



**OFFICE OF THE COMMISSIONER OF CUSTOMS (NS-IV),
MUMBAI ZONE-II, JAWAHARLAL NEHRU CUSTOM HOUSE,
NHAVA SHEVA, TALUKA: URAN, DISTRICT: RAIGAD,
MAHARASHTRA-400707.**

F. No. S/12-Gen-50/2016-17/AM(X)

Date: 21.06.2017

PUBLIC NOTICE NO. 77/2017

Sub: Compliance of Procedure for movement of import cargo in containers from Port to CFS as prescribed vide Facility Notice No 161/2016, dated 28.11.2016 (and subsequent Public Notices on DPD) and **Public Notice No 01/2017, dated 04.01.2017** issued by JNCH in relation to Shipping Lines / Shipping Agents etc under the Provisions of "Handling of Cargo in Customs Areas Regulations, 2009": **reg.**

Attention of the Members of Trade and Industry, steamers/ Shipping Agents(SA), Port/Terminal Operators and CFS Operators including all other 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 161/2016, dated 28.11.2016(including subsequent Public Notices on DPD) & Public Notice No 01/2017, dated 04.01.2017 issued by JNCH as per provisions of Handling of Cargo in Customs Areas Regulations, 2009 as amended by [Notification No. 96/2010](#) dated 12.11.2010.

2. Importers / Exporters as well as Trade Associations in various Permanent Trade Facilitation Committee (PTFC) meetings and Customs Clearance Facilitation Committee (CCFC) Meetings continued to raise their grievances / complaints about non compliance of Public Notice No 01/2017, dated 04.01.2017 issued by JNCH by shipping lines and steamer agents.

3. Suitable action is being taken against person not complying with Public Notice No 01/2017, dated 04.01.2017 as per provisions of Handling of Cargo in Customs Areas Regulations, 2009 & Customs Act, 1962. However, in order to further streamline the procedure, matter was discussed with shipping lines, CSLA & MANSA. After due discussion, it is felt appropriate to issue further directions to CFSs, shipping lines / shipping agents and importers / Customs Brokers with an overall intention to reduce time & cost.

4. Direction to CFSs (In relation to containers for which choice of CFS as indicated in terms of Public Notice No 161/2016, dated 28.11.2016(including subsequent Public Notices on DPD) has been submitted]:

4.1 Regulation 5 of Handling of Cargo in Customs Areas Regulations, 2009 provides

"5. Conditions to be fulfilled by Customs Cargo Service provider - The Customs Cargo Service provider for custody of imported goods or export goods and for handling of such goods in a customs area shall fulfill the following conditions, namely :-

(1) Provide the following to the satisfaction of the Commissioner of Customs, namely :

(i) *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., including :-*

(o) *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;*

4.2 Under Regulation 5 (1)(o) of Handling of Cargo in Customs Areas Regulations, 2009, direction is issued to all **CFSs to give an undertaking that they are responsible to safety and security of cargo during the movement of such containers** [based on choice of CFS as indicated in terms of Public Notice No 161/2016, dated 28.11.2016(including subsequent Public Notices on DPD)] **from Terminal to CFS**, irrespective of any contract with any shipping line.

4.3 Further, all CFSs are also required **to submit status report of containers to concerned shipping lines as provided under CODECO** [*Container gate-in/gate-out report message (CODECO) is used in Electronic Data Interchange (EDI) between trading partners involved in administration, commerce and transport*]. This information includes following minimum details:

- i. Out of Charge granted by Customs(OOC); [Date & time]
- ii. Gate in time (entry time at CFS);
- iii, Status Report (Whether de-stuffed?);
- iv, Gate out time of empty container from CFS;
- v. Depot, / place where empty container sent

4.4 For any delay in evacuation of container from Terminal (beyond free period allowed by each Terminal Operator), CFss will be responsible for payment of "Port charges" to Terminal [charged by Terminal Operator for keeping the container beyond free period). At present, Terminal are charging to shipping lines.

