

OFFICE OF THE COMMISSIONER OF CUSTOMS (IMPORTS)

AIR CARGO COMPLEX, SAHAR, MUMBAI-400099.

F.No.JC/Misc-2/ACC2010

Date: 12/05/2011

PUBLIC NOTICE NO: 12/2011

Subject: Compliance of DGFT Notification No. 44(RE-2000)/1997-2002 dated 24/11/2000-Labeling of goods in Bond prior to Ex-Bond Clearance- regarding

Attention of Importers, Custom House Agents and other Members of Trade is invited to Board's Circular No.19/2011-Cus dated 15/04/2011 issued from F.No.450/29/2011-CusIV.

Representations were received about difficulties being faced by the importers in carrying out labeling of certain commodities which are sensitive to heat and dust and is having a small package size; in the import shed prior to clearance of the same. It was represented that importers should be allowed to carry out the labeling activity as mandated under DGFT notification No. 44(RE-2000)/1997-2002 dated 24/11/2000 in warehouse before the clearance of the goods by the proper officer of the Customs for Home Consumption.

2. DGFT Notification No. 44(RE-2000)/1997-2000 dated 24/11/2011 provides for labeling of the goods imported into India which are covered by the Provisions of 'Standards weights and Measure (Packaged Commodities) Rules 1977'. This notification mandates that compliance of labeling conditions have to be ensured before the import consignment of such commodities are cleared by Customs for Home Consumption.

3. The matter has been examined by the Board. In order to redress the issue and to remove the difficulties faced by the importers on account of space constraints in the Import Shed, it has been decided to extend the facility of labeling on imported goods in the bonded ware houses subject to certain procedural conditions.

4. In this regard it is clarified that the importers should first ascertain that for such marking /labeling facility, space is available in warehouse prior to exercising this option. In such cases importer may file the warehousing Bill of Entry. The assessing group will give suitable directions to Shed staff to allow the bonding of the goods without labeling and with endorsement on the warehousing Bill of Entry that verification of compliance of DGFT Notification No. 44(RE-2000)/1997-2002 is to be done prior to ex- bonding by the Bond Superintendent. The goods will be labeled in the bonded premises and the compliance of DGFT Notification No. 44(RE-2000)/1997-2002 will be ensured at the time of ex-bonding of the goods, by the Bond officer, by examining the goods again and endorsing the examination report on the ex-bond Bill of Entry. It is provided that 100% examination at the time of Ex-Bond clearance of the goods should be done to ensure the compliance of DGFT Notification No.44 (RE-2000) 1997-2002. The examination report can be endorsed on hard copy of ex-bond Bill of Entry where EDI facility is not extended, and on hard copy as well as EDI system where EDI facility is extended to the Bonded warehouses. It is also clarified that this facility is applicable only to the goods that cannot be easily labeled in import shed, having regard to size of the package and other factors such as sensitivity to temperature/dust etc.

5. Further, as the activity of labeling and re-labeling including the declaration of Retail Sale Price (RSP) on the goods amounts to manufacture in terms of section 2(f) of the Central Excise Act, 1944, if the same is carried out on the goods warehoused, it would be considered as manufacturing operations having been undertaken in Bond / warehouse and, accordingly, the provisions of 'Manufacture and Other Operations in warehousing Regulations, 1966' would apply on those goods. Importers can, therefore, avail the facility of carrying out labeling in warehouse after following the above procedure and the provisions of 'Manufacture and Other Operations in Warehouse Regulations, 1966'.

6. The A.C./D.C.(Appraising Groups), A.C./D.C.(Import Shed), A.C./D.C.(Bond) and officers working under have been directed to ensure the compliance of the procedure.

7. The importers, Custom House Agents, are hereby informed for compliance of the procedural changes.

(Roopam Kapoor)
Commissioner (ACC)

Copy to:-

- 1) Chief Commissioner of Customs, Mumbai Zone III.**
- 2) All Additional Commissioners/Jt. Commissioners (Import/Export Commissionarates).**
- 3) All A.C./D.C's(Import/Export Commissionarates).**
- 4) BCHAA.**
- 5) Notice Board/Intranet/Website,ACC**