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

F.No. S/22-Gen-06/2018-19 DPD AEO CELL

Date: 21.06.2018

STANDING ORDER No. 30/2018

Subject: Processing of Authorized Economic Operator (AEO) applications - reg.

Attention of all officers and staff of JNCH, Mumbai Customs Zone-II is invited to the **Board Circular No. 3/2016-Customs, dated 22-7-2016 and Circular No. 3/2018- Customs, dated January 17, 2018**((available at: http://www.cbec.gov.in/Customs-Circulars-Instructions) on the above mentioned subject.

2. Following procedure shall be adopted while processing the "application for AEO accreditation" filed by Importers, Exporters, Logistics Operators, Customs Brokers, Custodian and any other person involved in International Supply Chain & Customs related work/activities.

3. Receipt of Application:-

- i. "Application for AEO accreditation" shall be received by "TA" in AEO Cell, (4TH Floor, "A" wing), Nhava Sheva-III, JNCH. However, any applicant may submit AEO application along with all annexures (duly signed and properly scanned) through email at <u>aeocell.jnch@gov.in</u>. Any application received through email by any other section / officer shall be forwarded to AEO Cell JNCH (email address: <u>aeocell.jnch@gov.in</u>) on the same day.
- ii. On receipt of the application, the TA shall issue acknowledgement immediately. (Acknowledgement shall also be sent by reply email in case any application is received through email). The acknowledgement shall be issued to the contact person as mentioned in Annexure 'A' of application through this section email id <u>aeocell.jnch@gov.in</u> in the Performa attached.
- iii. Details of all such applications (received through email or in hard copies) shall be entered in the relevant registers (separately for each category i.e. for T-1, T-2, T-3 and LO). Thereafter, file number shall be given by T.A. The T.A. will also check whether all the documents required as per Circular No. 33/2016 as amended by Circular No 03/2018 (namely all Annexures and documents required for those Annexure) have been submitted or not. The "list of document / evidence" required to be checked by TA is enclosed herewith as (Annexure "B"). TA will check availability of each of the document and put "tick mark" against each entry of the said check list.
- iv. The application along with accompanied documents shall be put up on file before AC/DC AEO Cell along with checklist (Annexure "B") indicating deficiency noticed, if any. AC/DC AEO Cell will assign AEO T-I application to one of the AEO team (consisting of A.O./Suptd& EO/PO). Application for AEO T-2, T-3 & LO shall be put up before Nodal Officer, AEO Cell, JNCH, who will assign such applications to one of the AEO team (consisting of AC/DC, AO/Suptd& EO/PO).

4. Processing / Scrutiny of Application by AEO Team:-

- i. The dealing officer will first prepare "letter for legal verification" from field formation as per the requirement of para 3.2 of Circular No 33/2016 as amended by Circular No 03/2018 in prescribed format enclosed as Annexure 'C' requesting field formation to forward legal verification report on E-mail address <u>aeocell.jnch@gov.in</u>. The legal verification letter shall be uploaded on CBIC website through mail to <u>webmaster.cbec@icegate.gov.in</u>with the approval of Nodal Officer, AEO Zone-II .(ADC/JC). The "letter for legal verification" should be uploaded within "two weeks from receipt of application".
- ii. Thereafter, a separate letter to JC/ADC, CIU, SIIB(I/X) and CFS Cell JNCH shall be forwarded for obtaining report on legal verification of the applicants. If the applicant is a Custom Broker (CB), a separate mail shall be sent to "Customs Broker (CB) Cell of NCH Mumbai (If registered at NCH, Mumbai)" at their mail address cbec.nch@gov.in for verification in the prescribed format discussed above.
- iii. Application shall be scrutinised by the AEO Team as per provision contained in Circular No. 33/2016 as amended by Circular No. 03/2018 issued by CBIC. Discrepancy, if any, shall be intimated to Contact person of the applicant through "Email" with approval of AC/DC and Nodal Officer AEO Zone-II Customs.
- iv. In case of application for AEO T-I accreditation, the team shall put up final scrutiny report in format enclosed as **Annexure-"D" to Nodal officer through AC/DC AEO Cell**.
- v. In case of application for AEO-T2 and LO, if the application is found to be complete, the AEO team shall put up the same for approval of "physical verification of applicant premises" to the Nodal officer AEO Zone-II. Date of verification shall be fixed with the consent of applicant by Nodal Officer. AEO team shall put up verification report and scrutiny report in the format enclosed as Annexure "E".