4.5 In case of any container not cleared and fall in the category of "long standing container", it is again being re-iterated that CFSs will continue to be responsible to discharge their responsibilities under Handling of Cargo in Customs Areas Regulations, 2009 towards Customs as well as shipping lines.

5. Direction to Shipping Lines / Shipping Agents (In relation to containers for which choice of CFS as indicated in terms of Public Notice No 161/2016, dated 28.11.2016(including subsequent Public Notices on DPD) has been submitted]:

5.1 Not to insist for submission of Original Bill of Lading (BL) at the time of submission of advance intimation. Original Bill of Lading is required only before issue of delivery order;

5.2 should not prescribe / put any putting extra condition on the importer opting to avail Direct Port Delivery facility as provided under Public Notice No 161/2016, dated 28.11.2016 (including subsequent Public Notices on DPD) (other than what has been provided in the said Facility Notices);

5.3 In addition to above, further general directions are issued to all shipping lines in terms of provisions of Regulation 5 (1)(o) of Handling of Cargo in Customs Areas Regulations, 2009:

- i.** Raise electronic invoice in advance (of all charges, which are transparent)
- ii.** Not to issue any manual Deliver Order (DO), unless permitted by ADC /JC incharge of CFS Management Cell on case to case basis in accordance with CBEC Circular No 24/2015-Cus., dated 14-10-2015.
- iii.** Quick & secure electronic transmission of Delivery Order, which enhances the overall security and transparency of the cargo clearance process.
- iv.** Encourage / promote digital payment;
- v.** Provide more payment options to importers / members of trade (like Bank transfer / Credit Cards / Debit cards, Mobile wallets etc.) and payment is also acknowledged by recipient on real time basis on 24x7.

6. Direction to Importers / Customs Brokers:

6.1 Importers/CBs are required to intimate the shipping line/agents about their option of the destination CFS, atleast 72 hours prior to the arrival of the vessel(Entry inward).

6.2 It needs to be ensured that intimation is submitted only by person authorised for this purpose as per Public Notice No 33/2017, dated 15.03.2017 issued by JNCH and submitted to designated officer of shipping line.

6.3 It also needs to be ensured that intimation is submitted only once and there should not be any case where two or more intimations are submitted for the same container indicating different preferences.

6.4 In order to reduce transaction cost, obtain Delivery Order in advance either by surrender of Original Bill of lading at the "Port of loading" itself or as soon as possible immediately after filing of IGM.

6.5 It is also informed to importers that any undue & unjustifiable delay in obtaining e-delivery order resulting in delay in Customs clearances, will invite action against importers & Customs Brokers. Customs Broker Licensing Regulations, 2013 provides that Customs Brokers shall discharge their obligations as per Regulation 11 (relevant text reproduced below for reference):

11. Obligations of Customs Broker.-

A Customs Broker shall -

(m) discharge his duties as a Customs Broker with utmost speed and efficiency and without any delay;

7. Difficulty, if any may also be brought to the notice of Deputy / Assistant Commissioner in charge of Appraising Main (Export) or Appraising Main (Import) through email / phones (email address: apmainexp@jawaharcustoms.gov.in or appraisingmain.jnch@gov.in , Phone No : 022-27244959, 022-27244979).

8. This issues with approval of the Chief Commissioner of Customs, Mumbai Zone-II, JNCH. Action to be taken in terms of decisions taken in this Public Notice should be considered as standing order for the purpose of officers and staff.

Sd/-

(SUBHASH AGRAWAL)

COMMISSIONER OF CUSTOMS (NS-IV).

To:

1. The Chief Commissioner of Customs, Mumbai Zone-II, JNCH for information.
2. The Commissioner of Customs, NS-G/ NS-I / NS-II / NS-III/ NS-IV / NS-V, JNCH
3. All Additional / Joint Commissioner of Customs, JNCH
4. All Deputy / Assistant Commissioner of Customs, JNCH
5. All Sections / Groups of NS-G, NS-I, NS-II / NS-III/ NS-IV / NS-V, JNCH
6. AC/DC, EDI for uploading on JNCH website immediately.
7. Representative of CFSAI / BCBA / FIEO for information and circulation among their members for information.