Circular No.21 / 2011-Customs

F.No.450/122/2010-Cus-IV
Government of India
Ministry of Finance
Department of Revenue
Central Board of Excise & Customs

227-B, North Block,
New Delhi-110001.
18th April, 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 (Appeals).
All Commissioners of Customs & Central Excise.
All Commissioners of Customs & Central Excise (Appeals).
All Directors General under CBEC.

IndiaCode

Subject: Courier Imports and Exports (Electronic Declaration and Processing) Regulations, 2010 - regarding.

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Sir / Madam,

Courier Imports and Exports (Electronic Declaration and Processing) Regulations, 2010 framed vide Notification No.36/2010-Customs (N.T.) dated 5.5.2010 as amended vide Notification No.26/2011-Customs (N.T.) dated 1.4.2011, provide for comprehensive guidelines for processing of electronic declaration for assessment and clearance of goods imported or exported under the Courier mode.

2. Representations were received from the trade and industry and also from Courier Companies that requirement of mandatory IEC Code for low value dutiable consignments in Form 'D' / CBE-XIII is onerous as consignments under this category constitute a large chunk of imports through Courier Mode. It was requested that the transition period declaring IEC Code in case of low dutiable shipments should be extended for 1 year from date of publication of Regulations to enable the industry build IEC database as it was a massive exercise. It was also represented that mandatory fields for AD Code and IEC Branch Code in Courier Imports and Exports (Electronic Declaration and Processing) Regulations, 2010 be made non-mandatory as the same place the trade in a disadvantageous position.

3. The matter has been examined in the Board. Accordingly, it has been decided that in order to redress the problem of Courier Companies and to streamline the procedures under the Courier Imports and Exports (Electronic Declaration and Processing) Regulations, 2010, IEC Branch Code in case of Form 'D' / CBE-XIII and Form 'E' / CBE-XIV are to be treated as non-mandatory. Similarly, AD Code of the Bank in Form 'E' / CBE-XIV for dutiable goods shall also be treated as non-mandatory.

The requirement of mandatory IEC Codes for 'low value dutiable consignments' in Form 'D' / CBE-XIII would, however, continue to apply for goods imported under Courier Imports and Exports (Electronic Declaration and Processing) Regulations, 2010.

4. Regulation 12 of the Courier Imports and Exports (Electronic Declaration and Processing) Regulations, 2010 stipulates that an Authorized Courier or his employee can file electronic declarations in respect of imported or export goods provided he has passed the examination referred to in regulation 8 or regulation 19 of the Custom House Agents Licensing Regulations (CHALR), 2004. A transition period of six months from the date of publication of Regulations was provided to ensure that by that time only those persons who have qualified the examination referred to in regulation 8 or regulation 19 of CHALR, 2004 shall be entitled to handle Customs related work. However, difficulties have been reported in implementing this provision. It was, therefore, felt necessary that an extended transition period be provided to Authorized Couriers or their employees to appear in the examination referred to in regulation 8 of CHALR, 2004. Accordingly, it is decided that transition period in so far it relates to examination referred to regulation 8 of CHALR, 2004 is extended upto 31.12.2011. The Board expects that this time limit would meet the requirement of authorized couriers or their employees to fulfill the obligations as stipulated in regulation 12 of the Courier Imports and Exports (Electronic Declaration and Processing) Regulations, 2010. The Board also decided that necessary examination should be conducted by DGICCE for this purpose.

5. It was represented that under regulation 19 of CHALR, 2004, only agents of CHAs are entitled to appear in the examination. Employees of authorized Couriers are not entitled to appear in the examination under Regulation 19 of CHALR, 2004. In order to obviate the problem of employee of authorized courier to make them eligible to handle Customs related work pertaining to imported / export goods under Courier Imports and Exports (Electronic Declaration and Processing) Regulations, 2010 as stipulated in regulation 12 of the said Regulations, it is decided that all employees of authorized Courier will be eligible to appear in the examination referred to in Regulation 19 of CHALR, 2004 as one time measure upto 31.12.2011, so that all employees of the Authorised Courier having adequate knowledge of Customs Laws and Allied Acts will be able to meet the obligations as stipulated under regulation 8 and 12 of the Courier Imports and Exports (Electronic Declaration and Processing) Regulations, 2010 by that time. However, such employees cannot work for CHAs. The Board desires that examinations under regulation 19 of CHALR, 2004 be got conducted by respective Commissionerates to meet this objective.

6. In Courier Imports and Exports (Electronic Declaration and Processing) Regulations, 2010, 'Low Value Dutiable Consignment' is defined as an import consignment other than documents, gifts and samples of an invoice value upto Rs. one lakh.

7. Attention is invited to Para 3 (viii) of the Circular No.33/2010-Customs dated 7.9.2010 which clarifies that Regulation (12) (1) (i) provides that an Authorised Courier shall obtain an authorization from each of the consignees or consignors of imported as well as export goods. It is clarified that this provision does not seek to provide for any new requirement and that an Authorised Courier shall obtain an authorization from each of the consignee in case of imports and consignor in case of exports. In this regard, it is further clarified that in case of import of documents, gifts and samples and low value dutiable consignments (Form CBE-XI, Form CBE-XII and Form CBE-XIII), the authorization of consignee may not be required at the time of clearance of goods. The same is required to be obtained at the time of delivery of consignment to the consignee. The requirement of obtaining authorization from consignor would, however, continue to apply in these cases before clearance of goods. The authorisation obtained from the consignee at pre-delivery stage shall be retained for a period of one year or date of inspection / audit by the Customs, whichever is earlier.

8. These instructions may be given wide publicity by way of Public Notice / Standing orders.

9. Difficulties, if any, faced in implementation of above provisions may be brought to the notice of the Board, immediately.

Yours faithfully,

(R. P. Singh)
Director (Customs)