5. Forwarding Processed Application to Programme Manager AEO, Delhi

- i. The applications shall be processed on First In First Out Basis(FIFO) principle.
- ii. The completed application with Scrutiny report of AEO team (Physical verification report of the premise of applicant also in case of AEO T2/LO application,) shall be put up through "AC/DC AEO Cell" to the Nodal Officer AEO Cell for his recommendation to the "AEO Programme Manager". The Scrutiny Report as detailed above should contain observation of AEO Team on fulfilment of requirements stipulated in CBEC Circular 33/2016 dated 22.07.2016 as amended by Circular 03/2018 dated 17.01.2018.
- iii. The file should be put up to "Nodal Officer, AEO Cell" along with Recommendation Letter (in the format as prescribed) to be forwarded to "Programme Manager AEO & Commissioner DIC Delhi". The Nodal Officer shall examine the report submitted by "AEO Team" and forward the "AEO Application to the Office of Programme Manager & Commissioner DIC Delhi with covering remark as Recommended for grant of AEO Status / Rejected for grant of AEO Status or forwarded for Discretion of AEO Programme Manager to grant of AEO status.

iv. The Recommendation letter of Nodal Officer along with document like scrutiny report, Physical verification report of AEO Team along with Relied upon documents is to be forwarded to the Office of Programme Manager AEO Delhiby post same day.

6. Client Relationship Manager

- i. Shri R. K. Singh, Joint Commissioner has been appointed as "Client Relationship Manager(CRM)" by the Zonal Chief Commissioner in terms of provision contained in Para 5.3.6 of Circular 03/2018 dated 18.01.2018. The same has been uploaded on JNCH website. In future also, the appointment of CRM is required to be given wide publicity by issuance of Public Notice and uploading of CRM contact detail on website of JNCH by the Appraising Main Section of NS-I Commissionerate. The Client Relationship Manager is responsible for:-
- ii. Clarifying / Resolving query, if any, of AEO applicant while filing the AEO application in the office of CC Customs Zone-II. In case of unavailability or doubt, the CRM can direct the applicant to the AEO Cell of JNCH for guiding the applicant.
- iii. CRM shall be single point of interaction with AEO clients. CRM should act as voice of AEO within Customs in relation to legitimate concern and issues of AEO. CRM should assist in getting procedural and operational issues resolved by coordinating with different sections within customs as well as other stakeholders.
- iv. Keeping record of Custom related Error reported voluntarily by the AEO Status holder and forwarding the same to AEO Cell on weekly basis.

7. In case of any difficulty, the specific issue may be brought to the notice of Deputy/Assistant Commissioner in charge of AEO Cell, NS-III (email address: <u>aeocell.jnch@gov.in</u>).

Sd/-(SUBHASH AGRAWAL) Commissioner of Customs (NS-III).

To:

- 1. The Chief Commissioner of Customs, Mumbai Zone-II, JNCH for information.
- 2. The Commissioner of Customs, NS-G/ NS-I / NS-II / NS-III / NS-IV / NS-V, JNCH
- 3. The Chairman, JNPCT / CEO GTI / CEO NSICT & NSIGT / BMCT.
- 4. Office Bearers of CSLA, MANSA, CFSAI for circulating among their members (as well as to other shipping lines / CFSs operating at JNPT) for information and necessary action.
- 5. All Additional / Joint Commissioner of Customs, JNCH
- 6. All Deputy / Assistant Commissioner of Customs, JNCH
- 7. All Sections / Groups of NS-G, NS-I, NS-II / NS-III/ NS-IV / NS-V, JNCH
- 8. BCBA / FIEO for circulating among their members for information.
- 9. AC/DC, EDI for uploading on JNCH website immediately.

ANNEXURE-'A'

Sir/Madam,

Please refer to your application for AEO T1 Certificate.

Your application Ref. No.- dated which was received in AEO Cell, JNCH, Nhava Sheva, Raigad on is acknowledged in terms of para 4.1 of Circular No. 33/2016-Customs, dated 22.7.2016 as amended by Circular No. 03/2018 dated 17.01.2018 at AEO Cell, O/o Chief Commissioner of Customs, Zone-II, Mumbai, JNCH, Nhava Sheva, Distt- Raigad, Maharashtra- 400707.

Your application will be processed by AEO Cell, O/o Chief Commissioner of Customs, Zone-II, Mumbai, JNCH, Nhava Sheva, Distt- Raigad, Maharashtra- 400707 and the same shall contact you for further correspondence.

With warm regards.

AEO Cell, O/o Chief Commissioner of Customs, Zone-II, Mumbai, JNCH, Nhava Sheva, Distt- Raigad, Maharashtra- 400707 Phone No. 022-27244766/750/779

ANNEXURE-'B'

Please see the application from M/S ______ Tier –I certification as per the CBEC's Circular No.33/2016 dated 22.07.2016. for AEO

During the preliminary scrutiny of the application, it has been noticed that the following necessary supporting document / Standard Operating Procedure (SOPs) are not enclosed in the application:

