

Transshipment of Cargo to Nepal under Electronic Cargo Tracking System (Amendment) Regulations, 2020

Notification No. 68/2019-Customs (N.T.), dated, the 30th September, 2019

Amended by Notification No. 64/2020-Customs (N.T.) dated 31.07.2020

G.S.R.... (E). - In exercise of the powers conferred by section 157 read with sub-section (1) of section 54 and section 143AA of the Customs Act, 1962 (52 of 1962), the Central Board of Indirect Taxes and Customs hereby makes the following regulations, to amend the Transshipment of Cargo to Nepal under Electronic Cargo Tracking System Regulations, 2019, namely: -

1. Short title and commencement. - (1) These regulations may be called the Transshipment of Cargo to Nepal under Electronic Cargo Tracking System (Amendment) Regulations, 2020.

(2) They shall come into force on the day of their publication in the Official Gazette.

2. Definitions. - (1) In these regulations, unless the context otherwise requires—

(a) ‘Act’ means the Customs Act, 1962 (52 of 1962);

(b) “authorised carrier” means an authorised sea carrier, authorised train operator or custodian, registered under regulation 3A;

(ba) “authorised sea carrier” means the master of the vessel carrying imported goods, export goods and coastal goods or his agent or any other person notified by the Central Government in terms of sub-section (1) of section 30 of the Act, in the case of a vessel;

(bb) “authorised train operator” means the train operator carrying imported goods and export goods;

(bc) “custodian” means a person approved by the Principal Commissioner or Commissioner of Customs, for the purposes of section 45 of the Act;”;

(c) “ECTS” means the electronic cargo tracking system deployed for securing and monitoring traffic-in-transit destined to Nepal;

(d) “managed service provider” means a technology service provider appointed, as bi-laterally agreed between the Governments of India and Nepal, for providing ECTS services.

(2) The words and expressions used and not defined in these regulations but defined in the Act shall have the same meanings respectively assigned to them in the Act.

3. Application. - These regulations shall apply to the transshipment of cargo from the ports of Kolkata, Haldia and Visakhapatnam in India to Birgunj in Nepal by rail and from the ports of Kolkata, Haldia and Visakhapatnam to Batnaha in India by rail and from Batnaha to Biratnagar in Nepal by road.

3A. Registration. - (1) The authorised carrier shall apply to the jurisdictional Principal Commissioner or Commissioner of Customs for registration in the Form-II, appended to these regulations.

(2) Where the jurisdictional Principal Commissioner or Commissioner of Customs is satisfied with the information provided by the applicant in Form-II, he shall approve the registration of such applicant for transacting business under these regulations for a period of three years from the date of issue of such registration.

(3) The jurisdictional Principal Commissioner or Commissioner of Customs shall review the registration before the expiry of the initial period of registration of three years and may extend such registration to a further period of five years at a time and in case of an authorised economic operator for a period of ten years.

(4) An authorised carrier registered under regulation 3 of the Sea Cargo Manifest and Transshipment Regulations, 2018, shall be deemed to be registered under these regulations.”

4. Declaration of transshipment. - The authorised carrier shall, –

- (a) declare the cargo destined to Nepal and the port of final discharge in Nepal in the arrival manifest, if he is required to do so as per the Sea Cargo Manifest and Transshipment Regulations, 2018; undertake to transport the goods by rail or rail-cum-road till they reach the port of final discharge in Nepal;
- (b) directly procure ECTS seals at their own cost from the managed service provider;
- (c) execute a general bond for an amount as directed by the proper officer;
- (d) file a declaration of transshipment, in triplicate, in the Form appended to these regulations before the proper officer, along with a copy of the commercial invoice.

5. Permission to load goods. - No person-in-charge of a conveyance shall permit the loading of goods destined to Nepal, onto a railway vehicle, unless the declaration of transshipment relating to them has been approved by the proper officer.

6. Permission for transshipment. – (1) Where pursuant to the approval referred to in regulation 5, goods have been loaded on a railway vehicle, the proper officer shall, -

- (a) ensure that the cargo is sealed securely with the ECTS seals and related information is entered into the associated web-application;
- (b) endorse all the three copies of the declaration of transshipment with the ECTS seal number and retain a copy therefrom and hand over the remaining two copies of the declaration of transshipment to the person in charge of the railway vehicle for being carried along with the goods.

