

M-25021/34/2023-SM (e-362487)
Government of India
Ministry of Ports, Shipping and Waterways
(Sagarmala Cell)

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New Delhi-110001

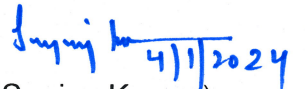
Dated: January 04, 2024

OFFICE MEMORANDUM

Subject: Standard Operating Procedures (SOPs) for handling CBIC references for grant of EXIM Permission/Custom notification and for handling references from various Ports regarding Gazette Notification to handle POL/LPG/LNG/Hazardous/ Explosive Cargo- reg

The undersigned is directed to forward herewith approved Standard Operating Procedures (SOPs) for handling CBIC references for grant of EXIM Permission/Custom notification and for handling references from various Ports regarding Gazette Notification to handle POL/LPG/LNG/Hazardous/ Explosive Cargo, for information and necessary action.

2. This issues with the approval of Hon'ble Minister for Ports, Shipping and Waterways.


(Sanjay Kumar)

Under Secretary to the Government of India

Tel no.: 011-23714715

Email:sanjay.kumar38@nic.in

To,

1. Shri Rajesh Kumar Sinha, Additional Secretary, MoPSW
2. Shri R. Lakshmanan. Joint Secretary, MoPSW
3. Shri Sushil Kumar Singh, Joint Secretary, MoPSW
4. Shri Bhushan Kumar, Joint Secretary, MoPSW
5. Shri Sunil Kumar Sing, Adviser Statistics, MoPSW
6. Shri H.N. Aswath. Development Adviser
7. Shri Shyam Jagannathan, Director General, DG Shipping
8. Chief Controller of Explosives, Petroleum and Explosives Safety Organization (PESO)

Copy to:

1. PS to Hon'ble Minister for Port, Shipping and Waterways
2. PS to Hon'ble Ministers of States for Ports, Shipping and Waterways
3. PPS to Secretary (PSW) _____
4. Director (SM) / DS (SM), MoPSW 1
5. Sagarmala PMT

Procedure for handling requests from Central Board Of Indirect Taxes & Customs (CBIC) & Ports regarding EXIM Permission/Custom notification/ POL/LNG/LPG/Hazardous/ Explosive Cargo notification

1. **Preface:**

Ports play a pivotal role in facilitating global trade and logistics by serving as key nodes connecting countries and continents. Ports provide essential infrastructure and services to handle various types of cargo, including bulk commodities, containerized goods, and liquid cargo. They are vital components of the national and international supply chain, serving as gateways for the movement of goods and facilitating seamless connectivity between various modes of transportation.

The transportation, storage, and distribution of cargo through sea and ports are sometime hazardous. Any accident occurring can be very damaging to the environment, infrastructure, and human lives. Therefore, it is pertinent to maintain utmost standard and regulations while creating infrastructure for ports. Further, Ports must be committed to developing effective security mechanism and implement measures to reduce port vulnerabilities.

Further, India is a Member of the International Maritime Organization (IMO) which is the United Nations specialized agency with responsibility for the safety and security of shipping and the prevention of marine and atmospheric pollution by ships. Given that the benefits from IMO's regulatory framework can only be fully achieved when all Member states carry out their obligations as required by the instruments to which they are Parties, the IMO adopted a Member State Audit Scheme (IMSAS) on a voluntary basis in 2006. As a party to the IMO conventions/instruments covered under IMSAS, India has an international obligation to administer and implement them accordingly. Implicitly, India must demonstrate objective evidence of its compliance with the mandatory IMO conventions/instruments. The audit covers IMO convention/ instruments including SOLAS (1974), MARPOL (1973/ 78) and STCW (1978) etc. and all the related maritime agencies with functional roles as the Port State, Flag State and Coastal State, viz. the Ports, Coast Guard, DGLL and DGS etc. The forthcoming audit of India under IMSAS is imminent, and any subpar performance in this evaluation has the potential to adversely impact India's standing as an eminent Maritime Nation.

2. **Objective:**

The primary objective of this document is to establish a systematic approach at the Ministry of Ports, Shipping and Waterways (hereinafter referred to as "Ministry") for evaluating references from CBIC and Ports for EXIM Permission/ Custom notification/ POL/ LNG/ LPG/ Hazardous/ Explosive Cargo, ensuring that they fulfill the safety and security requirements.

3. **Applicability:**

Para 4 (a) of this document is for references received from *Central Board of Indirect Taxes & Customs (hereinafter referred to as "CBIC") regarding request from Ports for EXIM Permission/Custom notification*. It is, therefore, applicable for all Ports/ Terminals which intend to carry out unloading of imported goods and the loading of export goods.

Para 4 (b) of this document is for references received from *Ports regarding Gazette Notification to handle POL/LPG/LNG/Hazardous/ Explosive Cargo*. It is, therefore, applicable for all Ports/ Terminals which intend to carry out unloading of imported & domestic POL/ LNG/ LPG/ Hazardous/ Explosive Cargo and the loading of export and domestic POL/ LNG/ LPG/ Hazardous/ Explosive Cargo.

