

Body

Instruction No.12/2022-Customs F.No. 401/73/2020-Cus-III (part I) Dated 7th July, 2022

Government of India
Ministry of Finance
Department of Revenue
(Central Board of Indirect Taxes & Customs)

To

All Principal Chief Commissioner/ Chief Commissioner of Customs/ Customs (Preventive).

All Principal Chief Commissioner/ Chief Commissioner of Central Excise & Customs.

All Principal Chief Commissioner of Customs/ Customs (Preventive), all under CBIC Pr. Director /Director General under CBIC.

Subject :-Standard Operating Procedure (SOP) (Version 1.1) for "Implementation of Central Government notification prohibiting import of mobile phones with duplicate, fake and non-genuine International Mobile Equipment Identity"- reg

Madam/Sir,

Kind reference is invited to copy of Office Memorandum dated 04.07.2022 received from Department of Telecommunication, Ministry of Communication, New Delhi ,on the above subject, enclosing therewith with a copy of Standard Operating Procedure (SOP) (Version 1.1) for "Implementation of Central Government notification prohibiting import of mobile phones with duplicate, fake and non-genuine International Mobile Equipment Identity" (copy enclosed).

2.Vide the above stated OM, Department of Telecommunication has informed that the SOP version 1.0 has been modified appropriately due to operationalization of new system i.e. Indian Counterfeited Device Restriction (ICDR) system w.e.f. 28.01.2020 and has attached copy of the above stated SOP (Version 1.1) as Annexure -I to the above stated OM.

3.It is hereby requested that necessary action may be taken to sensitize officers under your jurisdictions regarding the above mentioned modified SOP (Version 1.1) issued from Department of Telecommunications.

4.The Customs Officers requiring login to the system may send the details details (i.e. Name, Designation, Email id, Mobile no., Port Name, Port Code, State/UT and Preferred Login ID) to uscus4.dor@gov.in latest by 12.07.2022.

5.The difficulties, if any, in the implementation of this Instruction may be brought to the notice of the Board.

6.Hindi version follows.

Encl: as above

Yours faithfully,

(Eric.C.Lallawmpuia)
OSD (Customs Policy)

5-2/2018/UDS
Government of India
Ministry of Communications
Department of Telecommunications
(Security Assurance Wing)

Room No. 1306. Sanchar Bhawan. New Delhi Dated the 4th July 2022

Office Memorandum

Subject: Standard Operating Procedure (SOP) (Version 1.1) for "Implementation of Central Government notification prohibiting import of mobile phones with duplicate, fake and non-genuine International Mobile Equipment Identity".

A Standard Operating Procedure (SOP) (Version 1.0) was issued vide Department of Telecommunications' letter no. 13-11/2014/S-II dated 29,h May 2015 for "Implementation of Central Government notification prohibiting import of mobile phones with duplicate, fake and non-genuine International Mobile Equipment Identity".

2.The SOP version 1.0 has been modified appropriately due to operationalization of new system i.e. Indian Counterfeited Device Restriction (ICDR) system w.e.f. 28.01.2020 and the SOP (Version 1.1) for "Implementation of Central Government notification prohibiting import of mobile phones with duplicate, fake and non-genuine International Mobile Equipment Identity" is attached herewith at Annexure-I for kind information and necessary action please.

This issues with the approval of competent authority.

Encl.: As above

(Vijay Agrawal)
Director (UDS)
Tel. No. 011-23725123

MINISTRY OF COMMUNICATIONS
DEPARTMENT OF TELECOMMUNICATIONS
(SECURITY ASSURANCE WING)
STANDARD OPERATING PROCEDURE
(Version 1.1)
FOR

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

1.0 BACKGROUND

1.1A Standard Operating Procedure (SOP) (Version 1.0) was issued by Department of Telecommunications for "Implementation of Central Government notification prohibiting import of mobile phones with duplicate, fake and non-genuine International Mobile Equipment Identity" vide letter dated 29th May, 2015.

1.2The SOP was prepared and issued for implementation of the Directorate General of Foreign Trade (DGFT) notification No. 107/(RE-2013)/2009-2014 dated 16.01.2015 for prohibiting import of mobile handsets without International Mobile Equipment Identity (IMEI) No., with all zeroes IMEI, duplicate IMEI or fake IMEI on directions from the Hon'ble High Court of Delhi to DGFT to bring out a mechanism as to how and by what mechanism the notification dated 16.01.2015 will be implemented. The said notification inter-alia states as below:

- (i) Import of 'GSM mobile handsets' (classified under ITC (HS) Code '8517') without International Mobile Equipment Identity (IMEI) No., with all zeroes IMEI, duplicate IMEI or fake IMEI is 'Prohibited'.
- (ii) 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 is 'Prohibited'.

1.3The notification dated 16.01.2015 was issued by DGFT in response to the order dated 27.10.2014 of the Hon'ble High Court of Delhi for necessary decision and notification on fake/Duplicate IMEI in writ petition No. 5772/2014 filed by M/s Micromax Informatics Limited.

1.4The above mentioned SOP was implemented by the Government of India through IMEI Cloning and Duplication Restriction system developed, operated and maintained by Mobile Standard Alliance of India (MSAI), representing GSMA.

2.0 REQUIREMENT OF AMENDED SOP

2.1IMEI is a 15-digit unique identification number for each mobile device used in Global System for Mobile (GSM) network.

2.2The format of IMEI consist of 8-digit Type Allocation Code (TAC), 6-digit Serial Number (SNR) and last digit is checksum.

2.3The TAC identifies the type of the Mobile Equipment (ME). It consists of two parts. The first two digits (NN) defines the Reporting Body (RB) allocating the TAC and the next six digits (XXXXXX) defines the ME Model.

