

Can vehicles and other items not covered under the Personal Effects be brought into India temporarily and free of duty by Tourists ? (Carnet and Triptique)

<http://mumbaicustoms3.gov.in/htmldocs/tourists.htm>

Temporary import of the car and other goods can be done duty free under the ATA Carnet system. "Carnet De Passage En Douane" is an internationally accepted travel document for the purpose of temporary importation of private road vehicles into various countries (including India) by a tourist free of duty. This document is issued by an approved Automobile Association abroad. List of such associations is printed on the Carnet document itself. Each form/booklet bears a distinct serial number and is approved by Alliance International De Tourist. The booklet consists of a number of sheets showing the name of the carnet holder, the particulars of vehicles, engine number, chassis number, registration number, value of the vehicle and validity of the carnet. It is in French Language. Entry and exit particulars of the vehicle are recorded by the customs in various pages of the carnet. There is also a similar document called Triptique - this is given if the car owner intends to visit only one country. Carnet is given if the owner intends to visit a number of different countries.

To procure a carnet, the owner of a vehicle is required to contact the approved Automobile Association (authorised to issue a carnet) in the country he is residing. The Automobile Association on receipt of a requisite fee will issue the Carnet and the necessary documentation & certifications. On arrival in India, the owner of the vehicle is required to contact the Indian Customs at the port and fill up the requisite form. Customs officer will then inspect the vehicle and endorse the carnet and other necessary documents. Along with the particulars of the vehicle, details of journey/route, date of return etc. may have to be provided. **The tourist will also be required to declare that he/she will re-export the vehicle after the permitted period. Failure to re-export will be treated as smuggling offence and will attract severe penalty.** A show cause / demand notice will be served on the guaranteeing automobile association, who will be asked to pay the duty.

India is a signatory to the international convention on the "Temporary importation of private road vehicles" to facilitate International tourism. As a result, the vehicles as defined in Article 1 of the convention are exempted from payment of customs duty vide Notification No.296 dt.2nd August, 1976 of the Ministry of Finance provided that :

- (1) such vehicles or component parts are re-exported within the period specified in the said notification or within such further period as the customs authorities may allow;
- (2) the provisions of the said notification or of the "Triptique or Carnet-De-Passage" permit are not contravened in relation to such vehicle or component parts;

failing which the provisions of this order shall apply to such vehicles or component parts and such vehicles or components shall be deemed to be goods the import of which has been prohibited under the Customs Act, 1962.

Conditions: In general the following rules are applicable for duty free temporary import of vehicles (as defined in Article 1 of the Convention) or Fuel or Component parts (as defined in Articles 3 & 4 of the Convention) under Triptique or Carnet -

1. The importer shall :

- (a) be a member of an Automobile Club or Association belonging to the Federation of Alliance Internationale De Tourisme;
- (b) produce to the proper officer for the purpose of the same being duly signed and stamped by him the Triptique or Carnets de passage-en-douane issued by the Alliance Internationale De Tourisme in the form approved and issued to him by a Club or Association guaranteed by the Federation of Indian Automobile Associations and in respect of which all the rules and conditions relating to Triptique or Carnets de passage-en-douane have been complied with; and
- (c) satisfy the proper officer that the vehicles and component parts, which he has imported, correspond in the respects with those described in the Triptique or Carnets de passage-en-douane and for this purpose produce the said vehicles and component parts for examination and record of particulars by such officer.

2. The period of retention of the vehicle in India does not exceed six months:

Provided that where a vehicle imported under Triptique or Carnets de passage-en-douane is exported out of India and is imported within the period of six months from the date of its exportation from India then for the purpose of determining the total period of retention of the vehicle in India after such re-import will be added to the period of its retention in India after first importation:

Provided further that where the Central Government or the Commissioner of Customs is satisfied that it is necessary in the public interest to do so, it may extend the period of six months by a further period of six months.

3. Generally subject to the provisions of the convention.

The detailed texts of Notifications governing importation under Carnet is given below.

Clearance under ATA Carnet Convention

[Notification No.296-Cus., dated 2-8-1976 as amended by Notifications No.53-Cus., dated 1-5-1977; No.160/94-Cus., dated 8-8-1994 and No.101/95-Cus., dated 26-5-1995.]

1. INTRODUCTION

1.1 The Government of India have acceded to the "Customs Convention on ATA Carnet for Temporary Importation of Goods". The Convention provides for temporary admission of goods free of import duty and free of import prohibitions or restrictions.

