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C.No VIII/48/89/2018-Cus.Pol.

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Sub: Sea Cargo Manifest and Transhipment Regulations, 2018- Reg.

Attention of the importers/Exporters/Custom Brokers and all concerned is invited to the Customs Notification No 38/2018-Customs(N.T) dated 11.05.2018 on the above subject. The above Notification is available on the CBIC Website www.cbic.gov.in . However the same is reproduced hereunder.

2. Short title and commencement. – (a) These regulations may be called the Sea Cargo Manifest and Transhipment Regulations, 2018.

(b) These regulations shall come into force on 1st November, 2018.

3. Definitions. - (1) In these regulations, unless the context otherwise requires,

(a) "Act" means the Customs Act, 1962 (52 of 1962);

(b) "arrival manifest" means an integrated declaration required to be delivered by an authorised carrier on arrival of the vessel or train or truck carrying imported goods, export goods and coastal goods;

(c) "authorised carrier" means an authorised sea carrier, authorised train operator, shipping line or a custodian registered under regulation 3;

(d) "authorised sea carrier" means the master of the vessel carrying imported goods, export goods and coastal goods or his agent;

(e) "authorised train operator" means the train operator carrying imported goods, export goods and coastal goods;

(f) "Coastal goods transited through a designated foreign route" means:

(i) coastal goods transported between an Indian port on east coast and another Indian port on west coast or vice versa, by a vessel through the territorial waters of Sri Lanka, whether or not calling any port in Sri Lanka in between and without change of vessel;

(ii) coastal goods transported between an Indian port on east coast and a river port in India or vice versa, by a vessel through a route passing through the Bangladeshi waters and without change of vessel;

(g) "custodian" means a person approved by the Principal Commissioner or the Commissioner of customs, for the purposes of section 45 of the Act;

(h) "departure manifest" means integrated declaration required to be delivered by an authorised carrier before departure of a vessel or train or truck for imported goods, export goods and coastal goods;

(i) "Form" means a Form appended to these regulations;

(j) "Jurisdictional Commissioner of Customs" means the Commissioner of Customs who has granted registration under regulation 3.

(k) "Special Economic Zone (SEZ)" means special economic zone as per the Special Economic Zones Act, 2005 (28 of 2005);

(l) any reference to a Commissioner of customs shall also include a reference to Principal Commissioner of customs for purposes of these regulations.

(2) The words and expressions used herein and not defined but defined in the Act shall have the same meaning respectively assigned to them in the Act.

4. Registration. -

(1) Any person who is required to deliver arrival manifest or departure manifest shall apply to the jurisdictional Commissioner of Customs for registration in the Form- I.

(2) Where the jurisdictional Commissioner of customs is satisfied with the information provided by the applicant in the Form-I, he shall register such applicant for transacting business under these regulations for a period of three years from the date of issue of such registration.

(3) An authorised carrier registered under these regulations at any customs station, shall be deemed to be registered for other customs stations also, for the purpose of transacting business under these regulations.

(4) The jurisdictional Commissioner of Customs shall review the registration before the expiry of the initial period of registration of three years and may extend such registration to a further period of five years at a time and in case of an authorised economic operator for a period of ten years.

5. Delivery of an Arrival Manifest. -

(1) An authorised sea carrier carrying imported goods, export goods or coastal goods, shall deliver the arrival manifest to the proper officer electronically:

Provided that where it is not possible to deliver the arrival manifest electronically then the manifest shall be submitted manually in duplicate with the approval of the Commissioner of Customs before the departure of the vessel.

(2) The departure manifest shall consist of, -

(a) a general declaration in Form-III;

(b) a vessel's stores list in Form-IV;

(c) a list of private property in the possession of the Master and crew, in Form-V;

(d) a cargo declaration:

(i) for vessel departing from an Indian port to a Foreign port in Form-VIIA; or

(ii) for vessel departing from an Indian Port to another Indian port directly or through designated foreign route in Form-VIIB;

(e) any other declaration which, under the provisions of the Customs Act or any other Act for the time being in force is required to be delivered to the proper officer on arrival of the vessel.

