



सीमाशुल्कप्रधानआयुक्तकाकार्यालय
 OFFICE OF THE PRINCIPAL COMMISSIONER OF CUSTOMS
 हवाईअड्डाऔरएयरकार्गोकॉम्प्लेक्सआयुक्तालय / AIRPORT AND AIR CARGO COMPLEX
 COMMISSIONERATE
 एयरइंडियासाट्सएयरफ्रीटर्मिनल, दूसरातल, देवनहल्ली, बैंगलूर
 AIR INDIA SATS AIR FREIGHT TERMINAL 2ND FLOOR: KIAP: DEVANAHALLI
 BENGALURU- 560300 080-22001463/64

STANDING ORDER NO. 01/2020 DATED 12.06.2020
 Sub: Advisory to the officers of Faceless Assessment group— reg.

Kind Attention is invited to the Boards Circular No- 28/2020-Customs dated 05.06.2020 and Boards Instruction No-09/2020-Customs dated 05.06.2020 and Public Notice No-07/2020 BCZ dated 06.06.2020 issued by the Chief Commissioner of Customs, Bengaluru Zone, Bengaluru on the above subject.

2. In pursuance of Board's Circular 28/2020 - Customs dated 05.06.2020, the phase I of faceless assessment for Group 5 and 5A with Chennai and Bengaluru Customs zones has begun on 08.06.20. Board's Instruction no 09/2020 - Customs dated 05.06.2020 has elaborated the procedure to be followed. Airport & ACC Commissionerate, has been nominated as one of the nodal Commissionerates for monitoring the assessment by the Faceless Assessment Group of Chapters 84 and 85.

3. As per para 5.1 of the Instruction No.9/2020 dated 05.06.2020, the responsibilities of the Nodal Commissioners, in relation to bills of entry dealt with by a particular Faceless Assessment Group, will include the following:

- I. Monitor the assessment practice for uniformity of classification, valuation, exemption benefit and compliance with import policy conditions;
- II. Ensure that best assessment practices are followed, taking into account international practices;
- III. Study audit objections and take corrective actions with regard to assessments, wherever necessary and provide inputs to the concerned ports of import;
- IV. Analyse the RMS facilitated bills of entry pertaining to Chapters falling under their purview and advise the DGARM regarding possible interventions or review of risk parameters;
- V. Liaise with Principal Commissioner/Commissioner of Customs at ports of import with regard to interpretational issues pertaining to classification, valuation, scope of exemption notifications and trade policy conditions;

VI. Interact with their sectoral trade and industry for inputs, as well as to resolve their issues relating to assessment;

VII. Function as a knowledge hub or repository for that particular Chapter(s);

VIII. Examine the orders/appellate orders in relation to assessment practices pertaining to commodities assigned to each Faceless Assessment Group and provide inputs to the Commissionerates for reviewing of such orders so that uniformity of assessment orders could be upheld at legal forums.

4. It is to be noted that the Faceless Assessment Groups are required to develop as expert groups and eventually as National Assessment Centers. Hence the FAG has to pool up the knowledge and make a repository of all the information relating to the assessment of goods under the particular Chapter. Accordingly, the following instructions are issued to the officers posted in Faceless Assessment Group in Airport and ACC Commissionerate, Bangalore:

- i. A virtual dashboard has been provided to the Principal Commissioner and all senior officers of CBIC to monitor expedite clearance of bills of entry by the FAG. All the officers working in FAG are expected to quickly assess the bills of entry. Detailed reasons for keeping the assessment pending beyond five hours is expected to be furnished by the JC/ADC in charge to the Principal Commissioner on a daily basis.
- ii. Total compliance to the RMS instructions appearing on the screen of FAG officers is expected. The instructions cannot be ignored by the officers. Wherever, the RMS instructions are not related to the imported goods in a Bill of entry, the same shall be recorded in the BE and also in a register and a periodic report shall be submitted to the Principal Commissioner.
- iii. Description of the item imported is the key for proper assessment of the commodity. FAG officers shall ensure that the item imported is properly declared along with full details about it to ensure proper classification and eligibility for notification benefit. Complete details about the product including capacity/ratings of the machines imported under Chapter 84 or 85 along specific brand name, model number and year of manufacture etc should be declared. These are just indicative aspects of a description and officers shall encourage importers and Customs Brokers to properly declare every item in the Bill of entry in consonance with the CTH, end use and the exemption notification claimed, if any. Officers shall keep track of all such instances where-in the descriptions are falling short off the requirements and report the same for issuing a monthly bulletin advising the importer and Customs brokers to provide complete descriptions in the future, failing which necessary action can be initiated against them under the Customs Act, 1962