1.2 Presently the facility of ATA Carnet for temporary admission of goods will be restricted to goods imported for display or use at approved exhibitions/ fairs and similar events. The following are excluded from ATA Carnets:-

1. Consumables and goods meant for distribution or sale which are not likely to be re-exported.
2. Goods imported through the medium of post
3. Transit goods.

Temporary export of goods for display at exhibitions and fairs abroad and their subsequent re-import into India is also permitted.

1.3 The Govt. of India have issued Notification No.157/90-Cus., dated 28th March,1990 under section 25(1) of the Customs Act, 1962. In terms of Notification, goods described in Schedule I to the Notification, when imported into India for display or use at any event specified in Schedule II to the Notification, are exempt from the whole of Customs duty and the whole of additional duty leviable thereon and in Notification No.158/90 - Cus., dated 28th March, 1990 exempt from Auxiliary duty subject to the following conditions:-

(1) The event specified in Schedule II is held in public interest and is sponsored or approved by the Government of India and the Trade Fair Authority of India

(2) The said goods are imported under an ATA Carnet issued in accordance with the Customs Convention on ATA Carnet for temporary admission of goods hereinafter referred to as the (ATA Carnet) and the Carnet is guaranteed by the Federation of Indian Chambers of Commerce and Industry , which has been appointed as the guaranteeing association for ATA Carnet in India (hereinafter referred to as the Federation);

(3) The said goods in all respects conform to the description, quantity, quality, value and other specifications given in the ATA Carnet duly certified by the Customs authorities at the country of exportation;

(4) The said goods shall be exported within a period of six months from the date of importation.

Provided that where the goods are exported within in the said period of six months and again reimported, the period of six months shall be computed from the date of first clearance.

Provided further that when the Central Government is satisfied that it is necessary in the public interest so to do, it may extend the said period of six months by a further period not exceeding six months;

(5) In the event of failure to export the goods within the period specified in condition (4), the customs duty leviable on the goods as on the date of clearance shall be paid by the Federation.

Provided that the Federation shall not be liable to pay the customs duty in cases where the said goods are sold in exhibitions or fairs or otherwise disposed of in India on payment of customs duty with the prior approval of the Government of India in the Department of Revenue. Only such goods will be allowed to be sold as are otherwise permissible for import into the country under the Import Trade Control Policy in force at that time and the buyer holds a valid import licence duly endorsed by the Licensing Authority.

1.4 It will be noted from the above that -

(i) The ATA Carnet shall be the sole document for temporary importation (including re-importation) and temporary exportation (including re-exportation) of goods under the Convention. Therefore, instead of the normal Bill of Entry/Shipping Bill only the ATA Carnet will be filed;

(ii) The Federation of India Chambers of Commerce and Industry (herein after referred to as the Federation) shall be the sole "Guaranteeing Association" for ATA Carnets in India:

(iii) The validity of ATA Carnet shall not in any case exceed one year from the date of issue; and

(iv) Temporary importation of goods under the Convention has been exempted from ITC Regulations under the saving clause of the Import Trade Control Order, 1955.

1.5 The Government of India have also issued Notification No.14/90 N.T.-Cus., dated 28th March,1990 notifying the ATA Carnet (Form of Bill of Entry and Shipping Bill) Regulations, 1990.

1.6 In the First instance, imports (including re-imports) and exports (including re-exports) of goods under the Convention will be allowed at the major Custom Houses Viz. Delhi, Bombay, Madras, Calcutta and Cochin both by sea and by air. The ATA Carnets will be valid for imports or exports to countries who are contracting parties to the Convention.

1.7 The ATA Carnet has four counterfoils and vouchers viz. Exportation Counterfoil and Voucher, Re-importation Counterfoil and Vouchers, Importation Counterfoil and Voucher and Re-exportation Counterfoil and Voucher.

1.8 The Directorate General of Inspection, Customs and Central Excise, 'D' Block, I.P. Bhavan, New Delhi has been designated as the monitoring authority for the purpose of imports and exports under the Carnet. Approval of exhibitions/fairs as being covered by the Notification will, therefore, be conveyed to the Directorate General of Inspection, Customs and Central Excise, New Delhi which will keep a centralized record of such approvals and communicate them to the concerned Collectors of Customs and FICCI who will in time inform the Carnet issuing associations abroad.

