**Circular No. 29/2011-Customs**

F.No.450/55/2008-Cus.IV (Pt.II)
Government of India
Ministry of Finance
Department of Revenue
Central Board of Excise & Customs
*****

229-A, North Block,
New Delhi, 18th July, 2011.

To,

All Chief Commissioners of Customs / Customs (Prev.).
All Chief Commissioners of Customs & Central Excise.
All Commissioners of Customs / Customs (Prev.).
All Commissioners of Customs & Central Excise.
All Director Generals under CBEC.

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**Subject: Handling of Cargo in Customs Areas Regulations, 2009-clarification - regarding.**

Sir / Madam,

Attention is invited to Board's Notification No.26/2009-Customs (NT) dated 17.3.2009 notifying 'Handling of Cargo in Customs Areas Regulations, 2009' and Circulars No.13/2009-Customs dated 23.3.2009, No.21/2009-Customs dated 4.8.2009 and No.4/2011-Customs dated 10.1.2011 on the above mentioned subject.

2. References have been received in the Board seeking clarification whether 'Customs Cargo Service Providers' (CCSP) who were exempted from payment of cost recovery charges in terms of Circular No.27/2004-Customs dated 6.4.2004 and Para 5.3 of Board's Circular No.13/2009-Customs dated 23.3.2009 continue to be exempted from payment of cost recovery charges for customs staff posted at these facilities subsequent to issue of Board's Circular No.4/2011-Customs dated 10.1.2011. Difficulties have also been reported to Board regarding provisioning of residential accommodation and transport by CCSP to Customs staff deployed at these facilities, as required under Notification No.96/2010-Customs (NT) dated 12.11.2010 and in terms of Para 7 of the Circular No.4/2011-Customs dated 10.1.2011.

3. The matter has been examined. It is clarified that custodians already exempted from payment of cost recovery charges under Circular No.27/2004-Customs dated 6.4.2004 and Para 5.3 of Board's Circular No.13/2009-Customs dated 23.3.2009 would continue to avail the exemption even after issue of Board Circular No.4/2011-Customs dated 10.1.2011.

4. Further, Board clarifies that Commissioner of Customs, subject to his satisfaction, should not insist for residential accommodation for staff from CCSP in cases where concerned facility of CCSP is located in the city area. The underlying idea is to provide for residential facilities for staff deployment at Customs facilities located in far flung and



remote areas where it is difficult to have appropriate residential facility and which can not be easily commuted by the officers. Therefore requirement of residential accommodation should not be insisted upon in cases where the location is commutable from the base town/city. Commissioner of Customs concerned should exercise due

diligence before enforcing provisions of 5(1)(i)(b) of Notification No.96/2010-Customs (NT) dated 12.11.2010. The type of residential accommodation to be provided to Customs staff would be determined as per entitlement of the officer of Central Government.

5. However, it is clarified that CCSPs shall continue to provide transport facilities irrespective of location of facilities.

6. Para 7 and 8 of Board's Circular No.4/2011-Customs dated 10.1.2011 stand modified accordingly.

7. Suitable Public Notices or standing orders may be issued to guide the trade / Industry and officers.

8. Any difficulties in implementation of these regulations may be brought to the notice of the Board immediately.

Yours faithfully,

(G.S. Sinha)
OSD (Customs-IV)

Encl: A

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