



HANDBOOK OF PROCEDURES

[1st April, 2015 – 31st March, 2020]

**Government of India
Ministry of Commerce and Industry
Department of Commerce**

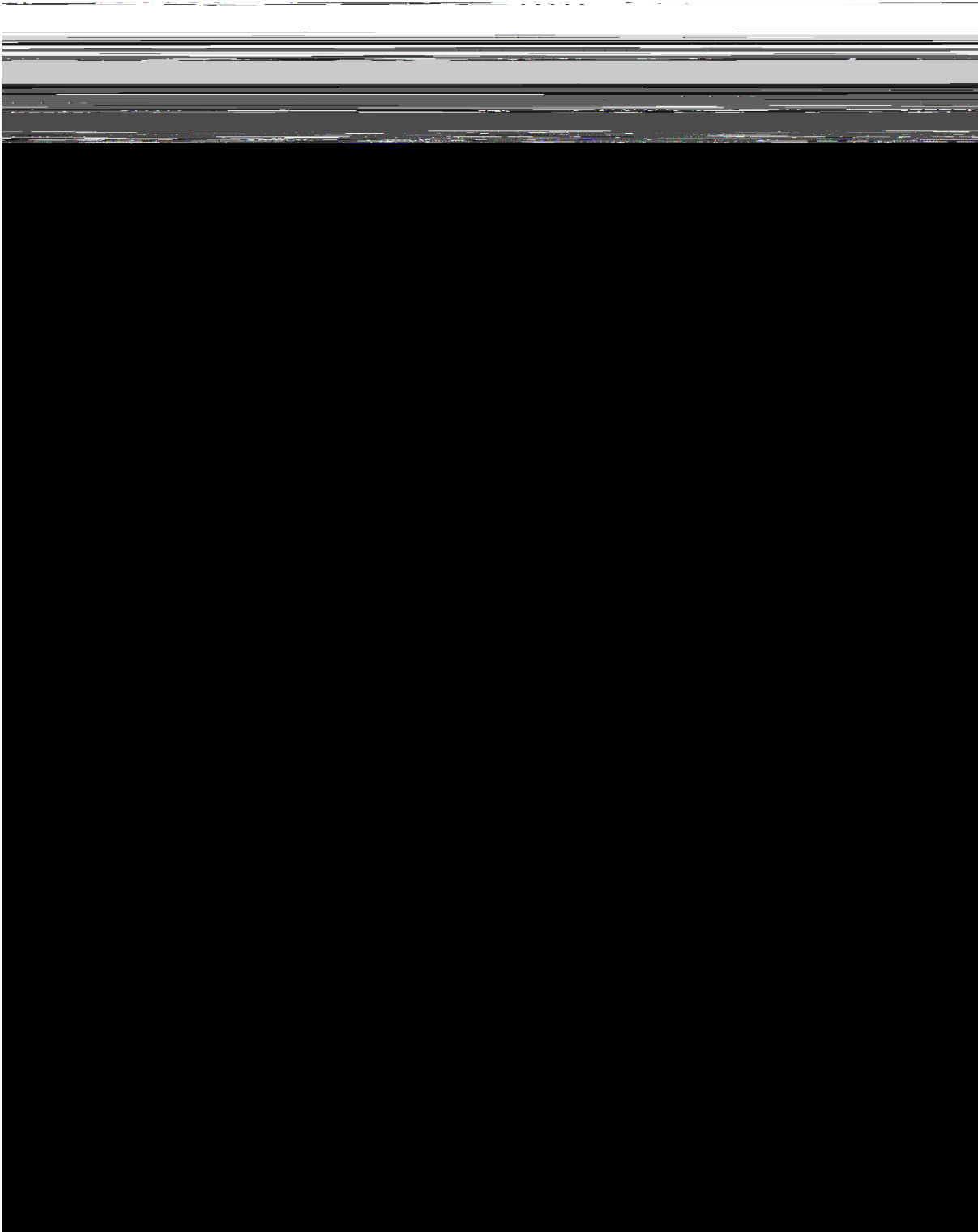


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CHAPTER 1

INTRODUCTION & TRADE FACILITATION

1.01 Notification of Procedure

In pursuance of the provisions of paragraph 1.03 of Foreign Trade Policy (FTP), the Director General of Foreign Trade (DGFT) hereby notifies the procedure to be followed by an exporter or importer or by the licensing/Regional Authority or by any other authority for purpose of implementing the provisions of Foreign Trade (Development & Regulation) Act, the Rules/orders made thereunder and the provisions of Foreign Trade Policy. The said procedure is contained in following compilations:

- (a) Hand Book of Procedures
- (b) Appendices & Aayat Niryat Forms and
- (c) Standard Input Output Norms (SION)

These compilations, as amended from time to time, shall come into force from the date of their notification and shall remain in force until 31st March, 2020.

1.02 Objective

The objective is to implement provisions of FT (D&R) Act, Rules and Orders made thereunder and provisions of FTP (2015-20) by laying down simple, transparent and EDI compatible procedures which are user friendly and are easy to comply with and administer for efficient management of foreign trade.

1.03 Definition

For the purpose of this Handbook, definitions and glossary contained in FT (D&R) Act, Rules and orders made thereunder and in the FTP (2015-20) shall apply.

1.04 e-governance of Foreign Trade

- (a) DGFT delivers most of its services on a transparent and efficient EDI platform using tools like Online filing of Applications, Message Exchange with Community Partners, Digital Signatures and Electronic payment of application fee. Use of EDI at DGFT has enabled faster processing, speedier communication by e-mail and on-line availability of application processing status. The endeavour is to achieve higher level of information sharing through SMS.
- (b) Export Import related information including Acts, Rules, Policy & Procedures thereof including online DGFT portal can be accessed at <http://dgft.gov.in/>.
- (c) All the DGFT Regional Authorities are EDI enabled and connected with the DGFT Central Server to provide online connectivity to EXIM community in a 24x7 environment.
- (d) DGFT keeps expanding the scope and domain of EDI on a continuous basis. The endeavour is to achieve higher level of integration with community partners.

1.05 Procedure

An exporter shall file his application online on DGFT website at <http://dgft.gov.in/>. Application will then be processed in accordance with prevalent rules and regulations. The processing of applications will be made online. DGFT shall issue deficiency letters, if any, in online mode or through use of e-mail. No communication shall be issued by DGFT in manual mode.

1.06 Use of Digital Signature

- (a) DGFT allows online filing of applications with Class-II digital signature with IEC number embedded in it. A list of DGFT approved digital signature issuing authorities is given as under:

- (i) (n) Code Solutions CA
 - (ii) e-Mudhra
 - (iii) Safescrypt (Siffy Communication Limited)
- (b) For purposes other than submission of the application, such as an enquiry or uploading/processing of eBRC data, class II or above digital signature certificate issued by any approved entity of Controller of Certifying Authority of India is accepted.

1.07 Separate applications for exports from EDI and on EDI ports

Separate applications shall be filed to DGFT for exports from EDI ports and Non EDI ports.

1.08 Application for exports from Non EDI ports

An exporter would be able to file his application on DGFT website at <http://dgft.gov.in/>. Applicant will then submit to concerned RA the hard copy of application along with requisite documents. Authorisation/Scrip shall be issued on the basis of hard copies of documents as prescribed in HBP after due scrutiny.

1.09 Application for exports from EDI ports

Applications relating to exports from EDI ports will be filed online as per relevant provisions. Physical or Hard copy of the following documents shall not be required to be submitted:

- (i) Applications to DGFT
- (ii) EDI shipping bills
- (iii) Electronic Bank Realisation Certificate (eBRC)
- (iv) RCMC

1.10 No manual feeding allowed for EDI shipments

For EDI shipping Bills, no manual feeding of Shipping bill details will be allowed to the applicants in the online software and benefits will

accordingly be granted by RAs without the need for cross verifying EDI Shipping Bill details.

1.11 Dispensing with hard copy of documents

Hard copy of documents already submitted online in exporter's profile shall not be called for.

1.12 Processing of Non EDI Shipping bills at RA

In case of the Non EDI shipping bills or the shipping bills not received through the Message Exchange from Customs, concerned RA shall verify the details entered by the exporter from the original shipping bills before grant of benefits.

1.13 Instructions for filing of applications

Detailed step by step instructions for online filing of an application are available at the relevant HELP files at DGFT website and at scheme specific ANF of the HBP

1.14 EDI Procedure for claiming benefits in respect of Third Party exports

For claiming benefits under EDI system in respect of Third Party exports the process will be initiated by the First party who will link shipping bills and BRCs to repository. If the First Party chooses not to claim benefit for a particular shipping bill item/s, it may authorize Third Party to claim benefit for such shipping bill item/s. After such authorization by First party, Third Party will be able to utilize the shipping bill item/s in its application".

