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F. No. S/20-49/EITG/AG/2018-19

Dated:23.10.2018

PUBLIC NOTICE No. 33 /2018-19

Subject: Strict compliance of provisions of Electronics and Information Technology Goods (Requirement for Compulsory Registration) Order, 2012 as amended at the time of assessment, registration and examination, reg.

Attention of the Importers, Exporters, General Trade and all other stakeholders is invited to Electronics and Information Technology Goods (Requirement for Compulsory Registration) Order, 2012 (hereinafter referred to as "RCR Order") as amended and various clarifications issued by Ministry of Electronics & Information Technology (MeitY) in regard to "Product Coverage" under the said Order.

2. Ministry of Electronics & Information Technology (MeitY) has notified RCR Order on 3 Oct 2012. The Order since then, has been progressively applied to increasing product categories of Electronic Goods. Presently, it covers electronic/IT goods as available on the BIS website at <https://www.crsbis.in/BIS/products.do>.

3. As per the Order, no person shall manufacture or store for sale, import, sell or distribute goods which do not conform to the Indian Standard specified in the Order. Manufacturers of these products are required to apply for registration from Bureau of Indian Standards (BIS) after getting their product tested from BIS recognized labs. Bureau of Indian Standards (BIS) then registers the manufacturers under its registration scheme who are permitted to declare that their articles conform to the Indian Standard (s). The registered manufacturers are then allowed to use the Standard Mark notified by the Bureau.

4. Various Orders/clarifications/documents/Circulars etc. issued by MeitY under the CRS are available on this page [<http://meity.gov.in/esdm/standards>]

APPLICABILITY TO REPAIRED/REFURBISHED/SECOND HAND ITEMS

5. Please also refer to letter dated 06th December 2016 [<http://meity.gov.in/writereaddata/files/Letter%20to%20custom.pdf>] received from Department of Electronics & Information Technology, wherein it has been clarified that:-

The CRO [Electronics and Information Technology Goods (Requirement for Compulsory Registration) Order, 2012] applies universally to all notified products after the date of coming into effect of the Order. The repaired/refurbished/second hand items, if notified, also require registration under the provision of the Order. For the notified products, the importer should get the product registered with BIS before import in India or should provide an exemption letter from MeitY.

The unregistered repaired/refurbished/second hand items should not be allowed to be imported without prior permission from Meity. In such cases the unregistered products shall be detained by Customs and the matter should be brought into notice of Meity for necessary action.

Therefore, it is again being informed to all concerned to comply with said legal requirements.

LABELLING REQUIREMENT

6. It has been the legal requirement under the said "RCR Order" that the Standard Mark shall be placed on the product & the packaging both. However, if it is not feasible to place the same on the product for size constraints, it can be put on the packaging only. For the products with display screen, provisions of e-labeling of products also exist. Label should display the Standard Mark as notified vide Gazette No. 2559 dated 01st December 2015. http://bis.org.in/cert/GN_CRS_04122015.pdf. BIS does not permit the use of stickers for display of BIS Standard Mark on any of the products under its product certification scheme.

FREQUENTLY ASKED QUESTIONS

7. Please refer to updated (Revision 12): June 2018 version of Frequently Asked Questions as available on the website OF MEITY (Link: http://meity.gov.in/writereaddata/files/FINAL_FAQs_June%202018.pdf). It contains Generic Issues in Part-I and Decisions Related to Product Coverage under the Order in Part-II. A copy of the same is Annexed along with this Public Notice / Standing Order. The same should be carefully seen / for clarification of any doubts so that clearances are not delayed due to lack of clarity to both trade and Customs Officers. Few of such Questions and Answers are reproduced below for the sake of reference and appreciation of utility of this FAQ:

Q 26. Once the product is registered as imported, would the repeat order of same product need to again register?

There is no requirement for re-registration for the same product. Registration once granted, is valid for two years. Original Registration could be revalidated, on request, as per provisions of the scheme.

Q 35. Will the Compulsory Registration Order apply to spare parts of the notified products? Will the order apply to an item used as a replacement of a faulty unit?

