

INSTRUCTION

F.No. 450/19/2005- Cus IV
Government of India
Ministry of Finance
Department of Revenue
Central Board of Excise and Customs

227-B, North Block, New Delhi
Dated 23rd July, 2013

To,
All Chief Commissioners of Customs
All Chief Commissioners of Customs (Preventive)
All Chief Commissioners of Customs and Central Excise
All Commissioners of Customs
All Commissioners of Customs and Central Excise

Sir/ Madam,

Ministry of Agriculture has raised the issue of temporary ban on Import of Rice and Peanuts from India due to detection of quarantine pest in an import consignment and highlighted that CFSs conducting phytosanitary measures have no designated area for fumigation and separate storage for keeping fumigated/ treated cargo which leads to cross contamination from untreated goods/commodities. Ministry of Agriculture has desired that facilities provided by CFSs should be improved to ensure that treated cargo is adequately sanitized in a separate storage enclosure.

2. The matter has been examined in the Board. 'Handling of Cargo in Customs Area Regulations (HCCAR) 2009' framed under section 141(2) of the Customs Act 1962 deals with the manner of receipt, storage, delivery ,dispatch, etc of imported or export goods in the Customs Area. The Regulation also cast certain responsibilities and obligations on the part of Customs Cargo Service Providers (CCSP)/ Custodians to comply with.

Regulation 6 (1) of HCCAR mandates the CCSP to

"(d) **demarcate separate areas** for unloading of imported goods for their storage with respect to the category of importers, **nature of goods**, place of destination, mode of transportation or any other criterion as the **Commissioner of Customs may specify having regard to the custody and handling of imported goods in a customs area;**"

(e) *demarcate separate areas for loading of export goods for their storage with respect to categories of exporters, nature of goods, examined and sealed containers or other criterion as the Commissioner of Customs may specify having regard to the custody and handling of export goods in a customs area;*"

The HCCAR therefore requires a CCSP/ Custodians to provide demarcated storage space depending upon the nature of goods or any other criterion as may be specified by Commissioner of Customs.

3. Board has accordingly decided that that all CCSP/Custodians shall provide separate and dedicated storage space meant for fumigation and storage of post fumigated sites to enable Plant Quarantine Authorities to carryout necessary checks for both imported and export consignments. Board also desires the Commissioner of Customs concerned to ensure that the directions are complied with scrupulously and immediately. A compliance report may be sent by **14.08.2013**.

4. Difficulty faced, if any, may be brought to the notice of the Board.

Yours faithfully

(R.P.Singh)
Director (Customs)