- *i.* Duly filled and signed **Annexure A**
- ii. Copy of IEC with annexures, Copy of PAN, Copy of GST, Copy of Certificate of Incorporation/Registration Certificate/ownership agreement.
- iii. The details of *Process Map of import/export* are not submitted as prescribed in Annexr C.
- *iv.* Details of all the Branches / Offices of the entity firm & their Site plan / SOP as prescribed in **Annexure D**.
- v. Duly filled and signed Annexure E.1
- vi. 1. List of Directors and Company Secretary.
 - 2. Cancelled Cheque/Bank Statement
 - 3. List of B/E or S/Bs in the past financial year.
 - 4. Balance Sheet/Annual Reports for Last 3 financial year.
- vii. Duly filled Annexure E.2 with details of legal compliance
- viii. SOP for Legal Compliance demonstrating: (E.2.v)
 - a. Procedures in place to identify and disclose any irregularities or errors to the Customs authorities or, where appropriate, other regulatory bodies.
 - b. Taken appropriate remedial action when irregularities or errors are identified.
- *ix.* Duly filled **Annexure E.4** with details of solvency.
- *x.* 1. Solvency Certificate from the Statutory Auditor or from CA for last three years.
 - 2. Undertaking regarding Solvency of the Entity for last three years.
- *xi.* Duly filled **Annexure E.3** with details and following documents.
 - *i.* Documented Process / SoP for Maintenance and archieving of records. E.3.d
 - *ii.* Document related to Accounting Standards/Principles, **Or Annual Report** E.3.a
 - *iii.* Organization Chart/Administrative setup corresponding to type/size of Bussiness E.3.b
 - *iv.* SOP/documented process for handling of licences and authorizations E.3.c
 - *v.* SOP/documented process for verifying accuracy of Customs declaration E.3.f
 - *vi.* SOP in respect of Information technology security and safety measures in place E.3.g
 - *vii.* SOP/Documented process in respect of employee training and awareness to tackle compliance difficulties and make contacts with Customs Authorities E.3.e

If approved the above marked deficiencies may be intimated to the applicant via e-mail for submission of required documents and further processing of the application.

In case application is for AEO-T2/LO then also enclose following:-

- *viii.* The details of *Security Plan* are not submitted as prescribed in Annexure B.
- *ix.* SOP for Cargo Security. It may cover safety and security of the cargo during packing, storage, 7 points inspection of containers, sealing with PAC/ISO 17712 seals, etc.
- *x.* SOP for Procedural Security which are related to the procedures of Cargo Movement, Documents Management, Record Management.
- *xi.* SOP for Conveyance Security. It may cover integrity and security of conveyance used for transportation of cargo, pre-determined route follow, random route check, etc.
- *xii.* SOP for Premises Security.
- *xiii.* SOP for Personnel Security. It may cover recruitment / termination, antecedent verification, types of employees i.e. permanent / contractual / hired, etc.
- *xiv.* Details of outsourced activities like Housekeeping, Security etc and copy of contracts of these service providers.
- *xv.* SOP related to Business Partner Security. Further, details of the Business Partners, Transporters and Freight Forwarders who handle / clear the Cargo of export / import and copies of contracts of these Business Partners.
- *xvi.* KYC norms and its SOP. Sample copy of records maintained for KYC norms.
- *xvii.* Write up on IT functioning and data security. SOP for document storage in 'Hardcopy' and data storage server and backups.

These above listed documents / SOPs is requested to be submitted to this office maximum within 21 days so that your application can be processed within prescribed period. If required you may contact the undersigned on 022-23711036 for any query/information.



ANNEXURE-'C'

सीमाशुल्क आयुक्त (एन एस – III) का कार्यालय OFFICE OF THE COMMISSIONER OF CUSTOMS, NS-III मूल्यनिरूपण मुख्य (आयात) APPRAISING MAIN (IMPORT) जवाहरलाल नेहरू सीमाशुल्क भवन, न्हावा शेवा, JAWAHAR LAL NEHRU CUSTOM HOUSE, NHAVA- SHEVA ता. उरण,, TAL-URAN, जिला रायगड / RAIGAD – 400 707, महाराष्ट्र <u>MAHARASHTRA</u> (e-mail:<u>aeocell.jnch@gov.in</u>; Telephone No.022-27244779)

F.No.S/22-Gen-..../2017-18 AEO Cell

Date:

To,

- 1. The Director General, Narcotics Control Bureau, Ministry of Home Affairs, West Block, No. 1, Wing No. 5, R. K. Puram, New Delhi 110 066.
- 2. The Director General, Directorate of Revenue Intelligence, 'D' Block, I.P. Bhawan, I.P. Estate, New Delhi 110 002.
- 3. The Director General, Directorate General of Goods & Service Tax Intelligence, West Block VIII, Wing No. VI, 2nd Floor, R. K. Puram, New Delhi – 110 066.
- 4. The Commissioner, Directorate of Legal Affairs, 4th Floor, Rajendra Bhawan, 210, Deendayal Upadhyay Marg, New Delhi 110 002.
- 5. The Additional Director General, Directorate General of Systems, Risk Management Division, 13, Sir Vithaldas Thackersey Marg, Opp Patkar Hall, New Marin Lines, Mumbai – 400 020.
- 6. All Chief Commissioners, Customs, Customs (Prev.), Goods & Service Tax, Goods & Service Tax (Audit).

