F.No.450/120/97-CUS.IV

Circular No. 63/99-Cus
dated 24/9/1999

Government of India
Ministry of Finance, Department of Revenue
Central Board of Excise & Customs, New Delhi

Subject : Assessment and Clearance of Goods Imported / Exported through the Courier Mode - Courier Imports & Exports (Clearance) Regulations, 1998 - Amendments regarding.

I am directed to enclose a copy of Notification No. 54/99-Cus (NT), dated September 1999 on the above subject. This notification has effected significant changes in the Courier Imports and Exports (Clearance) Regulations, 1998, the details of which are as follows:

(i) The weight limit for courier / express material has been raised from the existing 32 Kg. to 70 Kg.

(ii) Sub-regulation (2) (e) of Courier Regulations, 1998, provides that the Courier Imports & Exports (Clearance) Regulations, 1998 would not be applicable to export goods where the value of the consignment is above rupees twenty-five thousand and transaction in foreign exchange is involved. After considering representations from the trade, it has now been decided to allow export of goods of higher value, i.e. value exceeding Rs. 25,000/-, through the courier mode subject to the condition that GR Waiver or specific permission has been obtained from the Reserve Bank of India.

(iii) Clause (d) of regulation 3 of Courier Regulations, 1998 defines "free gifts" as bonafide gifts of articles for personal use of a value not exceeding Rs. 25,000/- in a financial year in case of export goods. Monitoring of the limit of Rs. 25,000/- for free gifts in a year has been changed to Rs. 25,000/- per consignment.

(iv) The value limit of bonafide commercial samples and free gifts imported through the courier mode has been raised from existing limit of Rs. 2000/- to Rs. 5000/-.

(v) As per sub-regulatio (5) of regulation 5 of Courier Regulations, 1998, the imported goods are required to be cleared within the period of 30 days of the arrival of the said goods. In case of failure to do so, the goods can be detained and disposed of by Customs. This regulation has now been amended to provide that before disposal of the goods, notice would be given to the authorised couriers.

(vi) Sub-regulation (5) of regulation 6 of Courier Regulations, 1998, provides for goods to be exported within a period of seven days of arrival of same in the customs area. In case of failure to do so, the goods may be detained and disposed of by giving notice to the concerned courier. However, there can be cases where it may not be possible to export within the said time limit due to genuine reasons such as bad weather, cancellation of flights, which may be beyond the control of the authorized courier. To deal with such extraordinary situations, it has now been provided that the time limit to seven days can be extended by the Assistant Commissioner of Customs in deserving cases.

(vii) The requirement of furnishing security alongwith bond to the Commissioner of Customs by the authorised couriers has been significantly lowered. It has now been decided that at four major international airports of Mumbai, Delhi, Chennai & Calcutta, the authorized couriers would be required to furnish the security of Rupees two lakhs in place of the existing requirements of Rupees five lakhs, and in other cases (i.e. other than four major international airports), the security would be kept at Rupees one lakh. Further, it has been decided to give an option of bank guarantee in lieu of National Saving Certificate, cash or postal security allowed earlier.

(viii) In the Courier Regulations, 1998, a limit was placed on the number of authorized courier to be registered at an airport. This limit has now been removed. 2. It has been brought to the notice of the Board by the Ministry of Commerce that at present, the permission for amendment in the Import General Manifest is given by the Assistant Commissioner of Customs (Preventive) only, with the result that whenever he is absent, the authorized courier finds it difficult to get the same amended. This results in delays. The matter has been considered and it has been decided that the permission to amend the Import General Manifest could be granted by any Assistant Commissioner of Customs on duty. Suitable administrative arrangements may please be made to implement the above decision.

3. Further, a number of references have been received in the Board pointing out that clearance of express / courier material is delayed because of non-availability of Appraising Officer at night, when the courier packages arrive. The matter has been considered by the Board and it has been decided that the services of an Appraising Officer will be made available at the four major international airports, namely, Mumbai, Delhi, Calcutta and Chennai at night Necessary administrative arrangements may be made by the concerned Commissioner of Customs and the Board may please be informed of the action taken.

4. The Circular No. 85/98-Cus, dated 13.11.98 on the above subject stands modified to the above extent.

5. The instructions may please be given wide publicity in the form of a Public Notice.

6. Kindly acknowledge receipt of this Circular. Difficulties, if any, faced in the implementation of the above changes, may be brought to the notice of the Board immediately.

