



OFFICE OF THE COMMISSIONER OF CUSTOMS (II)

(AIRPORT SPECIAL CARGO COMMISSIONERATE)

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F.No.: AirSCC/02-37/2018-2019 Admn (T)

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1. The Courier Imports and Exports (Electronic Declaration and Processing) Regulations, 2010 (hereinafter referred to as the CEDPR,2010) are reproduced below:

REGULATION 5. Clearance of imported goods. - (1) The Authorised Courier or his agent shall file, in an electronic form, a manifest for imported goods prior to its arrival, with the proper officer the Express Cargo Manifest - Import (ECM-I) in Form A;

(2) (a) The Courier packages containing the imported goods shall not be dealt with in any manner except as may be directed by the [Principal Commissioner of Customs or Commissioner of Customs, as the case may be];

(b) No person shall, except with the permission of proper officer, open any packages of imported goods.

(3) The Authorised Courier or his agent who has passed the examination referred to in regulation 8 or regulation 19 of the [Customs Brokers licensing Regulations, 2013] shall make entry of goods imported by him, in an electronic declaration, by presenting to the proper officer the Courier Bill of Entry-XI (CBE-XI) for documents in Form B or the Courier Bill of Entry-XII (CBE-XII) for free gifts and samples in Form C or the Courier Bill of Entry-XIII (CBE-XIII) for low value dutiable consignments in Form D or the Courier Bill of Entry-XIV (CBE-XIV) for other dutiable consignments in Form E.

(4) The Authorised Courier shall present imported goods brought by him or by his agent, in such manner as to the satisfaction of the proper officer or as per instructions issued by the Board or Public Notice issued by [Principal Commissioner of Customs or Commissioner of Customs, as the case may be], from time to time, for inspection, screening, examination and assessment thereof.

(5) Any imported goods which are not taken clearance after the expiry of a period of thirty days of its arrival, shall be detained by proper officer and shall be sold or disposed of by the person having custody thereof, after issuing a notice to the Authorised Courier and to the declared importer, if any, and the charges payable for storage and holding of such goods shall be payable by the Authorised Courier.

REGULATION 6. Clearance of export goods. - (1) Notwithstanding anything contained in these regulations, the Authorised Courier or his agent shall, on or after such date as the Board may specify, by notification in the Official Gazette, file in an electronic form, a manifest for export goods before its export with the proper officer the Courier Export Manifest (CEM) in Form F.

(2) (a) The courier packages containing the export goods shall not be dealt with after presentation of documents to the proper officer in any manner except as may be directed by the [Principal Commissioner of Customs or Commissioner of Customs, as the case may be];

- (b) No person shall, except with the permission of proper officer, open any package of export goods, brought into the Customs area, to be loaded on a flight.
- (3) The Authorised Courier or his agent who has passed the examination referred to in regulation 8 or regulation 19 of the [Customs Brokers licensing Regulations, 2013] shall make entry of goods for export, in Courier Shipping Bill-III (CSB-III) for documents in Form G or, [in the Courier Shipping Bill-IV (CSB-IV) for goods in Form H or, as the case may be, in Form Courier Shipping Bill-V (CSB-V) for goods notified in Appendix 3C of Foreign Trade Policy (2015-2020), to be exported under Merchandise Exports from India Scheme (MEIS), in Form HA], before presenting it to the proper officer.
- (4) The Authorised Courier shall present the export goods to the proper officer, in such manner as to the satisfaction of the proper officer or as per instructions issued by the Board or Public Notice issued by [Principal Commissioner of Customs or Commissioner of Customs, as the case may be], from time to time, for inspection, screening, examination and assessment thereof.
- (5) Any export goods brought into customs area for export purpose and have not been exported within seven days of arrival of such goods into such area or within such extended period as permitted by the proper officer in case of delay due to such reasons which the proper officer considers to be beyond the control of the concerned Authorised Courier and declared exporter, may be detained by the proper officer and sold or disposed off by the person having custody thereof, after issuing notice to the concerned Authorised Courier and declared exporter provided the charges payable, for storage and handling of such goods are paid by such Authorised Courier.