2.4TAC numbers (first 8 digits of IMEI) are allocated to the Mobile Equipment manufacturers or Brand owners (Type allocation Holder) by GSMA, which is an international body representing the interests of worldwide telecom operators.

2.5GSMA performs its role through authorized representatives (Reporting Bodies) and keeps records of the TACs that are allocated to mobile device manufactures/Brand owners including information on some of the technical capabilities of the mobile device in its Data Base.

2.6Following the TAC numbers, next 6-digits (serial number) are assigned by the manufacturer to each mobile device in a manner that each and every mobile device can be uniquely identified.

2.7MSAI was a GSMA reporting body in India till 28.04.2019. MSAI is no longer a GSMA Reporting Body w.e.f. 29.04.2019 and TUV SUD BABT (previously known as British Approvals Board for Telecommunications (BABT) UK) has assumed the role of GSMA Reporting Body for India for TAC allocation to Indian brand owners and OEMs.

2.8The Government has decided to replace the MSAI operated system and a new system i.e. Indian Counterfeited Device Restriction (ICDR) system has been developed by Centre for Development of Telematics (C-DOT). The new system has been operationalized w.e.f 28.01.2020.

2.9Hence, the need to issue modified SOP has arisen.

3.0 PURPOSE OF SOP

3.1To ensure that all the stakeholders have a clear understanding about control mechanism to prevent import of mobile handsets with all Zero, Null, duplicate and invalid IMEI.

3.2To describe mechanism to get IMEI Certificate for specific lot while importing mobile handsets into India.

3.3To describe process mechanism for Customs officials to handle the mobile handset imports to ascertain that the mobile handsets bearing all Zero, Null, duplicate and invalid IMEI are 'Prohibited' in the interest of national security.

3.4This SOP is valid for import of all mobile handsets having IMEI with TAC assigned by GSMA.

4.0 STAKEHOLDERS

4.1This SOP applies 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:

4.2Department of Telecommunications (DoT) and DGFT for policy framework and its notification related to import of Mobile handsets.

4.3Manufacturers, brand owners and importers of the mobile handsets for requisite compliances.

4.4Department of Customs for complying to said notifications at customs borders e.g. Sea, Air and Dry ports

5.0 IMEI Certificate through Indian Counterfeited Device Restriction (ICDR) system for import of mobile handsets in India

5.1The applicant has to get its User-ID and password by submitting requisite documents and information on the online portal

<https://icdr.ceir.gov.in>.

5.2The applicant has to log on to theonline portal <https://icdr.ceir.gov.in> using its User-ID and password and submit the requisite information for the IMEI certificate for the Mobile handsets lot to be imported into India.

5.3On receipt of such information, the automated system called Indian Counterfeited Device Restriction (ICDR) which operates on Internet with https protocol will accept the information and validate the same with GSMA TAC database and ICDR database. If the validated information is found to be correct then it registers the IMEI number lot for the mobile handsets to be imported into India.

5.4The registered information is also processed by conducting additional checks for valid IMEI format, duplicate IMEI etc. to ensure approval review. If the approval review is successful, then the ICDR system will automatically issue the IMEI certificate. The ICDR system issues the IMEI certificate with control numbers and QR code along with the additional important attributes about the import consignment.

5.5If the TAC/IMEI information is found to be null, all zero, duplicate or invalid, then the data validation is failed and the application is rejected. The applicant is not issued any IMEI certificate in this case.

5.6Applicants have to generate separate IMEI certificates if they want to import multi-brand/ multi-model mobile handsets. Each IMEI certificate will cater single model of mobile handsets.

5.7Applicants will not be required to provide the details of model name/model number during IMEI certificate generation for sample/prototype mobile handsets to be imported for the purpose of manufacturing/R&D/testing etc.

6 .0 Customs Clearance

6.1The importer of the mobile handsets lot submits the consignmentwise (Bill of Entry wise) IMEI certificate to the customs officials and other relevant import documents such as packing list, invoice etc. for the mobile handset lot to be imported into the Indian market.

6.2For the verification of the IMEI certificate, the customs official needs to log-in into the ICDR system using pre-allocated user-id & password. The ICDR system is also available through mobile application.

6.3The customs official after logging into the ICDR portal shall validate the IMEI certificate for its genuineness.

6.4The Custom Officer shall validate the physical IMEI certificates vide ICDR system on 100% basis for the whole consignment under import.

6.5In case of IMEI certificate marked as genuine 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 1% of the mobile handsets subject to maximum of 10 mobile handsets, 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 mobile handset and entering the code to reveal the IMEI number of the handset. For the Manufacturer/Importer/Brand owners who are having valid Authorised Economic Operator (AEO) Certification, the examination will be as per the AEO Tier status for the verification of shipments/consignments.

6.6However, in case of marking as non-genuine IMEI certificate by ICDR System, the import of such shipment shall be dealt in accordance with prevailing Customs Laws.

6.7Self 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.

Mobile phones (new/being used) carried by the passenger while coming into India or going out of India.

7.Overall supervision and monitoring of ICDR system

7.1The operation and maintenance of ICDR system shall be done under supervision and monitoring of DoT or its designated agency / organization.

7.2C-DoT shall provide the necessary support to DoT or its designated agency/organization for operation and maintenance of system as well as for software/hardware upgrades of the system.

7.3Necessary user accounts, with requisite privileges, shall be created by DoT or its designated agency/organization for authorized persons of DoT, Customs department etc. on request from concerned Department/ Organization.

7.4DoT or its designated agency/organization shall carry out/facilitate necessary investigation in case of any observation/complaints from any of the stakeholders or any Law Enforcement Agency.

7.5DOT shall optionally initiate audit of the ICDR system for verifying proper functioning of the system periodically or randomly as and when need arises.