

Transshipment of Cargo to Nepal under Electronic Cargo Tracking System Regulations, 2019.

Notification No. 68/2019-Customs (N.T.) dated 39th September, 2019

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, namely: -

1. Short title and commencement. - (1) These regulations may be called the Transshipment of Cargo to Nepal under Electronic Cargo Tracking System Regulations, 2019.

(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, an authorised train operator, shipping line or a custodian, registered under regulation 3 of the Sea Cargo Manifest and Transshipment Regulations, 2018 or his authorised agent;
- (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.

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;
- (b) undertake to transport the goods by rail or rail-cum-road till they reach the port of final discharge in Nepal;
- (c) directly procure ECTS seals at their own cost from the managed service provider;
- (d) execute a general bond for an amount as directed by the proper officer;
- (e) 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 Transshipment, 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 transshipment.

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

(2) The reconciliation of transshipment 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
(See regulation 4)
Declaration of transshipment
(To be filed in triplicate)

Part A (To be filed by the authorised carrier or his agent)						
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>						
Signature of the authorised carrier or his representative						
Part B (To be filled by the customs officer at the port of entry into India)						
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 (To be filled by the customs officer at the land customs station of exit from India)						
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						