by importers [refer Public Notice No 95/2003, 07.11.2003] procedure as prescribed from Para 4.1 to para 4.4 above should be followed. However, Shipping bill should be filed under Scheme Code 99 or 00, as the case may be, (till a separate "scheme code" is provided for these categories of export).

5. Re-export of goods imported under reward scheme as specified under Chapter 3 of Foreign Trade Policy .:

5.1 In this regard, attention is invited to Public Notice No 137/2011, dated 16.11.2011 issued by JNCH and Board Circular No. 45/2011-Cus., dated 13-10-2011. In these cases, examination should cover following aspects:

- (i) re-export of goods is from the same port from where the goods were imported;
- (ii) the goods are re-exported within 6 months from the date of import;
- (iii) the DC/AC Docks is satisfied about the identity of the goods;
- (iv) the goods are not put into use after import;

5.2 Therefore, AC /DC incharge of export examination and issuance of LEO will ensure that the suitable comments about **"identification of goods" and "determination of use" as required in terms of above Board Circular No. 45/2011-Cus., dated 13-10-2011.** are entered in the "Departmental Comments" field in the system before issue of Let Export Order (LEO). It is further re-iterated that identity of goods needs to be established through examination even if the shipping bill is facilitated by RMS.

5.3 Sample examination report may be as under:

"Inspected lot, checked marks & numbers & net weight, examined 100% under DC/AC Export Docks supervision. Identity established with import document, i.e., Bill of Entry No ____, dated ____ and concerned invoice & packing list. Export is within time period, i.e., 6 months from the date of import. Present market value and FOB value declared in the shipping bill is fair. Representative samples drawn and forwarded to DyCC for testing (if sample drawn), Goods not found to be used / found to be used"

5.4 Shipping bill should be filed under Scheme Code 00 (till a separate "scheme code" is provided for this category of export).

6. Re-export of goods imported under advance authorisation scheme as specified under Para 2 of Notification No. 96/2009-Cus., dated 11-9-2009, as amended:

6.1 Para 2 of Notification No. 96/2009-Cus., dated 11-9-2009 (import under advance authorisation scheme) provides:

2. Where the materials are found defective or unfit for use, the said materials may be re-exported back to the foreign supplier within six months from the date of clearance of the said material or such extended period not exceeding a further period of six months as the Commissioner of Customs may allow :

Provided that at the time of re-export the materials are identified to the satisfaction of the Deputy Commissioner of Customs or Assistant Commissioner of Customs, as the case may be, as the materials which were imported.

6.2 Therefore, re-export cases as covered by Para 2 of Notification No. 96/2009-Cus., dated 11-9-2009, AC /DC incharge of export examination and issuance of LEO will ensure that the suitable comments about **"identification of goods" and "period" as required in terms of above notification.** are entered in the "Departmental Comments" field in the system before issue of Let Export Order (LEO). It is further re-iterated that identity of goods needs to be established through examination even if the shipping bill is facilitated by RMS.

6.3 Sample examination report may be as under:

"Inspected lot, checked marks & numbers & net weight, examined 100% under DC/AC Export Docks Supervision. Identity established with import document, i.e., Bill of Entry No _____, dated _____ and concerned invoice & packing list. Export is within time period i.e. 6 months from the date of import. Present market value and FOB value declared in the shipping bill is fair. Representative samples drawn and forwarded to DyCC for testing (if sample drawn), Goods not found to be used / found to be used"

6.4 Shipping bill should be filed under Scheme Code 00 (till a separate "scheme code" is provided for this category of export).

7. Re-export of imported goods imported under Notification No 158/95-Cus, dated 14.11.1995 as amended:

7.1 Notification No 158/95-Cus, dated 14.11.1995 provides:

- | | |
|--|---|
| 1. Goods manufactured in India and parts of such goods whether of Indian or foreign manufacture and reimported into India for repairs or for reconditioning. | 2. Goods are re-exported within six months of the date of reimportation or such extended period not exceeding a further period of six months as the Commissioner of Customs may allow; 3. The Assistant Commissioner of Customs is satisfied as regards identity of the goods; |
| 2. Goods manufactured in India and reimported for - | (a) reprocessing; or (b) refining; or(c) re-making; or(d) subject to any process similar to the processes referred to in clauses (a) to (c) above.
2. Goods are re-exported within six months of the date of re-importation or such extended period not exceeding a further period of six months as the Commissioner of Customs may allow; 3. The Assistant Commissioner of Customs is satisfied as regards identity of the goods. |

7.2 Therefore, re-export cases as covered by Notification No 158/95-Cus, dated 14.11.1995, AC /DC incharge of export examination and issuance of LEO will ensure that the suitable comments about **"identification of goods", and "period" as required in terms of above Notification.** are entered in the "Departmental Comments" field in the system before issue of Let Export Order (LEO). It is further re-iterated that identity of goods needs to be established through examination even if the shipping bill is facilitated by RMS.

