

**OFFICE OF THE COMMISSIONER OF CUSTOMS (EXPORT),
JAWAHARLAL NEHRU CUSTOM HOUSE, NHAVA SHEVA,
TALUKE: URAN, DISTRICT: RAIGAD, MAHARASHTRA.**

F.No.S/5-GEN-20/2009 P&E JNCH
2009

Date: 05-06-

PUBLIC NOTICE NO. 33 /2009

Sub: Handling of Cargo in Customs Areas Regulations, 2009 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 [Notification No.26/2009-Customs](#) N.T) dt.17.03.2009 bringing into effect that Handling of Cargo in Customs Area Regulations, 2009 (referred in short as regulations) and the subsequent Public Notice No.19/2009 issued by this Commissionerate on 16.04.2009 vide F.No.S/5-Gen-20/2009 P&E, JNCH. The regulations provide for the manner in which the imported goods/export goods shall be received, stored, delivered or otherwise handled in a customs area and also prescribe the responsibilities of persons engaged in the aforesaid activities.

2. 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. The conditions prescribed under Regulation 5 would apply to the CCSPs who desire to be approved as custodians of imported/export cargo and thus handle goods in customs areas.

3. Responsibilities prescribed in Regulation 6 apply to both categories of persons i.e. all Custodians and persons who provide various services including those mentioned above. Certain responsibilities specifically apply to one of the category. For example, the responsibility for safety and security, pilferage of goods under their custody, disposal of uncleared, unclaimed or abandoned goods within the prescribed time limit, payment of cost recovery charges of the customs officers posted in the facility are applicable to the persons who handle imported or export goods in the capacity of an approved custodian. On the other hand, responsibilities for publishing or display of the schedule of charges for the activities undertaken in respect of imported/export goods shall inter-alia apply to both categories of persons. However, it is clarified that custodian will be responsible for fulfillment of the conditions of these regulations even in respect of CCSPs working on their behalf or with their permission. These responsibilities have been specified with the overall objective of expeditious clearance of goods, reduction of dwell time, transaction cost and to safeguard revenue.

4. As specified in Regulation 3, these regulations shall apply to handling of imported goods and export goods in customs area specified under Section 8 of the Customs Act, 1962. This would cover all customs facilities such as ports, airports, Inland Container Depots (ICDs), Container Freight Stations (CFSc) and Land Customs Stations (LCSs). Imported goods would cover goods under transshipment and all goods held under the custody of CCSP. However, these regulations shall not apply to Customs bonded warehouse or to the warehoused goods which are covered under Chapter IX of the Customs Act, 1962.

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5. Further, major ports notified under the Major Port Trusts Act, 1963 and airports notified under the Airports Authority of India Act, 1994 will continue to be authorized to function as custodians under their respective Acts and these regulations shall not impact their approval as a custodian. However, they would be required to discharge the responsibilities cast upon them as specified in Regulation 6.

6. It is further clarified that all persons operating in a Customs Area and engaged in the handling of imported/export goods in any capacity, therefore, are mandatorily required to comply with the applicable provisions of Handling of Cargo in Customs Areas Regulations, 2009.

7. Failure to comply with the conditions and responsibilities envisaged in the Handling of Cargo in Customs Areas Regulations, 2009 may attract initiation of punitive action by the Commissioner of Customs, after due process, as stipulated therein.

8. Difficulty, if any, faced by the concerned in implementation of the Regulations, may be brought to the notice of the undersigned.

Sd/-/05.06.09

(**B.K. SINHA**)

Commissioner of Customs (Export)

JNCH, Nhava Sheva.

Copy to:

1. Chief Commissioner of Customs, Mumbzi Zone-II, JNCH.
2. Commissioner of Customs (Export/Import), JNCH.
3. All Addl./Jt. Commissioners of Customs, JNCH.
4. All Deputy/Asstt. Commissioners of Customs, JNCH.
5. A.Os./Supdts.(P)/All Sections/ACAO/Office copy.