The Compulsory Registration Order applies to finished goods and not the spare parts/components used in the manufacturing of the finished goods, unless they are notified separately as independent products under CRO. Further, the import of the notified items in CKD (complete knock down) condition is allowed. However, for the import of notified goods, in SKD (semi knock down) condition, the import should be allowed only to the manufacturer of the end finished product which are having IEM license for manufacturing the same. If the products are imported in SKD condition, the customs shall ensure that the importer has valid authorization from the brand owner for assembling/manufacturing the end product

Q 36. How will the goods imported for demonstration or R & D or testing purposes be treated?

The said Order shall not be applicable to goods if imported for demonstration / development / testing in India. Reference is made to para 2(b) of Gazette

notification dated 05 July 2013 available on MeitY website
http://meity.gov.in/writereaddata/files/Amendment_Order.pdf

Q 46 What registration number will a consolidated product (like laptop / mobile) using the battery and adaptor display?

Registration is required for Power Adaptors & Batteries also, as these are independently notified under CRO, and hence these items must independently be registered, and in turn, support the registration label. Similarly, the consolidated product (e.g. laptop / mobile) would only bear the registration no. of the overall product, i.e., Laptop/Mobile itself. Label for respective sub parts, like: Adaptor & Battery would independently be visible on these subparts when these items are disintegrated from the main product.

8 Import of sub-standard products and its distribution in the domestic market poses a serious threat to consumer safety. Therefore, Trade & Industry is again being informed that in order to ensure fast and hassle-free clearance of such goods, they should declare the complete and proper description and CTH of the goods and comply with aforesaid legal requirements strictly. Further, they should upload the BIS Registration Certificate (if applicable) in relation to goods covered by Bill of Entry invariably under e-sanchit.


8.1 Assessment officers, Examining Officers and Officers responsible for registration should also ensure that:

- (i) Description of imported goods as declared in the bill of entry is covered by BIS Certificate in terms of all parameters because BIS Certificate is linked to manufacturer, location of factory, product and brand.
- (ii) Standard Mark in the proper form and manner is placed on the product & the packaging as mentioned above.
- (iii) Goods on examination are found to be as declared in the bill of entry.
- (iv) RMS instructions are followed strictly.
- (v) Importer / Customs Broker has uploaded the BIS Certificate on e-sanchit.
- (vi) Goods not complying with aforesaid Standard / legal requirements are not cleared in violation of policy of the Government.

9. In case of any difficulty, the specific issue may be brought to the notice of Deputy/Assistant Commissioner in charge of DC/AC (Import Group V & VI), Customs Kandla.

10. Action to be taken in terms of decisions taken in this Public Notice should be considered as standing order for the purpose of officers and staff.

O/O COMMISSIONER
OF CUSTOMS
5479
24 OCT 2018


(Sanjay Kumar Agarwal),
Commissioner

NWARD SECTION
Copy to:-
Customs House

1. The Chief Commissioner of Customs, Gujarat Zone, Ahmedabad.
2. All Additional Commissioners of Customs, C.H., Kandla.
3. All Deputy/ Assistant Commissioner of Customs, C.H., Kandla.
4. The President, Kandla Custom Broker's Association, Gandhidham Chamber Of Commerce & Industry Building, Plot No.71, Sector No.8, 2Nd Floor, Room No.7, Gandhidham.

5. The President, Kandla Port Steamship Agents Association, No. 5, Chambers Bhawan, 2nd Floor, Sector 8, Plot No.71, Gandhidham.
6. The Gandhidham Chamber of Commerce & Industries, Plot No.71, Sector No.8, 2Nd Floor, Gandhidham.
7. The Chairman, DPT, Business Development Cell, P.O. Box 50, Administrative Building, Gandhidham.
8. M/s Kandla International Container Terminal Pvt. Ltd, DDP, Kandla.
9. The President, Kandla Liquid Tank Terminal Association, Maitri Bhavan, Opp. Post Office, Plot No. 18, Sector- I, Gandhidham.
10. The EDI Section, for uploading on Commissionerate's Website.
11. Notice Board.