7.3 Sample examination report may be as under:

"Inspected lot, checked marks & numbers & net weight, examined 100% under DC/AC Export Docks supervision. Identity established with import document i.e. Bill of Entry No _____, dated _____ and concerned invoice & packing list. Export is within time period, i.e., 6 months from the date of import. Present market value and FOB value declared in the shipping bill is fair. Representative samples drawn and forwarded to DyCC for testing (if sample drawn), Goods not found to be used / found to be used"

7.4 Shipping bill should be filed under Scheme Code 00 or 99, as the case may be (till a separate "scheme code" is provided for this category of export).

8. Export of Unaccompanied Baggage:

8.1 As per the procedure followed now, shipping bill is filed manually. Now, it has been decided to discontinue manual shipping bill procedure in respect of export of unaccompanied baggage also. Henceforth, all such shipping bills are required to be filed electronically in EDI system only. Assessing officers and examining officers are required to conduct checks as prescribed (as in the case of other exports) Please also refer and follow Board Circular No. 17/95-Cus., dated 1-3-1995.

8.2 Shipping bill should be filed under Scheme Code 99 (till a separate "scheme code" is provided for this category of export).

9. Export of ship stores (Section 89 of Customs Act, 1962):

9.1 As per the procedure followed now, shipping bill is filed manually. Now, it has been decided to discontinue manual shipping bill procedure in respect of export of ship stores. Henceforth, all such shipping bills are required to be filed electronically in EDI system only. Let export order (LEO) can be obtained either from Parking Plaza or CFS or from Boarding Office. If the shipping bill is not facilitated, the exporter should get the goods examined from Boarding Officer. In order to ensure safety and security, goods should be brought before CISF officers for check from security and safety point of view at the time of port entry and then to boarding officer for examination and conducting other checks.

9.2 Shipping bill should be filed under Scheme Code 99 (till a separate "scheme code" is provided for this category of export).

10. Export of goods under ATA Carnet & re-export of goods imported under ATA Carnet;

10.1 As per the procedure followed now, shipping bill is filed manually. Now, it has been decided to discontinue manual shipping bill procedure in respect of export of goods under ATA Carnet & re-export of goods imported under ATA Carnet. Henceforth, all such shipping bills are required to be filed electronically in EDI System only. Assessing officers and examining officers are required to conduct checks as prescribed (as in the case of other exports) including establishing identity of goods imported in the case of re-export. Suitable comments about identity of goods, period allowed for re-export, ATA carnet number & validity of carnet etc. should be entered in the "Departmental Comment" field of the shipping bill. Please also refer and follow Public Notice No 31/2011, dated 16.03.2011 issued by JNCH.

10.2 Shipping bill should be filed under Scheme Code 99 (till a separate "scheme code" is provided for this category of export).

11. Indication in the shipping bill so as to identify aforesaid cases of export or re-export [Para 3 to 10 above]:

In order to enable the Export Docks officers to identify such shipping bills and take necessary action as prescribed, the exporter / Customs Broker is required to clearly indicate the fact of export / re-export under aforesaid scheme / policy or notification [for eg. "Re-export under Section 69", "Re-export under Section 74" or "Re-export of goods imported under reward scheme" as the case may be"] alongwith details relating to import [*such as Bill of Entry No & date, quantity imported, value, duty paid / payable*] in the shipping bill in the field "item details" (after complete description of goods has been indicated)" till a scheme code for such export is provided in the system. For Eg

"Lauryl Cetyl Alcohol" (re-export under Section 74)

[Imported vide BE No ---- & date ----, quantity: -----, Value: -----, Duty paid:-----, Total drawback claimed: Rs ----- (--- % of Rs -----)]

12. As regards query during verification of assessment and drawal of samples, please refer to Public Notice No 64/2017-18, dated 22.05.2017 issued by JNCH.

EFFECTIVE DATE

13. This Public Notice shall come into force with effect from 26.06.2017.

14. Difficulty, if any may also 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). The specific issue, if any, may be brought to the notice of Additional Commissioner / Joint Commissioner in charge of in-charge of 'CEAC' for remedial action.

15. This, issues with approval of the Chief Commissioner of Customs, Mumbai Zone-II, JNCH. 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.

Sd/-

(SUBHASH AGRAWAL)
COMMISSIONER OF CUSTOMS (NS-IV).

To:

1. The Chief Commissioner of Customs, Mumbai Zone-II, JNCH for information.
2. The Pr. Commissioner of Customs, NS-1, JNCH
3. The Commissioner of Customs, NS-G/ NS-II / NS-III/ NS-IV / NS-V, JNCH
4. All Additional / Joint Commissioner of Customs, JNCH
5. All Deputy / Assistant Commissioner of Customs, JNCH
6. All Sections / Groups of NS-G, NS-I, NS-II / NS-III/ NS-IV / NS-V, JNCH
7. AC/DC, EDI for uploading on JNCH website immediately.
8. Representative of CFSAI / BCBA / FIEO for information and circulation among their members for information.