

Circular No. 41/2019-Customs

F. No. 437/03/2019-Cus.-IV
Government of India
Ministry of Finance
Department of Revenue
(Central Board of Indirect Taxes & Customs)

Dated the 29th November, 2019

To,

All Pr. Chief Commissioner/Chief Commissioner of Customs/Customs (Preventive)
All Pr. Chief Commissioner/Chief Commissioner of Customs, Central Excise & Central Tax.
All Principal Commissioner/Commissioners of Custom/Customs (Preventive)
All Principal Commissioner/Commissioner of Customs, Central Excise & Central Tax

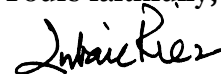
Subject: Clearance of import of metal scrap - Procedure - Regarding.

Kind attention is invited to CBIC Circular No. 48/2016-Cus., dated 26-10-2016 specifying inter-alia that all the designated sea ports as specified in the DGFT Public Notice No. 38/2015-2020, dated 6-10-2016 are expected to install and operationalize Radiation Portal Monitors and Container Scanners by 31-3-2017 and till such time, the consignments of un-shredded, compressed or loose scrap shall be subjected to scanning based on risk assessment at those ports where such facilities for scanning are currently existing. DGFT has been extending the deadline to install the said facilities from time to time and vide Public Notice 34/2015-2020 dated 25.9.19 has extended the time limit further upto 31.12.19.

Certain field formations have raised doubts regarding treatment of consignments of metal scrap till such time scanning facilities are installed at the gateway ports. Vide Circular No. 48/2016-Cus., dated 26-10-2016, CBIC has clarified that '*all the designated sea ports as specified in the DGFT Public Notice No. 38/2015-2020, dated 6-10-2016 are expected to install and operationalize Radiation Portal Monitors and Container Scanners by 31-3-2017 and till such time, the consignments of un-shredded, compressed or loose scrap shall be subjected to scanning based on risk assessment at those ports where such facilities for scanning are currently existing*'. Gateway ports have been given a lead-time within which they have to install the said facilities. DGFT have extended the date of installation of RPMs/ Scanners upto 31.12.19 failing which the delinquent ports would be de-recognised. This would indicate that had the facility at the ports been required *ab inito* or clearance of the scrap been made subject to prior installation of scanners etc., then there would have been no need to de-recognise the delinquent ports.

CBIC is, therefore, of the view that there should not be any difficulty in clearing the said consignments till such time the customs formation, where such clearance is intended, is on the EDI and enabled with RMS profiling. Commissionerates, are however at liberty to order for 100% examination in case the consignments present any additional risks.

Yours faithfully,



(Zubair Riaz)
Director (Customs)