Circular No. 13/2018-Customs

F. No: 450/08/2015-Director (Customs)
Government of India
Ministry of Finance
Department of Revenue
(Central Board of Indirect Taxes and Customs)
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Room No. 227B, North Block,
New Delhi dated 30th May, 2018

To,

All Principal Chief Commissioner/Chief Commissioner of Customs/ Customs & Central Tax/ Customs (Preventive)
All Principal Commissioner/Commissioner of Customs/ Customs & Central Tax/ Customs (Preventive)

Subject: Revised instruction for stuffing and sealing of reefer containers- reg.

Sir/Madam,

I am directed to refer to the procedure for introducing and implementing electronic sealing for containers by exporters under self-sealing procedure prescribed vide Board's Circular No. 26/2017-Customs dated 1.7.2017 and Circular No. 36/2017-Cus. dated 28.8.2017.

2. Representations have been received from trade associations, exporters, DGFT, field formations etc. regarding opening of e-sealed reefer containers at the Ports/ICDs for examination. They have mentioned that in case of perishable items exported through reefer containers, the maintenance of temperature is of utmost importance. In the current scenario where the factory stuffed containers are being e-sealed by exporters themselves, sometimes due to selection by risk management system, these reefer containers are being picked up for examination at Customs ports/ICDs. Since at present, all Ports/ICDs are not having sterile, temperature controlled examination facilities, so they have to incur transportation costs etc to take them to nearest cold storage facility for examination. It not only adds to transaction cost but also affects timely export of these perishable reefer containers.

3. The matter has been examined in the Board. The shift from erstwhile supervised factory stuffing to self-sealing was to facilitate easy movement of export containers and to secure against tampering enroute by use of one-time e-seals. As all Ports/ICDs may not have sterile, temperature controlled examination facilities, therefore, selection of reefer containers for examination might lead to contamination or spoilage. In order to address these issues, Board has decided to allow factory stuffing and sealing of reefer containers with perishable/ temperature sensitive export goods in the presence of Customs officials.

4. The above procedure shall be implemented as under:

(i) The exporter would give application to the jurisdictional Customs Commissioner for availing supervised stuffing along with the list of export goods.

(ii) In case the jurisdictional Commissioner of Customs is satisfied that the export goods are sensitive to temperature and there are no sterile, temperature controlled examination facilities at the port of export, then he shall permit supervised stuffing and sealing in respect of such export goods. Permission once granted shall not be withdrawn unless any

non-compliance to law, rules or regulations is noticed. The details of exporters who have been permitted such a facility along with the indicative list of export goods shall be sent to RMCC and the port of export by the jurisdictional Commissioner.

(iii) The request for supervised stuffing of reefer containers shall be given by the exporter at least 24 hours prior to stuffing to the concerned Customs office indicating the nature of the temperature sensitive goods. The jurisdictional Commissioner of Customs shall depute officers to supervise examination, stuffing and sealing of the reefer containers.

(iv) The officers deputed for supervised stuffing would ensure that the reefer containers are stuffed with only such export goods as are sensitive to temperature and in accordance with the details of the export goods list furnished by the exporter. The containers would be sealed with RFID e-seals procured by the exporters and the data as required shall be uploaded by exporter as per the already prescribed procedure.

(v) RMCC may take necessary steps to ensure that the reefer containers which have been sealed under the supervision of the officers are not subjected to examination at the port of export.

(vi) The jurisdictional Commissionerate shall inform the said container details exporter wise to RMCC on monthly basis. RMCC, in turn, shall verify the details with the facilitation provided to the respective exporters in respect of the said reefer containers and inform the jurisdictional Commissionerate in case of any discrepancy. The jurisdictional Commissioner of Customs shall, in the case of discrepancy, review the permission for supervised stuffing and sealing.

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5. The above procedure prescribed in this circular shall be observed only at the request of the exporter in respect of reefer cargo. In other cases, the existing self-sealing procedure with RFID e-seals would continue. MOT charges wherever applicable shall be paid at the prescribed rates.

6. In respect of other types of sensitive cargo which may deteriorate or get contaminated etc. upon opening of the containers, the Commissioner of Customs at the port may exercise suitable discretion for valid reasons to override the RMS instructions. However, while doing so, he/ she shall inform the RMCC of instances of overriding the instructions and reasons thereof.

7. All the field formations are directed to make adequate arrangements for deputing CBIC officials for supervising factory stuffing & E-sealing of reefer containers carrying export goods.

8. Notwithstanding the above relaxation, the reefer container (s) may be selected for scanning/ examination on specific information / intelligence or occasional random basis or where it has come to notice that the RFID seal has been tampered with after being sealed in the presence of the Customs officer.

9. Difficulties, if any, may be brought to the notice of the Board. Hindi version follows.

Yours faithfully,

Zubair Riaz

(Zubair Riaz)
Director(Customs)