1.15 Conversion of Currencies in e-BRCs

- (a) Currencies, where Exchange rates are notified by CBEC:** The foreign exchange realized (as mentioned by bank in the e BRC) is converted to Indian Rupee (INR) using the monthly exchange rates published by CBEC as on Let Export Order (LEO).
- (b) Currencies, where Exchange rates are not notified by CBEC:** In such cases, total realized value in INR (as mentioned by bank in the

e BRC), will be converted into US\$ by using the US\$ /INR exchange rate prevailing on the date of realization as published by CBEC.

1.16 Guidelines for Processing of claims where an exporter gets payment through Insurance Agencies (and not through banks) towards realization of export proceeds

- (a) An applicant realizing export proceeds through Insurance Agency will approach the concerned RA with the proof of payment issued by the concerned Insurance Agency. RA, after satisfying itself of the bona fide of the payment, will obtain approval of Additional DGFT (EDI) and then will upload the value (in lieu of e BRC value) in EDI system of DGFT for processing of the case.
- (b) If the proof of payment issued by the Insurance Agency mentions claim value both in foreign exchange and INR, RA will use the foreign exchange value for processing. If the claim value is mentioned only in equivalent INR, RA will convert this INR value in equivalent US\$ using the exchange rate (published by CBEC) applicable on the date of settlement of insurance claim.

1.17 EDI Help Desk & Online Complaint registration and monitoring system

An EDI Help Desk is available to assist the exporters in filing online applications on the DGFT portal and resolving other EDI related issues. For assistance an email may be sent at dgftedi@nic.in or Toll Free number 1800111550 can be used. Help Desk facility is also operational at the 4 Zonal Offices of DGFT, namely, CLA (New Delhi), Mumbai, Chennai & Kolkata. An Online Complaint registration and monitoring system allows users to register complaint and receive status/ reply online (details at <http://dgft.gov.in>).

1.18 E-Mail

Use of Email for queries relating to import/export is encouraged. Contact email ids are available at <http://dgft.gov.in/exim/2000/dgftContactUS.html>.

1.19 eTrade Project

The e TRADE project facilitates users to carry out all their foreign trade related compliances, regulatory or otherwise, online. Department of Commerce pilots this project.

The major stake holders of the project are Customs, Directorate General of Foreign Trade (DGFT), Seaports, Airports, Container Corporation of India (CONCOR), Inland container Depots(ICDs)/ Container Freight Stations (CFSs), Banks, importers/exporters, agents, airlines/shipping lines.

The project emphasizes automation of internal processes for quicker processing of trade requests. Transparency is induced in the system by reduced personal interface of importers/exporters with Government agencies.

The project provides for following key services:

- (i) e-delivery of services / clearances by community partners like Customs and Custodians at Sea ports, Airports and ICD/CFSs. These services are extended to exporter, importer, agents etc.
- (ii) E-filing of export / import documents by exporter, importer, agents etc to Customs and Custodians at Sea Ports, Airports and ICD / CFSs.
- (iii) Electronic exchange of documents between community partners i.e. Customs and Custodians at Sea Ports, Airports, ICD/CFSs.
- (iv) e-Payment by exporter, importer, agents for Custom duties; DGFT's application and other fee and Charges (handling/freight, etc) of Custodians at Sea Ports, Airports, ICD/CFSs.

CHAPTER 2

GENERAL PROVISIONS REGARDING EXPORTS AND IMPORTS

2.00 Policy

Policy relating to general provisions regarding exports and imports is given in Chapter-2 of FTP.

2.01 Coverage

This chapter covers procedure for various applications including their complete documentation. Procedure for applications for authorisations/ license/ permissions/ certificates for import/export and applications for benefits under FTP are spelt out.

2.02 Countries of Imports / Exports

Unless otherwise specifically provided, international trade (i.e. import into India and /or export from India) can take place from/to any country. Country specific prohibitions/limitations, if any, are specified in the FTP/ITC (HS).

Applications:

2.03 Filing of Application

- (a) Applications seeking authorisation for import/export of “restricted” goods, for claiming benefits under the schemes in FTP or for seeking clarifications and for other purposes may be made to the Regional Authority (RA).
- (b) Applicants may ensure while submitting documents that documents are either in English or Hindi. Documents in regional languages may be got translated into English or Hindi and the translated copy may be self-certified and submitted along with the Original copy.

2.04 Territorial Jurisdiction of RA

Territorial jurisdiction of RAs is given in **Appendix 1A** of Appendices and Aayat Niryat Forms. The address of applicant determines the jurisdiction of RA. Each application, unless otherwise specified, shall be submitted to jurisdictional RA .

2.05 Incomplete Application

- (a) An incomplete or unauthorised application is liable to be rejected by the competent authority with specific reason for rejection. Such incomplete application may be re-opened on rectifying the deficiencies.
- (b) If the deficiencies are not rectified by the applicant within a period of 90 days, the application will be deemed to have been withdrawn.

2.06 Application Fee

The scale of fee, mode of payment, procedure for refund of fee and categories of persons exempted from payment of fee are provided for in **Appendix-2K**.

Importer Exporter Code (IEC):

2.07 IEC Number Exempted Categories

- (a) IEC is compulsory for import and /or exports. However, the following categories of importers or exporters are exempted from obtaining IEC.

| Sl. No. | Categories Exempted from obtaining IEC |
|----------------|--|
| (i) | Importers covered by clause 3(1) [except sub-clauses (e) and (l)] and exporters covered by clause 3(2) [except sub-clauses (i) and (k)] of Foreign Trade (Exemption from application of Rules in certain cases) Order, 1993. |

| | |
|--------------|---|
| (ii) | Ministries /Departments of Central or State Government |
| (iii) | Persons importing or exporting goods for personal use not connected with trade or manufacture or agriculture. |
| (iv) | Persons importing/exporting goods from/to Nepal, Myanmar through Indo-Myanmar border areas and China (through Gunji, Namgaya Shipkila and Nathula ports), provided CIF value of a single consignment does not exceed Indian Rs.25,000. In case of Nathula port, the applicable value ceiling will be Rs. 1,00,000/- |

Further, exemption from obtaining IEC shall not be applicable for export of Special Chemicals, Organisms, Materials, Equipments and Technologies (SCOMET) as listed in Appendix - 3, Schedule 2 of ITC (HS) except in case of exports by category (ii) above.

- (b) Following permanent IEC numbers shall be used by non – commercial PSUs and categories or importers / exporters mentioned against them for import / export purposes :

| Sr. No. | Permanent IEC | Categories of Importer / Exporter |
|----------------|----------------------|--|
| 1 | 0100000011 | All Ministries / Departments of Central Government and agencies wholly or partially owned by them. |
| 2 | 0100000029 | All Ministries / Departments of any State Government and agencies wholly or partially owned by them. |
| 3 | 0100000037 | Diplomatic personnel, Counsellor officers in India and officials of UNO and its specialised |
| 4 | 0100000045 | Indians returning from / going abroad and claiming benefit under Baggage Rules. |

| | | |
|----|------------|---|
| 5 | 0100000053 | Persons /Institutions /Hospitals importing or exporting goods for personal use, not connected with trade or manufacture or |
| 6 | 0100000061 | Persons importing/exporting goods from /to Nepal |
| 7 | 0100000070 | Persons importing / exporting goods from / to Myanmar through Indo-Myanmar border |
| 8 | 0100000088 | Ford Foundation. |
| 9 | 0100000096 | Importers importing goods for display or use in fairs/ exhibitions or similar events under provisions of ATA carnet. This IEC number can also be used by importers importing for exhibitions/fairs as per Paragraph 2.63 of Handbook of Procedures |
| 10 | 0100000100 | Director, National Blood Group |
| 11 | 0100000126 | Individuals /Charitable Institution /Registered NGOs importing goods, which have been exempted from Customs duty under Notification issued by Ministry of Finance for bonafide use by victims affected |
| 12 | 0100000134 | Persons importing/exporting permissible goods as notified from time to time, from /to China through |
| 13 | 0100000169 | Non-commercial imports and exports by entities who have been authorised by Reserve Bank of India. |

2.08 Application for IEC

- (a) Exporters / Importers shall file an application in **ANF 2A** format for grant of e-IEC. Those who have digital signatures can sign and submit the application online along with the requisite documents. Others may take a printout of the application, sign the

undertaking/declaration, upload the same with other requisite documents and thereafter submit the signed copy of the online application form to concerned jurisdictional Regional Authorities (RA) either through post or by hand. List of RAs, along with their jurisdiction is given in **Appendix 1A**

- (b) Deficiency in the application form has to be removed by re-logging onto “Online IEC application” on DGFT website and filling the form again by paying the requisite application processing charges.

2.09 IEC Format

An IEC will be issued in prescribed format (**ANF 2(A) (II)**). A copy of such IEC shall be endorsed to concerned banker (as per details given in **ANF 2A**). Such endorsement should ordinarily be done using emails.

