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**CAPEXIL**

**LIST OF PENDING ISSUES (PANEL WISE)**

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| **Animal By Products Panel** | |
| Opening of Factory Stuffed containers sealed by Central Excise / Customs officers by Customs at ICDs / ports citing Risk Management System (RMS) | Exporters of Products of Animal Origin stuff the containers in their factory under the supervision of Central Excise / Customs Officials. These containers are also sealed by these officers in the factory. Keeping in view the sensitive nature of these products, the containers are treated with Formaldehyde (for export to USA) and fumigated with Methyl Bromide and Aluminium Phosphide before the containers are sealed. When these containers arrive at ICDs / ports, Customs officials insist on opening the containers (which have been sealed a couple of hours back by their own officers) for re-examination citing Risk Management System (RMS).  This is causing huge damage to Cargo, delay in export and complaint and possibility of rejection from importing countries.  The exporters of these products have to necessarily stuff the containers in the factory because of the nature of the product. Labour at the ICDs/Ports refuses to handle these products.  Every container carrying these products must be disinfested and fumigated. In some cases, especially for shipments to USA, these containers must be disinfested with Formaldehyde and then fumigated with Aluminium Phosphate. There is laid down protocol and procedures for this. On opening the Containers, the purpose of disinfestations and fumigation is lost. Reopening of the containers also exposes the goods and the goods may get infested with Salmonella and E Coli resulting in its rejection by Port Health Authorities at destination Port.  This matter was taken up with the Commissioner of Customs, ICD, Patparganj, New Delhi. The Commissioner of Customs issued a Trade Notice No. 04/2017 dated 31.01.2017 (Copy enclosed). Despite the issuance of this Trade Notice, exporters continue to face difficulties as the RMS selects their Containers for re-examination. When such problems are encountered, the Asstt. / Joint Commissioner of Customs at ICD co-operate and give waiver on the re-examination after taking a declaration from the Exporter.  There needs to be a permanent solution to avoid delay in shipments.  **The RMS in ICEGATE be suitably amended to put an end to practice of re-inspection of Products of Animal Origin.** |
| NOC from Wild Life | Our member exporters are facing difficulties in exporting their products because Customs authorities at the Ports have again started asking for NOC from Wild life department.  This issue also came up in the year 2002. CAPEXIL, the Competent Authority took up the matter with the Commissioner of Customs, Tuglakabad. The office of The Commissioner of Customs, ICD, TKD, New Delhi issued a clarification that the matter had been examined and directions issued to the field staff not to insist for NOC from Wild Life Department in cases of export of Bones/Horns, etc. where a Certificate (Shipment Clearance Certificate) issued by CAPEXIL in view of EXIM Policy 2002-2007 is produced by Exporter in respect of each shipment (copy enclosed).  Most of the containers are stuffed in the factory because of the nature of the products as workers at the ports are not willing to touch these products. Customs authorities at the ports ask for opening the factory stuffed containers, to draw samples for NOC from Wild life.  Wildlife Crime Control Bureau, Ministry of Environment & Forest, Govt. Of India in a communication addressed to the Deputy Commissioner (SW), Single Window Project, Central Board of Excise and Customs, Ministry of Finance vide File No. 3-10/WCCB/2015-Vol-II/3060 dated 23rd December 2016 communicated revision of Customs Tariff Head (CTH) mapped to WCCB due to changes made in Finance Act, 2016. In the above communication, the following CTH which are covered under CAPEXIL as Competent Authority are also mentioned:  ( 05021010, 05061019, 05061029, 05061039, 05061049, 05069019, 05079030, 05079050, 05079090, 05100030, 05100091, 05100099, 05119921, 05119929, 05119991, 05119992, 05119999, 16030010, 96019030, 96019040, 96019090 and 96063010 )  The present EXIM Policy 2015-2020 for the above CTH stipulates that:  “Export allowed freely but export to EU allowed subject to the following conditions:-   1. A ‘Shipment Clearance Certificate’ is to be issued consignment-wise by the CAPEXIL indicating details of the name and address of the exporter, address of the registered plant, IEC No. of the exporter, plant approval number, nature of export product, quantity, invoice number and date, port of loading(Name of the port) and destination. 2. After the shipment is made, the exporter shall also provide a Production Process Certificate and / or Health Certificate consignment-wise to the buyer giving details of Product with HS Code, Packing, its origin, destination, vessel name, date of departure, health requirements, etc. This Health Certificate would be issued jointly by CAPEXIL and Regional Animal Quarantine Officer, Department of Animal Husbandry, Dairying and Fisheries, Ministry of Agriculture and Farmers Welfare, Government of India.”   The Plant Approval Committee of Capexil consisting of Quarantine Officer, Animal Quarantine & Certification Services (AQCS), Ministry of Agriculture, Department of Animal Husbandry, Dairying and Fisheries, senior official from CAPEXIL and OSD (Veterinary) Capexil regularly monitors the Plants of all exporters. The Plant Approval Committee ensures that these products are sourced and produced from Healthy buffalos slaughtered in slaughterhouse and found fit for Human Consumption. Buffalos are not Wild Animals.  CCR (Compulsory Compliance Requirement) for these products on ICE- GATE required NOC from Wild Life. Capexil took up the matter with Member (Customs) CBEC and requested to amend the CCR (Compulsory Compliance Requirement) on ICE-GATE. The CCR was modified and presently there is no CCR for these products.  Since the CCR for NOC from Wild Life has been removed from ICE-Gate for animal products under the canopy of Capexil and since all such shipments are accompanied with Shipment Clearance Certificates issued by Capexil, the requirement of NOC for these products should be waived. |

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