Sir/Madam,

Sub.: Legal verification of AEO application under AEO program regarding.

Please refer to the letter F.No.450/179/2009-Cus IV)Pt(dated 02.01.2017 issued by the Director Customs and the letter F. No.1380/65/2016 dated 11.01.2017 of PM AEO DGPM on the above subject matter and Para iv of CBEC Cir 03/2018 dt. 17.01.2018 (available on CBEC website (Home -> Departmental Officers -> System / Home -> Public Information -> Indian AEO Programme).

The Importer/Exporter/Custodian/ Customs Broker, as per the attached list have applied for AEO-T1, T2 & LO Status:

It is requested that details as mentioned below against the above applicant and its Director / Proprietor/Partner Person entities may be sent to this office on this office e-mail id: aeocell.jnch@gov.in within 14 days from date of issue/upload of this letter on CBEC website.

I. Show Cause Notice issued to them during last three financial years involving fraud, forgery, outright smuggling, clandestine removal of excisable goods or cases where Service Tax has been collected from customers but not deposited to the Government.

II. Case wherein prosecution has been launched or is being contemplated against the applicant or its senior management.

III. Ratio of disputed duty demand or Drawback demanded or sought to be denied in SCN issued under Custom Act 1962)other than those mentioned in)I(&)II(above(during last three

Financial Year to the total duty paid or Drawback claimed during the same period i.e. last three Financial Year.

The details may include issue in brief, date of SCN/order and revenue implication. In case this applicant has come to any adverse notice of the department/Govt., details may be communicated.

These details are necessary to run a background check on compliance record submitted by the party for the last three years in terms of Para 3.2 of the Customs Circular No.33/2016 dated 22.07.2016.

In case no comments are received within 14 days, it will be presumed that you have no objection in granting "AEO" status to the above applicants.

Yours faithfully,

Addl. Commissioner of Customs, AEO Cell, JNCH, Nhava Sheva.

Encl: As above.

Copy to:

- The AEO Programme Manager, Directorate of International Customs, Central Board of Excise & Customs, Jeevan Bharti Building 2nd Tower, 5th Floor, Connaught Place, New Delhi – 110 001.
- 2. The J. S.)Customs(, CBEC, North Block, ICEGATE, Directorate General of Systems & Date Management, New Delhi.
- 3. The Addl. Director General)Systems(, ICEGATE, Directorate General of Systems & Data Management, New Delhi.

	AEO-T1					
Sr. No	Name of Firm/ Address	IEC No.	Director/Partner/contact person's Name			
1						
2						
3						
4						
		AEO-T2				
1						
2						



सीमाशुल्क आयुक्त (एन एस – III) का कार्यालय OFFICE OF THE COMMISSIONER OF CUSTOMS, NS-III मूल्यनिरूपण मुख्य (आयात) APPRAISING MAIN (IMPORT) जवाहरलाल नेहरू सीमाशुल्क भवन, न्हावा शेवा, JAWAHAR LAL NEHRU CUSTOM HOUSE, NHAVA- SHEVA ता. उरण,, TAL-URAN, जिला रायगड / RAIGAD – 400 707, महाराष्ट्र <u>MAHARASHTRA</u> (e-mail:aeocell.jnch@gov.in; Telephone No.022-27244779)

F.No.S/22-Gen- /2017-18 AEO Cell

Date:.

To, The Deputy Commissioner of Customs, CB Section, New Custom House, Ballard Estate, Mumbai.

Sir/Madam,

Sub.: Verification of Antecedents of Custom Brokers regarding.

Please refer to the subject mentioned above.

In this regard, it is informed that following Custom Brokers have applied for AEO-LO status:

	AEO- LO	
1		
2		

Hence, you are requested to inform as to whether any case is pending against the above mentioned applicants. The reply may be sent to this office on email id: <u>aeocell.jnch@gov.in</u> within 7 days of the receipt of the same.

Yours faithfully,

Dy. Commissioner of Customs AEO Cell, JNCH, Nhava Sheva.



सीमाशुल्क आयुक्त (एन एस – III) का कार्यालय OFFICE OF THE COMMISSIONER OF CUSTOMS, NS-III मूल्यनिरूपण मुख्य (आयात) APPRAISING MAIN (IMPORT) जवाहरलाल नेहरू सीमाशुल्क भवन, न्हावा शेवा, JAWAHAR LAL NEHRU CUSTOM HOUSE, NHAVA- SHEVA ता. उरण,, TAL-URAN, जिला रायगड / RAIGAD – 400 707, महाराष्ट्र <u>MAHARASHTRA</u> (e-mail: aeocell.jnch@gov.in; Telephone No.022-27244779)

F.No.S/22-Gen-..../2017-18 AEO Cell

Date.

To,

Addl/Joint Commissioners of Customs,

- 1. CIU,
- 2. SIIB(I),
- 3. SIIB(X),
- 4. CFS M.Cell,
- JNCH, Nhava Sheva.