REGULATION 11. Execution of bond and furnishing of security. - (1) The [Principal Commissioner of Customs or Commissioner of Customs, as the case may be] shall require the applicant to enter into a bond with a security of ten lakhs rupees in case of major international airports of Mumbai, Delhi, Calcutta and Chennai and five lakhs rupees in case of other airports in the form of cash deposit or bank guarantee in the name of the [Principal Commissioner of Customs or Commissioner of Customs, as the case may be] for complying with the provisions of the Act, rules and regulations made thereunder and the condition of the said bond shall also be that the applicant shall agree to pay the duty, if any, not levied or short levied, with interest if applicable on any goods taken clearance of by the Authorised Courier if in the opinion of the Assistant Commissioner of Customs or Deputy Commissioner or Customs the same cannot be recovered from the importer or the exporter.

- (2) The Authorised Courier who has been granted a registration under regulation 10 or who has intimated in the Form J to the [Principal Commissioner of Customs or Commissioner of Customs, as the case may be] having jurisdiction over the Custom airport from where he has to transact the business, shall furnish the bond and security as specified under sub-regulation (1) for each of the Customs airports.

REGULATION 12. Obligations of Authorised Courier. - (1) An Authorised Courier shall -

- (i) obtain an authorisation from each of the consignees or consignors of the imported goods for whom or from whom such Courier has imported such goods; or consignees or consignors of such export goods which such Courier proposes to export, to the effect that the Authorised Courier may act as agent of such consignee or consignor, as the case may be, for clearance of such imported or export goods by the proper officer;

[**Provided** that for import of documents, gifts and samples, and low value dutiable consignments for which declaration have been filed in, Form-B or the Courier Bill of Entry-XI (CBE-XI), Form C or the Courier Bill of Entry-XII (CBE-XII) or Form-D or Courier Bill of Entry-XIII (CBE-XIII) respectively, the authorization may be obtained at the time of delivery of the consignment to consignee subject to the production of consignors' authorisation at pre-clearance stage and retention of authorisation obtained

from the consignee for a period of one year or date of Audit by Customs, whichever is earlier.]

- (ii) file electronic declarations, for clearance of imported or export goods, through a person who has passed the examination referred to in regulation 8 or regulation 19 of the [Customs Brokers licensing Regulations, 2013] and who are duly authorised under section 146 of the Act :

[**Provided** that a transition period upto 31st December, 2011 shall be allowed to the Authorised Courier for fulfillment of the obligation in so far as it relates to examination referred to in regulation 8 of the [Customs Brokers licensing Regulations, 2013].]

- (iii) advise his consignor or consignee to comply with the provisions of the Act, rules and regulations made thereunder and in case of non-compliance thereof, he shall bring the matter to the notice of the Assistant Commissioner of Customs or Deputy Commissioner of Customs;
- (iv) verify the antecedent, correctness of Importer Exporter Code (IEC) Number, identity of his client and the functioning of his client in the declared address by using reliable, independent, authentic documents, data or information;
- (v) exercise due diligence to ascertain the correctness and completeness of any information which he submits to the proper officer with reference to any work related to the clearance of imported goods or of export goods;
- (vi) not withhold information communicated to him by an officer of customs, relating to assessment and clearance of imported goods as well as inspection, examination and Clearance of export goods, from a consignor or consignee who is entitled to such information;
- (vii) not withhold any information relating to assessment and clearance of imported goods or of export goods, from the Assessing Officer;
- (viii) not attempt to influence the conduct of any officer of Customs in any matter pending before such officer or his subordinates by the use of threat, false accusation, duress or offer of any special inducement or promise of advantage or by the bestowing of any gift or favour or other thing or value;
- (ix) maintain records and accounts in such form and manner as may be directed from time to time by an Assistant Commissioner of Customs or Deputy Commissioner or Customs for a period of five years and submit them for inspection to the Assistant Commissioner of Customs or an officer authorised by him, wherever required; and
- (x) Abide by all the provisions of the Act and the rules, regulations, notifications and orders issued thereunder.

2. Hence, the Authorised Courier alone is responsible to Customs for all imports and exports made at the Courier Terminal, APSC, Mumbai, in terms of the CEDPR, 2010.

3. The agent, if any, employed by the Authorised Courier, is the agent of the Authorised Courier only.

4. All filing of manifests for imported or exported goods shall be done by the Authorised Courier or through his agent only.

5. All filing/presenting of Courier Bills of Entry (CBE) or Courier Shipping Bills (CSB) shall be done by the Authorised Courier or through his agent only.

6. The CEDPR, 2010 does not provide for filing of manifests or CBEs or CSBs, by a Customs Broker or a Consignor or a Consignee or an agent of the Consignor or the Consignee, of their own accord.

