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GOVERNMENT OF INDIA
MINISTRY OF FINANCE : DEPARTMENT OF REVENUE
OFFICE OF THE COMMISSIONER OF CENTRAL EXCISE & SERVICE TAX
No.1, WILLIAMS ROAD, TRICHIRAPALLI - 620 001

General Circular NO.15/2009

Dated:07.12.2009

Sub:C.Ex.-Communication of **Circular No.896/16/2009/CX**
dated 01.09.2009-Reg.

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Copy of the Ministry's Circular No. 896/16/2009/CX dated 01.09.2009 issued in file F.No.267/50/2007-CX-8 regarding implementation of the provisions of COTP Act, 2003 and The Cigarettes and Other Tobacco Products (Packaging and Labelling) Rules, 2008"- Empowering the Customs & Central Excise Officers is communicated herewith.

The contents of the Trade Notice may be brought to the knowledge of all constituent members of Trade Associations /Chambers of Commerce.

(Issued from file C.NO.IV/16/04/2009-C.Ex.Pol)

Sd/-
(R. SARAVANA KUMAR)
Addl. COMMISSIONER(Tech)

To
As per mailing list II//III.

Subject: Implementation of the provisions of COTP Act, 2003 and The Cigarettes and other Tobacco Products (Packaging and Labelling) Rules, 2008"- Empowering the Customs & Central Excise Officers - regarding

Ministry of Health & Family Welfare has notified the Cigarettes and Other Tobacco Products (Packaging and Labelling) Rules, 2008 prescribing the manner in which the specified health warning shall be displayed on the tobacco product packs covering all types of tobacco products, produced, supplied or distributed in India. The Rules have come into effect from 31.05.2009. In this regard, Board's instructions of even number dated 02.06.2009 may also be referred. All the tobacco products manufactured/ packaged/ imported for sale in India have to bear the specified health warnings as prescribed. A copy of relevant rules/ notifications which have now been received from the Ministry of Health & Family Welfare, is enclosed for ready reference.

2. Further, the Ministry of Health & Family Welfare has vide Notification dated 30.07.2009 [S.O.1866 (E)] issued from F.No.P-16011/7/2005-PH-I (copy enclosed), notified all officers of the level of Superintendent and above of the Customs & Central Excise as competent to act under Sections 12 and 13 of the COTP Act, 2003 and conferred to them the power of Entry, Search and Seizure under the provisions of the said Act. It is clarified here that the officers are empowered under these provisions only for the places registered with the Central Excise department like factory, and not for other premises of dealers/ retail shops, which are not registered with the department.

3. In view of above, the officers of Central Excise & Customs should ensure that no tobacco products are cleared from the premises registered with the Central Excise department or imported into India without bearing the specified health warning and other requisites as prescribed in the Rules.

Sd/-
(Amish Kumar Gupta)
OSD (CX-8)