Sir/Madam,

Sub.: Legal verification of AEO application under AEO program regarding.

Please refer to the letter F.No.450/179/2009-Cus IV)Pt(dated 02.01.2017 issued by the Director Customs and the letter F. No.1380/65/2016 dated 11.01.2017 of PM AEO DGPM on the above subject matter and Para iv of CBEC Cir 03/2018 dt. 17.01.2018 (available on CBEC website (Home -> Departmental Officers -> System / Home -> Public Information -> Indian AEO Programme).

The following **Importer/Exporter/Custodian/ Customs Broker,** have applied for AEO Accreditation with the AEO Cell O/o The Chief Commissioner of Customs, Zone-II, JNCH, Nhava Sheva.

	AEO-T1					
Sr. No	Name of Firm/ Address	IEC No.	Director/Partner/contact person's Name			
1						
2						
3						
4						
	AEO-T2					
1						
1						
2						

It is requested that details as mentioned above against the above applicant and its Director / Proprietor/Partner Person entities may be sent <u>to this office on</u> this office e-mail id: <u>aeocell.jnch@gov.in</u> within 14 days from date of issue/upload of this letter on CBEC website.

I. Show Cause Notice issued to them during last three financial years involving fraud, forgery, outright smuggling, clandestine removal of excisable goods or cases where Service Tax has been collected from customers but not deposited to the Government.

II. Case wherein prosecution has been launched or is being contemplated against the applicant or its senior management.

III. Ratio of disputed duty demand or Drawback demanded or sought to be denied in SCN issued under Custom Act 1962)other than those mentioned in)I(&)II(above(during last three Financial Year to the total duty paid or Drawback claimed during the same period i.e. last three Financial Year.

The details may include issue in brief, date of SCN/order and revenue implication. In case this applicant has come to any adverse notice of the department/Govt., details may be communicated.

These details are necessary to run a background check on compliance record submitted by the party for the last three years in terms of Para 3.2 of the Customs Circular No.33/2016 dated 22.07.2016.

In case no comments are received within 14 days, it will be presumed that you have no objection in granting "AEO" status to the above applicants.

Yours faithfully,

Addl. Commissioner of Customs, AEO Cell, JNCH, Nhava Sheva

ANNEXURE-'D'

: :

: : : :

Name of the **AEO T1** applicant Contact Person

CONTACT NO.
IEC NO
PAN CARD NO
CIN
GSTIN NO.
STATUS OF APPLICANT

: MANUFACTURER IMPORTER/EXPORTER

S. N.	Eligibility Criteria to meet the objective	Reply of the Party	AEO Team Assessment	Document /Evidence submitted & Page No.
	Eligibility Conditions and Criteri	a for grant	ing the AEO Certificate	
1	Whether company has a certificate of registration issued by the Registrar of Companies			
2	Whether details of places/ locations where goods are being handled, e.g. loading, unloading, storage etc., in the course of supply to/from international supply chain are provided by the company			
3	Whether company has provided any Proof about the business of its own accounts			
4	Whether applicant had business activities for at least three financial years preceding the date of application			
5	Whether applicant has minimum 25 transactions either of Import or Export transactions			
6	Whether any show cause notice issued to them during last three financial years involving fraud, forgery, outright smuggling, clandestine removal of excisable goods or cases where Service Tax has been collected from customers but not deposited to the Government.			
7	Whether any case wherein prosecution has been launched or is being contemplated against the applicant or its senior management.			
8	Whether ratio of disputed duty demanded or drawback demanded or sought to be denied, in all the show cause notices issued under the Customs Act, 1962 (other than those mentioned in Sr. No. 5 and 6) during the last three financial years, to the total duty aid and drawback claimed during the said period is more than ten percent.			

	If answer to above is yes, whether officer has reviewed the nature of cases.		
9	Whether an applicant has demonstrated that he has:		
i.	Procedures in place to identify and disclose any irregularities or errors to the Customs authorities or, where appropriate, other regulatory bodies.		
ii.	Taken appropriate remedial action when irregularities or errors are identified.		
10	Whether after identification of error, the applicant has taken steps to ensure that they do not happen again or, at least, to ensure that they are immediately remedied if they do arise.		
11	Whether applicant has maintained an accounting system consistent with Generally Accepted Accounting Principles (GAAP) / International Financial Reporting Standards (IFRS) which facilitates audit-based Customs control		
12	Whether applicant has administrative set up which corresponds to the type and size of business and which is suitable for the management of the flow of goods, and have internal controls capable of detecting illegal or irregular transactions;		
13	Wherever applicable, have satisfactory procedures in place for the handling of licenses and authorizations connected to export/import;		
14	Whether satisfactory procedures in place for archiving of the company's records and information, and also for protection against the loss of information;		
15	Whether applicant has ensured that employees are made aware of the need to inform the Customs authorities whenever compliance difficulties are discovered and establish suitable contacts to inform the Customs authorities of such occurrences		
16	Whether applicant has satisfactory procedures for verifying the accuracy of Customs declarations		
17	Whether applicant has appropriate information technology security measures to protect the applicant's computer system from unauthorized intrusion and to secure the		

	applicant's documentation		
	Financial Solvency		
18	Whether applicant is financially solvent during the three financial years preceding the date of application.		
i.	Whether applicant is listed currently as insolvent, or in liquidation or bankruptcy.		
ii.	Whether applicant have defaulted in payment of due Customs duties during the past three years.		
19	Whether applicants has submitted an undertaking regarding its solvency and a Solvency Certificate issued by the Statutory Auditor of the applicant.		