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Sd/-
(C.P.Goyal)
Sr. Technical Officer (TU)

Circular No. 85/98-Customs

dated 13/11/1998

F.No. 150/120/97- Cus. IV

Government of India

Ministry of Finance

(Department of Revenue)

Central Board of Excise & Customs, New Delhi

Subject : Assessment of clearance of goods imported / exported through courier mode - courier Imports and Exports (Clearance) Regulation, 1998 - Regarding

I am directed to refer to the Courier Imports and Export (Clearance) Regulations, 1998 dated 9th November, 1998 issued by Government of India vide Notification No. 87/98-Cus. (N.T.) dated 9th November, 1998. The new regulations cover assessment and clearance of goods imported or to be exported through courier mode.

2. In this connection attention is drawn to Board's earlier circular No. 446/18/94-Cus. IV dated 30th May, 1995. The general instructions contained in this circular will continue to be followed subject to the additions and modifications in new regulations and the specific instructions contained in this circular.

3. The main features of new Courier Imports and Exports (clearance) Regulations are as follows :-

(i) In contains procedure for clearance of imported goods as well as goods to be exported through courier mode.

(ii) The facility has been extended to customs airports at Bangalore, Hyderabad, Ahmedabad and Jaipur, in addition to existing airport at Mumbai, Delhi, Chennai and Calcutta.

(iii) The new regulations provide for an option that the courier company may get the goods imported through an on board courier and Courier Import Manifest filed or his functions may be performed by the person in charg of aircraft (Commander of the aircraft) or his representative. In that case that Courier Import Manifest is required to be signed by the person incharge of the Aircraft and he will be responsible for any mis-declaration.

(iv) The earlier regulations coverd only the goods carried by incoming passenger flights on behalf of the couriers for a commercial consideration. The condition that the goods should be brought only the passenger flights have been waived. Now the goods can be brought in or sent by passenger flights as well as cargo flights.

(v) In the new regulation 11, the amount of security to be deposited by the authorised courier with the Commissioner of Customs has been enhanced from Rs. 1 lakh to Rs. 5 lakhs. The existing Agencies need not be asked to enhance the security deposit. However, at the time of renewal of the Agency, the security deposit be enhanced.

(vi) In new regulation 10(3), the validity of registration of the authorised courier has been raised from 1 year to 3 year and the renewal of registration will also be for three years as against existing renewal for one year.

(vii) The new regulation 12 provides that any authorised courier who has been granted registration at one place under regulation 10 would be entitled to get

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registration at other places subject to execution of separate bond and security for each Custom House.

(viii) The proviso clause to regulation 10(1) provides that the number of authorised courier in a Custom House shall not exceed the number determined by Board from time to time. In the custom houses the number of authorised courier will be restricted to the number of authorised couriers registered immediately before issuance of this regulations of 10 whichever is higher. At new Airports the Commissioners can authorise up to 10 Courier Agencies for the present.

(ix) The proviso clause to new regulation 14(1) provides for suspension of registration of authorised courier pending enquiry by Commissioner of Customs.

(x) The new regulation 14(2) provides for an appeal to be filed by the authorised courier before Chief Commissioner of Customs against the order passed by the Commissioner of Customs under regulation 14(1).

(xi) The new regulation 14(2) provides for review of order passed by Commissioner of Customs by the Chief Commissioner of Customs. The Chief Commissioner of Customs may authorise one officer of Deputy Commissioner / Additional Commissioner rank for the purpose of appeal under this sub - regulation.

4. The goods which are not covered under courier regulation and if they are brought by the same courier, separate Bill of Entry may be filed in the from prescribed vide Bill of Entry (Forms) Regulations, 1976 the such goods may be assessed/ examined and cleared as normal aircargo.

5. As the Clearance of goods imported under courier clearance is allowed on selective scrutiny of documents and goods and examination is done only on random selection basis, the mis-declerantion in description, quantity or Valuation when noticed may be dealt with severely and in suitable cases prosecution in addition to fine and penalty may be considered.

6. These instructions may kindly be brought to the notice of all officers by way of issuing suitable standing orders. The difficulty if any, in implementation of this circular, may, kindly be brought to the notice of Board.

Sd/-
(Vijay Kumar)
Under Secretary to the Government of India.