Circular No.39/2004-Cus.
June 3, 2004

F.No.450/80/2000-Cus.IV
Government of India
Ministry of Finance
Department of Revenue
Central Board of Excise & Customs

Subject: Implementation of provisions of clause (3), sub-clause (22) of Plant Quarantine (Regulation of Import into India) Order, 2003-reg

I am directed to invite your attention to the Board's letter F.No.450/80/2000-Cus.IV, dated 31.5.2004 (copy enclosed) vide which the implementation of sub-clause (22), clause (3) of Plant Quarantine (Regulation of Import into India) Order, 2003 requiring phytosanitary certificate in respect of packaging material of imported goods was withheld until further orders. The effective date of provisions of sub-clause (22), clause (3) of Plant Quarantine (Regulation of Import into India) Order, 2003 was **1.6.2004.**

2. Now, the Ministry of Agriculture , Department of Agriculture and Cooperation vide Notification dated 31.5.2004 issued from F.No.8-128/2004-PPI (copy enclosed), have deleted sub-clause 21 and 22 of clause 3 of the of Plant Quarantine (Regulation of Import into India) Order, 2003 with immediate effect . At the same time new sub-clause 20A, prescribing treatment of wood packaging materials, has been inserted in clause 3 of Plant Quarantine (Regulation of Import into India) Order, 2003 . This clause will enter into force on 1st November, 2004.

3. In view of above necessary instruction may kindly be issued to all concerned.

4. Hindi version will follow.

D.S.Garbyal
Under Secretary to the Government of India
Phone No.2094182

IndiaCode

May 31, 2004

No.450/80/2000-Cus.IV
Government of India
Ministry of Finance
Department of Revenue
Central Board of Excise & Customs

Subject: Implementation of provisions of clause (3), sub-clause (22) of Plant Quarantine (Regulation of Import into India) Order, 2003-reg

I am directed to invite your attention to the Board's letter F.No.450/80/2000-Cus.IV, dated 20.4.2004 vide which the Notification No.S.O.427(E), dated 29.3.2004 regarding requirement of phytosanitary certificate in respect of packaging material of imported goods, issued by Ministry of Agriculture, Department of Agriculture and Cooperation was forwarded to all field formations. In the said Notification, the date of commencement of sub-clause (22), clause (3) of Plant Quarantine (Regulation of Import into India) Order, 2003 was deferred from 1.4.2004 to 1.6.2004.

2. In this connection all concerned are hereby directed to withhold the implementation of sub-clause(22), clause (3) of Plant Quarantine (Regulation of Import into India) Order, 2003 from 1.6.2004 until further orders.

D.S.Garbyal
Under Secretary to the Government of India
Phone No.2094182

TO BE PUBLISHED IN THE PART 2 SECTION 3 SUB SECTION II OF THE GAZETTE OF INDIA (EXTRAORDINARY)

31st May, 2004

Government of India
Ministry of Agriculture
Department of Agriculture and Cooperation

Notification

In exercise of the powers conferred by sub-section (1) of section 3 of the Destructive Insects and Pests Act, 1914 (2 of 1914), the Central Government hereby makes the following Order further to amend the Plant Quarantine (Regulation of Import into India) Order, 2003, namely :-

1. (1) This Order may be called the Plant Quarantine (Regulation of Import into India) Third Amendment Order, 2004.

(2) Save as otherwise provided in this Order, this Order shall come into force on the 1st November, 2004.

2. In the Plant Quarantine (Regulation of Import In to India) Order, 2003, -

(a)	in clause 2,-	
	(i)	sub-clause (xv) shall be omitted;
	(ii)	after sub-clause (xxx), the following sub-clauses shall be inserted, namely:-

"(xxxi) "Dunnage" means wood packaging material used to secure or support a commodity but which does not remain associated with the commodity [FAO, 1990; revised ISPM Pub. No.15, 2002];

(**xxxii) "Wood packaging material"** means wood or wood products (excluding paper products) used in supporting, protecting or carrying a commodity (includes dunnage) [ISPM Pub. No. 15, 2002];

(xxxiii) "Article" means any kind of movable property including any goods and stores consigned from one party to another as a shipment and covered by a bill of entry of customs, shipping or airway bill and / or invoice in the course of international trade."

(b)	in clause 3, -	
	(i)	after sub-clause (20), the following sub-clause shall be inserted, namely :-

"(20A). No article, packed with raw / solid wood packaging material shall be released by the proper officers of Customs unless the wood packaging material has been appropriately treated and marked as per ISPM-15 or is accompanied by a phytosanitary certificate with the treatment endorsed.

The treatment of raw / solid wood packaging material prior to export shall include either methyl bromide (MB) @ 48 g/m^3 for 16 hrs at 21^0 C and above or any equivalent thereof or heat treatment (HT) at 56^0C for 30 min (core temperature of wood) or Kiln Drying (KD) or Chemical Pressure Impregnation (CPI) or any other treatments provided that these meet the HT specifications of the ISPM-15.

Any article, if found packed with raw / solid wood packaging material without specified treatment and without marking as per ISPM-15 or if not accompanied by phytosanitary certificate with treatment endorsed, as the case may be, shall be considered untreated and shall be referred by the proper officer of the Customs to Plant Quarantine Officer. The proper officer of customs shall grant release of such articles packed with untreated wood packaging material only after ensuring that the wood packaging material has been appropriately treated at the point of entry under the supervision of Plant Quarantine Officer.

Provided that above conditions shall not be applicable to wood packaging material wholly made of processed wood products such as ply wood, particle board, oriental strand board or veneer that have been created using glue, heat and pressure or combination thereof. Also the above conditions shall not be applicable to wood packaging material such as veneer peeler cores, saw dust, wood wool & shavings and thin wood pieces (less than 6 mm thickness), unless they are found to be harboring any regulated pests specified in this order.

Provided further that nothing contained in this clause shall be applicable to wood packaging materials used for packaging of bona-fide passenger baggage containing goods other than plant and plant products";

(ii) Sub-clauses (21) and (22) shall be omitted with effect from the date of publication of this order.

F.No.8-128/2004-PPI

Ashish Bahuguna
Joint Secretary to the Government of India

Foot Note:- The Principle notification was published vide So.No.1322(E) dated 18.11.2003 and subsequently amended vide SO.No.167(E) dated 6.2.2004 and S.O.No.427(E) dated 29.3.2004.

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