2.10 Validity of IEC

An IEC allotted to an applicant shall have permanent validity unless cancelled by the competent authority. The IEC will cover all branches / divisions / units / factories of the applicant.

2.11 Validity of IEC for EOUs / SEZs

An IEC will remain valid irrespective of a firm’s status as a DTA unit or an EOU or a SEZ/ EHTP/STP/BTP unit and the procedure to be followed in case a firm/unit is de-bonded and converted to DTA is as under:

- (a) An unit which is an EOU or in SEZ/EHTP/STP/BTP after de-bonding will not surrender the IEC obtained from its jurisdictional DC, SEZ.
- (b) The jurisdictional DC, SEZ will send the original IEC file to concerned RA of DGFT after de-bonding.
- (c) RA becomes the custodian of such file and will allow de-bonded unit to make necessary modification in IEC.
- (d) The de-bonded unit to be eligible for benefits from the RA as per FTP.

2.12 One PAN-One IEC

Only one IEC shall be issued against a single PAN. Multiple IECs against a single PAN stands deactivated suo-motu after 31.03.2015.

2.13 Surrender of IEC

If an IEC holder does not wish to operate allotted IEC, he may surrender the same to the issuing authority. On receipt, the issuing authority shall immediately cancel the IEC and electronically transmit it to DGFT and Customs authorities.

2.14 Modification of IEC

- (a) An application for modification shall be filed with the concerned jurisdictional RA from where IEC was originally issued.
- (b) An application for modification may be made for change in details like name, address, constitution, ownership in Proprietorship firms, change in nature of the firm e.g. from proprietorship to partnership etc. Change in constitution however, does not include change in Directors of Public Limited Company.

2.15 Profile of Importer / Exporter

- (a) **ANF-1** contains the profile of the importer/exporter. IEC Holder shall be responsible for updating the same as and when a change takes place immediately or in any case at least once in a year.
- (b) Documents which are uploaded in the Importer-Exporter Profile are not required to be filed each time the importer/exporter applies for authorisations/scrips under different schemes of this FTP.

Issue of Authorisation:

2.16 Validity period of Authorisation/ Licence / Certificate / Authorisation / Permissions / CCPs

Validity period of Import / Export Authorisations from the date of issue shall be as follows, unless specified otherwise:

| Sr. No | Type of Authorisation | Validity Period |
|---------------|--|---|
| (i) | Export Authorisation for restricted (Non SCOMET) goods | 12 months (However, EFC may decide to issue Export Authorisation for a longer duration in case of R&D studies based on recommendation of technical authority) |
| (ii) | Export Authorisation for SCOMET items | 24 months |
| (iii) | Import Authorisations for restricted items and CCP | 18 months |
| (iv) | EPCG Authorisation | 18 months |
| (v) | Advance Authorisations (AA) for Deemed Export | Coterminous with contracted duration of project execution or 12 months, whichever is more. |
| (vi) | AA {except (v) above}, DFIA, Replenishment Authorisation for Gems & Jewellery as per Chapter 4 of FTP. | 12 months from issue date. |

However, DGFT may decide to issue specific authorisation/ class of authorisations for a longer/shorter validity period.

2.17 Date of reckoning of Import / Export

- (a) Date of reckoning of import is decided with reference to date of shipment / dispatch of goods from supplying country as given in **Paragraph 9.11** of Handbook of Procedures and not the date of arrival of goods at an Indian port.
- (b) Date of reckoning of export is decided with reference to date of shipment / dispatch of goods from India as given in **Paragraph 9.12** of Handbook of Procedures. However, for benefit under FTP, Let Export Order (LEO) date shall be the date of reckoning of export.

2.18 Validity of Authorisation/ Licence for import/export

- (a) Authorisations must be valid on the date of import.
- (b) Similarly, export obligation period of an Authorization must be valid on the date of export.

2.19 Validity of Scrips

Scrips under Chapter 3 and 5 must be valid on the date on which actual debit of duty is made.

2.20 Revalidation of Import / Export Licence Certificate/ Authorisation / Permissions for Non-SCOMET items

- (a) RA concerned may revalidate import authorisation on merits for six months from date of expiry of validity.
- (b) Export authorisation may be revalidated by RA concerned only on approval of DGFT for six months at a time and maximum upto 12 months from date of expiry of validity.
- (c) However, revalidation of freely transferable authorisation / duty credit scrips and stock and sale authorisation shall not be permitted unless validity has expired while in custody of Customs Authority / RA.

2.21 Authority to Revalidate

Such revalidation under **Paragraph 2.20** above would be permitted under specific orders of Head of concerned Office and such revalidation would be maximum up to the extent of custody period.

2.22 Application for Revalidation

An application for revalidation of authorisation (other than SCOMET Authorisation), may be made to RA concerned. RA would consider such application as per FTP. Where DGFT is concerned authority, original application shall be submitted to RA concerned and self-attested copy of same shall be submitted to DGFT.

Procedure for issuing Duplicate copies:

2.23 Duplicate copies of Export / Import Authorisation

Where an Authorisation/ Permissions/ CCPs / Licence / Certificate / is lost or misplaced, an application for issue of a duplicate may be made along with Self declaration, as given in **Appendix 2M**, to concerned RA where the original license was issued.

2.24 Documents required for duplicate copy of freely transferable Authorisation

Duplicate copy of freely transferable Authorisation may be issued against an application accompanied with following documents:

- (i) An application with fee equivalent to 10% of duty saved or duty credit (of unutilized balance).
- (ii) A copy of FIR reporting loss.
- (iii) Self- declaration to indemnify revenue loss, which may be caused on account of issue of such duplicate.

2.25 Exception

When an Authorisation is lost by a Government agency and a proof to this effect is submitted, documents at serial nos. (i) to (iii) of **Paragraph 2.24** above shall not be required. In such cases, revalidation shall be for six months from date of endorsement.

2.26 Mechanism for issuing duplicates

RA concerned shall obtain a report regarding utilization of such Authorisation from Custom authority at port of registration before issuing duplicate, for balance unutilized.

2.27 Validity of duplicate Authorisation

Validity of duplicate Authorisation shall be co-terminus with original period. No request shall be entertained if validity has expired.

2.28 Applicability of the provision

Provision of **Paragraph 2.26 and 2.27** shall be applicable for cases covered under both **Paragraph 2.23 and 2.24**

Bank Guarantee /LUT:

2.29 Execution of BG/Legal undertaking for Advance Authorisation/ EPCG Authorisation

- (a) Before clearance of goods through Customs, Authorisation holder shall execute a BG/LUT with Customs Authorities. In such cases, RA shall endorse the following condition on the licence/ Authorisation: "BG / LUT as applicable, to be executed with concerned Customs Authorities.
- (b) In case of indigenous sourcing, Authorisation holder shall furnish BG/ LUT to RA as per Customs Circular No.58/2004 dated 31.10.04, as amended from time to time. In case, the firm has already executed BG/LUT for the full value of the licence/ certificate/ authorisation/ permission (covering the items indigenously procured) to the

Customs and furnishes proof of the same to Regional Authority (RA), no BG/LUT shall be required to be executed with the RA. The RA concerned shall endorse on the authorisation that the Customs Authority shall release/redeem BG/LUT only after receipt of NOC or EODC from the RA concerned. RA shall endorse a copy of the same along with a forwarding letter to the Customs Authority at the Port of registration for their information and record.

2.30 Corporate Guarantee

A status holder or a PSU may also submit Corporate Guarantee in lieu of Bank Guarantee/LUT in terms of the provisions of relevant Customs Circular in this regard.

2.31 Advance Payment

In case, payment is received in advance and export / deemed export takes place subsequently, application for an Authorisation shall be filed within specific period following the month during which exports/ deemed export is made, unless otherwise specified.

2.32 Import under Lease Financing

Import under lease financing shall be available under EOU/ SEZ scheme. Domestic supply of capital goods to eligible categories of deemed exports shall be eligible for benefits of deemed export as in paragraph 7.03 of FTP, even in cases where supplies are under lease financing.

In case of loss of Documents:

2.33 Issuance of scrips against lost EP copy of the Shipping Bills and / or original Bank Realisation Certificate

Where EP copy of Shipping Bill / original BRC is lost, claim for Scrips under Chapter 3 and Chapter 5 can be considered subject to submission of following documents:

- (i) A duplicate /certified copy of relevant document issued by Customs Authority / Bank in lieu of original;
- (ii) An application fee equivalent to 2% of relevant entitlement. However, no fee shall be charged when such document is lost by Government agencies and a documentary proof to this effect is submitted
- (iii) Self-declaration by exporter about loss of document and an undertaking to surrender it immediately to concerned RA, if found subsequently
- (iv) Self-declaration by exporter to effect that he would indemnify Government for financial loss if any on account of duty credit issued against lost Shipping Bills / BRC. Customs Authority, before allowing clearance, shall ensure that benefit / duty credit against such shipping bill has not been availed.