2.PROCEDURE FOR IMPORTS

2.1 As and when goods are imported under the Convention the importer or his agent shall file the ATA Carnet in respect of such goods along with two photocopies thereof (which will be inscribed as duplicate and triplicate) in the Import Department of the Custom House for noting. Agent will also file his usual declaration in terms of Customs Clearing Agents Regulations. The Noting Clerk will put the IGM Rotation No.and Noting No. in the Remarks column at two places both in the Importation counterfoil and Voucher in all copies.

2.2 After noting, the ATA Carnet will be presented to the Centralised Appraising Unit set up for the purpose in group 5A of the Custom House. The Centralised Appraising Unit will examine the goods as per normal examination procedure with a view to establish the classification and identification of the goods imported. The examination report will be endorsed in Column 'D' of the original and duplicate copies of the Importation Voucher. The classification will be indicated in column number 2 in the Importation Voucher.

2.3 The Centralised Appraising Unit will maintain a register in which all such imports will be entered. The serial number of the register under which the particulars are recorded will be the IDF No. on the ATA Carnet Importation Voucher.

2.4 Thereafter the Centralised Appraising Unit will give the "Out-of-Charge" Order.

2.5 If the description of the goods in the ATA Carnet is found to be insufficient the officer of the Centralised Appraising Unit will amplify it in a supplementary sheet.

2.6 The ATA Carnet will not be sent for computer runs, to the licence and cash departments. The only three steps are noting, identification and classification.

2.7 The goods will be delivered with reference to the endorsement given on the duplicate copy of the importation Voucher which will be returned to the Centralised Appraising Unit after clearance of the goods for record.

2.8 Normal procedures for penal proceedings under the Customs Act will be observed in cases of misdeclaration or any other offences under the Customs Act.

2.9 There will not be any concurrent Audit. However, mobile spot audit will occasionally be done at frequencies as may be determined by the Collector of Customs. Pre-audit will, however, be necessary where a demand is issued to the Guaranteeing Association (the Federation).

2.10 If any goods covered by the ATA carnet are imported as accompanied baggage of the passenger arriving in India, they will be transferred to the Air Cargo Complex for clearance by the Centralised Appraising Unit

3.PROCEDURE FOR RE-EXPORT

3.1 It is not necessary that goods imported temporarily under the Convention shall be re-exported from the same Port/Airport as that of importation

3.2 The re-exportation will be on the basis of the re-exportation voucher of the Carnet. The re-exportation Counterfoil and Voucher will be presented along with 2 photocopies (which will be inscribed as duplicate and triplicate) to the Noting Clerk for noting. The Examination and clearance of the goods meant for re-export will also be conducted at the same Centralised Appraising Unit.

3.3 The Re-export Voucher will be dealt with in the same manner as the normal Shipping Bill after the Shipping Bill has been noted in the Export Department.

3.4 The Centralised Appraising Unit will enter the complete particulars of such re-export in a register maintained for the purpose.

3.5 The unit will also send complete particulars of each consignment of such exports to the Centralised Appraising Unit of the Custom House in cases where export is made through another Custom House through which the goods were cleared on their importation into India, with a copy to the Directorate General of Inspection.

4. PROCEDURE FOR EXPORTATION

4.1 The Federation of Indian Chambers of Commerce and Industry (hereinafter referred to as the Federation) shall be the "Issuing Association" for ATA Carnets in India for Temporary exportation of goods under the Convention. Trade Fair Authority of India has also been authorised to issue carnets on behalf of the Federation in respect of goods meant for exhibition & trade fair held abroad.

4.2 The export of such goods shall be through the same Centralised Appraising Unit referred to above.

4.3 The ATA Carnet shall be presented with 2 Photocopies (which will be inscribed as duplicate and triplicate) to the Noting Clerk of the Export Department. The document will, thereafter be presented to the Centralised Appraising Unit and the normal Export Procedure will be observed for the purposes of exportation.

4.4 In case the work of Carnet preparation has to be done at the premises of exporter, the work shall be supervised by a Customs/Excise Officer not lower than the rank of Superintendent on a request being made in advance and on payment of prescribed fees.

4.5 No drawback will be allowed on such exports.

4.6 The particulars and details of such exports shall be entered in a register to be maintained by Centralised Appraising Unit for the purpose.

5. PROCEDURE FOR RE-IMPORTATION

5.1 The importation procedure will apply

5.2 The goods shall be liable to pay the Central Excise duty if the export was made under bond or claim or rebate of Central Excise duty or in cases where the importer is not able to satisfy the Customs authorities that excise duty has been paid prior to export and the same has not been claimed back.

