

GOVERNMENT OF PAKISTAN
(REVENUE DIVISION)
CENTRAL BOARD OF REVENUE

Islamabad, the 14th September, 2007.

NOTIFICATION
(CUSTOMS)

SRO.943(I)/2007.- In exercise of the powers conferred by section 219 of the Customs Act, 1969 (IV of 1969), the Central Board of Revenue is pleased to direct that the following further amendments shall be made in the Customs Rules, 2001, namely:-

In the aforesaid Rules,-

- (a) in rule 307, after sub-rule (3), the following shall be added, namely:-
- “(4) Notwithstanding anything contained hereinbefore, the export of POL products to Afghanistan under DTRE shall be carried out in accordance with the procedure given in chapter XXII of these rules.
- (5) POL meant for export to Afghanistan shall only be transported through carrier licensed under Chapter VIII of these rules read with Chapter XXII thereof.
- (6) Export of POL products to International Security Assistance Force (ISAF) or Defence Energy Support Centre (DESC) in Afghanistan under DTRE shall be verified and accounted for on the basis of authentication of the receipt of the quantity by ISAF or DESC, as the case may be, to be produced by the oil exporting company or refinery for appropriate action under this or any other chapter.
- (7) Remittance of foreign exchange against export of POL products to ISAF shall be subject to the conditions specified in the proviso to clause (d) of sub-paragraph (2) of paragraph 8 of the Export Policy Order, 2006” ; and
- (b) after Chapter XXI, the following new chapter shall be added, namely:-

“CHAPTER XXII

TRANSPORT OF POL PRODUCTS TO AFGHANISTAN

557. Definitions.- In this chapter, unless there is anything repugnant in the subject or context,

- (a) “Act” means the Customs Act, 1969 (IV of 1969); and the rules made thereunder:-
- (b) “Application-Cum-Transport Permit” means the application and the authorization granted thereupon by the Collector of Origination for export and transport of POL products to Afghanistan;
- (c) “authorized representative of the carrier” means person(s) duly authorized by the carrier for submission of documents to the customs and for carrying out all functions relating to transport of POL products;
- (d) “carrier” means, for the purposes of this chapter, the National Logistic Cell (NLC), any Dry Port Trust or such other carrier as is duly licensed under Chapter VIII of these rules;
- (e) “Collector of Clearance” means the Collector of Customs in whose jurisdiction the POL products are entered and cleared for export to Afghanistan;
- (f) “Collector of Origination” means the Collector of Customs in whose jurisdiction the POL products are loaded and consigned by an oil company or refinery for export to Afghanistan;
- (g) “conveyance and transport unit” means conveyance, vehicle and transport unit used by the carrier for the transport of POL Products from Pakistan to Afghanistan;
- (h) “Exports to Afghanistan” or “meant for export to Afghanistan” means exports meant for International Security Assistance Force (ISAF) or Defence Energy Support Centre (DESC) based in Afghanistan;
- (i) “goods” means POL products meant for export to Afghanistan; and
- (j) “Licensing Authority” means Collector of Origination or his subordinate officer not below the rank of Assistant Collector of Customs, empowered to act as Licensing Authority for applicants within his jurisdiction, under Chapter VIII of these rules.

558. Specifications of transport units and conveyances.- (1) All transport units and conveyances used by the carrier for carrying goods shall be properly secured, riveted, locked and sealed.

(2) The transport units and conveyances used by the carrier shall be so constructed and equipped as to provide for the seals to be conveniently and effectively affixed thereon.

(3) The transport units should be readily accessible for biannual customs inspection by the licensing customs authorities.

(4) The transport units owned by the carrier shall be indelibly painted with (i) name of the carrier, (ii) licence number, (iii) engine No. and chassis No. of the vehicle and (iv) date of calibration and its expiry.

559. Procedure and conditions for licensing of a carrier.- (1) The carrier shall possess a fleet of minimum ten registered vehicles in his name. Before grant of licence, the customs staff shall verify registration particulars of all the vehicles with the respective Motor Registering Authorities, road worthiness and safety particulars of such vehicles.

(2) The licence to carrier for transport of goods shall be granted by the Licensing Authority and it shall be valid for a period of one year, further extendable upto another year upon satisfaction of the Licensing Authority.

(3) The applicant carrier shall also be required to possess, in his name, a valid registration under the Companies Ordinance, 1984, National Tax Number under the Income Tax Ordinance, 2001, and valid memberships of any of the Chambers of Commerce and Industry and the respective registered transporters association.

(4) The applicant carrier shall deposit with the Licensing Authority a Bank Guarantee or Defence Saving Certificate or a mix of such securities amounting to two and a half million rupees to safeguard the duties and taxes involved. The amount of Bank Guarantees or Defence Saving Certificates shall be liable to be forfeited upon any violation of the law and this procedure. This action will be apart from any other penal action that might be taken under the Customs Act, 1969, and the rules made thereunder.