2.34 Claims against lost copy of shipping bill

Claim against lost Shipping Bill / BRC shall be preferred within a period of six months from date of release of duplicate copy of Shipping Bill / date of realization of export proceeds. Any application received thereafter shall be rejected.

2.35 Submission of Certified Copies of Documents

Wherever original documents have been submitted to a different RA / nominated agencies or to a different division of same RA, applicant can furnish photocopy of documents duly certified by him in lieu of original.

Warehousing Facility:

2.36 Warehousing Facility

- (a) Public / Private Customs Bonded Warehouses may be set up in DTA as per Chapter-IX of Customs Act, 1962, to import items in terms of

Paragraph 2.36 of FTP. On receipt of goods, such warehouses shall keep these goods for one year without payment of applicable customs duties. Goods can be cleared against Bill of Entry for home consumption, on payment of custom duty and on submission of Authorisation wherever required, after an order for clearance of such goods for home consumption is issued by competent customs authorities. In case of clearance against duty free categories /concessional duty categories, exemption / concession from duty shall be allowed.

- (b) Goods can be re-exported without payment of customs duty provided shipping bill or a bill of export is presented in respect of such goods; and order for export of such goods has been made by competent customs authorities.

Certificates:

2.37 Free Sale and Commerce Certificate

- (a) (i) RAs may issue, on application, Free Sale and Commerce certificate for export of items not covered under Drugs & Cosmetics Act, 1940, which have usage in hospitals, nursing homes and clinics, for medical and surgical purposes and are not prohibited for export. Validity of such certificate shall be two years from date of issue unless otherwise specified.

(ii) An application for grant of Free Sale and Commerce Certificate may be made to RA concerned as per format in **ANF 2 H** of Appendices and Aayat Niryat Forms with Annexure A therein. RA shall issue Free Sale and Commerce Certificate as per Annexure B of ANF2H.
- (b) (i) RAs may also issue, on application, Free Sale and Commerce Certificate for export of any other item which is not restricted or prohibited for export. Validity of such certificate shall be two year from date of issue unless otherwise specified.

(ii) An application for grant of Free Sale and Commerce Certificate for these items may be made to RA concerned as per format in **ANF 2H** of Appendices and Aayat Niryat Forms along with Annexure A therein. RA shall issue Free Sale and Commerce Certificate as per Annexure B of **ANF 2H**.

2.38 End User Certificate

In case of import of any freely importable item in India, if a foreign Government insists on certification of end user of the item, before permitting export of the same from their country, RA may issue such certificates as per **Appendix 2Q** of Appendices and Aayat Niryat Forms. The certificate shall be issued based on application made under **ANF 2 J** along with documents prescribed therein.

2.39 Imports under Indo-US Memorandum of Understanding

- (a) Import of specified capital goods, raw materials and components, from United States of America (USA) is subject to US Export Control Regulations. US suppliers of such items are required to obtain an export authorisation based on import certificate issued in India. The following are designated Import Certificate Issuing Authorities (ICIA):
- (i) Department of Electronics (DoE), for computer and computer based systems
 - (ii) Department of Industrial Policy and Promotion (DIPP), Technical Support Wing (TSW), for organised sector units registered under it, except for computers and computer based systems;
 - (iii) Ministry of Defence (MoD), for defence related items;
 - (iv) DGFT for small scale industries and entities not covered above as well as on behalf of any of the above;
 - (v) Embassy of India, Washington, DC, on behalf of any of the above.

- (b) Application for an import certificate shall be made in **ANF 2K(i)**. Import certificate in **Appendix-2P(Ia)** may be issued by ICIA directly to importer with a copy to (i) Ministry of External Affairs (MEA) (AMS Section), New Delhi, (ii) DoE, New Delhi; and (iii) DGFT.
- (c) However, this import certificate will not be regarded as a substitute for an import authorisation in respect of items mentioned as restricted in ITC (HS) and an import authorisation will have to be obtained for such items.
- (d) India's import and export with regard to USA's unilateral export control items [**Crime Control (CC)** Items as listed in **Appendix 2P(iia)** and **Regional Security (RS)** items as listed in **Appendix 2P(iib)**] will be governed by the following regulations:

Items listed at both **Appendix 2P (iia)** and **Appendix 2P(iib)** will be allowed by DGFT for import from USA provided the importer submits the following documents in **ANF 2K(i)** :
 - (i) documentary proof of Bill of Lading indicating Port of USA,
 - (ii) legal undertaking that goods shall not be exported/ alienated; and
 - (iii) Import is with Actual User condition.
- (e) In case the importer wants to subsequently export the imported items from USA,, or any part thereof, such export will require an authorisation from DGFT as per ANF 2K(ii) and Export certificate will be issued in the format **Appendix-2P(ib)**.
- (f) Import /export of such items shall be allowed only through EDI enabled ports of India.

Imports:

2.40 Import of Consumer or Other goods as Gifts

- (a) In terms of provisions contained in **Paragraph 2.25** of FTP, an application for grant of CCP for import as gifts of items appearing as restricted for imports in ITC (HS) shall be made to the DGFT as in **ANF 2M** along with documents prescribed therein.

- (b) Where recipient of a gift is a charitable, religious or an educational institution registered under any law in force, and gift sought to be imported has been exempted from payment of customs duty, such import shall be allowed by customs authorities without a CCP.

2.41 Import of Cheque Books /Ticket Forms etc.

Indian branches of foreign banks, insurance companies and travel agencies may import chequebooks, bank draft forms and travellers cheque forms without a CCP. Similarly, airlines / shipping companies operating in India, including persons authorised by such airlines / shipping companies, may import passenger ticket forms without a CCP.

2.42 Import of Reconditioned/ Second Hand Aircraft Spares

Import Authorisation for reconditioned / second hand aircraft spares is not needed on recommendation of Director General of Civil Aviation, Government of India (DGCA).

2.43 Import of Replacement Goods

Goods or parts thereof on being imported and found defective or otherwise unfit for use or which have been damaged after import, may be exported without an Authorisation, and goods in replacement thereof may be supplied free of charge by foreign suppliers or imported against a marine insurance or marine-cum-erection insurance claim settled by an insurance company. Such goods shall be allowed clearance by the customs authorities without an import Authorisation provided that:

- (a) Shipment of replacement goods is made within 24 months from date of clearance of previously imported goods through Customs or within guarantee period in case of machines or parts thereof where such period is more than 24 months; and
- (b) No remittance shall be allowed except for payment of insurance and freight charges where replacement of goods by foreign suppliers is subject to payment of insurance and / or freight by importer and documentary evidence to this effect is produced while making remittance.

2.44 Other Conditions for Import of Replacement Goods

- (a) In case of short-shipment, short-landing or loss in transit, import of replacement goods will be permitted based on certificate issued by customs authorities without an import Authorisation.
- (b) This procedure shall also apply to cases in which short shipment of goods is certified by foreign supplier, who has agreed to replace free of cost.
- (c) Cases not covered by above provisions will be considered on merits by DGFT for grant of Authorisation for replacement of goods for which an application may be made as per paragraph 2.50 of HBP.

2.45 Import of Overseas Office Equipment

On winding up of overseas offices, set up with approval of RBI, used office equipments and other items may be imported without Authorisation.

2.46 Import of Ammunition by Licensed /Authorised Arms Dealers

- (a) Import of following types of ammunition are allowed against an Authorisation by licensed arms dealers subject to conditions as may be specified:
 - (i) Shotgun Cartridges 28 bore;
 - (ii) Revolver Cartridges of .450, .455 and .45 bores;
 - (iii) Pistol Cartridges of .25, .30 Mauser, .450 and .45 bores;
 - (iv) Rifle Cartridges of 6.5 mm, .22 savage, .22 Hornet, 300 Sherwood, 32/40, .256, .275, .280, 7m/m Mauser, 7 m/m Man Schoener, 9m/m Mauser, 9 m/m Man Schoener, 8x57, 8x57S, 9.3 m/m, 9.5 m/m, .375 Magnum, .405, .30.06, .270, .30/30 Winch, .318, .33 Winch, 275 Mag., .350 Mag, 400/350, .369 Purdey, .450/400, .470, .32 Win, .458 Win, .380 Rook, .220 Swift and .44 Win. bores.

- (b) An import Authorisation shall be issued at 5% of value of annual average sales turnover of ammunition (whether indigenous or imported) during preceding three licensing years subject to a minimum of Rs. 2000.
- (c) An application for grant of an Authorisation for items listed above may be made to RA in **ANF 2M** along with documents prescribed therein.

