

OFFICE OF THE PRINCIPAL COMMISSIONER OF CUSTOMS (IMPORT), MUMBAI – III
AIR CARGO COMPLEX, SAHAR, ANDHERI (EAST), MUMBAI – 400 099.

F. No. S/3-Misc-PRO-64/2015-16-ACC(I)

Date: 22.12.2015

PUBLIC NOTICE NO. 23 / 2015

Subject : Implementation of DGFT Notification prohibiting import of mobile phones with duplicate, fake and non-genuine IMEI – reg.

1. Kind attention of all Customs Officers is drawn to Notification No. 107/(RE-2013)/2009-14 dt 16.01.15 issued by the Director General of Foreign Trade, Department of Commerce, Ministry of Commerce & Industry, Govt of India, prohibiting the import of 'GSM Mobile Handsets' (classified under ITC (HS) code '8517') without International Mobile Equipment Identity (IMEI) number, with all zeros IMEI, duplicate IMEI or fake IMEI and also prohibited import of 'CDMA Mobile Handsets' (classified under ITC (HS) code '8517') without Electronic Serial Number (ESN) / Mobile Equipment Identifier (MEID), with all zeros as ESN/MEID, duplicate ESN/MEID or fake ESN/MEID.

2. In response to a Writ Petition filed by M/s Micromax Informatics Ltd before the Hon'ble High Court of Delhi requesting to issue directions for prohibition on the entry/import of mobile phones with duplicate or fake IMEI numbers, the Hon'ble High Court of Delhi directed DGFT to draw out a mechanism in consultation with Customs as to how & by what mechanism their above mentioned Notification dt 16.1.15 will be implemented. In compliance of the order of Hon'ble High Court of Delhi, to ensure that the directive issued by DGFT is converted into actionable points by virtue of standard operating procedures to which various stakeholders adhere to in a uniform standard format, a Standard Operating Procedure (SOP) (Ver 1.0) has been issued by the Department of Telecommunication for implementation of the Central Govt Notification prohibiting import of mobile phones with duplicate, fake and non-genuine IMEI.

3. **The process of obtaining IMEI/TAC allocation as prescribed in the SoP is as follows:-**

To obtain the TAC/IMEI, the Mobile Equipment manufacturers or Brand owners (Type allocation Holder) have to get registered with GSMA Database using link - <http://imeidb.gsm.org/imei/login.jsp> and then click on "Manufacturers Registration Form". After receipt of complete submitted form, it is sent by GSMA vide the IMEI database to the appropriate Reporting Body (RB) for processing. The RB carries out the necessary verification of the form, if positive, the application gets approved and the manufacturer./ Brand owner is provided with an ID and Password via email. In the event of a negative review the RB will contact the Mobile Equipment manufacturer or Brand owner to explain the reasons for rejection of the application. When the Type Allocation Holder has the ID & Password, they are able to enter the IMEI Database via this link - <http://imeidb.gsm.org/imei/login.jsp> and click on "Application for TAC" and enter the ID and Password details. The further details of GSMA TAC/IMEI allocation process are available on GSMA website.

4. The process of obtaining IMEI Certificate by GSMA/MSAI for Import in India :-

The Type Allocation Holder logs on to the online panel using its User-ID and password and submits the application duly filled for the IMEI certificate for the Mobile handset IMEI lot to be imported into Indian market. On receipt of such application, GSMA / MSAI automated system called IMEI Cloning and Duplication Restriction (ICDR), which operates on the internet with https protocol and accepts the information and validates the information against the worldwide GSMA Reporting Bodies generated TAC's and if the validated information is found to be correct then it registers the IMEI number lot for the mobile handsets to be imported into the Indian market. The registered information is then further processed by conducting additional check by algorithmic toll gate to ensure approval review. If the approval review is successful then ICDR will automatically issue the IMEI certificate. The ICDR system issues the IMEI certificate with encryption, control numbers and Qcode alongwith the additional important attributes about the mobile handset as illustrated in appendix. If the TAC / IMEI information is found to be nulls, fake or duplicated or incorrect information or the application is flagged at the algorithmic tollgate then the application is rejected and the information is stores for intimation to the respective brand owner for a possible violation / correction with message. The Brand Owner is not issued any IMEI certificate in this case.

5. The procedure to be followed by Importers / CB's for Customs clearance :-

(i) The brand owner or the importer of the mobile handset lot should submit the consignment-wise (Bill of Entry wise) IMEI certificate to the Customs officers alongwith other relevant import documents such as packing list, invoice etc in respect of the mobile handset IMEI lot to be imported into the Indian market. The Customs Officer will verify the IMEI certificate using the ICDR system to ensure that:-

- (a) The IMEI numbers of the lot under import are Genuine and have been allocated to the right entity (Type Allocation Holder who is the rightful owner for IMEI)
- (b) The importer details are as mentioned by the Type Allocation Holder
- (c) The IMEI numbers belong to the same make and model which is being imported
- (d) The IMEI numbers belong to same form Factor e.g. Mobile phone, Tablet, M2M device etc.
- (e) The IMEI numbers have not been recorded entry into the Indian Borders prior to this inspection.

(ii) The Customs officer shall validate the physical IMEI certificates vide ICDR system on 100% basis for the whole consignment under import. Considering the volume of imports, in case of green channel marking by ICDR system, 5-10% of the total consignments coming to a particular port may be randomly selected for examination. Further, out of each consignment selected for examination, 5-10% (per thousand) of the mobile sets, on random basis, may be taken up for verifying the IMEI number with reference to the list submitted by the importer by physically switching on the device and entering the code to reveal the IMEI number of the device. However, in case of Red Channel marking by ICDR system, the import of such shipment

may be treated as improper imports involving prohibition and may attract penal provisions as well as lead to absolute confiscation as per Customs Laws.

6. This Public Notice will be effective from 01.01.2016.
7. Any problems in the implementation of this Public Notice may be brought to the notice of the undersigned.

This issues with the approval of the Principal Commissioner of Customs (Import), ACC.

Dr S. S. Dhavale
22.12.2015

(Dr S. S. Dhavale)
Addl. Commissioner of Customs (Import)
Air Cargo Complex, Mumbai

Copy to:-

- 1) Chief Commissioner of Customs, Mumbai – III
- 2) All Addl/Jt Commissioners of Customs (Import), ACC
- 3) Nodal Officer (DC/Import Shed, ACC)
- 4) Department of Telecommunications (Security Wing), Sanchar Bhavan, New Delhi
- 5) Tariff Unit, CBEC, North Block, New Delhi.
- 6) MSAI , 205-206, PP Towers, Netaji Subhash Place, Pitampura, New Delhi – 34.
- 7) All DC/AC's, ACC (Import).
- 8) EDI Section for uploading on ACC website.
- 9) BCHAA
- 10) Office copy