

Circular No. 19/2022 -Customs

F.No.484/35/2022-LC
Government of India
Ministry of Finance
Department of Revenue
Central Board of Indirect Taxes & Customs

Room No. 227A, North Block
New Delhi, dated 14th September, 2022

To,

All Principal Chief Commissioners/Chief Commissioners of Customs
All Principal Chief Commissioners/Chief Commissioners of Customs (Preventive)
All Principal Chief Commissioners/Chief Commissioners of CGST & Customs
All Principal Directors General/Directors General under CBIC

Subject: Transhipment through India of containerized export cargo of Bangladesh destined for third countries using Riverine and Land routes – reg.

Madam/Sir,

Reference is invited to Circular No. 42/2018-Customs dated 02.11.2018, as amended *vide* Circular No. 08/2020-Customs dated 05.02.2020 and Circular No. 29/2020-Customs dated 22.06.2020, which prescribes a procedure for transhipment of Bangladesh's export cargo to third countries via India. The said Circular provides that export goods of Bangladesh may enter India from specified Land Customs Stations and travel by road/rail in closed containers or closed bodied trucks up to specified airport/seaports from where the goods shall be exported to third countries.

2. Representations have now been received from trade for providing similar transhipment facility to Bangladesh's export cargo through India using a combination of waterways and land routes. It has been suggested to allow export goods of Bangladesh to enter India through the riverine Land Customs Station of Hemnagar, move up to Kolkata or Haldia port using waterways, and thereafter cross through the Indian territory by rail up to Nhava Sheva or Mundra port, from where the goods would be exported to third countries by sea route.

3.1. With a view to facilitating the trade and leveraging the potential of inland waterways for enhancing trade and transit, it has been decided to allow the transhipment of containerized export goods of Bangladesh through India using riverine and rail routes, entailing two legs of movements as follows:

a) the first leg involves entry of containerized cargo into India through LCS Hemnagar, from where the goods shall be transported to the sea port of Kolkata or Haldia on a barge/vessel using the riverine route agreed under the Protocol on Inland Water Transit and Trade between India and Bangladesh (IBP route); and

b) the second leg involves unloading of containers from the barge/vessel and further loading on a railway train at the sea port of Kolkata or Haldia, from where the goods will travel by rail to the sea port of Nhava Sheva or Mundra for export to third countries.

The transshipment –

- (i) is allowed with respect to FCL containers only;
- (ii) is not allowed for cargo having arms, ammunition, explosives or other cargo considered as constituting a threat to security, safety and integrity of the country or other goods attracting prohibition under section 11 of the Customs Act, 1962;
- (iii) is not allowed to any port/destination in respect of which any order or prohibition is in force for the time being.

3.2. The authorized carrier undertaking the aforesaid movements covering the complete transshipment shall require a registration with the Commissioner of Customs (Preventive), West Bengal. While laying down the form and manner for registration, the Commissioner shall take into account credentials of an authorised carrier registered under the Sea Cargo Manifest and Transshipment Regulations, 2018 (SCMTR, 2018).

3.3. The authorised carrier shall be responsible for the safe and secure transportation of the containerized cargo through the entire journey, i.e. from entry into LCS Hemnagar till final exit from the sea port of Nhava Sheva or Mundra. For this purpose, the authorised carrier shall also enter into a transshipment bond with the Commissioner of Customs (Prev), West Bengal in the form and manner prescribed by the said Commissioner. The bond shall be of an amount equivalent to twice the value of goods to be transhipped.

3.4. The authorized carrier shall give a written advance intimation to the Commissioner of Customs (Prev.), West Bengal at least 3 working days before the arrival of goods from Bangladesh at LCS Hemnagar. The intimation shall be in form at **Annexure-A** and shall contain *inter alia* details of Barge/Vessel, goods, containers, One-Time Lock (OTL) put on the containers, and the expected date and time of arrival at LCS Hemnagar. The Commissioner shall keep a record of the intimation and shall also forward it promptly to LCS Hemnagar for making necessary arrangements.

3.5. Before arrival in India, the goods shall be stuffed in containers and each container must have been securely sealed with a tamper-proof OTL having unique serial number. Affixing the OTLs on containers may not be feasible upon arrival of cargo at LCS Hemnagar because some containers may be inaccessible due to their nature of stacking in the hold of the Barge/Vessel.

3.6. The authorized carrier shall prepare loading / placement plan, clearly describing the details of placement, container wise and hold wise, along with a schematic diagram showing the containers that are placed at each level on the Barge/Vessel. The loading / placement plan should ensure that the OTL side, to the extent possible, is kept accessible for the purpose of checking of the OTLs at LCS Hemnagar by Customs.