2.47 Duty Free Imports for specific Sectors:

(A) R&D Equipment for Pharmaceuticals and Bio- technology Sector

- (i) Duty free import of goods (as specified in list 28 of Customs notification No.21/2002 dated 1.3.2002, as amended from time to time) upto 25% of FOB value of exports during preceding licensing year, shall be allowed.
- (ii) The eligible unit may furnish an application given in Appendix-8A to RA concerned duly countersigned by Chartered Accountant.
- (iii) In respect of duty free import of R&D equipment, units not registered with Central excise shall be allowed to give Installation Certificate issued by an independent Chartered Engineer.

(B) Agro-Chemicals Sector :

- (i) Duty free imports of goods as specified in list 28A of Customs notification No. 21/2002 dated 1.3.2002, upto 1% of FOB value of exports made during preceding licensing year, shall be allowed to agro chemicals sector unit having export turnover of Rs. 20 crore or above during preceding licensing year.
- (ii) The eligible unit shall apply in form given in Appendix-8B to RA concerned duly countersigned by Chartered Accountant.
- (iii) In respect of duty free import of R&D equipment, units not registered with Central excise shall be allowed to give

Installation Certificate issued by an independent Chartered Engineer.

2.48 Import under Govt. to Govt. Agreements

Import of goods under Government to Government agreements may be allowed without an Authorisation or CCP on production of necessary evidence to satisfaction of Customs authorities.

2.49 Transfer of Imported Goods

(a) Cases where prior permission is required:

Transfer of imported goods which are subject to Actual User condition and have become surplus to needs of Actual User, shall be made only with prior permission of RA concerned. Following information alongwith supporting documents shall be furnished with request for grant of permission for transfer, to RA concerned:

- (i) Reasons for transfer of imported material;
- (ii) Name, address, IEC number and industrial Authorisation registration, if any, of transferee;
- (iii) Description, quantity and value of goods imported and those sought to be transferred;
- (iv) Copies of import Authorisation and bills of entry relating to imports made;
- (v) Terms and conditions of transfer as agreed upon between buyer and seller.

(b) Cases where prior permission is not required

- (i) in case of sale or otherwise by importer of freely importable goods;
- (ii) for goods imported with Actual User condition, provided such good is freely importable without Actual User condition on date of transfer

- (iii) for goods with AU Condition after a period of two years from the date of import.
- (iv) for transfer of Imported Firearms (a) after 10 years of import or (b) on attaining the age of 60 years by such importer.
- (v) for transfer of weapon/s (firearm/s) imported by a Renowned Shooter (as defined in Policy Condition 3 of Chapter 93 of ITC (HS) 2012) for the purpose of his/her pursuing shooting as a sport to any upcoming shooter as certified either by the National Rifle Association of India (NRAI) or the Department of Sports, Ministry of Youth Affairs & Sports after two years from the date of import. The transferee can subsequently transfer/resell to any buyer as certified by the NRAI or Department of Sports for the sole purpose of pursuing shooting as a sport after one year from the date of its first sale. Such transfer/sale is subject to the provisions of the Arms Act, 1959 and other rules/regulations by state/local police. NRAI/Department of Sports will maintain the required records.

Import of Restricted Items:

2.50 Import of Restricted Items

An application for grant of an Authorisation for import or export of items mentioned as 'Restricted' in ITC (HS) may be made to RA, with a copy to DGFT Hqrs in **ANF 2M** along with documents prescribed therein. Original application along with Treasury Receipt (TR) / Demand Draft shall be submitted to RA concerned and self-attested copy of same shall be submitted to DGFT in duplicate along with proof of submission of application to concerned RA.

2.51 EXIM Facilitation Committee

- (a) Restricted item Authorisation may be granted by DGFT or any other RA authorised by him in this behalf. DGFT / RA may take assistance and advice of a Facilitation Committee while granting authorisation. The Assistance of technical authorities may also be

taken by seeking their comments in writing. Facilitation Committee will consist of representatives of Technical Authorities and Departments / Ministries concerned.

- (b) Import authorisations for a restricted item, if so directed by the competent authority, shall be issued for import through one of the sea ports or air ports or ICDs or LCS, as per the option indicated, in writing, by the applicant. However, for import of rough marble, port of registration is mandatory and the applicant must indicate the same in the application itself. Authorisation holder shall register the import authorisation at the port specified in the Authorisation and thereafter all imports against said authorisation shall be made only through that port, unless the authorisation holder obtains permission from customs authority concerned to import through any other specified port.

2.52 Import of Restricted Items Required by Hotels, Restaurants, Travel Agents, Tour Operators and other Specified Categories

Items mentioned as restricted for imports in ITC (HS) required by hotels, restaurants, travel agents and tour operators may be allowed against an Authorisation, based on recommendation of Director General, Tourism, Government of India.

- (a) Hotels, including tourist hotels, recognised by Director General of Tourism, Government of India or a State Government shall be entitled to import Authorisation upto a value of 25% of foreign exchange earned by them from foreign tourists during preceding licensing year, for import of essential goods related to hotel and tourism industry.
- (b) Travel agents, tour operators, restaurants, and tourist transport operators and other units for tourism, like adventure/ wildlife and convention units, recognized by Director General of Tourism, Government of India, shall be entitled to import authorisation up to a value of 10% of foreign exchange earned by them during preceding licensing year, for import of essential goods which are restricted for imports related to travel and tourism

industry, including office and other equipment required for their own professional use.

- (c) Import entitlement under paragraphs **2.52 (a)** and **2.52 (b)** of any one licensing year can be carried forward, either in full or in part, and added to import entitlement of two succeeding licensing years.
- (d) Such imported goods may be transferred after 2 years with permission of DGFT. No permission for transfer will be required in case the imported goods are re-exported. However, re-export shall be subject to all conditionality, or requirement of licence, or permission, as may be required under Schedule II of ITC (HS).
- (e) An application for grant of an Authorisation under paragraphs **2.52 (a)** and **2.52 (b)** may be made in **ANF 2 M** to DGFT through Director of Tourism, Government of India who will forward application to RA concerned along with their recommendations.

2.53 Import of Restricted items for R&D by units of Government

All restricted items and items permitted to be imported by STEs, except live animals, required for R&D purpose may be imported without an Authorisation by Government recognized Research and Development units.

2.54 Import of Metallic Waste and Scrap

Import of any form of metallic waste, scrap will be subject to the condition that it will not contain hazardous, toxic waste, radioactive contaminated waste / scrap containing radioactive material, any type of arms, ammunition, mines, shells, live or used cartridge or any other explosive material in any form either used or otherwise.

- (a) Import of following types of metallic waste and scrap will be free subject to conditions detailed below:

| Sl. | Exim Code | Item description |
|------------|------------------|------------------------------|
| 1. | 720410 00 | Waste and scrap of cast iron |
| 2. | 72042190 | Other |
| 3. | 72042920 | Of High speed steel |
| 4. | 72042990 | Other |

| | | |
|-----|----------|---|
| 5. | 72043000 | Waste and scrap of tinned iron or Steel |
| 6. | 72044100 | Turnings, shavings, chips, milling waste, saw dust, fillings, trimmings and stampings, whether or not in bundles. |
| 7. | 72044900 | Other |
| 8. | 72045000 | Re-melting scrap ingots |
| 9. | 74040010 | Copper scrap |
| 10. | 74040022 | Brass scrap |
| 11. | 75030010 | Nickel scrap |
| 12. | 76020010 | Aluminium scrap |
| 13. | 79020010 | Zinc scrap |
| 14. | 80020010 | Tin scrap |
| 15. | 81042010 | Magnesium scrap |

- (b) 'Freely' Importable metallic waste and scraps (shredded) as listed above shall be permitted through all ports of India subject to following conditions:
- (i) At the time of the clearance of goods, importer shall furnish to the Customs pre-shipment inspection certificate as per the format to Appendix 2H from any of the Inspection & Certification agencies given in Appendix-2G, to the effect that the consignment was checked for radiation level and scrap does not contain radiation level (gamma and neutron) in excess of natural background. The certificate shall give the value of background radiation level at that place as also the maximum radiation level on the scrap; and
 - (ii) Importer shall also furnish copy of the contract with the exporter stipulating that the consignment does not contain any radioactive contaminated material in any form.
- (c) Import from Hodaideh, Yemen and Bandar Abbas, Iran will be in shredded form only.
- (d) Import of un-shredded compressed and loose form of metallic waste, scrap listed in paragraph 2.54(a) above in shall be subject to the following conditions:-

