

Circular No. 45 /2013 - Customs

F.NO. 450/160/2013- Cus IV
Government of India
Ministry of Finance
Department of Revenue
Central Board of Excise and Customs

New Delhi, dated the 31st December, 2013

All Chief Commissioners of Customs
All Chief Commissioners of Customs and Central Excise
All Commissioners of Customs
All Commissioners of Customs and Central Excise

Sir / Madam,

Attention is invited to Regulation 6(2) of the “Handling of Cargo in Customs Area Regulations, (HCCAR) 2009” which stipulates the following requirement:

“The Customs Cargo Service provider approved for custody of imported or export goods and for handling of such goods shall not lease, gift, sell or sublet or in any other manner transfer any of the premises in a customs area; or sub contract or outsource functions permitted or required to be carried out by him in terms of these regulations to any other person, without the written permission of the Commissioner of Customs.”

2. Instances have come to notice of the Board where Customs Cargo Service Providers (CCSPs) have sub-contracted operations relating to handling of import/export cargo without written permission of the jurisdictional Commissioner of Customs. This has led to situation where cargo integrity at times has been compromised by such operators to whom the services were sub contracted by CCSP without getting prior approval from jurisdictional Commissioner of Customs. In a particular case one such unapproved operator to whom the CCSP had sub-contracted the work of transportation of export goods was found to be complicit in substitution of the export goods with goods prohibited for export.

3. To obviate these situations, Board re-iterates that under no circumstances, CCSPs approved for custody of imported or export goods and for handling of such goods shall lease, gift, sell or sublet or in any other manner transfer any of

the premises in a customs area; or sub contract or outsource functions permitted or required to be carried out by him in terms of these regulations **without written approval of the jurisdictional Commissioner of Customs.** Board also desires jurisdictional Commissioners of Customs to review immediately the conditions and obligations required to be fulfilled by CCSP under HCCAR, 2009 and promptly initiate remedial action in case non compliance is noticed.

4. All cases of violation of regulation 6(2) shall be dealt with sternly according to law and the violators shall be punished.

5. Difficulty faced, if any, may be brought to the notice of the Board.

Yours faithfully,

(M.V.Vasudevan)
(Under Secretary to the Government of India)