3.7. Steps at LCS Hemnagar:

- (i) On arrival at Hemnagar, the authorized carrier shall present to the Customs officer a Bill of Transshipment (BoT), in quadruplicate (as specified in **Annexure-B**) for the Bangladesh export goods intended to be transhipped through India for export to third countries. The unique serial number of OTL for each container shall be declared in the BoT.

(ii) Along with the BoT, the authorized carrier shall also present to the Customs the loading / placement plan of containers on the Barge/Vessel, *inter alia*, to facilitate the undertaking of preventive checks by the Customs officer.

(iii) The Import Report filed by the authorized carrier shall specify the name of the Port (Kolkata or Haldia) through which the containers are meant to be transhipped, and the name of the destination port of discharge in the third country.

(iv) The Customs officer shall check integrity of OTL on all containers that are accessible in the hold of the Barge/Vessel. If any OTL is found tampered, it shall be replaced with a fresh OTL to be provided by authorized carrier and its unique serial number shall be endorsed on the BoT in amendment of the BoT.

(v) The authorized carrier shall arrange to cover each hold of the Barge/Vessel with heavy-duty tarpaulin duly secured by rope and sealed with RFID e-seals (as many as necessary), and one Electronic Cargo Tracking System (ECTS) e-seal shall also be affixed for real time tracking of the cargo.

(vi) The Customs officer shall check integrity of the e-seals put on the tarpaulin and enter their unique serial numbers in the BoT. The Customs officer shall allow transhipment by making endorsement in all four copies of the BoT. He shall retain Original copy for Customs record and handover the Duplicate and Triplicate copies in sealed cover to the Master of the Barge/Vessel for onward submission at the next Customs station (Kolkata/Haldia Port). The Quadruplicate copy shall be returned to the authorized carrier.

(vii) Upon the Barge/Vessel leaving the LCS Hemnagar, the Customs officer at LCS Hemnagar shall immediately transmit legible scanned copy of - (i) BoT as endorsed by him; and (ii) loading / placement plan presented by the authorized carrier, by NIC e-office to - (a) the Commissioner of Customs (Preventive) West Bengal for updating records, and (b) the Commissioner of Customs, in-charge of Kolkata Port or Haldia Port, through where the goods are destined for movement, for purposes of intimating in advance the arrival of the Barge/Vessel, with relevant details.

(viii) The LCS Hemnagar Customs officer shall monitor the movement of the Barge/Vessel (between Hemnagar and Kolkata/Haldia) on ECTS web portal. In the eventuality of the Barge/Vessel not reaching the destination within the estimated time, the Customs officer of LCS Hemnagar shall initiate necessary action with respect to authorized carrier for safeguarding revenue, in addition to any other action required to be taken under the Customs Act 1962 and other relevant laws.

3.8. Steps at Kolkata / Haldia Port:

(i) Upon arrival of goods at the sea port of Kolkata / Haldia, the Master of Barge/Vessel shall present the sealed cover containing the BoT copies (Duplicate and Triplicate) to the Customs officer, who shall check the genuineness of the said copies with the scanned copy received over NIC e-office from LCS Hemnagar.

(ii) The Customs officer shall verify integrity of the RFID seals and the ECTS seal, put on the tarpaulin, with the e-seal reader (for RFID seals) and web portal (for ECTS seal). He shall also verify the serial numbers of e-seals with the details available in the BoT. If the e-seals are found intact and no alert was received of unauthorized unsealing of the ECTS seal, he shall allow unloading of containers from the Barge/Vessel. If any tampering of e-seals or any alert of unauthorized unsealing is noticed or the tarpaulin itself is found to be tampered, all containers in the hold shall be subjected to open and examine 100%.

(iii) Upon unloading from the Barge/Vessel, the Customs officer shall verify availability of all containers declared in the BoT. He shall also verify integrity of all OTLs on each container, without exception, and tally their serial numbers with details available in the BoT:

(a) If any container is found missing, he shall inform the matter to the Customs officer at LCS Hemnagar who will initiate necessary action with regard to the authorized carrier for safeguarding revenue, in addition to any other action required to be taken under the Customs Act 1962 and any other relevant law.

(b) If any OTL is found tampered or missing, the related container(s) shall be subjected to open and examine 100%. During the examination, if the goods are found as per declaration in the BoT, the container shall be allowed for further onward movement. However, if the goods are not found as per the details presented in the BoT, the matter shall be informed to the Customs officer at LCS Hemnagar who will initiate further necessary action under the Customs Act, 1962 and any other relevant laws.

