

MINUTES OF THE MEETING OF THE PERMANENT TRADE FACILITATION COMMITTEE HELD ON 10.04.2014

OFFICE OF THE COMMISSIONER OF CUSTOMS (IMPORT),
JAWAHARLAL NEHRU CUSTOM HOUSE, NHAVA SHEVA,
POST – URAN, DIST. RAIGAD, MAHARASHTRA-400 707

F. No. S/22-Gen-09/2013 AM (I) JNCH

Date :01.05.2014

MINUTES OF THE MEETING OF THE PERMANENT TRADE FACILITATION COMMITTEE HELD ON 10.04.2014

The PTFC meeting held on 13.03.2014 was chaired by Ms. Seema Jere Bisht, Commissioner of Customs (Import) and attended by the following members/participants and Officers from JNCH, Nhava Sheva :

| Sr. No. | Names(S/Shri) | Organization/Association/Designation |
|---------|-----------------------------|--|
| 01 | Mohan Nihalani. (President) | All India Importers' Exporters' Association |
| 02 | L. V. Shah | LPFP Ltd |
| 03 | George Joseph | BCHAA |
| 04 | Manish Kumar | MANSA |
| 05 | R. Rajasekhar. | M/s. United Phosphorous Ltd. |
| 06 | Paresh Shah. | BCHAA |
| 07 | Nimish Desai. | BCHAA |
| 08 | D.L. Thakker. | BCHAA |
| 09 | Rajesh H. Gosalia. (Member) | COSIA(Chamber of Small Industry Association) |
| 10 | V.K. Agarwal, GM | ONIDA. |
| 11 | Shailesh Bhatia | AMTOI |
| 12 | Philomena Pereira | BCHAA |
| 12 | Dr T.A. Sreenivasrao | CRCC Lab |
| 14 | Sorab P Engineer | Advisor BCHAA |
| 15 | Mark Fernandes | IMC |
| 16 | S.C.Maini | GDL |
| 17 | K.S.Shetty | BCHAA |
| 18 | Ravi V. Kokale | Dow Chemicals |
| 19 | Anand Shamante | FSSAI |
| 20 | D.P. Guha | FSSAI |
| 21 | A.B.Buge | JNPT |
| 22 | Shankar Shinde | RCCI |
| 23 | Gyan Sarvar | Addl. Commissioner of Customs |
| 24 | Pankaj Bodkhe | Addl. Commissioner of Customs |
| 25 | Rajesh Kumar Agarwal | Jt. Commissioner of Customs |
| 26 | Nilkanth Shelke | Jt. Commissioner of Customs |
| 27 | R.K. Singh | Dy. Commissioner of Customs |

2. The Chairperson welcomed all members present in the meeting.

3. In the matter related to delay in receipt of documents from China and the poor quality of documentation, Shri. Mohan Nihalani, President, AIIEA stated that he attended the meeting organised by DGFT with the Consul General of China and the Chinese Consul General assured that the matter is being taken up with Chamber of Commerce, China.

4. POINTS RAISED IN PREVIOUS MEETING HELD ON 13.03.2014

4.1. Assessment of Documents pending finalization of SVB/GATT Valuation :

The Chairperson has stated that the discussion on the matter relating to assessment of documents pending finalization of SVB/GATT valuation may be deferred till the suggestions for change is received as decided in the meeting of trade with DC/AM (I) after the last PTFC meeting.

(Action – DC/SVB)

4.2 FSSAI :

The Chairperson directed Joint Commissioner, Group I to put a reminder letter to FSSAI on the issue of releasing the pending consignments. The Chairperson also asked Dr. D.P. Guha to take stock of the situation and speak to Dr. Dave, Advisor, FSSAI about the consignments pending since September 2013.

(Action – JC/Group I)

4.3. Registration of First time Importer:

AC/EDI has taken up the matter with the DG Systems. As regards the query raised by the system regarding first import, even in case of 2nd import could be because of the importer being inactive for sometime. The Chairperson directed that such inactive time period may be checked up with the DG System. If the importer is inactive for a month then the query for first importer is repeated. Shri Nihalani requested that the inactive period be extended to 2 years. It was informed that in case of such query on subsequent import the CHA/Importer can give the previous File no. to resolve the issue. It was also reported that there is no dedicated column in the system where the first importer details can be fed.

