



भारत सरकार
Government of India
वित्त मंत्रालय, राजस्व विभाग
Ministry of Finance, Department of Revenue
सीमा शुल्क आयुक्त(निवारक) कार्यालय
Office of the Commissioner of Customs (Preventive)
पूर्वोत्तर क्षेत्र, North Eastern Region,
सीमा शुल्क भवन, Custom House, 110 एम. जी. रोड, 110 M. G. Road,
शिलांग- 793001, Shillong - 793001

Public Notice No.04/2018
Dated Shillong the 29th June, 2018

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

Attention of all Customs officers/trade/ Customs Brokers and others concerned is drawn to Notification No.107/(RE-2013)/2009-14 dated 16.01.2015 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 zeroes 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 zeroes as ESN/MEID, duplicate ESN/MEID or fake ESN/MEID.

2. In response, to a Writ Petition No. W.P.(C) 5772/2014 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 dated 16.01.15 will be implemented. In compliance of the order of Hon'ble High Court of Delhi, to ensure that the directive issued by the 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) (Copy enclosed)** has been issued by the Department of Telecommunication for implementation of the DGFT 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 IMEI/TAC, 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 via 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 or 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 then click on "Application for TAC" and enter the ID and Password details. 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 along with 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 stored 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 along with 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 of 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 the date of issuance of the same.

7. Difficulty faced, if any, may be brought to the notice of this office.

Encl: As above


29/6
(Bandhana Deori)
Commissioner

SPEED POST

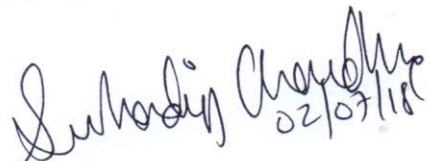
C.No.VIII(48)09/CUS/TECH/MISC. EXP-IMP/2018

11894-916 A

Dated: 2 JUL 2018

Copy for information to:

- 1.The Chief Commissioner, CGST & Customs, Shillong Zone, Shillong
- 2.The Commissioner, CGST Commissionerate, Agartala/ Aizawl/ Dimapur/ Dibrugarh/ Guwahati/ Imphal/ Itanagar/Shillong.
- 3.The Deputy/Assistant Commissioner, Customs Division, Agartala/Aizawl/ Dhubri/Dimapur/ Guwahati/Imphal/Karimganj/Shillong, with a request to bring to the notice of all concerned in their jurisdiction and ensure that the prescribed guidelines is followed.
4. The Deputy/Assistant Commissioner, Moreh LCS, Agartala LCS & ICD Amingaon to ensure that the prescribed guidelines is followed.
- 5.The Superintendent, Computer Cell, Customs Hqrs, Shillong to upload the contents of this Public Notice to the Commissionerate website.
- 6.The Hindi Translator, Customs Hqrs, Shillong to get issued Hindi version of this Public Notice.
7. Guard File


02/07/18
(Subhadip Choudhury)
Superintendent (Tech)



DEPARTMENT OF TELECOMMUNICATIONS

(SECURITY WING)

STANDARD OPERATING PROCEDURE (Version 1.0)

FOR

**Implementation of Central Government
notification prohibiting import of mobile phones
with duplicate, fake and non-genuine International
Mobile Equipment Identity**

Security Wing, Department of Telecommunications
20, Ashoka Road, Sanchar Bhawan, New Delhi-110001

Hon'ble High Court of Delhi has directed Directorate General of Foreign Trade (DGFT) to draw out a mechanism in consultation with Commissioner of Customs, as to how and by what mechanism the notification dated 16th January 2015 will be implemented. Accordingly, these Standard Operating Procedures have been drawn to implement the said notification.

2.0 PURPOSE OF SOP:

- 1) To ensure that directive issued by the DGFT is converted into actionable points by virtue of Standard Operating Procedures (SOPs) to which various stakeholders adhere to in a uniform standard format.
- 2) To outline a clear procedure for formulating steps for import and customs clearance of the mobile handsets in the country.
- 3) To ensure that all the stakeholders have a clear understanding about control Mechanism to prevent import of mobile handsets with all Zero, Null, duplicate and fake IMEI.
- 4) To outline the process of disseminating relevant instructions to internal and external staff as needed.