- (i) At the time of the clearance of goods, importer shall furnish to the Customs pre-shipment inspection certificate as per the format in Appendix 2H from any of the Inspection & Certification agencies given in Appendix-2G to the effect that the consignment does not contain any type of arms, ammunition, mines, shells, cartridges, or any other explosive material in any form either used or otherwise, and that the consignment was checked for radiation level and it does not contain radiation level (gamma and neutron) in excess of natural background. The certificate shall give the value of background radiation level at that place as also the maximum radiation level on the scrap.
- (ii) The imported item (s) is actually a metallic waste/ scrap /seconds /defective as per the internationally accepted parameters for such a classification.
- (iii) Copy of the contract between the importer and the exporter stipulating that the consignment does not contain any type of arms, ammunition, mines, shells, cartridges, radioactive contaminated, or any other explosive material in any form either used or otherwise.
- (iv) Import of scrap would take place only through following designated ports and no exceptions would be allowed even in case of EOUs, SEZs:-
 “1. Chennai, 2. Cochin, 3. Ennore, 4. JNPT, 5. Kandla, 6. Mormugao, 7. Mumbai, 8. New Mangalore, 9. Paradip, 10. Tuticorin, 11. Vishakhapatnam, 12. ICD Loni, Ghaziabad, 13. Pipava, 14. Mundra, 15. Kolkata, 16. ICD Ludhiana, 17. ICD Dadri (Greater Noida), 18. ICD Nagpur, 19. ICD Jodhpur, 20. ICD Jaipur, 21. ICD Udaipur, 22. CFS Mulund, 23. ICD Kanpur, 24. ICD Ahmedabad, 25. ICD Pitampur and 26. ICD Malanpur”.

2.55 Recognition as Pre-shipment Inspection Agency (PSIA) and issuance of Pre- shipment Certificate (PSIC)

- (a) Application for recognition in respect of PSIAs have to be made in proforma prescribed in **ANF 2L**.
- (b) For applicants based in India application fee will be Rs. 7500/- and for applicants based abroad the application fee will be US \$200. The fees may be amended from time to time by DGFT.
- (c) The applications will be considered by an Inter- Ministerial Committee.
- (d) The PSIAs will be issued a recognition certificate valid for three years. However, DGFT has the right to suspend/cancel such a certificate at any time during the 3 year term. At the end of 3 years PSIA has to make a fresh application for further recognition.
- (e) PSIA shall issue Pre-Shipment Inspection Certificate (PSIC) in the format given in **Appendix 2H**.
- (f) A PSIA can carry out inspections in countries within its area of operation, where it does not have a full time equipped branch office, by deputing its Inspectors. However, for such inspections, the PSIA will be required to give prior intimation to DGFT by sending an email (at address psia-dgft@nic.in) and furnishing details of visit / inspection done by the Inspector in PSIC.

2.56 Responsibility and Liability of PSIA and Importer

- (a) In case of any mis-declaration in PSIC, PSIA would be liable to pay a penalty upto Rs. 10 Lakh (if the agency is based in India) or up to US \$20,000/- (if the agency is based in a foreign country), in addition to suspension/ cancellation of recognition.
- (b) The importer and exporter would be jointly and severally responsible for ensuring that the material imported is in accordance with the declaration given in paragraph 2.55 of Handbook of Procedures. They shall also be responsible for import of any material in contravention of the declaration as required under Paragraph

2.55 of Handbook of Procedures and would be liable to pay penalty up to Rs 10 Lakh.

- (c) The scanned copy of the PSIC (**in pdf format**) shall be uploaded by the PSIA on DGFT website. The certificate shall be issued in prescribed form **Appendix 2H**.
- (d) The PSIA will make a video clip of 3-5 minutes of the inspection carried out in **mp3/mp4/flv/wav** format, duly capturing the following activities/details:
 - (i) the time, date, place of the inspection
 - (ii) photographs of the exporter and representative of the importer (if available)
 - (iii) the name and identity number of inspector
 - (iv) instrument number
 - (v) the container number
 - (vi) the event of stuffing of container and sealing of the same
 - (vii) the carriage and its registration number on which the container is loaded
 - (viii) the process of signing of the PSIA certificate by the authorised person.
- (e) The video clip and PSIC will be uploaded on DGFT website by PSIA, through digital signatures. These would be available to the concerned customs authorities to view & verify the same. Till such time the DGFT website link is operationalised, the PSIC and video clip will be e-mailed (psia-dgft@nic.in) to the DGFT and the concerned customs authorities by the Authorised Signatory of PSIA.

2.57 Import of other kinds of metallic waste and scraps

Import of other kinds of metallic waste and scrap will be allowed in terms of conditions of ITC (HS).

2.58 Imports of seconds and defectives

Import policy for second and defective, rags, PET bottles /waste, and ships is given in ITC (HS).

2.59 Services of Inspection and Certification Agencies

Customs or any other Central or State Government authority may avail of services of Inspection and Certification Agencies in **Appendix 2G** of the Appendices and Aayat Niryat Forms, for certifying residual life as well as valuation / purchase price of capital goods.

Tariff Rate Quota Scheme:

2.60 Procedure for import under the Tariff Rate Quota Scheme

Attention is invited to Government of India, Ministry of Finance (Department of Revenue), Notification No. 21/2002- Customs dated 01.03.2002 and Notification No. 33/2010- Customs dated 12.03.2010. As per these, import of four items viz., (1) Skimmed and whole milk powder, milk food for babies etc. (0402.10 or 0402.21) and White Butter, Butter oil, Anhydrous Milk Fat (0405) (2) Maize (corn): other (1005.90) (3) Crude sunflower seed or safflower oil or fractions thereof (1512.11) and (4) Refined rape, colza or mustard oil, other (1514.19 or 1514.99) is allowed in a financial year, up to quantities as well as such concessional rates of customs duty as indicated below:

| Description | HS No. | In/out of quota rate (%) as per WTO | In/out of quota rate (%) As per Indian Tariff | Notification | TRQ |
|--|---------------|--|--|---------------------|------------|
| Skimmed Milk powder/ whole milk powder | 040210 | 15/60 | 15/60 | 12/12-Cus Sl. No. 7 | 10,000MT |
| | 040221 | 15/60 | 15/60 | 12/12-Cus Sl. No. 7 | |

| | | | | | |
|---|----------|--------|-------|-------------------------|-------------|
| Maize (corn), other than seed quality | 100590 | 15/60 | 0/50 | 12/12-Cus Sl. No. 37/38 | 5,00,000 MT |
| Crude sunflower seed oil and safflower seed oil | 151211 | 50/300 | 50/75 | 12/12-Cus Sl. No. 60/61 | 1,50,000 MT |
| Rape, colza or mustard oil | 151419 | 45/75 | 45/10 | 12/12-Cus Sl. No. 64/66 | 1,50,000 MT |
| | 151499 | 45/75 | 45/10 | 12/12-Cus Sl. No. 64/66 | |
| Butter and other fats | 040510 | n.a. | 0/30 | 12/12-Cus Sl. No. 9 | 15,000MT |
| | 04059010 | | 0/30 | 12/12-Cus Sl. No. 9 | |
| | 04059020 | | 0/30 | 12/12-Cus Sl. No. 9 | |
| Butter and other fats | 040520 | n.a. | 0/40 | 12/12-Cus Sl. No. 9 | 15,000MT |
| | 04059090 | | 0/40 | 12/12-Cus Sl. No. 9 | |

2.61 Eligible entities for allocation of quota

- (a) Milk Powder (Tariff Code No. 0402.10 or 0402.21) and White Butter, Butter oil, Anhydrous Milk Fat (0405): National Dairy Development Board (NDDB), State Trading Corporation (STC), National Cooperative Dairy Federation (NCDF), National Agricultural Cooperative Marketing Federation of India Ltd. (NAFED), Minerals and Metals Trading Corporation (MMTC), Projects & Equipment Corporation of India Limited (PEC) and Spices Trading Corporation Limited (STCL).
- (b) Maize (corn)(Tariff Code No. 1005.90): National Agricultural Cooperative Marketing Federation of India Ltd.(NAFED), State Trading Corporation (STC), Minerals and Metals Trading Corporation (MMTC), Projects & Equipment Corporation of India Limited(PEC),

Spices Trading Corporation Limited (STCL) and State Cooperative Marketing Federations

- (c) Crude sunflower seed or safflower oil or fractions thereof (Tariff Code No. 1512.11) and Refined rape, colza, canola or mustard oil, other (Tariff Code No. 1514.19 or 1514.99): National Dairy Development Board (NDDB), State Trading Corporation (STC), National Agricultural Cooperative Marketing Federation of India Ltd.(NAFED), Spices Trading Corporation Limited (STCL) and Central Warehousing Corporation (CWC), State Cooperative Marketing Federation & State Cooperative Civil Supplies Corporation.