(a) Process for handling the references forwarded by CBIC for EXIM Permission/ Custom notification:

4 (a.1) Examination of references

The documents submitted along with Letter and accompanying Annexures shall be thoroughly reviewed at this Ministry. The verification shall be carried out for ensuring fulfillment of the requirements (including but not limited to) stated as under:

- i. Documentation evidencing that Port (if a new port) is part of Master Plan of Centre/ State or Terminal (if part of an existing port) is part of Master Plan^[1] of the Port (as applicable). Details of port connectivity through road, rail and pipeline (as applicable) for the cargo may also be provided.
- ii. International Ship Safety and Port Facility Security (ISPS) compliance certificate
- iii. Navigational Safety in Port Committee (NSPC) compliance certificate (for other than Major Ports i.e. Non-Major Ports)
- iv. Environmental/ CRZ Clearance (as applicable)
- v. Petroleum and Explosives Safety Organization (PESO) clearance (if handling POL/ LPG/ LNG/ Hazardous Cargo)
- vi. Security Clearance (as applicable) in line with guidelines issued by Ministry of Home Affairs from time to time.

4 (a.2) Seeking Information from concerned port:

In cases where the documents lack sufficient information with respect to para 4(a), necessary documentation and details to ensure a complete evaluation shall be sought from the concerned port. Additional information, if required, shall also be sought from concerned State/ Union Territory.

Simultaneously, assessment report shall be sought from the Directorate General of Shipping (hereinafter referred to as "DG Shipping") through an order by the Ministry. This report shall be crucial in assessing the applicant port's adherence to safety and security requirements.

4 (a.3) Recommendation:

- i. If the concerned port confirms its compliance and provides documentation fulfilling the requirements as stated in para 4 (a.1), and DG Shipping provides a favorable assessment report, a positive recommendation shall be forwarded to CBIC by the Ministry.
- ii. In cases where the concerned Port is in the process of complying with the requirements as stated in para 4 (a.1), but the DG Shipping has provided favorable assessment report for the Port, the Ministry shall send an advanced positive recommendation to the CBIC with regard to such a Port. Such advanced positive recommendation shall, however, be subject to the concerned Port complying with the requirements as stated in para 4 (a.1) before it can be allowed to handle cargo.
- iii. If the concerned port informs that it is not in compliance with requirements as stated in para 4 (a.1), Ministry's recommendation to CBIC shall specify such non-compliance. DG Shipping's assessment report shall support this position, emphasizing the necessity of fulfilling the requirements for port safety and security.

4 (a. 4) Timely Reporting:

- i. DG Shipping shall provide assessment report within two (2) weeks from the issue of order from the Ministry.
- ii. It shall be endeavored to provide recommendation to CBIC within four (4) weeks, contingent on receiving requisite responses (complete in all aspects) from the concerned port, concerned State/ Union Territory and DG Shipping, as the case may be.

4 (b) Process for handling the references forwarded by ports for Gazette Notification to handle POL/ LPG/ LNG/ Hazardous/ Explosive Cargo:

4 (b.1) Examination of reference

The documents submitted along with Letter and accompanying Annexures shall be thoroughly reviewed at this Ministry. The verification shall be carried out for ensuring fulfillment of the requirements (including but not limited to) stated as under:

- i. Documentation evidencing that Port (if a new port) is part of Master Plan of Centre/ State^[2] or Terminal (if part of an existing port) is part of Master Plan of the Port (as applicable). Details of port connectivity through road, rail and pipeline (as applicable) for the cargo may also be provided.
- ii. International Ship Safety and Port Facility Security (ISPS) compliance certificate (for Port/ Terminal handling EXIM cargo)
- iii. Navigational Safety in Port Committee (NSPC) compliance certificate (for other than Major Ports i.e. Non-Major Ports)
- iv. Environmental/ CRZ Clearance (as applicable)
- v. Petroleum and Explosives Safety Organization (PESO) clearance
- vi. Department of Revenue/ Customs Notification of the Port
- vii. Security Clearance (as applicable) in terms of guidelines issued by Ministry of Home Affairs from time to time.

4 (b.2) Seeking Information from Applicant Port:

In cases where the documents lack sufficient information with respect to para 4(b), necessary documentation and details to ensure a complete evaluation shall be sought from the applicant Port. Additional information, if required, shall also be sought from concerned State/ Union Territory.

Simultaneously, assessment report shall be sought of the DG Shipping through an order by the Ministry. Additionally, compliance report shall be sought from PESO. These reports shall be crucial in assessing the applicant Port's adherence to requirements.

4 (b.3) Gazette Notification:

- i. If the applicant Port confirms its compliance and provides documentation fulfilling the necessary requirements as stated in para 4 (b.1), DG Shipping provides a favorable assessment report, and PESO provides a favorable compliance report, Gazette Notification shall be issued by the Ministry for a maximum period of three (03) years or up to validity of clearance of PESO (whichever is less).
- ii. In cases where the applicant Port is not in compliance with requirements as stated in para 4 (b.1), the applicant port shall be informed to obtain requisite clearances and revert to the Ministry after compliances has been obtained. DG Shipping and PESO report shall support this position, emphasizing the necessity of compliance for port safety and security.