(5) The licence granted to a carrier shall be non-transferable and no other carrier will be allowed to transport goods except by the licensed carrier himself.

560. Responsibilities of the carriers.- Prior to submission of Application-cum-Transport Permit (hereinafter referred to as 'Permit') in the manner as provided under rules 561 and 562, to the Collectorate of Origination, the carrier shall satisfy himself that the actual description, quantity, quality and weight of the goods are correctly recorded in such Permit and that they are in accordance with the goods actually loaded. In case of any misdeclaration or substitution detected at any subsequent stage, the carrier shall be held responsible and liable to action under the appropriate provisions of the Customs Act, 1969, the Sales Tax Act, 1990 and other applicable laws.

561. Transport documents.- The oil exporting company or refinery shall despatch the goods on a Sales Tax Invoice required under the Sales Tax Act, 1990 and an Application-cum-Transport Permit as prescribed in Appendix-I. No goods shall be removed from the place of filling/loading without the conveyance carrying relevant Sales Tax Invoice and the Permit, which shall be presented alongwith the Goods Declaration filed for the export of goods at the concerned customs station within the jurisdiction of the Collector of Clearance.

562. Provision and processing of transport documents.- (1) The carrier shall apply to the Collectorate of Origination on the Permit, in quintuplicate, for the permission to carry the

goods. The representative of the oil exporting company or refinery shall also sign the Permit in confirmation of the contents thereof. After scrutinizing the documents and verifying the information of sealing and weighment as required under rule 563, an officer of the Collectorate not below the rank of Superintendent shall issue the Permit.

(2) Original copy of the Permit issued, shall be retained by the Collectorate of Origination and duplicate, triplicate, quadruplicate and quintuplicate copies thereof shall be handed over to the representative of the carrier to accompany with the vehicle carrying the goods. Upon filing of the Goods Declaration for export at the customs station, duplicate copy shall be retained by the customs staff at the time of clearance. The triplicate, quadruplicate and quintuplicate copies duly endorsed by the customs at export station shall be handed over to the carrier for accompanying with the conveyance to Afghanistan, and for further action as required under rule 564(3).

(3) Any error or omission in the Permit can be got rectified before departure of vehicle from the registered premises of the exporting company or refinery through a request in writing to the Collectorate of Origination by an authorized representative of the carrier.

(4) One Permit shall be valid for one consignment only.

563. Sealing and weighment of goods.- The goods loaded by the carrier shall be weighed and the vehicle carrying such goods shall be sealed with high security seals by the oil exporting company or refinery, or by the duly authorized agent of International Security Assistance Force (ISAF) or as the case may be, Defence Energy Support Centre (DESC) before its departure from the premises of oil exporting company or refinery. Details of such weighment and sealing shall be recorded in the Permit by the authorized representative of the carrier in the presence of the authorized representative of the oil exporting company/refinery.

564. Clearance of goods for export at the exporting station.- (1) The conveyance carrying goods shall invariably be weighed at the weigh-bridge and its security seal(s), as required under rule 563, shall be checked, on arrival at the customs station for export. A copy of the Permit shall also be presented to the customs officer in the Collectorate of Clearance along with GD for export and allied documents. In case there is any variation of more than 0.05 per cent in the declared weight given in the Permit and the one ascertained at the time of export, action under the appropriate provisions of the Customs Act, 1969, the Sales Tax Act, 1990 and other laws applicable will be initiated against the carrier and other persons found involved.

(2) The Permit shall be deemed cancelled if goods are not transported to the destined customs station for export within fifteen days of its issuance or within such extended time not exceeding thirty days in all as may be allowed by the Collector of Origination.

(3) The triplicate, quadruplicate and quintuplicate copies shall bear endorsement of International Security Assistance Force (ISAF) or, as the case may be, Defense Energy Support Centre (DESC) to the effect that the goods have been received in accordance with the declaration or otherwise and that the seals were found intact or otherwise. The triplicate copy shall be submitted to the Collector of Origination for his record. The quadruplicate copy shall be retained

by the oil exporting Company/refinery. The quintuplicate copy shall be used for the purpose of claiming refund/adjustment of Sales Tax or Federal Excise Duty as and if admissible. The Collectorate of Origination may issue a duly certified copy on the basis of triplicate copy in case a further copy is required for any purpose, which will be specified on such copy.

565. Monitoring and Checking of conveyance *en route*.- (1) The vehicles meant for transport of goods to Afghanistan shall be fitted with such tracking system as may enable the oil exporting company or refinery as well as the Collectorates of Origination and Clearance to monitor them en route to Afghanistan.

(2) An officer of Customs, Federal Excise or Sales Tax, not below the rank of Superintendent, may, on reasonable suspicion regarding pilferage or substitution of goods by tampering the seals or otherwise while the conveyance is en route, from the oil exporting company/refinery to the customs station for export, may check that the rivets, locks, seals, and labels of the transport unit are intact. Report of such rechecking shall invariably be sent to Collector of Origination by the Collector within whose jurisdiction the rechecking occurs, within twenty four hours and facts of such rechecking shall be recorded on all copies of the permit accompanying the conveyance.