- iv. The officers shall study the present assessment practice concerning major commodities in the Groups being imported at customs station and being assessed by them as FAG Officers; and ensure uniformity in classification, valuation, exemption benefit, and compliance with import policy conditions. The FAG Officers shall make use of WCO Explanatory Notes, Classification decisions, Classification Opinions available on WCOs website.
- v. The Group has to list out the demands raised under Section 28 against an importer for a product under FAG by DRI or any other agency apart from audit objections on classification, exemptions, etc relating to the goods covered under the group during the last five years and ensure that the assessment is done after considering the precedents contained in the said cases/audit objections.
- vi. The FAG has to maintain the Valuation Circulars issued by DGOV in respect of goods covered under the Groups and ensure the valuation in line with the alerts issued in this regard. Access to NIDB should be taken by FAG officers and resort to verification of valuation and classification of an imported product in the national Import database.
- vii. The FAGs also are required to analyze the orders/appellate orders, caselaws/decisions relating to classifications, exemptions, and valuation issues in respect of the goods covered under the groups and ensure application of such case laws which have attained finality for uniformity and consistency. Administration shall provide dedicated Excus package to FAG officers.
- viii. FAG should list out all antidumping duty notifications of the Chapters 84 and 85 for ready reference and update it periodically. Every Bill of entry sent by RMS for verification shall be scrutinized keeping in mind the anti-dumping notifications applicable and ensure that the product description, COO/COE and the transport documents are not mis declared to avoid anti-dumping duties.
- ix. The information mentioned at clause ii to vi should be kept in soft copies as a resource for reference by all FAG officers. This knowledge base shall be shared periodically with FAGs of corresponding groups at Chennai and Bangalore Airport & ACC Commissionerate, through the concerned nodal Principal Commissioner/ Commissioner.
- x. The FAG should not routinely resort to return the Bill of Entry to Port Assessment Groups in terms of para No. 5.3.2 of Instruction No. 9/2020 dated 05.06.2020. In every case a Bill of Entry has to be returned to PAG, the same shall be done with due approval of Joint/Additional Commissioner in file bringing out the reasons for resorting to para no. 5.3.2.1. (a) and (c). In

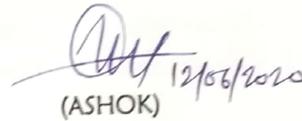
respect of any other exceptional circumstances due approval of Principal Commissioner shall be taken before returning the bill to PAG.

- xi. A fortnightly report of all such cases where the assessment is referred to PAGs by FAG is to be furnished together with reasons for each Bill of Entry to the Principal Commissioner.
- xii. FAGs are required to examine the documents uploaded in e-Sanchit properly and may ask for further documents by raising a query in the system. FAG may also raise a query to the importer concerning classification, exemption, or valuation. However, routine queries and piecemeal queries should be avoided. A query should be specific, unambiguous and genuine.
- xiii. FAG officers may order first check examination to ascertain the classification, exemption claimed, or for any other reason. But as far as practicable first check examination be avoided. Specific instructions shall be given for examination in the second check procedure specifying that if the goods are not conforming to parameters ordered for examination, the shed may mark the Bill of Entry back to FAG. Wherever testing is required for assessment, FAG shall give complete details of parameters to be checked in the examination order so as to enable the shed officers in preparation of appropriate test memo.
- xiv. Wherever the FAG does not agree with the self-assessment made by the importer, the same may be intimated to the importer by electronic mode and consent of the importer for re-assessment is obtained. If the importer does not agree with the proposed re-assessment, an opportunity shall be given for hearing in the virtual mode as per the Board's instructions vide F.No. 390//Misc/3/2019-JC dated 27.04.2020. A speaking order has to be issued by the FAG within 15 days in terms of Section 17(5) of Customs Act, 1962.
- xv. The speaking orders issued by the FAG shall be subject to review in terms of Section 129D(2) of the Customs Act, 1962. The review section of the office of the nodal Principal Commissioner/Commissioner of shall process every order passed by the FAG for decision by the competent authority. If a decision is taken to file an appeal against such speaking order, then the FAG has to file and pursue such appeal, if any, by FAG before the Commissioner(Appeal) having jurisdiction over the port of Import. All subsequent follow up of the dispute shall be under the purview of FAG.
- xvi. FAG in Airport & ACC Commissionerate shall create a @gov.in mail id for the FAG Group for all communication. Strict compliance to para 5.1 of the instructions no 09/2020 dated 05/06/2020 in respect of exchange of communication is expected.