In view of above, the applicant may be considered for grant of AEO-T1 status.

Examining Offer

Examining Officer

Dy. Commissioner of Customs

ANNEXURE-'E'

Name of the AEO T1/T2 / LO applicant: _____ AEO T1 to submit Reply upto Sl. No. 19 only

Sr N o.	Eligibility Criteria to meet the objective	Reply of the Party	AEO Team Assessment	Document/Evidence submitted & Page No.
	Eligibility Conditions	and Criteria for grar	ting the AEO Certific	ate
1	Whether company has a certificate of registration issued by the Registrar of Companies			
2	Whether details of places/ locations where goods are being handled, e.g. loading, unloading, storage etc., in the course of supply to/from international supply chain are provided by the company			
3	Whether company has provided any Proof about the business of its own accounts			
4	Whether applicant had business activities for at least three financial years preceding the date of application			
5	Whether applicant has minimum 25 transactions either of Import or Export transactions			
	I	Legal Compliance	1	1
6	Whether any show cause notice issued to them during last three financial years involving fraud, forgery, outright smuggling, clandestine removal of excisable goods or cases where Service Tax has been collected from customers but not deposited to the Government.			
7	Whether any case wherein prosecution has been launched or is being contemplated against the applicant or its senior management.			
8	Whether ratio of disputed duty demanded or drawback demanded or sought to be denied, in all the show cause notices issued under the Customs Act, 1962 (other than those mentioned in Sr. No. 5 and 6) during the last three financial years, to the total duty aid and drawback claimed during the said period is more than ten percent. If answer to above is yes, whether officer has reviewed the nature of cases.			
9	Whether an applicant has demonstrated that he has:			
i.	Procedures in place to identify and disclose any irregularities or errors to the Customs authorities or, where appropriate, other regulatory bodies.			
ii.	Taken appropriate remedial action when irregularities or errors are identified.			
10	Whether after identification of error, the applicant has taken steps to ensure that they do not happen again or, at least, to ensure that they are immediately remedied if they do arise.	1 and (adv ave		
	Managing Commercia	ai and (where approp	riate) I ransport Recor	
11	Whether applicant has maintained an accounting system consistent with Generally Accepted Accounting			

	Principles (GAAP) / International			
	Financial Reporting Standards (IFRS)			
	which facilitates audit-based Customs			
	control			
	Whether applicant has administrative set			
	up which corresponds to the type and			
	size of business and which is suitable for			
12				
	the management of the flow of goods,			
	and have internal controls capable of			
	detecting illegal or irregular transactions;			
	Wherever applicable, have satisfactory			
13	procedures in place for the handling of			
15	licenses and authorizations connected to			
	export/import;			
	Whether satisfactory procedures in place			
	for archiving of the company's records			
14	and information, and also for protection			
	against the loss of information;			
	Whether applicant has ensured that			
	employees are made aware of the need to			
	inform the Customs authorities			
15	whenever compliance difficulties are			
	discovered and establish suitable			
	contacts to inform the Customs			
	authorities of such occurrences			
	Whether applicant has satisfactory			
16	procedures for verifying the accuracy of			
10	Customs declarations			
<u> </u>		Financial C-1		
<u> </u>	¥471 .1 14 .4	Financial Solvency		
	Whether applicant has appropriate			
	information technology security			
17	measures to protect the applicant's			
17	computer system from unauthorized			
	intrusion and to secure the applicant's			
	documentation			
	Whether applicant is financially solvent			
18	during the three financial years			
10				
	preceding the date of application.			
	Whether applicant is listed currently as			
i.	insolvent, or in liquidation or			
	bankruptcy.			
	Whether applicant have defaulted in			
ii.	payment of due Customs duties during			
	the past three years.			
	Whether applicants has submitted an			
	undertaking regarding its solvency and a			
19				
	Solvency Certificate issued by the			
 	Statutory Auditor of the applicant.			
		Safety and Security	7	Ι
	Whether applicant has in place			
	appropriate internal controls and			
	measures to ensure safety and security of			
20	applicant's business and his supply			
	chain, in addition to any specific legal			
	requirements that may be applicable to			
	the business.			
<u> </u>				
	Whether applicant has ensured security			
i.	of procedures, cargo, procedures,			
1	conveyances, premises, personnel and			
	business partners.			
		Procedural Security	7	
	Whether applicant has developed and			
	maintained a security policy and			
	procedure manual which shall contain			
21				
21	detailed guidelines on procedures to be			
	followed to preserve the integrity of the			
	cargo while in its custody, loading and			
1	unloading from transport conveyance			<u> </u>

