Circular No. 13/ 2007-Customs

F.No.450/122/2005-CUS-IV
Government of India
Ministry of Finance
Department of Revenue
Central Board of Excise & Customs
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New Delhi, dated the 02nd March, 2007

Subject:-Clearance of livestock and livestock products- regarding.-

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The undersigned is directed to inform that the import of certain livestock and livestock products have been prohibited by the Ministry of Agriculture, Department of Animal Husbandry, Dairying & Fisheries in view of outbreak of Avian Influenza disease in number of countries. Department of Animal Husbandry, Dairying & Fisheries have issued a notification S.O. (102)(E) dated 02.02.2007 prohibiting import of three items from all countries and import of nine items from countries reporting Avian Influenza. A copy of the notification is enclosed. List of countries affected with Avian Influenza is not mentioned in the notification. During a meeting with Department of Animal Husbandry, Dairying & Fisheries, it was informed that the list of countries affected with Avian Influenza is continuously changing as new countries are reporting Avian Influenza and certain other countries are declaring themselves free from Avian Influenza. It was desired that Customs field formations need to be alerted in this regard.

2. The issue of possibility of import of livestock & livestock products by Diplomats without requisite quarantine check was also discussed. Ministry of External Affairs informed that they only issue Customs duty exemption certificates for duty free import of goods by Diplomats.

3. The Department of Animal Husbandry, Dairying & Fisheries also expressed concerns about the necessary referral to Quarantine authorities before permitting the Customs clearance of livestock/ livestock products. It was informed that no such referral has been received by them in case of import of Diplomatic cargo containing livestock and livestock products.

4. The matter has been examined by the Board. It is seen that Board has issued Circular No.43/2001-Cus, dated 6.8.2001 and Circular No.48/2005-Cus, dated 28.11.2005 to regulate the import of livestock and livestock products. Board has further issued instructions vide F.No.450/132/2004-Cus.IV, dated 4.01.2005 and F.No.450/122/2005-CUS-IV dated 13.10.2005 re-iterating the provisions for import of these products and to ensure that clearance of livestock and livestock products is done after proper quarantine check and necessary no objection certificate by animal quarantine officer.

5. In view of recent concerns over spreading of Avian Influenza, field formations should take abundant precaution while clearing livestock and livestock products. In view of the concerns of the Department of Animal Husbandry, Dairying & Fisheries in respect of changing status of various countries affected with Avian Influenza, it would be advisable that **all consignments** of livestock and livestock products are referred to Quarantine Authorities before Customs clearance of goods, regardless of any Sanitary Import Permits (SIPs) that may have been issued and clearance should be allowed only after no objection is received from Quarantine authorities. If Quarantine officers are of the view that the consignment needs to be destroyed or re-exported in view of Avian Influenza or any other disease threat, the action taken may subsequently be informed to Quarantine officer.

Further, in view of spreading of Avian Influenza, the consignment of products as mentioned in existing notification of Department of Animal Husbandry, Dairying & Fisheries may remain uncleared and Custodian may like to initiate the process of auction for such consignments. In view of above, it may be ensured that in such cases of auction of livestock and livestock products mentioned in existing notification of Department of Animal Husbandry, Dairying & Fisheries, NOC should be given to Custodian based on 'no objection' obtained from quarantine officers.

6. As per existing provisions in respect of clearance of Diplomatic baggage and cargo, it is once again reiterated that the import of goods which is prohibited by the law or regulated by the quarantine provisions, inspection can be conducted only in the presence of the diplomatic agent or of his authorized representative. However any such inspection should be undertaken only after prior consultation or authorization of the protocol division of Ministry of External Affairs (MEA). A representative of MEA should invariably be present at the time of inspection. Further, Inspection should be based on prior intelligence and with the approval of the Commissioner of Customs.

In cases where declaration itself contains presence of livestock and livestock products in the cargo, the standard procedure of referral to Quarantine authorities need to be adhered to. MEA has informed that such requirement of quarantine authorities in respect of Diplomatic cargo need to be informed to all Diplomatic Missions before the procedure is put in place. Accordingly, it is decided that such referral by Customs should commence only after MEA has briefed all Diplomatic Missions about these requirements. In view of this, Customs should follow procedure of referral to quarantine authorities only after further direction of the Board. Meanwhile, clearance of such items by Diplomatic Missions may continue unhindered. Where any difficulty is being faced in clearance of Diplomatic cargo the same should be immediately referred to the Board.

7. The above instructions may be brought to the notice of all concerned immediately through appropriate Public Notice.

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