(2) The authorised carrier shall submit a copy of the endorsed declaration of transshipment at the land customs station of exit from India and the other copy shall be handed over to the customs at the port of final discharge in Nepal.

7. Arrival at the land customs station. - (1) The containers which are affixed with an ECTS seal shall be halted at the land customs station of exit in India for unsealing by the proper officer.

(2) The proper officer shall, before unsealing, check the integrity of the seal using web application and if no alert of unauthorised unsealing is found, he shall remove the ECTS seal.

(3) In case the ECTS indicates an alert about any unauthorised unsealing, the proper officer shall make due verification of the goods to check whether the goods are in accordance with the declaration of transshipment and shall allow the transshipment to Nepal, upon being satisfied that there is no irregularity.

(4) The proper officer shall make an endorsement of unsealing on both the copies of declaration of Transhipment, retain one copy, and shall hand over the other to the authorised carrier for onward submission to Nepal Customs.

(5) The person-in-charge of the conveyance shall not commence onward journey to Nepal unless the proper officer has permitted him so to do by an order endorsed on the declaration of transhipment.

8. **Discharge of bond.** – (1) The proper officer shall extract trip reports from the ECTS web application as proof of completion of transhipment.

(2) The reconciliation of transhipment of consignments shall be carried out on the basis of trip report, by the proper officer at the Ports of Kolkata, Haldia or Visakhapatnam, as the case may be, and the general bond submitted by the authorised carrier will be re-credited or discharged.

FORM-I
(See regulation 4)
Declaration of transshipment
(To be filed in triplicate)

Part A <i>(To be filed by the authorised carrier or his agent)</i>						
Name of the authorised carrier filing the declaration of transshipment						
Manifest number and date						
Port of entry in India						
Land customs station of exit from India						
Port of entry in Nepal						
Port of final discharge in Nepal						
Name and address of importer in Nepal						
Vehicle number on which goods will transit India (if applicable)						
Name and mobile number of the driver (if applicable)						
Container number or wagon number (as applicable)						
Bond No.						
Details of goods						
Marks & serial Nos.	Commercial invoice number and date	Description of goods	H.S code	Quantity (in pcs) or weight, as relevant	Gross weight	CIF Value in INR
<p>I / We declare that the goods entered herein are for transit through India to Nepal and shall not be diverted en-route in India or retained in India.</p> <p>I/We undertake to bear the cost of electronic cargo tracking system for the above trip.</p> <p>I / We further declare that all the entries made herein above are true and correct to the best of my / our knowledge.</p> <p style="text-align: right;">Signature of the authorised carrier or his representative</p>						
Part B <i>(To be filled by the customs officer at the port of entry into India)</i>						
Transshipment permit No.						
ECTS seal No.						
I verify that the aforesaid container or wagon has been sealed with ECTS seal by me.						
Signature of the officer, designation, stamp and date						
Part C <i>(To be filled by the customs officer at the land customs station of exit from India)</i>						
I certify that the cargo has reached from _____port (India) to _____ Land Customs Station (India), as per trip report of the ECTS without any alert of unauthorised unsealing.						
Signature of the officer, designation, stamp and date						

“FORM – II
(See Regulation 3A)
Application for Registration

1. Name of applicant with details of Permanent Account Number (PAN): -

(In case the applicant is a firm or a company, the name of each of the partners of the firm or the directors of the company as the case may be)

2. Category of the applicant (authorised sea carrier, authorised train operator, shipping line or custodian): -

3. Contact details:-

Phone number :-

Email address: -

4. Full address of the applicant: -

(In case the applicant is a firm or a company, the full address of each of the partners of the firm or the directors of the company as the case may be)

5. The name(s) and address of the authorised person: -

(In case the applicant is a firm or a company, the name(s) of its partner or partners or director or directors or duly authorised employees who will actually be engaged in the work of filing Declaration of Transshipment).

6. Educational qualification of each of the persons who will actually be engaged in the filing of Declaration of Transshipment: -

7. Details of cases booked under Customs Act against the applicant, if any: -

8. The enclosures: -

(a) Copy of contract, or

(b) Memorandum of understanding, or

(c) Agreement entered into with the foreign authorising agent.

I/We hereby declare that the contents of the above paragraphs are true to the best of my/our knowledge.

Date: -

Place: -

Signature of the applicant(s)”