Mr. Mark Femandes, Chairman, IMC stated that there should be a onetime registration in the 1.5 System valid throughout India, if not at least for the Mumbai Zone. The Chairperson asked members to bring to her notice specific instances of query of first time importer repeated at the time of subsequent imports.

(Action – BCHHA, AC/EDI)

4.4 FSSAI :

The Members complained that food items which were being imported and cleared for the last ten years have been stopped by the FSSAI .They also stated that FSSAI is objecting to imports of foods stuffs only in the Mumbai Zone whereas food stuff are being easily imported and cleared

in the rest of the country. The members also complained that no samples are being drawn and no product approvals are being issued by the FSSAI.

Dr. Guha, from FSSAI present in the meeting accepted the fact that there are about 5000 product approvals pending for clearance in their headquarters. He has also brought on record that the norms of clearance for industrial packages are not as strict as those for consumer packages. The stay on granting of product approvals is valid till 27th May 2014 and till then there shall be no relief in granting of product approvals.

The Chairperson directed Dr. Guha to take up the matter with their headquarters to sort out the complaints of the Trade. The Chairperson also directed members of BCHHA to prepare and submit a list of pending food stuff consignments either to her or to Dr. Guha.

(Action- FSSAI and BCHHA)

4.5. NOC from Asstt. Drugs Controller.

The Expert Committee constituted by Drug Controller (India) in consultation with the Ministry of Health and Family Welfare met the departmental officers as well as the trade on 23rd March 2014 for the redressal of the grievances. The Expert Committee promised officers of JNCH and members of the Trade that a list of goods which do not require “No Objection” shall be handed over to the Customs within four days. Till date the same has not been received. The Chairperson asked the Jt, Commissioner Group II to take up the matter and write letter to ADC in this regard.

(Action- JC/Gr II & II(A-F))

4.6 Streamlining the procedure of provisional assessment in SVB registered cases of Import

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The representative of BCHHA was asked to give their suggestions regarding considerable change in the present procedure to simplify the process of assessment in case of SVB registered importers. Suggestions in this regard are still awaited.

The Chairperson suggested that the Board circular no. 11/2001 dated 23rd February 2001 may be gone through and suggestions/comments be submitted so that the same can be forwarded to the Board.

(Action–BCHHA)

4.7 Complaint regarding re-examination of cargo which has been given out of charge by the POs posted at the CFS Gates :

The Chairperson informed the members that suitable instructions/directives have been given to the Preventive Officers posted at the gates of Docks/CFSs not to open the containers. In case of occurrence of such incidence in future, the matter should be brought to the notice of ADC (Docks).

(Point closed)

4.8 Allotment of examination work to Appraisers / Superintendents in Docks :

All the Docks A.C.s/D.C.s have been suitably instructed to allot any one of his officers for the examination of different consignments of same item pertaining to the same CHA/ Importer, after scrutinising such application.

(Point closed)

5. Fresh Agenda Points :

5.1. The representatives of BCHAA stated that for B's/E under RMS documents after out of charge, if the CHA has found any shortage of packages while taking destuffed delivery from CFS, the concerned officers are not cancelling the out of charge and are refusing to attend the joint survey. They suggested that if shortage is noticed while taking delivery in CFS, the concerned DC/Docks should permit Custom Survey and issue examination report/certificate showing details of goods missing, including value of the goods , so that same can be enclosed with application for refund of duty. They requested that Customs should not recover duty for the goods not delivered to the importers.

Shri. Mark Fernandes, Chairman IMC stated that when the RMS System was introduced it was assumed that short shipment/short landing of the goods would be taken care off and no duty shall be charged on such short landed goods detected after OOC.

Shri Mohan Nihalani, President AIIEA added that the insurance people don't insist on Customs presence during the Joint Survey. Mr Sohrab P. Engineer, Advisor, BCHHA stated that report of Customs regarding short shipment is vital for claiming insurance.

