

96 -

**GOVERNMENT OF PAKISTAN
(REVENUE DIVISION)
FEDERAL BOARD OF REVENUE**

**NOTIFICATION
(CUSTOMS)**

Islamabad, the 12th July, 2023

S.R.O. 933 (I)/2023.- The following draft of certain further amendments in the Customs Rules, 2001, which the Federal Board of Revenue proposes to make in exercise of its powers conferred by section 219 of the Customs Act, 1969 (IV of 1969), section 50 of the Sales Tax Act, 1990, section 40 of the Federal Excise Act, 2005 and section 237 of the Income Tax Ordinance, 2001 (XLIX of 2001), is hereby published for information of all persons likely to be affected thereby and, as required by sub-section (3A) of section 219 of the Customs Act, 1969 (IV of 1969), notice is hereby given that objections or suggestions thereon, if any, may for consideration of the Board be sent within fifteen days of publication of the draft amendments in the official Gazette. Any objections or suggestions which may be received from any person, before the expiry of the aforesaid period, shall be taken into consideration by the Federal Board of Revenue, namely: -

DRAFT AMENDMENTS

Am

In the aforesaid Rules,-

- (1) in rule 689, in sub rule (1),-
 - (a) in clause (i), for the word "annexure" the word "annex" shall be substituted;
 - (b) clause (iia) shall be omitted;
 - (c) in clause (iv),-(i) for the expression "(i),(ii),(iii),(iv),(v) and (vi)", the expression "(a),(b),(c),(d),(e) and (f)" shall be substituted;(ii) in sub-clause(e) amendments as aforesaid' the expression "and", shall be omitted; and (iii) in sub-clause (f) amended as aforesaid, for the semicolon, the expression ",and", shall be added and thereafter the following new sub-clause shall be added, namely:
"(g) having unique identification number or markings;"

- 95 -
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(d) after clause (vi), the following new clause shall be inserted;

“(via) “cross stuffing” means transfer of goods from one container or load compartment to another container, load compartment or any other mode of transportation as per TIR specifications, in the approved places within the premises of the customs ports, terminals or off-dock terminals and Custom Border Stations and shall be carried out under customs supervision;

Explanation.- If the goods are to be cross stuffed, TIR operation is terminated and a new carnet is to be issued if the journey continues under TIR,”;

(e) in clause (ix), for the word “container” the word “containers” shall be substituted, and thereafter for the word “Board” the word “Ministry of Commerce” shall be substituted;

(f) in clause (xiv), for the expression “the relevant provisions of these rules”, the expression “rule 698” shall be substituted;

(g) for clause (xv), the following shall be substituted, namely:-

SM “(xv) “Import or export duties and taxes” means Customs duties and all other duties, taxes, fees and other charges leviable at the time or in connection with the import or export under the Customs Act, 1969 and any other law in force but not including fees and charges limited in amount to the approximate cost of services rendered;”;

(h) after clause (xviii), the following new clause shall be inserted;

“(xviiiia) “lease” means a legally binding and valid contract between two parties, where one party, the lessor allows the other party, the lessee, use of their vehicle(s) for a specific period of time against specific payment(s) and other terms and conditions;”;

(i) in clause (xx), for the expression “representatives of Ministry of Communications, Ministry of Commerce, Ministry of Interior and Association, as notified by the Board”, the expression “Director, Directorate of Intelligence & Investigation, Customs, Karachi, Collector of Customs

(Enforcement), Karachi and representatives from the Association" shall be substituted;

(j) in clause (xxiv), after the word "vehicle", the expression "with or without load compartment" shall be inserted;

(k) for clause (xxvi), the following shall be substituted namely:-

"(xxvi) supplementary financial guarantee" means an insurance guarantee from at least an "A" rated insurance company or defence saving certificate duly pledged to Director, Transit Trade, Karachi obtained by the Association from the TIR Carnet holder at the time of authorization to cover adjudged fines and penalties in case of any irregularity in respect of TIR operations, and also includes the bank guarantee or defence saving certificate deposited by the transport operators already licensed in terms of Chapter XXI (Sub-Chapter VII) & Chapter XXV (Sub-Chapter XI) of the Customs Rules, 2001;";

