



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

F. No.S/26-Misc/578/2019-20/Gr.VI JNCH

Dated: 13.12.2019.

PUBLIC NOTICE NO. 113/2019

Subject: Amendment in Policy condition No. 2 (iii) to Chapter 95 of ITC(HS), 2017-Schedule 1 (Import Policy) – Procedure to be followed for clearance of toys.

Attention of the Importers, Custom Brokers and all concerned is invited to the Notification 33/2015-20 dated 02.12.2019 issued by the Director General of Foreign Trade, New Delhi on the above mentioned subject.

While the condition 2 (i) and 2(ii) of NotificationNo 26/2015-2020 dated 01.09.2017 shall continue to remain in force, the DGFT vide above referred Notification has revised Policy condition No. 2 (iii) to Chapter 95 of ITC (HS), 2017 – Schedule – 1 (Import Policy) as under:

Existing Policy Condition No. 2 (iii)	Revised Policy Condition No. 2 (iii)
A Certificate of Conformance from the manufacturer that represents sample of the toys being imported have been tested by an independent laboratory which is accredited by NABL, India and Found to meet the specification indicated above. The Certificate would also link the toys in the consignment to the period of manufacturer indicated in the Certificate of Conformity.	Sample will be randomly picked from each consignment and will be sent to NABL accredited Labs for testing and clearance may be given by Customs on the condition that the product cannot be sold in the market till successful testing of the sample. Further, if the sample drawn fails to meet the required standards, the consignments will be sent back or will be destroyed at the cost of importer.

2. A new para (capital – D) is added to Section 2 (Indian Quality Standards) to the General Notes Regarding Import Policy of ITC (HS), 2017 as under:

2(D) Import Policy for Toys/Dolls etc: Import policy for Toys/Dolls and similar other recreational goods under any chapter will be governed by BIS standards as specified in Policy Condition 2 of Chapter 95.

3. These issues have been examined and the following procedure is prescribed for implementing the changed policy condition for clearance of Toys:-

(i) **For Importer/Custom Broker:-**

(a) The Importer / Custom Broker while filing Bill of Entry is required to submit in the Assessing Group for obtaining Srl No & authentication by concerned AC/DC a No Use Bond equivalent to the assessable value of the consignment and accepting the condition that the product will not be sold in the market till successful testing of the sample. A

copy of the No Use Bond along with other relevant documents is to be compulsorily uploaded on e-sanchit.

- (b) The Importer / Custom Broker has to ensure the testing of the toys in the identified NABL accredited lab. Representative sample from each type of Toy declared in the consignment has to be drawn at the time of examination and the same shall be sent for testing to one of the NABL accredited laboratories, nominated for this purpose by this Custom House, as listed below in this Public Notice.
 - (c) The Importer or Custom Broker have to ensure the submission of the Test Report within two months from the date of assessment of the Bill of Entry.
 - (d) In case the sample meets the required standard, the Importer / Customs Broker will get the No Use Bond cancelled and the same shall be returned by the Assessing Group.
 - (e) In case the sample fails to meet the required standard, the Importer / Customs Broker has to bring back the shipment to the CFS from which Out of Charge (OOC) was granted for further proceedings by the JNCH Customs. The cost of the destruction of goods will be borne by the Importer.
- (ii) **For Assessing Group:-**
- (a) A designated official in the Assessing Group will maintain the record of No Use Bond (giving serial number and authentication by the concerned DC/AC), Receipt of Test Report, Final Action taken thereof i.e. cancellation and return of the Bond in case of conformity or further proceedings in case of non conformity.
 - (b) The Assessing Group Officer shall scrutinize the required documents which are uploaded on e-sanchit by the importer/Customs Broker along with No Use Bond (as detailed in point (i)(a) above). Accordingly, examination instruction will be given in the system for the Examination/OOC Officers to ensure drawal and forwarding of each item wise samples of the consignment for testing by one of the NABL accredited labs, as listed in the Public Notice.
 - (c) On submission of the test report, in case the sample meets the required standard, No Use Bond submitted in the Assessing Group will be cancelled and returned to the Importer / Customs Broker. In case the sample fails to meet the required standard, the case will be adjudicated in the Assessing Group.
- (iii) **For Docks Officer/ RMS Officers, who will give Out of Charge:-**
- (a) A designated official in the Docks will maintain the record of import consignment consisting of Toy items. This will include date of drawal of Sample and Out of Charge given.
 - (b) The Docks Officer will ensure drawal of representative sample of each type of toy in the shipment before final Out of Charge.