6. EXEMPTION TO CERTAIN VEHICLES IMPORTED BY TOURISTS UNDER TRIPTYQUE OR CARNET DE PASSAGE

6.1 Triptyque/Carnet De Passage EnDouane is a travel document for the purpose of temporary importation of private road vehicles into India by the tourist free of duty issued by approved Automobile Associations abroad.

6.2 Carnet and Triptyque or identical in purpose, except that the Triptyque is meant for a single country while the Carnet is for more than one country.

6.3 In exercise of the powers conferred by sub-section (1) of section 25 of the Customs Act, 1962 (52 of 1962), the Central Government, being satisfied that it is necessary in the public interest so to do, hereby exempts goods specified in column (2) of the Table below when imported into India, from the duty of customs and the additional duty leviable thereon to the extent indicated in the corresponding entry in column (3) of the said Table, subject to the conditions specified in the corresponding entry in column (4), thereof.

TABLE

Sl.No.	Name of the goods	Extent of Exemption	Conditions of Exemption
1.	(a) Vehicles defined in Article 1 of the Convention. (b) Fuel and component parts referred to in Articles 3 and 4 respectively of the Convention.	Whole of the duty of customs leviable thereon under the First Schedule of to the Customs Tariff Act, 1975 (51 of 1975) and the additional duty leviable thereon under section 3 of the said Act.	(1) The importer shall: (a) be a member of an Automobile Club or Association belonging to the Federation of Alliance Internationale De Tourisme; (b) produce to the proper officer for the purpose of the same being duly signed and stamped by him the triptyque or carnets de passages en-douane issued by the Alliance Internationale De Tourisme in the form approved and issued to him by a Club or Association guaranteed by the Federation of Indian Automobile Association and in respect of which all the rules and conditions relating to triptyque or carnets de passages en_douane have been complied with; and (c) satisfy the proper officer that the vehicles and component parts, which he has imported, correspond in all respects with those described in the triptyque or carnets de passages en-douane and for this purpose produce the said vehicles and component parts for examination and record of particulars by such officer. (2) The period of retention of the vehicle in India does not exceed six months: Provided that where a vehicle imported under triptyque or carnets de passages en-douane is exported out of India and is re-imported within the period of six months from the date of its exportation from India, then for the purpose of determining the total period of retention of the vehicle in India after such reimport will be added

			to the period of its retention in India after first importation: Provided further that where the Central Government or the Commissioner of Customs is satisfied that it is necessary in the public interest so to do, it may extend the period of six months by a further period of six months. (3) Generally subject to the provisions of the Convention.
2.	Vehicle (including component parts) referred to in the Convention which is permitted to be imported in accordance with the conditions specified against serial number 1 above and which, on account of accident requiring repairs of the vehicles or due to the death or illness of the holder of the temporary importation documents, or a person accompanying him or a family member, is not exported out of India within six months after the date of importation.	Whole of the duty of customs leviable thereon under the First Schedule of to the Customs Tariff Act, 1975 (51 of 1975), and the additional duty leviable thereon under section 3 of the said Act.	(1) The vehicle is garaged, except when it is being repaired in a premises approved by the Commissioner of Customs under a double lock, one of the owner and the other of the Customs, provided that where the holder of the temporary importation documents or the person accompanying him or his family members is hospitalised then this condition shall not apply. (2) The vehicle is re-exported before the expiry of six months from the date of its importation into India extended by the period of garaging or hospitalisation referred to in condition (1) above.
3.	Vehicles and component parts referred to in the Convention, other than those specified in serial number 2 above, which are permitted to be imported in accordance with the conditions specified against serial number 1 above and which are exported out of India after six months and within one year of the date of importation.	So much of the duty of customs and additional duty as is equal to the amount of drawback calculated by taking into account the use of the vehicle from the date of its first entry into India to the date on which the vehicle is finally re-exported.	The holder of the carnet continues to remain in India during the period of retention of vehicle in India.

Explanation. - In this notification "Convention" means the Customs Convention on the Temporary Importation of Private Road Vehicles.

2. Nothing contained in this notification shall apply to -

(a) legal persons referred to in article 1(e) of the Convention;

(b) persons normally resident outside India, who on the occasion of temporary visit to India take up paid employment or any other form of gainful occupation.