- xvii. All communication with the other nodal Commissionerates shall be done with the approval of the Principal Commissioner.
- xviii. FAG shall report all such cases in which the self-assessment of the bills of entry was changed by the officers. A fortnightly report on all such cases shall be submitted to the Principal Commissioner for onward communication with all Jurisdictional Port Commissioners and DGARM for further necessary action to insert possible interdiction.
- xix. FAG has to maintain a Register in the form specified in Annexure-A, datewise and to furnish reports as mentioned thereunder to the Principal Commissioner in respect of Sl. No. 2, 7 and 8 as per the format specified in Annexure A

5. Faceless Assessment Group consisting of Appraisers/Superintendents and Assistant Commissioners/Deputy Commissioners and other concerned should comply with the above directions and those in the Board's Instruction No 09/2020 - Customs dated 05.06.2020. In case of any inconsistency between this Standing Order and the Instruction No. 09/2020-Cus dated 05.06.2020, the Instruction No. 09/2020- Cus dated 05.06.2020 shall prevail.

6. Difficulties, if any, faced in implementation of this Standing Order may be brought to the notice of the Additional Commissioner of Customs, (Groups).


(ASHOK)

PRINCIPAL COMMISSIONER

Issued in File C.No.VIII/48/523/2020 BACC Tech.

Copy Submitted to: Chief Commissioner of Customs, Bangalore Zone

Copy to:-

- 1.All Additional/Joint Commissioner of Customs, for information and necessary action.
- 2.The Assistant/Deputy Commissioner of Customs, FAG, for information and necessary action.

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ANNEXURE A TO STANDING ORDER No. 1/2020 DATED 12.06.2020

Table- Form of Register To be maintained date wise

Date:

S. No	Description	Chapter 84	Chapter 85	Total
1	No. Of BE Assessed By FAG			
2	No. Of Bills in which the Assessment is modified by FAG			
3	No. Of BEs in 2 above in which the importer agreed with re-assessment by FAG			
4	No. of BEs in which Speaking Order is issued/under process			
5	No. of BEs in which query raised by FAG			
6.	No. of BEs ordered for first check			
7	No. of BEs in which RMS instructions are not relevant			
8	No. of BEs returned to Port Assessment Groups by FAG			

- In respect of Sl. No. 2, List of BEs together with issue in brief to be furnished fortnightly to Commissioner together with remarks whether interdictions to be inserted in RMS as per following format

S. No	BE no and BE date	Port of Import	Chapter	Issue in brief for which assessment was modified	Suggested Interdiction in RMS
1					

- In respect of Sl. No. 5 & 6, Joint Commissioner ICD to review all BEs and reasons for query/first check on a fortnightly basis.
- In respect of Sl. No. 7 fortnightly report along with details of each BE and issue in brief to be submitted to Commissioner as follows

S. No	BE no and BE date	Port of Import	Chapter	RMS instructions are not relevant
1				

- In respect of Sl. No. 8, fortnightly report along with details of each BE and issue in brief to be submitted to Commissioner as follows:

S. No	BE no and BE date	Port of Import	Chapter	Reasons for which the BE is returned to PAG	Remarks
1					