

**OFFICE OF THE COMMISSIONER OF CUSTOMS, NS-G  
MUMBAI CUSTOMS ZONE-II  
JAWAHARLAL NEHRU CUSTOM HOUSE, NHAVA SHEVA,  
TAL:- URAN, DIST : RAIGAD. PIN – 400 707.**

F.No.: S/5-Gen-90/2014 CFS M.Cell

Date : 08.09.2016

**PUBLIC NOTICE NO. 121/2016**

**Sub:** Compliance of "Handling of Cargo in Customs Areas Regulations, 2009" by Port Terminals, CFSs, Shipping Lines and Transporters to reduce the dwell time for clearance of imported / export goods **reg.**

Attention of the Members of Trade and Industry, including all persons responsible for receipt, storage, delivery, dispatch or otherwise handling of imported goods and export goods in any capacity in a Customs area is invited to the Handling of Cargo in Customs Areas Regulations, 2009 as amended by Notification No. 96/2010 dated 12.11.2010.

**2.**According to Regulation 2(b) of said Handling of Cargo in Customs Areas Regulations, 2009 "Customs Cargo Services provider" means any person responsible for receipt, storage, delivery, dispatch or otherwise handling of imported goods and export goods and includes a custodian as referred to in section 45 of the Act and persons as referred to in sub-section (2) of section 141 of the said Act;

**3.**CBEC vide Circular No. 13/2009-Cus., dated 23-3-2009 [F.No. 450/55/2008-Cus.IV] has already clarified that "*Handling of Cargo in Customs Areas Regulations, 2009*" provide for the manner in which the imported goods/export goods shall be received, stored, delivered or otherwise handled in a customs area. The regulations also prescribe the responsibilities of persons engaged in the aforesaid activities. The regulations shall be applicable to all 'Customs Cargo Service Providers' (CCSPs) that is to say all persons operating in a customs area and engaged in the handling of import/export goods. These include the Custodians holding custody of import/export goods and handling such goods and all persons working on behalf of such custodians such as fork lift or material handling equipment operators, etc. The regulations would also cover consolidators/break bulk agents and other persons

*handling imported/export goods in any capacity in a customs area. The regulations provide for various responsibilities and conditions for different kinds of CCSPs."*

**4.**Port Terminals, CFSs, Shipping Lines and Transporters are responsible for receipt, storage, delivery, dispatch or otherwise handling of imported goods and export goods in a customs area and therefore required to comply with provisions of Handling of Cargo in Customs Areas Regulations, 2009. Imported goods and export goods remains in the exclusive possession of Shipping Lines and Transporters (from Port to CFSs / ICDs ) or End user in case of DPDs and adoption of best and efficient practices by each stakeholder in the EXIM trade contributes to overall speed of clearance process.

**5.**Attention of Port Terminal and CFSs is invited to Regulation 5, which provides that any person a Customs Cargo Service provider shall provide Infrastructure, equipment and adequate manpower for loading, unloading, stacking, handling stuffing and de-stuffing of containers, storage, dispatch and delivery of containers and cargo etc. to the satisfaction of the Commissioner of Customs.

**6.** The Clause (n) of said Regulation 5 (1) also provides that Customs Cargo Service provider shall provide such other facilities as the Commissioner of Customs may specify having regard to the custody and handling of imported or export goods in a customs area;

**7.**Sub Regulation (4) of Regulation 5 provides that the "Customs Cargo Services provider" is bound to comply with the provisions and abide by all the provisions of the Act and the rules, regulations, notifications and orders issued thereunder.

**8.**Sub Regulation (2) of Regulation 7 empowers the Commissioner of Customs to regulate the entry of goods in a customs area for efficient handling of such goods.