3.0 OBJECTIVE:

These Standard Operating Procedures (SOPs) describe the process of getting IMEI/TAC allocation from GSMA, mechanism to get Import Certificate for specific lot while importing into India, mechanism for Customs officials to handle the Mobile handset import complying with the requirements of Notification No. 107/(RE-2013)/2009-2014 dated 16th Jan, 2015 and to ascertain that the GSM Handset bearing with all zeroes IMEI, duplicate IMEI or fake IMEI is 'Prohibited' in the interest of national security.

The SOP outlines the process for the issuance, intake, processing, investigation, monitoring and conclusion of IMEI of the mobile handset shipment lots submitted for clearance to Customs at various borders of the country. Investigations of possible prohibition(s) are flagged, logged and monitored on a Pan India Level. Procedures are also outlined for handling Requests for Assistance (RFAs) raised by customs officials from across the states and other Government LEA agencies.

4.0 STAKEHOLDERS:

These SOPs apply to all concerned dealing with various functions/ roles of the IMEI numbers of the mobile handsets to be imported into India through various customs borders. The stakeholders are as follows:

- (1) Department of Telecommunications (DoT) and DGFT for policy framework

9.5 Self certification by the individual that Mobile handset carried/imported has genuine IMEI will suffice for the following:

- Mobile phones (new/used) imported as passenger baggage.
- Import of Mobile phones on repair and return basis.
- Online sale of Mobile Phones (new/used) across borders, such through eBay, etc.
- Mobile phones (new/being used) carried by the passenger while coming into India or going out of India.

10. Overall supervision and monitoring ICDR mechanism:

DoT officials or its delegated person is issued a separate supervisory log-in account with adequate security measures. The validation of ICDR system developed by MSAI shall be done by DoT in consultation with Department of Customs. The jurisdictional Customs Commissionerate is to identify and recommend certain officers to DoT for creation of User id and password. The user accounts for the Department of Customs shall be created by DoT.

Certain officers may be given privilege to update the ICDR system by making appropriate entries in respect of consignment /IMEI Certificate. For example, the officer may mark that certain series/ nos. of IMEI as used for imports, thereby making same series/nos. as invalid for all imports thereafter. In other words, a module may be incorporated to deface the IMEI certificate once it is used for imports so that it cannot be used again. In addition, certain other officers may be given view only, privilege to view details including audit trail, make queries and generate reports.

MSAI representing GSMA will be responsible for overall operation and maintenance of the ICDR system. Periodic audit of audit trails of the ICDR system will be performed by DoT. Further, DOT can supervise and monitor the issuance of the IMEI Certificate by logging into the supervisor's account which shall have additional facilities including validation of IMEI certificates, on specific request of Department of Customs. DoT can also monitor the applications which have been rejected by the online ICDR mechanism, to understand the dynamics or the trends of the rejected applications.

DoT also shall carry out/facilitate necessary investigation in case of any observation/complaints from any of the stakeholders or any Law Enforcement Agency.

35	British Approvals Board for Telecommunications (BABT)UK
86	Telecommunications Terminal Testing & Approval Forum (TAF) China
91	Mobile Standard Alliance of India (MSAI)
99	Global Hexadecimal Administrator (GHA) USA

7.0 TAC/IMEI Allocation Process:

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 via the IMEI Database to the appropriate Reporting Body (RB) for processing. The RB carry out the necessary verification of the form, if positive, the application gets approved and the manufacturer/Brand owner is provided with an ID & 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 & Password details. The further, details of GSMA TAC/IMEI allocation process are available on GSMA website.

8.0 IMEI Certificate by GSMA/MSAI for Import in India:

8.1 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.

8.2 On receipt of such application, GSMA/MSAI automated system called IMEI Cloning and Duplication Restriction (ICDR), which operates on 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.

8.3 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