2.62 Conditions applicable on availing quotas

All eligible entities are eligible to avail quotas subject to the conditions as detailed below:

- (i) All eligible entities desiring availment of quota as mentioned above, may make application to EFC in **ANF 2M** to DGFT, Udyog Bhavan, New Delhi – 110 011. Completed application forms along with prescribed documents must reach on or before 1st March of each financial year preceding to the year of quota
- (ii) Imports have to be completed before 31st March of financial year i.e. consignments must be cleared by customs authorities before this date.
- (iii) Since import of maize (corn) is through STEs, the allottees of quota i.e. designated agencies in paragraph 2.61 (b) above for this item shall also be granted an import Authorisation for allotted quantities as indicated at Sl. No. 21 (b) of Customs Notification No. 21/2002 dated 1.3.2002 in terms of paragraph 2.20 of FTP, 2015-2020.
- (iv) Application fee for these applications shall be paid according to procedure contained in **Appendix 2K of Appendices & Aayat Niryat Forms**.
- (v) EFC in DGFT will evaluate and allot quota among applicants by 31st March of each financial year preceding to year of quota.

Exhibits and Samples:

2.63 Exhibits Required for National and International Exhibitions or Fairs and Demonstration

- (a) Import / export of exhibits, which are freely importable/exportable, including construction and decorative materials required for the temporary stands of foreign / Indian exhibitors at exhibitions, fair or similar show or display for a period of six months on re-export / re-import basis, shall be allowed without an Authorisation on submission of a bond/ security to Customs and ATA Carnet.
- (b) Extension beyond six months for re-export / re-import will be considered by Customs authorities on merits. Consumables such as paints, printed material, pamphlets, literature etc. pertaining to exhibits need not be re-exported/re-imported.

2.64 Sale of Exhibits

- (a) Restricted Items: Sale of exhibits of restricted items, mentioned in ITC (HS), imported for an international exhibition / fair may also be made, without an Authorisation within bond period allowed for re-export, on payment of applicable customs duties, subject to a ceiling limit of Rs.5 lakh (CIF) for such exhibits for each exhibitor.
- (b) Freely importable items: However, sale of exhibits of items which are freely importable shall be allowed within bond period allowed for re-export on payment of applicable customs duties.
- (c) If goods brought for exhibition are not re-exported or sold within bond period due to circumstances beyond control of importer, Customs Authorities may allow extension of bond period on merits.

2.65 Import of Samples

- (a) No Authorisation shall be required for Import of bonafide technical and trade samples of items restricted in ITC (HS) except vegetable seeds, bees and new drugs. Samples of tea not exceeding

Rs.2000 (CIF) in one consignment shall be allowed without an Authorisation by any person connected with Tea industry.

- (b) Duty free import of samples upto Rs.3,00,000 for all exporters shall be allowed as per terms and conditions of Customs Notification.

2.66 Exports of Samples / Exhibits

- (a) Exports of bonafide trade and technical samples of freely exportable item shall be allowed without any limit.
- (b) An application for export of samples/exhibits, which are restricted for export, may be made to DGFT as per **ANF-2Q**.

Exports :

2.67 Export Policy

Policy relating to Exports is given in Chapter-2 of FTP. Further, Schedule 2, Appendix-1 of ITC (HS) specifies list of items, which may be exported without an Authorisation but subject to terms and conditions specified.

2.68 Gifts / Spares / Replacement Goods

For export of gifts, indigenous / imported warranty spares and replacement goods in excess of ceiling / period prescribed for exports of Gifts; export of Spares and export of replacement goods in FTP, an application may be made to DGFT in **ANF 2Q**.

2.69 Export of Items Reserved for MSME Sector

Units other than small scale units are permitted to expand or create new capacities in respect of items reserved for small scale sector, subject to condition that they obtain an Industrial licence under the Industries (Development and Regulation) Act, 1951, with export obligation as may be specified. Such licensee is required to furnish a LUT to RA and DGFT in this regard. DGFT / RA concerned shall monitor export obligation.

2.70 Export by post

In case of export by post, exporter shall submit following documents in lieu of documents prescribed for export by sea/air:

- (a) Bank Certificate of Export and Realisation as in e-BRC in Appendix 2U
- (b) Relevant postal receipt
- (c) Invoice duly attested by Customs Authorities.

2.71 Direct negotiation of export documents

In cases where exporter directly negotiates document (not through authorised dealer) with permission of RBI, he is required to submit following documents for availing of benefits under export promotion schemes:

- (a) Permission from RBI allowing direct negotiation of documents (not required for status holders),
- (b) Copy of Foreign Inward Remittance Certificate (FIRC) as per Form 10-H of Income Tax department in lieu of BRC, and
- (c) Statement giving details of shipping bills / invoice against which FIRC was issued.

SCOMET:

2.72 Application for Grant of Export Authorisation/Certificate/Permission for non-SCOMET Items

An application for grant of Export Authorisation in respect of restricted items [other than Special Chemicals, Organisms, Materials, Equipment and Technologies (SCOMET)] mentioned in Schedule 2 of ITC (HS) Classifications of Export and Import Items may be made in **ANF 2 N** to DGFT (Headquarters) along with documents prescribed therein. EFC shall consider applications on merits for issue of export Authorisation.

2.73 Application for SCOMET Authorisation

- (a) An application for grant of Export Authorisation in respect of SCOMET items mentioned in Appendix 3 to Schedule 2 of ITC (HS) Classifications of Export and Import Items may be made in **ANF 2 O** to DGFT (Hqrs) along with documents prescribed therein.
- (b) However, such applications are mandatorily to be filed through online system under the Icon E-COM on the website of DGFT. The Uniform Resource Locator [URL] for online application is <http://dgft.gov.in/CallModule.asp?scl=SCOMET>. While submitting the online application, all the required documents including End User Certificates (EUCs) are to be uploaded as PDF files. Manual submission of application is dispensed with except the original End User Certificate(s) in **Appendix 2 S** from all entities in the chain of supply viz. the foreign buyer, end user and intermediary/consignee (if they are different from the foreign buyer & end user), which is/are to be submitted in hard copy to SCOMET Section of DGFT (HQ), besides electronic submission.

2.74 Inter Ministerial Working Group

An Inter-Ministerial Working Group (IMWG) in DGFT (Hqrs.) shall consider applications for export of SCOMET items as specified in Appendix-3 to Schedule 2 of ITC (HS) Classifications of Export and Import Items based on following guidelines:

- I. Applications for Authorisation to export items or technology on SCOMET List are considered on the basis of following general criteria:
 - (a) Credential of end-user, credibility of declaration of end-use of the item or technology, integrity of chain of transmission of item from supplier to end-user, and on potential of the item or technology, including timing of its export, to contribute to end-uses that are not in conformity with India's national security or foreign policy goals and objectives, goals and objectives of global non-proliferation, or

India's obligations under International treaties/Agreements to which it is a State party.

- (b) Assessed risk that exported items will fall into hands of terrorists, terrorist groups, and non-State actors;
- (c) Export control measures instituted by the recipient State;
- (d) Capabilities and objectives of programmes of the recipient State relating to weapons and their delivery;
- (e) Assessment of end-use(s) of item(s);
- (f) Applicability of provisions of relevant bilateral or multilateral agreements, to which India is a party, to the case under consideration.

II. Application shall be accompanied by an end user certificate as per **Appendix 2S**, certifying that:

- (a) The item will be used only for stated purpose and that such use will not be changed, nor items modified or replicated without consent of Government of India;
- (b) Net794()l 207.89 TJETET 0 0 1 108.02 3tion. TJ07.89 C eBT

- (iv) operations to ensure the preservation of products in good condition during transport and storage (such as drying, freezing, keeping in brine, ventilation, spreading out, chilling, placing in salt, sulphur dioxide or other aqueous solutions, removal of damaged parts, and like operations);
 - (v) affixing of marks, labels or other like distinguishing signs on products or their packaging;
 - (vi) simple mixing of products ;
 - (vii) simple assembly of parts of products to constitute a complete product;
 - (viii) disassembly;
 - (ix) slaughter which means the mere killing of animals; and
 - (x) mere dilution with water or another substance that does not materially alter the characteristics of the products.
- (b) Government has also nominated certain agencies to issue Non-Preferential Certificate of Origin (CoO). These CoOs evidence origin of goods and do not bestow any right to preferential tariffs. List of notified agencies is provided in **Appendix-2 E**. In addition, agencies authorised to issue Preferential CoO are also authorised to issue Non-Preferential CoO.
- (c) All exporters who are required to submit CoO (Non Preferential) would have to apply to any of agencies enlisted in **Appendix-2 E** with following documents:
- (i) Details of quantum / origin of inputs / consumables used in export product.
 - (ii) Two copies of invoices.
 - (iii) Packing list in duplicate for concerned invoice.