566. Break down or accident *en route*.- (1) In case of any tampering or pilferage or theft or damage caused *en route*, the carrier shall inform the Collectorate of Origination for necessary orders within three days thereof. The carrier shall be responsible for the duties and taxes and loss or reduction in value as a result of such damage notwithstanding any other action which may be taken under the law and the rules made thereunder.

(2) The carrier shall bear all the expenses incurred on restuffing or weighing of the goods.

567. Reconciliation of shipments of the goods.- (1) The Collector of Origination shall, on the day when such shipment takes place, send a statement to the Collector of Clearance giving relevant details of the permit issued. Such details will include, Permit number and date, name of the carrier, registration number of the conveyance, quantity and specification of the goods and seal number. The Collectorate of Origination and the Collectorate of Clearance will also exchange the information regarding transportation from and receipt into their respective jurisdictions on the format to be mutually developed by them, in order to reconcile the number and details of shipments allowed and exported, on monthly basis. In case any discrepancy is found, the same shall also be communicated to the Collectorate of Sales Tax and Federal Excise where the oil exporting company or refinery is registered under the Sales Tax Act, 1990.

(2) In case of export under DTRE facility as provided under the Customs Rules 2001, the oil exporting company or as the case may be refinery shall, in addition to their other legal obligations in this behalf, produce true copies of all the invoices, permits, goods declarations, foreign exchange remittance documents for the purpose of DTRE reconciliation or audit.

(3) The Collector of Origination and the Collector of Clearance will transmit data of despatch and clearance of goods for export to Afghanistan to PRAL under One- Customs on real

time basis. The PRAL will ensure that the data of goods may remain available for monitoring electronically.

568. The oil exporting company or the refinery shall submit a monthly statement to the Collectorate of Origination and the Collectorate of Sales Tax and Federal Excise giving details of all the consignments dispatched for export to Afghanistan under this chapter in the format prescribed in Appendix-II.

569. The Collector of Origination and the Collector of Clearance may also issue further instructions, as they may require, in furtherance of the provisions of this chapter.

Appendix-I

[See rule 561]

APPLICATION-CUM-TRANSPORT PERMIT

Permit No. _____ **Dated** _____

1. Name of the Carrier _____

2. Licence No. and date of expiry _____

3. Licensing Collectorate _____

4. Name of Customs Station/Port from where export is intended

5. Conveyance Registration No. _____

6. Exporter's name, address and phone numbers _____

7. Consignee's name and address _____

8. Specification of POL product and PCT Heading _____

9. Gross Weight _____

10. Net Weight _____

11. Seal No. _____ affixed by _____

12. Sales Tax Invoice No. _____ dated _____

13. Value of goods _____

14. Duty/Taxes involved

(i) Sales Tax (Rs) _____ (ii) F.E.D. (Rs) _____

15. Date of Weighment, loading and sealing _____

16. Station _____

17. It is requested that the transportation may be allowed. We declare that the details given above are true and complete. In case of any incorrect declaration in the Sales Tax Invoice or in this Application-cum-Transport Permit regarding value, weight, quantity, quality and description unearthed at any stage before tendering of goods at destination, we undertake to inform the customs authorities immediately. In case of damage, pilferage, accident, breakage of seals or loss or change in the material quantity, we undertake to inform the Collectorate of Origination and customs authorities at the Collectorate of Clearance and to get the goods examined and vehicles etc re-sealed by the customs authorities, in a manner satisfactory to the customs authorities.

18. Name, signature and seal of the authorized representative of the carrier

_____ Date _____

19. Loaded, sealed and weighed in my presence:-

Name, signature and seal of the representative of oil
company/refinery _____

_____ Date _____

20. Allowed:-

Name, signature and seal of the Customs Officer of Collectorate of
Origination _____

_____ Date _____

21. Endorsement at Customs (Exports) Station:-

(i) Station _____

(ii) Goods Declaration No. & date _____

Name, signature & seal of Customs Officer _____

Date _____

Appendix-II

MONTHLY STATEMENT OF POL EXPORTS TO AFGHANISTAN

Name and Address of exporting company/refinery _____

Month _____

Sales Tax Registration No

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S.No.	Permit		Sales Tax Invoice		Description of goods	H.S. Code	Value of goods (Rs)	Sales Tax involved (Rs)	F.E.D. Involved (Rs)	Quantity
(1)	(2)		(3)		(4)	(5)	(6)	(7)	(8)	(9)
	No.	Date	No.	Date						

To

(i) The Collector of Sales Tax & Federal Excise/RTO

Signature _____
(Authorized Person)
Name & Designation _____

(ii) The Collector of Customs

Date: _____”

2. This notification shall take effect on 1st November, 2007.

[C.No. 3(59)E.P./96-Fuel]

(Muhammad Tahir)
Secretary (Export Policy)