6. Delivery of a Departure Manifest. -

(1) An authorised sea carrier carrying imported goods, export goods, coastal goods or goods meant for foreign transit or foreign transshipment, shall before the departure of the vessel from the port, deliver the departure manifest to the proper officer electronically:

Provided that where it is not possible to deliver the departure manifest electronically, then the manifest shall be delivered manually in duplicate with the approval of Commissioner of Customs before the departure of the vessel.

- (2) The departure manifest shall consist of, -
- (a) a general declaration in Form-III;
 - (b) a vessel's stores list in Form-IV;
 - (c) a list of private property in the possession of the Master and crew, in Form-V;
 - (d) a cargo declaration:
 - (i) for vessel departing from an Indian port to a Foreign port in Form-VIIA; or
 - (ii) for vessel departing from an Indian Port to another Indian port directly or through designated foreign route in Form-VIIB;
 - (e) any other declaration which, under the provisions of the Customs Act or any other Act for the time being in force is required to be delivered to the proper officer on arrival of the vessel.

7. Declaration in respect of specific cargo. -

- (1) the cargo declaration in respect of —
- (a) arms;
 - (b) ammunition;
 - (c) explosives;
 - (d) narcotics and psychotropic substances;
 - (e) dangerous drugs;
 - (f) gold;
 - (g) silver;
 - (h) radio-active material for import, export, transshipment, or for being carried as same bottom cargo shall be delivered in separate sheets and shall be set out in the order of the ports of loading.
- (2) Where a vessel does not carry any of the cargoes referred above, a nil declaration shall be delivered.

8. Transshipment of imported goods or export goods between a port/ICD and Inland Container Depot (ICD)/Container Freight Station (CFS) /Special Economic Zone (SEZ). - An authorised carrier shall file a departure manifest before the departure of a train or a truck and arrival manifest upon arrival of the train or truck, as the case may be, in Form-VIII.

9. Amendments of arrival or departure Manifest. - Where the proper officer nominated by the Commissioner of customs is satisfied that the arrival manifest or departure manifest is in any way incorrect or incomplete, and that there was no fraudulent intention towards incorrect or incomplete submission as regards the contents thereof, he may permit it to be amended or supplemented.

10. Conditions governing transshipment or transit through a designated foreign route. - (1) The transshipment shall be allowed under the following conditions—

- (a) the goods are mentioned in the arrival manifest or departure manifest, as the case may be, for transshipment to any customs station;

(b) such transshipment is by, a vessel, train or a truck or by a combination of two or more of these modes of transport;

(c) the authorised carrier executes a bond in Form-IX A or Form-IX B or Form-IX C or Form-IX D as applicable, with or without bank guarantee or surety: Provided that where the transshipment of goods is directly between two sea ports, no bond and bank Guarantee shall be furnished;

(d) in the case of imported goods meant for transshipment by land route, the proper officer nominated by the Commissioner of customs shall seal the containers before permitting such transshipment.

(2) In case of coastal goods manifested for transit through a designated foreign territory, the authorised carrier shall execute a bond in Form-X A or Form-X B or Form-X C or Form-X D as applicable with or without bank guarantee or surety.

11. Responsibilities of the authorised carrier under these regulations. - (1) An authorised carrier shall-

(a) transact business in the customs station either personally or through an employee duly approved by the Deputy Commissioner or Assistant Commissioner of Customs, as the case may be;

(b) keep a record of imported goods, export goods, coastal goods or goods brought for transshipment as the case may be, and produce such records to the proper officer as and when required;

(c) keep a record of movement or handling of imported goods, export goods, coastal goods or goods brought for transshipment;

(d) make available track and trace facility for locating imported or export goods, coastal goods or goods brought for transshipment;

(e) be responsible for the safety, security and delivery of imported, export goods or coastal goods under its custody;

(f) be liable to pay duty on goods pilfered, lost during the transit or transshipment thereof in the customs area or enroute;

(g) be responsible for re-export of hazardous goods where such goods are ordered to be exported back to the exporting country;

(h) advise his client to comply with the provisions of the Act and in case of noncompliance, shall bring the matter to the notice of the deputy commissioner or assistant commissioner of customs as the case may be;

(i) not procure or attempt to procure directly or indirectly, information from the government records or other government sources of any kind to which access is not granted by the proper officer;

(j) ensure electronic transmission of delivery orders to the importer or the consignee and intimation of the same to the custodian and the proper officer;

(k) publish and display at prominent places including website or webpage of the authorised carrier the schedule of charges for the various services provided by him in relation to the imported goods or export goods or coastal goods in the customs area;

(l) not charge any rent or demurrage on the goods seized or detained or confiscated by the Customs Authorities;

(m) abide by all the provisions of the Act and the rules, regulations, notifications and orders issued there under;

(2) The authorised carrier shall not sublet or sub-contract or outsource functions permitted or required to be carried out by him to any other person.