1) in rule 691,-

(a) for clause (a), the following shall be substituted namely:-

(a) "by approved road vehicles (local as well as foreign) having individual certificate of approval issued by the respective vehicle authorization authority in accordance with the provision of Annex-2 and Annex-3 and such vehicles must display TIR plates as specified in Annex-5 to the Convention when carrying goods under the TIR regime;";

(b) in clause (b), for the expression "body, as provided in Annex-4 and each container", the expression "authority and" shall be substituted and thereafter for the expression "shown in Annex-5", the expression "as provided in Annex-7", shall be substituted; and

(c) clause (c) shall be omitted;

2) in rule 692,-

(a) after the word "approval of", the word "road" shall be inserted;

- 93 -
- (b) after the word "authority", the expression "in case of vehicles and body in case of container", shall be omitted;
 - (c) after the words "designated authority", the word "or body" shall be omitted; and
 - (d) after the words "specimen provided in", the expression "Annex-2" shall be omitted;

(4) in rule 693, in sub-rule (3), for the words "an unapproved vehicle, the words "vehicle other than those approved for TIR", shall be substituted,

(5) in rule 695, in sub-rule (3), after the expression "endorsed by the Customs authorities", the expression "by an officer not below the rank of an Additional Collector of Customs or Additional Director of Customs", shall be inserted;

6) In rule 696, in sub-rule (1),-

- (a) in clause (b), after the word "filed returns", the words "of last three years", shall be inserted and thereafter for the word "two", the word "three" shall be substituted;
- (b) in the clause (c),- (i) after sub-clause (ii), the word "and" shall be, omitted and thereafter after sub-clause (iii) after semicolon, the word "and" shall be inserted; and new sub-clause shall be inserted;
(ii) after sub-clause (iii), amended as aforesaid, the new sub-clause shall be added, namely:-
"(iv) in case of transport operators already licensed in terms of Chapter XXI (Sub-Chapter VII) and Chapter XXV (Sub-Chapter XI) of the Customs Rules, 2001 a minimum of twenty five vehicles registered in its name or leased:
Provided that in case of vehicles acquired on lease, lease agreements for a period of six months must be provided for such vehicles:
Provided further that the vehicle(s) leased by one transport operator shall not be used by another transport operator for the transportation of goods under TIR;";
- (c) in the clause (d), after the expression "Director, Directorate of Transit Trade, Pakistan Customs, Karachi", the expression "to cover any adjudged

amount of fine and penalty; Provided that transport operators already licensed in terms of Chapter XXI (Sub-Chapter VII) & Chapter XXV (Sub-Chapter XI) of the Custom Rules, 2001 shall not be required to furnish a separate supplementary guarantee. The bank guarantee or Defence Saving Certificate etc. already deposited with the Director of Transit Trade shall be used for this purpose”, shall be inserted;

- (d) in the clause (g), after the word “respectively” the expression “The applicant should also be registered with the respective provincial sales tax authority;” shall be inserted; and
- (e) in the clause (k), after the word “valid registration”, the word “lease agreement in case of leased vehicle”, shall be inserted;

(7) In rule 697,-

- (a) for sub-rules (1) and (2), the following shall be substituted, namely:-

“(1) A person seeking access to the TIR procedure shall file application with the Association, after initial scrutiny vis-a-visa requirements laid down in rule 646, the Association shall forward the same within thirty days to the Director Transit Trade, Karachi who shall call the meeting of national authorization committee.

(2) the national authorization committee headed by Director Transit Trade, Karachi shall analyze the applicant’s eligibility in terms of the criteria mentioned in rule 696 for grant of authorization as a transport operator. The Customs authorities shall announce their decision related to the applicant’s authorization in no later than sixty days counted from the date on which the application was received by the Director Transit Trade from the Association provided that the application is complete in all respects and necessary verifications have been received from other departments;”

- (b) in sub-rule (3), after the words “laid down in”, the expression “sub rule (1) of”, shall be omitted; and after the words “under intimation”, the words “with the approval of”, shall be omitted; and

(c) after sub-rule (3), amended as aforesaid, the following new sub-rule shall be added, namely:-
 “(4) In case the license of a transport operator issued under Sub- Chapter VII of Chapter XXI and Chapter XXV (Sub-Chapter XI) of the Customs Rules is suspended or revoked by the respective licensing authority, the authorization to operate as transport operator under TIR shall also stand suspended or revoked and vice-versa.”;