(c) In case of returned shipment for further proceedings by the JNCH Customs on grounds of failing to meet the required standards, the Docks Officer will proceed further as per Adjudication Order issued by the DC/AC of the Concerned Assessing Group.

4. The following labs are nominated for purpose of testing of the sample for compliance of “DGFT Notification” No 33/2015-20 dated 02.12.19:

(i) Eko Pro Engineers Pvt Ltd,	Ghaziabad
(ii) Geo- Chem Laboratory,	Gurgaon
(iii) Intertek India Pvt Limited	Gurugram
(iv) Reliable Analytical Laboratories Pvt Ltd	Thane
(v) Alpha Test House	Bahadurgarh
(vi) Sigma Test & Research Centre	New Delhi

The nominated labs are to ensure that the received representative samples are found with Customs seal intact and such samples should be tested within 15 days from the date of receipt of the sample and the test report should be forwarded at the earliest. A proper record of sample received from Customs and test reports submitted should also be maintained for future reference.

5. Importer has to submit “No Use Bond” in the Prescribed Format attached as “**Annexure – A**” with this Public Notice.

6. Difficulties, if any, faced in implementation of this Public Notice may be brought to the notice of the Dy. Commissioner in-charge of “Group.VI” on Tel. No.022-27244858.

7. 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/-

(Rajesh Kumar Mishra)

Commissioner of Customs (NS-V).

Copy to:

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

“ANNEXURE – A”

To
The Dy / Asstt. Commissioner of Customs,
JawaharLal Nehru Custom House,
Nhava Sheva

NO USE BOND

Known all by these presents that M/s ----- having registered office at -----, hereinafter referred to as “Importer” which expression shall unless or excluded by or repugnant to the context include their successors hereby firmly bind overselves to the President of India (hereinafter referred to as the Government) by the Commissioner of Customs, Nhava Sheva (JNCH), hereinafter called the Commissioner which expression shall include the person for the time being performing the duties of the Commissioner of Customs, Nhava Sheva (JNCH).

Sealed with our Seal with this dated -----.

The Deputy/Assistant Commissioner of Customs (hereinafter called the proper officer) has agreed to make assessment of the goods described in schedule below imported by the Importer pending submission of further documents Test Report and furnishing information and proper officer has agreed to allow clearance of the goods.

NOW THE CONDITION OF THE ABOVE NO USE BOND ARE SUCH THAT

(i) The policy conditions as stipulated in condition 2 (i) and 2(ii) of Notification No 26/2015-2020 dated 01.09.2017 and the policy condition no 2 (iii) to Chapter 95 of ITC (HS), 2017 – Schedule – 1 (Import Policy) incorporated by DGFT vide Notification 33/2015-20 dated 02.12.2019 shall be followed.

(ii) The product will not be sold in the market till successful testing of the sample by the NABL accredited laboratories, nominated for this purpose by this Custom House, as listed in JNCH Public Notice No

(iii) The Test Report will be submitted within two months from the date of assessment of the Bill of Entry.

(iv) In case the sample fails to meet the required standard the shipment will be brought back to the CFS from which Out of Charge (OOC) was granted for further proceedings by the JNCH Customs.

(v) The case will adjudicated in the Assessing Group and the entire cost of the destruction will be borne by the Importer.

SCHEDULE OF THE GOODS

- (I) Bill of Entry No & Date:
- (II) Name of the Vessel:
- (III) Description of the Goods:
- (IV) Country of Origin:
- (V) Quantity:
- (VI) Assessable Value:
- (VII) Duty Amount:
- (VIII) Bond Value:

Witness

- 1.**
- 2.**