(iv) Thereafter, each container shall be affixed with an ECTS seal under supervision of the Customs officer at Kolkata/Haldia port. Unique identification serial number of ECTS seals shall be filled in both the copies of the BoT (Duplicate and Triplicate). The Customs officer shall verify integrity of the ECTS seals and thereupon allow loading of the containers on the railway train destined to Nhava Sheva or Mundra port, as the case may be.

(v) The Customs officer shall endorse both the copies of the BoT, retain the Duplicate copy for Customs record, and handover the Triplicate copy in sealed cover to the person in-charge of the train for onward submission at the next Customs station. The Customs officer shall also transmit, including for purposes of advance intimation, the legible scanned copy of the BoT endorsed by him, along with relevant details as may be specified by the Commissioner of Customs Kolkata / Haldia Port, by NIC e-office to the concerned Commissioner of Customs at Nhava Sheva Port or Mundra Port, from where the goods are destined to leave India for the third country.

(vi) During the movement from Kolkata / Haldia to Nhava Sheva / Mundra Port, the Customs officer at the Kolkata / Haldia Port shall monitor the movement on ECTS web portal. If an alert of unauthorized unsealing, tampering etc. is received, the Customs officer shall immediately inform the designated officer at Nhava Sheva / Mundra Customs in respect of the affected containers. Where appropriate, the Customs officer shall also inform the Customs formation nearest to the container location for any possible preventive action.

3.9. Steps at Nhava Sheva / Mundra Port:

(i) Upon arrival at the Nhava Sheva / Mundra Port, the person-in-charge of the railway train shall submit the BoT (Triplicate copy) in sealed cover to the Customs officer, who shall check the ECTS web application for seal integrity of each ECTS seal. If there is no alert regarding

unauthorized unsealing, tampering etc., and the e-seal is visually intact, the ECTS seal shall be removed and returned to the person-in-charge of the train or specified representative of authorized carrier.

(ii) Where any alert of unauthorized unsealing, tampering etc. is noticed, or where e-seal is visually found not intact, such container shall be subjected to open and examine 100%. During the examination, if the goods are found as per declaration in the BoT, the container shall be allowed for further onward movement. However, if the goods are not found as per the details presented in the BoT, the matter shall be informed to the Customs officer at LCS Hemnagar who will initiate further necessary action under the Customs Act, 1962 and other relevant laws.

(iii) The Customs officer at Nhava Sheva / Mundra Port shall permit the containers to be loaded on the vessel destined to third country declared in the BoT, and make an endorsement to this effect in the said Bill. Also, the details of Export General Manifest / Departure Manifest shall be recorded on the BoT as well as uploaded on ECTS web application without delay by the Customs officer at Nhava Sheva / Mundra Port upon which a trip report will be generated on the ECTS web application. The Customs officer at Kolkata / Haldia shall view the trip report on the ECTS web application, and also inform the Customs officer at LCS Hemnagar on NIC e-office for crediting/cancelling the bond.

4. The concerned Commissioners of Customs/Customs (Prev) shall also assign a Nodal Officer, not below the rank of Assistant Commissioner/ Deputy Commissioner for the purpose of Para 3.4, 3.7 (vii) and 3.8 (v) above. The name, designation and contact details of such nominated nodal officers shall be shared.

5. For ensuring secure movement and tracking, the e-seals (RFID and ECTS) used as outlined above, shall be procured by the authorized carrier at its own cost from vendors/service providers. In respect of RFID e-seals, the updated list of vendors (supplying e-seals of requisite specifications) is available with Circular No. 37/2017-Customs dated 20.09.2017 on the CBIC website. In the case of ECTS e-seals, the Director General of Analytics and Risk Management (DGARM) is currently engaged in the exercise of empaneling service providers for supplying e-seals of requisite specifications which is expected to be completed shortly. In the meanwhile, and in absence of any other facility, the authorized carriers have an option to procure ECTS seals from the service provider under the ADB Pilot Program for monitoring traffic-in-transit for Nepal¹.

6. The Directorate General of Systems and Data Management shall develop an online module within a specified timeframe to aid this transshipment.

7. On full implementation of SCMTR 2018, relevant aspects, if any, prescribed under the SCMTR, that then have applicability to the movements dealt in this Circular shall apply, and the above procedure may undergo appropriate modification for that purpose.

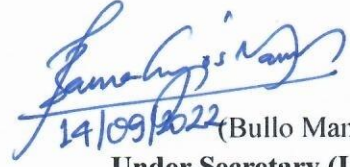
8. Suitable Public Notice(s) shall be issued by the Kolkata, Mumbai-II and Ahmedabad Customs Zones. These shall also describe the more detailed procedural aspects including those related to reconciling the movement details and documents, local logistics of unloading, holding at the Port and loading etc. These Zones shall consult amongst themselves for effective and smooth implementation of

¹ Please refer Circular No. 29/2020-Customs dated 22.06.2020

this transshipment procedure. The Zones shall also issue Standing Order for its officers to follow, including for maintaining safety of the cargo during open examination, if any.