7. It is observed that, various independent Customs Brokers have been separately and independently given privileges as stake holders on the ECCS Application. They have been given the role and privileges of Group Administrators on the ECCS Application. Using such role and the attendant privileges, the Customs Brokers have created CHA roles and assigned attendant privileges to various persons.

8. Such an independent role assignment to persons who are merely agents of couriers (the Authorised Couriers themselves being agents of the consignor and consignee), is not allowed in terms of the CEDPR, 2010

9. As per Regulation 2(1) of the CEDPR, 2010, they apply only for

- Assessment and clearance
- Of imported or export goods
- Carried by an Authorised Courier
- By Air
- On behalf of a Consignee or Consignor.

10. As per Regulation 3(1)(b) of the CEDPR, 2010, Authorised Courier

- In relation to imported or export goods
- Means a person engaged in the international transportation
- Of time sensitive documents or goods
- On door to door delivery basis
- Registered in this behalf by Customs

11. Hence, assessment and clearance of goods at the Courier Cell/Terminal, APSC is allowed only if, the goods or documents are actually transported by air, by a person engaged in the international transportation of goods or documents on delivery on door to door delivery basis. Persons engaged in the work merely of customs agents/brokers or clearing agents are neither eligible to be registered as Authorised Courier nor are the CEDPR, 2010 applicable to such goods.

12. Regulation 12 (1) (i) read with Regulation 12 (1)(iv), of the CEDPR, 2010 prescribe that:

- If the Authorised Courier, as defined, carries goods as an agent of the Consignor, he shall obtain an authorisation from such Consignor, after verifying the antecedents, identity and address of such Consignor, in accordance with due diligence, as prescribed, and submit it to Customs at the time of assessment and clearance.
- If the Authorised Courier, as defined, carries goods as an agent of the Consignee, he shall obtain an authorisation from such Consignee, after verifying the antecedents, identity and address of such Consignee, in accordance with due diligence, as prescribed, and submit it to Customs at the time of assessment and clearance.
- If the Authorised Courier, as defined, engages as an agent in the import of goods, he shall obtain authorisations from, both, the Consignor and the Consignee, after verifying the antecedents, identity and address of such Consignor and Consignee, in accordance with due diligence, as prescribed, and submit it to Customs at the time of assessment and clearance.
- If the Authorised Courier, as defined, engages in the import of goods or documents, under CBE XI or CBE XII or CBE XIII, he may obtain the authorisation from the Consignee at the time of delivery of goods, HOWEVER, the authorisation from the Consignor MUST BE PRODUCED TO CUSTOMS AT THE PRE CLEARANCE STAGE. There is no gainsaying the fact that, even in such cases, the authorisations, both, of the Consignor and Consignee, have to be

obtained only after verifying the antecedents, identity and address of such Consignor and Consignee, in accordance with due diligence, as prescribed.

13. Keeping in view the above clear and specific provisions of law, all Authorised Couriers are informed that, henceforth, in case they wish to engage any Customs Brokers as their agent for the purposes of the CEDPR, 2010, they shall do so under proper legal authorisation and under intimation to Customs.

14. Such persons must meet the requirements of Regulation 12(1) (ii) of the CEDPR, 2010.

15. Any role assignment and grant of attendant privileges on the ECCS Application shall be available to such persons only through the Group Administrator Role of the Authorised Courier. It shall be the responsibility of the Authorised Courier to verify the identity, antecedents and functioning of such agents before assigning them such role.

16. There shall be no Group Administrator role OR any other role assigned to any Customs Broker independently on the ECCS Application.

17. All such roles created and privileges shall be immediately revoked.

18. Such creation of roles and assignment of privileges, not allowed by the CEDPR, 2010 may be misutilised by unscrupulous elements for filing CBEs and CSBs for consignments for which they are not authorised as agents of Authorised Couriers.

19. All Authorised Couriers shall comply with the above provisions of the CEDPR, 2010 by 25.1.2019.

H. A. Shah

7-1-2019

(HITESH SHAH)

COMMISSIONER of CUSTOMS
APSC, MUMBAI

Copy to:

- 1) The Chief Commissioner of Customs, Mumbai Zone-III,
- 2) Commissioner of Customs, APSC, Mumbai Zone-III,
- 3) Joint Commissioner of Customs, APSC, Mumbai Zone-III,
- 4) All DC/ACs, APSC, Mumbai Zone-III,
- 5) All Registered Courier Companies,
- 6) M/s Courier Association of India,
- 7) BCHAA/ Customs Brokers Association, Mumbai,
- 8) EICI for circulation to all,
- 9) Notice Board,
- 10) Office Copy.