(8) In rule 698, in sub-rule (1), after the expression “in terms of Annex 9 to the Convention, to persons”, the expression “who have been authorized to operate as transport operator in terms of rule 696 and 697 for availing the TIR procedure”, shall be substituted;

(9) in rule 699,-

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(a) in sub-rule (1), after fullstop at the end, the expression “In case where transit cargo, under these rules, needs to be cross stuffed, the same shall be carried out under the guidelines issued by competent authority vide Public Notice from time to time”, shall be inserted;

(b) in sub-rule (3), (i) for heading “A Exports under TIR”, the heading A “Formalities applied for handling Export Cargo at Customs Office of Departure”, shall be substituted;

(ii) in heading A, for the clause (iii), after the words “weighment slip.”, the expression “The load compartment or container shall be scanned subject to availability of scanner.”, shall be inserted; and

(iii) clause (ix), (x), (xi), (xii), and (xiii) shall be omitted,

(iv) for heading, “B Transit under TIR”, the heading “B Formalities applied for handling cargo at Customs office of entry or exit (en route)”, shall be substituted;

(v) in heading B, amended as aforesaid, in clause (i), the expression “in case of transit cargo,”, shall be omitted;

(vi) for heading “C Imports under TIR”, the heading “B Formalities applied for handling of Import cargo at Customs office of Destination”, shall

be substituted and thereafter clause (i), (ii), (iii), (iv) and (v) shall be omitted;

(vii) in heading C, in clause (vi), for the expression "if the Customs office of destination and entry (en route) are the same for the TIR Carnet", the expression "(i)At the Customs office of destination", shall be substituted;

(viii) in heading C, clause (vii) shall be omitted;

(xi) In heading C, in clause (viii), the expression "at the inland Customs office of destination, the TIR", the expression "(ii) The TIR" shall be substituted and thereafter (x); (xi), (xii) and (xiii) shall be re-numbered as (iii), (iv), (v), (vi) and (vii) respectively,

(x) after heading C, amended as aforesaid, the following new heading D shall be added, namely:-

"(D)Formalities applied for transit cargo where TIR transport of goods initiates in the territory of Pakistan

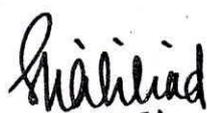
- (i) In case where TIR operation is to initiate from the territory of Pakistan i.e. ports, when goods are in transit, the office entry (en route) shall become the office of departure;
- (ii) TIR Carnet holder shall make electronic pre-declaration (EPD) *via* TIR-EPD;
- (iii) the TIR Carnet holder shall produce the vehicle or container together with the TIR Carnet and documents, prescribed in rule 694, at the Customs office of departure;
- (iv) the Customs TIR processing officer in Pakistan shall scrutinize the TIR Carnet to check its validity date and the stamp and signature of TIR Carnet issuing authority. He shall also check the vehicle approval certificate, invoice, packing list, photographs of cargo if required, and weightment slip. He may also scan the barcode on the TIR Carnet to verify its authenticity through Real-Time Safe TIR (RTS);
- (v) the goods shall be subjected to weightment and examination:
- (vi) vehicle or container shall also be inspected to ensure it is secured and has no secret compartment:

- (vii) thereafter, the Customs TIR processing officer shall seal the load compartment or container and enter the sealing information in the Pakistan Customs Container Security System (PCCSS);
- (viii) voucher 1 of the TIR Carnet shall be detached and retained by the Customs office of departure and the TIR Carnet shall be handed over to the driver to start journey; and
- (ix) after verification of approved vehicle data by the Customs Computerized System, and gate-out of cargo from the terminal the "release for transit" message shall be generated by the system which shall also be transmitted to the IRU computerized data base,"; and

10) In rule 715,-

- (a) in clause (d), the word "and" shall be omitted and thereafter in clause (e) for the fulstop at the end, the expression "and" shall be substituted; and
- (b) after clause (e), amended as aforesaid, the following new clause shall be added, namely:
“(f) declaration regarding possession of currency at the time of entry/exit.”.

[File No.1(22)T&BT/2015-Pt]


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