Circular No.14/2009-Customs

F.No.450/19/2005-Cus.IV
Government of India
Ministry of Finance
Department of Revenue
(Central Board of Excise & Customs)

North Block, New Delhi.
6th May, 2009.

To

All Chief Commissioners of Customs / Customs (Prev.).
All Chief Commissioners of Customs & Central Excise.
All Commissioners of Customs / Customs (Prev.).
All Commissioners of Customs & Central Excise.
The Director General of Revenue Intelligence.
The Director General of Central Excise Intelligence.

IndiaCode

Subject: Implementation of Phytosanitary requirements in import or export of goods - regarding.

Sir / Madam,

As you are aware, the sanitary (relating to food safety) and phytosanitary (animal and plant health) measures are enforced in the course of international trade by various countries to prevent the spread and introduction of any pests of plants, plant products or insect, fungus and for protection of human, animal or plant life or health. In this regard, your attention is invited to the Board's Circular No.39/2004-Customs dated 3.6.2004 and Board's instructions of even number dated 2.4.2009, wherein Customs officers have been instructed to release the goods imported in wood packaging material, only in cases where the wood packaging material are appropriately treated as per international standards (ISPM-15) or is accompanied by a phytosanitary certification with the treatment endorsed.

2. In the international trade, every consignment accompanied with solid wood packaging materials (SWPM) needs to be treated and marked in accordance with the provisions of International Standards for Phytosanitary Measures (ISPM) No.15. In case of non-compliance of the ISPM-15, the importing countries issue notices to the National Plant Protection Organisation of the exporting country for non-compliance, and initiate necessary action against the exporter. Of late, the Government of India had received a number of non-compliance notifications from various countries particularly European Union countries regarding violation of ISPM-15 standards, in respect of goods exported from India. Most of these cases relate to non-treatment of wood packaging material or no treatment mark on wood packaging material used in packaging of goods exported from India. Exports to most countries including Canada, USA, Australia, Japan etc. require that all wood packaging materials used in packaging of export consignments are required to be rendered free from all pests either by heat treatment or by fumigation with Methyl Bromide by the treatment providers recognized by the Directorate of Plant Protection, Quarantine & Storage

(DPPQ&S) under the Department of Agriculture and Cooperation (DAC). The list of such accredited fumigation agencies for Methyl Bromide Fumigation and certified Heat Treatment Facilities for wood packaging material as per ISPM-15, can be accessed at the DAC's website i.e. **http://agricoop.nic.in/.** Detailed information on plant quarantine activities may also be accessed from the official website of DPPQ&S at **www.plantquarantineindia.org.**

3. In view of the above, I am directed to say that all the Customs field formations should verify whether the export goods packed with raw or solid wood packaging material comply with the ISPM No. 15 or are accompanied by a phytosanitary certificate with the treatment endorsed issued by the agencies which are accredited / certified by DAC. In case of non-compliance, the matter may be referred to the Plant Quarantine authorities for proper treatment of export goods before their release.

4. Similarly, in respect of import consignments, it is reiterated that the provisions of sub-clause 20A prescribing compliance of ISPM-15 standards by wood packaging material may be enforced in terms of Plant Quarantine (Regulation of import into India) Order, 2003. Consignments that are found to be non-compliant or not carrying prescribed treatment mark on the wood packaging materials shall be referred to the Plant Quarantine Authorities for proper treatment or destruction or deportation to the country of export. The details of such non-compliance shall also be informed in the prescribed format for reporting of non-compliance to the DPPQ&S.

5. The field formations as well as trade and industry may be suitably informed.

Yours faithfully,

(M.M. Parthiban)

Director (Customs)

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