9. In the implementation of this Circular, improvements, if any, should be brought to the notice of the Board.

Hindi version follows.


14/09/2022 (Bullo Mamu)
Under Secretary (LC)

Copy for actions as per paras 5 and 6 to-

- i) Principal Director General, Directorate General of Systems and Data Management
- ii) Director General, Directorate General of Analytics and Risk Management

INTIMATION OF ARRIVAL AT HEMNAGAR FOR TRANSHIPMENT

Name and address of Authorized Carrier filing the Bill of Transhipment							
Registration details of Authorized Carrier with Commissioner of Customs (Prev.), West Bengal							
Land Customs Station of entry into India							
Details of Barge/Vessel on which goods will arrive from Bangladesh							
Expected Date and Time of arrival							
Name and contact number of Barge Operator							
Customs station of transit (Kolkata / Haldia Port)							
Customs station of final exit from India (Nhava Sheva / Mundra)							
Overseas port of final discharge							
Transhipment Bond No.							
Details of Goods							
Container identity marks and number	One Time Lock no. (applied on the container in Bangladesh)	Name & address of exporter in Bangladesh	Name and country of overseas consignee	Description of goods	HS Code	Quantity (in pcs or weight as relevant)	CIF Value in INR

Date

Signatures of the Authorized Carrier or his representative

BILL OF TRANSHIPMENT
(To be filed in Quadruplicate)

Part A <i>(To be filled by Authorized Carrier)</i>	
Name and address of Authorized Carrier filing the Bill of Transhipment	
Registration details of Authorized Carrier with Commissioner of Customs (Prev), West Bengal	
Land Customs Station of entry into India	
Details of Barge/Vessel on which goods entered India	
Import Report No. and Date	
Date of arrival at the Land Customs Station	
Name and contact number of Barge Operator	
Customs station of transit (Kolkata / Haldia Port)	
Customs station of final exit from India (Nhava Sheva / Mundra)	
Overseas port of final discharge	
Transhipment Bond No.	

Details of Goods ²								
Container identity marks and number	One Time Lock no. (applied on the container in Bangladesh)	ECTS seal no. (to be applied at Kolkata / Haldia Port)	Name & address of exporter in Bangladesh	Name and country of overseas consignee	Description of goods	HS Code	Quantity (in pcs or weight as relevant)	CIF Value in INR

I / We declare that the goods entered herein are for transit through India to _____ (name of country) and shall not be diverted en-route or retained in India.

I / We declare to bear the cost of RFID (Radio Frequency Identification) seals and ECTS (Electronic Cargo Tracking System) seals for the above trip.

I / We further undertake that the entries made herein above are true and correct to the best of my / knowledge.

Signatures of the Authorized Carrier or his representative

Part B
(To be filled by the Customs officer at the LCS of entry into India)

Transshipment Permit No.	
Serial numbers of RFID e-seals placed on tarpaulin	
Serial number of ECTS e-seal placed in tarpaulin	
Date of departure of Barge/Vessel from the LCS	

Name and designation of officer: _____ Signatures of the officer, stamp and date _____

Part C
(To be filled by Customs officer at the Kolkata / Haldia Port)

Date of arrival by Barge/Vessel at _____ Port	
Date of departure by train from _____ Port	

I inspected the hold(s) of the Barge/Vessel on arrival and found it securely covered with tarpaulin and sealed with RFID seals and one ECTS seal having same serial numbers as stated in Part B. I found the RFID seals and ECTS seal intact.

I checked the One Time Lock on each container, tallied their serial numbers with declaration in Part A and found the One Time Locks intact.

I verify that all the aforesaid containers have been sealed with ECTS seal by me and ECTS seal numbers are correctly entered in the Table in Part A above.

Name and designation of officer: _____ Signatures of the officer, stamp and date _____

² Please enclose self-attested copy of commercial invoice(s) to support the declaration in this Table

Part D <i>(To be filled by Customs officer at the Nhava Sheva / Mundra Port)</i>	
Date of arrival of train at _____ Port	
Export General Manifest details	
I certify that the containerized cargo described in Part A have reached from LCS Hemnagar via _____ (Kolkata / Haldia) Port to _____ Port (Nhava Sheva / Mundra) Port, as per the trip reports of ECTS seals indicated against each container without any alert of unauthorized unsealing.	
Name and designation of officer:	Signatures of the officer, stamp and date