4 (b.4) Timely Reporting:

- i. DG Shipping shall provide assessment report within two (2) weeks from the issue of order from the Ministry.
- ii. It shall be endeavored to publish the Gazette Notification or send rejection of application to the port (as applicable) within four (4) weeks, contingent on receiving requisite responses (complete in all aspects) from the applicant Port, concerned State/ Union Territory, PESO and DG Shipping, as the case may be.

5. Procedure Review:

Ministry reserves the right to review and revise this procedure at such intervals as it deems fit. In case of any dispute regarding the interpretation of any parts of this procedure, the decision of the Ministry of Ports, Shipping and Waterways shall be final. Any changes in the procedure shall be approved by Minister in-charge for Ports, Shipping and Waterways.

^[1] If Master Plan is not available, the State/ Union Territory shall provide an undertaking as part of Checklist for 4(a) stating that the port shall be included in the State/UT's Masterplan and the same shall be submitted to the ministry within six months.

^[2] If Master Plan is not available, the State/ Union Territory shall provide an undertaking as part of Checklist for 4(a) stating that the port shall be included in the State/UT's Masterplan and the same shall be submitted to the ministry within six months.

Checklist for Para 4 (a)

S. No.	Item	Status (enclosed/ not enclosed/ not applicable) {if not enclosed/ not applicable, please provide reason}
1.	Forwarding Letter	
2.	Documentation evidencing that Port (if a new port) is part of Master Plan of Centre/ State or Terminal (if part of an existing port) is part of Master Plan of the Port (as applicable) If Master Plan is not available, an undertaking from State/ Union Territory Government may be provided.	
3.	International Ship Safety and Port Facility Security (ISPS) compliance certificate	
4.	Navigational Safety in Port Committee (NSPC) compliance certificate	
5.	Environmental/ CRZ Clearance	
6.	Petroleum and Explosives Safety Organization (PESO) clearance	
7.	Security Clearance	
8.	Documentation evidencing that Port/ terminal is has requisite connectivity (road, rail, pipeline etc.) to handle the cargo/increased capacity.	

I solemnly affirm that the information provided in the documents is true to the best of my knowledge.

Signature

Name.....

Designation with stamp of Head of the Organization/ Port

Checklist for Para 4 (b)

S. No.	Item	Status (enclosed/ not enclosed/ not applicable) {if not enclosed/ not applicable, please provide reason}
1.	Forwarding Letter	
2.	Documentation evidencing that Port (if a new port) is part of Master Plan of Centre/ State or Terminal (if part of an existing port) is part of Master Plan of the Port (as applicable) If Master Plan is not available, an undertaking from State/ Union Territory Government may be provided.	
3.	International Ship Safety and Port Facility Security (ISPS) compliance certificate	
4.	Navigational Safety in Port Committee (NSPC) compliance certificate	
5.	Environmental/ CRZ Clearance	
6.	Petroleum and Explosives Safety Organization (PESO) clearance	
7.	Department of Revenue/ Customs Notification	
8.	Security Clearance	
9.	Documentation evidencing that Port/ terminal is has requisite connectivity (road, rail, pipeline etc.) to handle the cargo/increased capacity.	

I solemnly affirm that the information provided in the documents is true to the best of my knowledge.

Signature

Name.....

Designation⁸ with stamp of Head of the Organization/ Port

M-25021/34/2023-SM(PD-IV)(C.No.362487)

Government of India
Ministry of Ports, Shipping and Waterways
(Ports Wing)

Transport Bhawan,
1, Parliament Street, New Delhi-110001

Dated: 30th April, 2026

OFFICE MEMORANDUM

Subject: Amendment to Standard Operating Procedures (SOPs) for handling CBIC references for grant of EXIM Permission / Custom notification and for handling references from various Ports regarding Gazette Notification to handle POL/LPG/LNG/Hazardous/Explosive Cargo - reg.

The undersigned is directed to refer to this Ministry's OM of even number dated 04.01.2024 (copy enclosed) on the above subject and to convey that the said SOP has been partially amended as under:

Clause No.	Existing Clause	Amended Clause
4(b.3)	If the applicant port confirms its compliance and provides documentation fulfilling the necessary requirements as stated in para 4 (b.1), DG Shipping provides a favourable assessment report, and PESO provides a favourable compliance report, Gazette Notification shall be issued by the Ministry for a maximum period of three (03) years or up to validity of clearance of PESO (whichever is less).	If the applicant port confirms its compliance and provides documentation fulfilling the necessary requirements as stated in para 4 (b.1), DG Shipping provides a favourable assessment report, and PESO provides a favourable compliance report, Gazette Notification shall be issued by the Ministry for a period equivalent to the validity of clearance of PESO.

2. This issues with the approval of Hon'ble Minister for Ports, Shipping & Waterways.



(Dinesh Kumar)
Director, MoPSW
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