

**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.**

**PUBLIC NOTICE NO. 169/2016**

**Sub:** Registration of Shipping Lines, Freight Forwarders and Non vessel operating common carrier (NVOCC) under "Handling of Cargo in Customs Areas Regulations, 2009"; clarification about Public Notice No 158/2016-17, dated 25.11.2016; with a objective to reduce the dwell time for clearance of imported / export goods: **reg.**

Attention of the Shipping Lines, Freight Forwarders and Non Vessel Operating Common Carrier (NVOCC), other 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 Public Notice No 158/2016-17, dated 25.11.2016 issued by JNCH in terms of Handling of Cargo in Customs Areas Regulations, 2009 as amended by Notification No. 96/2010 dated 12.11.2010.

**2.** Doubts have been raised by Shipping Lines, Freight Forwarders and Non Vessel Operating Common Carrier (NVOCC) that they may not be required to obtain approval / registration under "Handling of Cargo in Customs Areas Regulations, 2009" on the following grounds:

- i. They are already registered as "shipping line" with JNCH for the purpose of filing "Import General Manifest" under Section 30 of Customs Act, 1962;
- ii. They have furnished "Continuity Bond" with "Container Cell" of JNCH in terms of Public Notice No 49/2005, dated 04.10.2005 and Public Notice No 72/2015, dated 28.09.2015;

**3.** Aforesaid submissions and compliance requirements were examined. It is noticed that:

- i. Registration of "shipping line / Shipping agents" is only for the purpose statutory compliance of filing "Import General Manifest" under Section 30 of Customs Act, 1962 or "Export General Manifest" under Section 41 of Customs Act, 1962. It cannot be treated as approval to act as a "Customs Cargo Service Provider" in terms of the provisions of "Handling of Cargo in Customs Areas Regulations, 2009";
- ii. Exemption to import of containers of durable nature is provided by Notification No. 104/94-Cus. dated 16-3-1994. This notification exempts containers of durable nature from whole of the duty of customs and whole of the additional duty leviable, subject to the conditions that containers are re-exported within six months from the date of their importation or as extended by the Deputy/Assistant Commissioner for a further period. The importer is required to execute a bond binding him to pay the duty leviable in the event of failure to fulfill the condition of the notification. Therefore, requirement to furnish "Continuity Bond" with "Container Cell" of JNCH in accordance with condition of aforesaid exemption Notification No. 104/94-Cus. dated 16-3-

1994 and cannot be treated as approval to act as a "Customs Cargo Service Provider" under "Handling of Cargo in Customs Areas Regulations, 2009".

**4.1** Requirement for "approval" to act as a "customs cargo service provider" for custody of imported or export goods and for handling of such goods in a customs area in terms of under Regulation 10 of handling of cargo in customs areas regulations, 2009" has been already clarified in the aforesaid Public Notice No 158/2016-17, dated 25.11.2016 issued by JNCH. 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;

**4.2** CBEC vide Circular No. 13/2009-Cus., dated 23-3-2009 [F.No. 450/55/2008-Cus.IV] has already clarified that "*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.*"

**4.3** It is a fact that Shipping Lines, Freight Forwarders and Non vessel operating common carrier (NVOCC) 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 such Shipping Lines, Freight Forwarders and Non Vessel Operating Common Carrier (NVOCC). They are also required to issue "**Delivery Order**" before importer can take delivery of imported goods.

**5.** Accordingly, all participants of the Logistic Supply chain such as Shipping Lines, Freight Forwarders and Non Vessel Operating Common Carrier (NVOCC) fall under the aforementioned definition of "Customs Cargo Services provider" and are hereby required to get themselves approved as "Customs Cargo Services Provider" under Handling of Cargo in "Customs Area Regulations, 2009.

**6.** Therefore, it is again mandated that they shall comply with approval requirement immediately as prescribed vide this Public Notice No 158/2016-17, dated 25.11.2016. Any violation in this regard will invite action under Handling of Cargo in Customs Areas Regulations, 2009 read with provisions of Customs Act, 1962.

**7.** Attention of Shipping Lines, Freight Forwarders and Non vessel operating common carrier (NVOCC) are also invited to **Regulation 7**, which gives powers to Commissioner of Customs to exempt CCSP from any of the conditions of Regulation 5 for the reasons to be recorded in writing and subject to the satisfaction that in relation to custody and handling of imported or export goods in a Customs area, the CCSP, for the reasons beyond his control, is unable to comply with such conditions. Therefore. Any request for exemption from conditions of Regulation 5 may please be submitted along with reasons.

**8.** It is also being informed that "Continuity Bond" furnished with "Container Cell" of JNCH (in terms of condition of Notification No. 104/94-Cus. dated 16-3-1994) or Bond furnished with Import Noting Section of JNCH (for the purpose statutory compliance of filing "Import General Manifest" under Section 30 of Customs Act, 1962 or "Export General Manifest" under Section 41 of Customs Act, 1962) may be considered as Bond for the purpose of Regulation 5 of "Handling of Cargo in Customs Areas Regulations, 2009", subject to the undertaking to comply with the provisions of said Regulation by such Shipping Line / Shipping Agent.

**9.** Any difficulties experienced in this regard may be brought to the notice of undersigned immediately.

**10.** This, issues with approval of the Chief Commissioner of Customs, Mumbai Zone-II.

**Sd/-**

(SUBHASH AGRAWAL)

COMMISSIONER OF CUSTOMS-NS-G

F. No. S/5-Gen-32/2016-17 CFS M Cell

**Dated: 08.12.2016**

To:

1. The Chief Commissioner of Customs, Mumbai Zone-II, JNCH for information.
2. The Pr. Commissioner of Customs, NS-1, JNCH
3. The Commissioner of Customs, NS-G/ NS-II / NS-III/ NS-IV / NS-V, JNCH
4. All Additional / Joint Commissioner of Customs, JNCH
5. All Deputy / Assistant Commissioner of Customs, JNCH
6. All Sections / Groups of NS-G, NS-I, NS-II / NS-III/ NS-IV / NS-V, JNCH
7. AC/DC, EDI for uploading on JNCH website