The Chairperson agreed to get this point examined in respect of RMS cases and discuss in next PTFC.

Action ADC (Docks)/ DC(AM)

5.2 The representatives of BCHAA stated that an import consignment of Whey Protein Powder is lying at Nhava Sheva for the last 6 months, pending for want of NOC from FSSAI from July 2013 onwards. Till date even samples have not been drawn for test from the said consignment.

Dr. Guha from FSSAI explained that pure whey protein is being allowed whereas whey protein mixtures are not being allowed for import under the prevailing FSSAI rules.

5.3 The representatives of BCHAA stated that there is a delay in receipts of Test reports from the office of the DyCC. This delay increases the transaction cost. They suggested that 1) DyCC may be sensitized to issue test reports within 3 working days. 2) Since EDI system has provisions to feed the test reports, DyCC should send all reports through EDI only. 3) The list of products, which the DyCC are not equipped to test at their level, should be shared with the Customs in advance so that samples are forwarded directly to concerned Laboratory and not through DyCC.

The Joint Director, CRCL JNCH in response to the requests made by the trade stated that due to shortage of staff test reports cannot be issued within three working days however, in case of

inordinate delays matter may be brought to his notice so that he can resolve the issue. In absence of reference standards it is hard to test and certify certain commodities/items which is the main reason for delay. The importers should provide chemical literature in such cases.

Shri Rajshekhar, United Phosphorus requested that all chemicals which cannot be tested by DyCC may be classified/categorized so that the same can be sent to different labs for testing, directly from Docks. Joint Director DyCC was asked to prepare this list send to ADC (AM)/ADC (Docks). The members also requested for extending the validity of the PTR from six months to one year.

As promised in the meeting Shri. Mark Fernandes, Chairman, IMC submitted vide letter dated 10.04.2014 a copy of the Public Notice issued in the year 1983 by Mumbai Customs which stipulates the validity period of the test report for 3 years for Manufacturers and 2 years for Trader/Supplier. DyCC has been asked to give their comments on the same. The matter is under examination.

The Chairperson asked the members to bring to her notice specific instances where the delay in issuing test reports has been inordinate. The Chairperson asked the Joint Director CRCL and AC (EDI) to work out a Mechanism whereby the status of pending test reports can be uploaded on JNCH website on a weekly basis.

Action(Joint Director, DyCC, AC/EDI)

5.4 The representative of Dow Chemicals stated that there has been a delay in processing of SAD refunds they also complained that the shipping lines are not following the facility notice. The chairperson replied that the status of SAD refunds shall be updated online very soon. As regards non compliance of Facility Notice by Shipping Lines , the cases of non compliance should be sent to DC/ Import Noting for initiating suitable action.

6. Shri. Mark Fernandes, Chairman IMC informed the members about an upcoming transporters strike. The Chairperson asked Mr. Fernandes to take up the matter with CEO GTI and Chairman of JNPT. She also assured that she will take up the matter with the concerned officials.

8. The members were informed that the next PTFC meeting is scheduled to be held on 22.05.2014 at 11.30 hrs in the Conference Hall adjacent to the Office of the Commissioner of Customs (Export), th Floor, JNCH. The Chairperson requested all the Association Members to forward their agenda points, if any, well in advance i.e. 10 days in advance on Fax No. 022-27243245 or by E-mail to Appraising Main (Imp) Section on appraisingmain.jnchimp@gmail.com for taking up the issue in the upcoming PTFC meeting.

9. The meeting ended with thanks to the Chair.

10. This issues with the approval of Commissioner of Customs (Import), JNCH.

(R.K. SINGH)
DEPUTY COMMISSIONER OF CUSTOMS
APPRAISING MAIN (IMPORT), JNCH.

To,

All the Members of PTFC

Copy to:

1. The Chief Commissioner of Customs, Mumbai Zone-II, JNCH, Sheva.
2. The Commissioner of Customs (Import/Export/Appeals), JNCH, Sheva.
3. All ADC/JC, DC/AC of Customs (Import), JNCH, Sheva.
4. DC/EDI for uploading on JNCH website.
5. Office Copy.