**9.1**In order to make further efforts to provide ease of doing business, reduce dwell time and thereby reducing costs involved, following directions are issued to Port Terminals, CFSs, Shipping Lines and Transporters (engaged by CFSs / Port Terminals

/ Importers) in terms of Clause (n) of Regulation 5(1) and Sub Regulation (2) of Regulation 7 of Handling of Cargo in Customs Areas Regulations, 2009:

- i.** Dwell time can be reduced considerably by early evacuation of imported containers from Port area. For efficient operation, all import containers should be picked up on "best pick up basis" inside the port. In order to implement this, Port Terminals are required to issue suitable instructions to all CFSs, ICDs, Shipping Lines, Importers (availing DPD facilities) and transporters. In case of any deviation, the same may please be informed to this office in terms of obligation cast upon them under Regulation 6 (*to make available information of movement or handling of imported or export goods and goods brought for transshipment*); so that suitable action can be taken against the defaulter under Handling of Cargo in Customs Areas Regulations, 2009.
- ii.** Port Terminals should also issue directions to all CFSs, ICDs, Shipping Lines, Importers (availing DPD facilities) and transporters that all imported containers should be removed from the Port premises within 24 Hrs of Entry Inward. In order to effectively implement aforesaid directions, advance intimation of arrival of vessel and cargo shall be given by Shipping Lines and Port Terminals to all stakeholders within 24 hours of departure of vessel from the last port of call.
- iii.** Port Terminals should inform the details of any CFS and Importer (to whom DPD facility has been extended) does not clear the goods within the time limit prescribed above should be informed to this office for suitable action under Handling of Cargo in Customs Areas Regulations, 2009.
- iv.** Further, CFSs, ICDs, Shipping Lines, Importers (availing DPD facilities) and transporters are also being directed under Handling of Cargo in Customs Areas Regulations, 2009 to comply with direction for removing containers from the Port premises within 24 Hrs of Entry Inward.

**9.2** Any delay on the part of Customs at any stage of clearance process should be brought to the knowledge of ADC (PG) (Issues relating to Entry Inward, Port Clearance, amendment etc) & ADC(EDI) (SMTP, Scanning list generation

&transmission or any system related issues), who will ensure that any technical or other issues are resolved within 02 hours of receipt of communication.

**10.1** Attention of all Shipping lines and CFSs are invited to Regulation 6 of said Handling of Cargo in Customs Areas Regulations, 2009 which provides for responsibilities of Customs Cargo Service provider. Sub-Regulation (3) of said Regulation 6 provides that:

(3) The Customs Cargo Service provider shall publish and display at prominent places including website or webpage of the Customs Cargo Service provider the schedule of charges for the various services provided by him in relation to the imported goods or export goods in the customs area.

**10.2**In the Importers / Exporters as well as Trade Associations in various Permanent Trade Facilitation Committee (PTFC) meetings and Customs Clearance Facilitation Committee (CCFC) Meetings have repeatedly raised their grievances / complaints about charges charged by Shipping Lines & CFSs being non-transparent and excessive. Needless to say that all Shipping lines and CFSs are bound to comply with Sub-Regulation (3) of said Regulation 6. In case of any violation of said legal requirement, suitable action will be taken under Handling of Cargo in Customs Areas Regulations, 2009.

**11.1** All CFSs have to provide adequate number of vehicles so to comply with requirement for removing containers from the Port premises within 24 Hrs of Entry Inward. It is also suggested that a pool of Transporter may be engaged for movement of such Container from and towards the Port Terminal. In such situations, a vehicle is always available at any given time to pick up the Import Container from Port Terminal towards the CFS.

**11.2** Attention is also invited to Public Notice No. 84/2015 dated 28.10.2015, wherein all CFSs handling Import and Export containers shall install GPS tracking devices on each of their trailers, which are being used for transportation of the containers between the CFSs and Port Terminal. The CFSs are directed to strictly comply with the same.

**12.** All the Port Terminals shall ensure that all the necessary steps are taken by them for providing ICES Terminals at all the Port Gates so as to implement the Gate Module by the Gate Officers.

**13.** All the Port Terminals shall invariably mention the date and time of the vehicle being gated out from the Port with or without a Container.

**14.** Any difficulties experienced in this regard may be brought to the notice of Additional Commissioner (PG).

**SD/- 08.09.2016**

(SUBHASH AGRAWAL)  
COMMISSIONER OF CUSTOMS-NS-IV

F. No. S/10-Misc-7/2014-15 ADJ(X) JNCH

Dated: .09.2016

To:

1. The Chief Commissioner, Zone-II, JNCH for information.
2. The Pr. Commissioner NS-1, NS-II, JNCH
3. The Commissioner NS-G, NS-II / III/ IV / V, JNCH
4. All Additional / Joint Commissioner, JNCH
5. All Dy. / Asstt. Commissioner, JNCH
6. All Sections / Groups