12. Suspension of operations or revocation of registration of an authorised carrier. -

(1) The jurisdictional Commissioner of Customs may revoke the registration of the authorised carrier, for failure to comply with any provisions of the regulations.

(2) The Commissioner of Customs of any customs station on reasonable belief that operations of such authorised carrier is detrimental to the interest of revenue, may suspend their operation in his jurisdiction by an order stating the grounds of suspension.

(3) The Commissioner of Customs shall, within fifteen days from the date of such suspension order, shall give an opportunity of hearing to the person and pass such order within fifteen days from the date of the said hearing, as he deems fit, either revoking the suspension or continuing it for a further period not exceeding ninety days from the date of suspension, as the case may be.

Provided that where the suspension against the authorised carrier has been continued, the Commissioner of Customs concerned shall intimate to the jurisdictional Commissioner of Customs, about the order within fifteen days from the date of issue of such order.

13. Procedure for revocation of registration.-

(1) The jurisdictional Commissioner of Customs shall issue a notice in writing to the authorised carrier stating the grounds on which it is proposed to revoke the registration and requiring the said person to submit within such time as may be specified in the notice not being less than thirty days, to the Deputy Commissioner of Customs or Assistant Commissioner of Customs, as the case may be, nominated by him, a written statement of defence and also to specify in the said statement whether he desires to be heard in person by the said Deputy Commissioner of Customs or Assistant Commissioner of Customs.

(2) On receipt of the written statement from the authorised carrier, or where no such statement has been received within the time-limit specified in the notice, the Deputy Commissioner of Customs or Assistant Commissioner of Customs, may inquire into the grounds of the revocation as stated in the notice.

(3) The Deputy Commissioner of Customs or Assistant Commissioner of Customs, shall in the course of inquiry, consider such documentary evidence and take such oral evidence as required for inquiry and he may also put any question to any person tendering evidence, for or against the authorised carrier, for the purpose of ascertaining the correct position.

(4) The authorised carrier shall be entitled to cross-examine the persons examined in support of the grounds forming the basis of the proceedings and where the Deputy Commissioner of Customs or Assistant Commissioner of Customs, declines to examine any person on the grounds that his evidence is not relevant or material, he shall record his reasons in writing for so doing.

(5) Deputy Commissioner of Customs or Assistant Commissioner of Customs, shall prepare a report of the inquiry recording his findings after the conclusion of the inquiry.

(6) The jurisdictional Commissioner of Customs shall provide to the authorised carrier a copy of the report of the Deputy Commissioner of Customs or Assistant Commissioner of Customs, and shall require the authorised carrier to submit within the specified period not being less than thirty days any submission against the findings of the Deputy Commissioner of Customs or Assistant Commissioner of Customs.

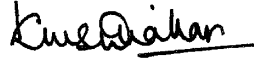
(7) The jurisdictional Commissioner of Customs shall, after considering the report of the inquiry, and the submission thereon, if any, made by the authorised carrier, pass such orders as he deems fit.

14. Imposition of Penalty. -An authorised carrier who contravenes any provision of these regulations shall be liable to a penalty which may extend to rupees fifty thousand.

15. Appeal-Any person aggrieved by any decision or order passed under this regulation, may appeal under section 129A of the Act to the Customs, Excise and Service Tax Appellate Tribunal, established under sub-section (1) of section 129 of the Act.

16. All the applicable forms can be downloaded directly from the website www.cbic.gov.in from the relevant notification link.

17. Difficulty, if any, in the implementation of said notification may be brought to the notice of this office immediately.



(के. वी. वी. जी. दिवाकर/K.V.V.G DIWAKAR)

आयुक्त/COMMISSIONER

To: Notice Board, EDI Section, Custom House, Tuticorin for uploading in the website.

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