1 1		I	1	1
	and during transport.			
	Whether manual also stipulate how seals			
i.	are to be controlled and affixed to cargo			
1.	and transport conveyances			
	Whether Security measures is in place to			
	ensure the integrity and security of			
22	processes relevant to the transportation,			
22	handling, and storage of cargo in the			
	supply chain.			
	Whether proper documentation of			
	management procedure is in place to			
	ensure that all documentation used in			
23	the clearing of cargo is legible, complete,			
25	accurate and protected against the			
	exchange, loss of introduction of			
	erroneous information.			
\vdash	Whether procedure is in place to ensure			
	that information received from business			
24	partners is reported accurately and			
21	timely as well as declared in the time			
	limit regulated by Customs.			
	Whether procedure is in place to ensure			
25	that:			
	Import / Export cargo are reconciled			
i.	against the information on the bill of			
1.	lading.			
	The weights, labels, marks and piece			
ii.	count of the import/export cargo are			
	accurately indicated.			
	Import/export cargo are verified against			
iii.	purchase/delivery orders			
	Drivers delivering or receiving cargo are			
iv.	positively identified before cargo is			
1.	received or released.			
	All shortages, overages, and other			
	significant discrepancies or anomalies			
26	must be resolved and/or investigated			
	appropriately			
	uppropriately	Premises Security		
	Whether Buildings are secured against	Tremises Security		
27	unlawful entry.			
┝──┤	Whether all gates, fences and windows			
	are secured with locking devices or			
28	alternative access monitoring or control			
	measures.			
\vdash	Whether authorized personnel controls			
29	the issuance of locks and keys			
$\left \right $	Whether adequate internal and external			
	lighting are provided especially for			
30	entrances and exits, cargo handling and			
50	storage areas, fence lines and parking			
	areas			
\vdash	Whether gates through which vehicles			
	and/or personnel enter/exit are			
31	manned, monitored or otherwise			
	controlled.			
	Whether Vehicles accessing restricted			
i.	areas are parked in approved area and their license plate numbers furnished to			
	Customs upon request.			
	Whether only properly identified and			
32	authorized persons, vehicles and goods			
52	are permitted access			
33	Whether access to document or cargo			
55	manual access to document of cargo		1	1

34 Whether applicant creatived appropriate 35 Whether restricted areas are clearly identified 36 Whether integrity of structures and systems are periodically inspected. 37 areas around cargo handling and storage facilities. 38 Whether clear demarcation within a serge panding structure has being made to segregate domestic, international, high value and haradoos cargo to proper access and safety. 39 Whether runature has being made to cargo handling and storage access and safety. Cargo Security 40 protabilited from parking in or adjacent to cargo handling and storage areas Cargo Security 41 authorized persons have access to the cargo and safety. Cargo Security 41 whether only properly identified and authorized persons have access to the cargo and safety. Cargo Security 42 permanent monitoring or keeping in a set, locked area. Security Security security seak. 43 IsO 17712 standards for high security seak. Whether all seals meet the current PAS / seak. 44 Iclowing the procedure prescribed in the security policy manual Whether appropriate the type of cargo container used, a seven-point the security policy manual 45 Whether and legifitmate use there appropriate the type of cargo centainer used, a seven-point inspectic ouproces is necedure		store as areas are restricted	l	I	I
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51 conveyances used for transport of cargo are trained to maintain the security of the conveyance and the cargo at all times					
⁵¹ are trained to maintain the security of the conveyance and the cargo at all times					
conveyance and the cargo at all times	51				
while in its custody					

			1	
	Whether applicant has procedure in			
	place through which operator's reports			
52	actual or suspicious incident to			
52	designated security department staff of			
	the applicant company as well as to			
	maintain records of these reports.			
	Whether records are being made			
i.	available to the AEO Programme Team			
	and the Customs.			
	Whether applicant has ensured that			
53	potential places of concealment of illegal			
	goods on conveyances are regularly			
	inspected			
	Whether applicant has ensured that			
	transporters make sure that conveyance			
	integrity is maintained while the			
- 1	conveyance is on route transporting			
54	cargo to export/import points or			
	import/transit containers by utilizing a			
	tracking and monitoring activity log or			
	records			
	Whether applicant has ensured that pre-			
	determined routes are identified by the			
	dispatcher, and procedures must consist			
55	of random route checks along with			
	documenting and verifying the length of			
	time between the loading point/trailer			
	pickup and the delivery destinations			
	Whether applicant has ensured that			
	drivers notify the dispatcher of any route			
56	delays due to weather, traffic and/or			
	rerouting			
	Whether applicant has ensured that the			
	management of transporters perform a			
	documented, periodic, and random			
57	verification process to ensure the logs are			
	maintained and conveyance tracking and			
	monitoring procedures are being			
	followed and enforced			
		Personnel Security	,	
	Whether all reasonable precautions are			
	taken when recruiting new staff to verify			
58	that they are not previously convicted of			
00	security-related, Customs or other			
	criminal offences.			
FO	Whether periodic background checks are			
59	conducted on employees working in			
	security sensitive positions			
	Whether employee identification			
60	procedures require all employees to			
00	carry proper identification that uniquely			
	identifies the employee and organization			
	Whether procedures to identify, record			
	and deal with unauthorized or			
	unidentified persons, such as photo			
61	identification and sign-in registers for			
	visitors etc. are ensured at all points of			
	-			
	entry Whether procedures are in place to			
	Whether procedures are in place to			
	expeditiously remove identification and			
62	access to premises and information for			
	employees whose employment is			
	terminated			
]	Business Partner secu	rity	
	Whether have written and verifiable			
	process, including the capability of			
	,	1	1	
63				
63	financial soundness and compliance with the safety requirement set by the			

		Г	1	1
	contracts as well as the capability of			
	detection and correction of safety defects,			
	for the selection of business partners.			
	For business partners having AEO			
64	certification, whether the applicant has			
01	collected those business partners' copies			
	of certification			
	For non-AEO partners, whether the			
	applicant gets written confirmation of			
	meeting AEO equivalent security criteria			
	from them. Such business partners must			
	have one of the following written			
	documents demonstrating their			
	compliance with security criteria: a. Contractual document			
	b. A completed self-assessment security			
	questionnaire from the applicant.			
65	c. A written statement from the business			
	partner demonstrating their compliance			
	with AEO security criteria.			
	d. Senior business partner officer			
	attesting to compliance.			
	e. Documents from the business partners			
	demonstrating their compliance with			
	and equivalent and accredited security			
	program administered by a foreign			
	Customs authority.			
	Whether periodic reviews of business			
	partner's processes and facilities are			
66	conducted based on risk, and must			
	maintain the security standards required			
	by the applicant.			
	Security Training and Threat Awareness	Γ	1	
	Whether a threat awareness program is			
67	established and maintained for			
	employees to foster awareness of the threat at each point in the supply chain			
	Whether employees are aware of the			
68	procedures the company has in place to			
00	address a situation and how to report it.			
	Whether specific training is offered to			
	assist employees in maintaining cargo			
69	integrity, recognizing internal			
	conspiracies and protecting access			
	controls			
	Whether supply chain security training			
	of employees include the following			
	items:			
	i. Security policy of the company			
	ii. Potential risk to internal security of			
	the company			
70	iii. Maintaining cargo security			
	iv. Access control measures of the			
	company			
	v. Identifying and reporting suspicious			
1				
	cargo and personnel			
	vi. Conveyance management and cargo			
	vi. Conveyance management and cargo security for conveyance management			
	vi. Conveyance management and cargo security for conveyance management personnel			
	vi. Conveyance management and cargo security for conveyance management personnel Whether records of security training are			
71	vi. Conveyance management and cargo security for conveyance management personnel Whether records of security training are maintained and made available for			
71	vi. Conveyance management and cargo security for conveyance management personnel Whether records of security training are			

PROFORMA FOR RECOMMENDATION LETTER

✤ . Brief of the Application:-

- Name of the Applicant:-
- AEO Tier Applied : Tier-One
- Date of Receipt of application-
- Discrepancy noticed as per Circular No. 33/2016-Custos and 03/2018-Customs for respective tiers.
 : N/A
- The following Annexures are required for respective tiers

Sl.	Annexure	Subject	Whether		Comments,
No			Complete/		If any*
			in order		
			AEO	Y/N	
			T1		
1	Annexure-A	Application Form	Yes	Yes	
2	Annexure-B	Security Plan	No	N/A	
3	Annexure-C	Process Map	Yes	Yes for all	
		_		locations	
4	Annexure-D	Site Plan	Yes	Yes for all	
				locations	
	Annexure-E				·
5	Annexure-E1	General	Yes	Yes	Supporting
		Compliance			documents
		_			submitted
6	Annexure-E2	Legal Compliance	Yes	Yes	Supporting
					documents
					submitted
7	Annexure-E3	Managing	Yes	Yes	Supporting
		commercial and			documents
		(where			submitted
		appropriate)			
		transport records			
8	Annexure-E4	Financial	Yes	Yes	Supporting
		Solvency			documents
					submitted
9	Annexure-E5	Safety & Security	No	N/A	
10	Annexure-F	Business Partner	No	N/A	
		Detail			

 Applicant has requested vide their letter ref.no. - dated 09.05.2018 for processing the file for AEO-LO Status.

Recommendation by the Nodal Officer-Recommended for approval

Jt. Commissioner of Customs, Nodal Officer AEO Cell, JNCH, Nhava Sheva.