- (iv) Fee not exceeding Rs.100 per certificate as may be prescribed by concerned agency.
- (d) The agency would ensure that goods are of Indian origin as per criteria defined in (d) below before granting CoO (non preferential). Certificate would be issued as per format given in **Annexure-II to Appendix 2 E**. It should be ensured that no correction/re-type is made on certificate. Any agency desirous of enlistment in **Appendix-2 E** may submit their application as per **Annexure-I to Appendix 2 E** to DGFT.
- (e) **Non-preferential -Self Certification:** Manufacturer exporters who are also Status Holders shall be eligible to self-certify their goods as originating from India, if goods qualify the criteria, as laid down in (a) above, as per **Annexure -III to Appendix 2 E**.

2.109 Approved Exporter Scheme (AES) for self -certification

Details of the Scheme are provided in Appendix 2F of AANF.

CHAPTER 3

Exports from India Schemes

3.01 Merchandise Exports From India Scheme (MEIS)

- (a) Policy for Merchandise Exports from India Scheme (MEIS) is given in Chapter 3 of FTP.
- (b) An application for claiming rewards under MEIS on exports (other than Export of goods through courier or foreign post offices using e-Commerce), shall be filed online, using digital signature, on DGFT website at <http://dgft.gov.in> with RA concerned in ANF 3A. The relevant shipping bills and e BRC shall be linked with the on line application.
- (c) If application is filed for exports made through EDI ports, then hard copy of the following documents need not be submitted to RA: hard copy of applications to DGFT, EDI shipping bills, electronic Bank Realisation Certificate (e-BRC) and RCMC. The applicant shall submit the proof of landing in the manner prescribed under paragraph 3.03 of HBP.
- (d) In case application is filed for exports made through non EDI ports, then applicant need to submit export promotion copy of non EDI shipping bills. The applicant shall submit the proof of landing in the manner prescribed under paragraph 3.03 of HBP. The applicant shall upload scanned copies of any other prescribed documents for claiming scrip unless specified otherwise. However applicant need not submit hard copy of applications to DGFT, electronic Bank Realisation Certificate (e-BRC) and RCMC in this case also.
- (e) Applicant shall file separate application for each port of export.
- (f) Processing of Non EDI Shipping bills at RA: In cases the Non EDI shipping bills or the shipping bills not received through the Message Exchange from Customs, concerned RA shall verify the details

entered by the exporter from the original shipping bills before grant of scrip.

- (g) No manual feeding allowed for EDI shipments: For EDI Shipping Bill, no manual feeding of Shipping bill details shall be allowed to the applicants in the online system. Rewards will be granted by RAs without the need for cross verifying EDI Shipping Bill details.
- (h) RA shall process the electronically acknowledged files and scrip shall be issued after due scrutiny of electronic documents.
- (i) The documents which are not required to be submitted in original, shall be retained by the applicant for a period of 3 years from the date of issuance of scrip.
- (j) Licensing Authority may call such documents in original at any time within 3 years. In case the applicant fails to submit the original documents on demand by Licensing Authority the applicant shall be liable to refund the rewards granted along with interest at the rate prescribed under Section 28 AA of Customs Act 1962, from the date of issuance of scrip.
- (k) Eligibility of product, corresponding ITC[HS] code, and markets(as given in Appendix 3B) for claiming rewards under MEIS shall be determined from Let Export Date as per Paragraph 9.12 of HBP.

3.02 Applications for Export of goods through courier or foreign post offices using e-Commerce

- (a) Application shall be filed on line, using digital signature, in ANF 3D by exporter. The applicant shall submit the proof of landing in the manner prescribed under paragraph 3.03 of HBP.
- (b) Applicant shall file separate application for each port of export.
- (c) RA will manually examine the submitted documents before grant of scrip.

3.03 Proof of Landing

- (a) Wherever the reward under MEIS is available to all countries, proof of landing shall not be required to be submitted for claiming the reward

- (b) Uploading/submission of documents, as a proof of landing:

As a measure of ease of doing business, documents as a proof of landing of export consignment in notified market can be digitally uploaded in the following manner:-

- (i) Any exporter may upload the scanned copy of document as mentioned at paragraph 3.03 (c) (i) under his digital signature.
 - (ii) Status holders falling in the category of Three Star, Four Star or Five Star export house category may upload scanned copies of documents as mentioned at paragraph 3.03(c) (iv).
 - (iii) In all other cases the physical copy, in original, shall be filed by all categories of exporters.
- (c) Applicant shall be required to submit or upload, as the case may be, any one of the following documents as a proof of landing of export consignment in notified Market:
 - (i) A self attested copy of import bill of entry filed by importer in specified market, or
 - (ii) Delivery order issued by port authorities, or
 - (iii) Arrival notice issued by goods carrier, or
 - (iv) Tracking report from the goods carrier (Shipping Line/Airline etc. or his accredited agent in India) duly certified by them, evidencing arrival of export cargo to destination Market, or

- (v) For Land locked notified Market, Rail/Lorry receipts of transportation of goods from Port to Land locked notified Market,
 - (vi) Any other document that may satisfactorily prove to RA concerned that goods have landed in / reached the notified Market.
- (d) In case of (iv) and (vi) above, the accredited agent of the Goods Carrier must certify that he is the accredited agent of the concerned Goods Carrier on the date of issuance of the tracking report / document.
- (e) Further, in the case of issuance of any other document under (vi) above, the accredited agent must state that proof of landing of goods in relevant notified Market is given based on information available in the Goods Carrier's backup database and he has verified the same and issued this document accordingly.
- (f) In cases of exports using e commerce, exporter may submit express operator landing certificate/online web tracking print out indicating airway bill number as prescribed in enclosure (B) to ANF 3D.

3.04 Service Exports From India Scheme (SEIS)

- (a) Policy for Service Exports From India Scheme (SEIS) is given in Chapter 3 of FTP.
- (b) An application for grant of duty credit scrip for eligible services rendered shall be filed online for a financial year on annual basis in ANF 3B using digital signature.
- (c) RA shall process the application received online after due scrutiny.

Common Procedural features applicable to MEIS and SEIS, unless specifically provided for:

3.05 Transitional Arrangement

- (a) For the goods exported or services rendered upto the date of notification of current Foreign Trade Policy, which were otherwise eligible for issuance of scrip under erstwhile chapter 3 of the earlier Foreign Trade Policy(ies) and scrip is applied on or after the date of notification of current Foreign Trade Policy against such export of goods or services rendered, the application shall be made to Jurisdictional RA in the form with documents as prescribed in the HBP v I 2009-2014.
- (b) Upto 30th June 2015, applicants in respect of exports on which FPS/MLFPS/FMS/VKGUY/SFIS are claimed, shall have a choice to file applications in the manner prescribed in the previous policy(ies) or in the manner given in paragraph 3.01 or paragraph 3.04, as applicable, of HBP 2015-20. From 1st July 2015, all such applications shall be submitted in the manner given in paragraph 3.01 or paragraph 3.04, as applicable, of HBP 2015-20 only.
- (c) Applicants shall continue to file application in respect of SHIS, IEIS and Agri Infrastructure incentive scheme scrip in the application form and manner prescribed in the previous policy (ies).

3.06 Jurisdictional RA / RA Concerned

Applicant shall have option to choose Jurisdictional RA on the basis of Corporate Office/ Registered Office/Head Office / Branch Office address endorsed on IEC for submitting application/applications under MEIS and SEIS. This option need to be exercised at the beginning of financial year. Once an option is exercised, no change would be allowed for claims relating to that year. To illustrate, if an exporter has chosen RA Chennai for claiming rewards for exports made in 2015-16, then all claims for exports made in 2015-16, irrespective of the date of application shall be made to RA Chennai only.

3.07 Applicability of Provisions contained in Chapter 2 and 9 of this HBP

Provisions contained in Chapter 2 and 9 of this HBP shall apply to MEIS and SEIS.

3.08 Port of Registration of Srips

- (a) Port of Registration under MEIS would be as follows:
 - (i) Duty Credit Scrip (including splits) under MEIS shall be issued with a single port of registration which shall be the port of export.
 - (ii) Duty credit scrip needs to be registered at the port of exports. This is to be done prior to allowing usage of duty credit. Once registered at EDI port, scrip can be automatically used at any EDI port for import and at any manual port under Telegraphic Release Advise (TRA) procedure.
 - (iii) In case port of registration is a manual port, TRA shall be required for imports at any other port.
- (b) In case of scrip applied under Service Exports from India Scheme, the applicant can choose any port as port of registration and mention it in the application at the appropriate column. RA will issue the scrip with such port of registration. Such Duty credit scrip needs to be registered at the port of registration of duty credit. Once registered at EDI port, scrip can be automatically be used at any EDI port for import and at any manual port under Telegraphic Release Advise (TRA) procedure. In case port of registration is a manual port, TRA shall be required for imports at any other port.

3.09 Facility for Split Scrips

- (a) On request, split certificates of Duty Credit Scrip subject to a minimum of Rs. 5 Lakh each and multiples thereof may also be issued, at the time of application.
- (b) Once Duty Credit Scrip has been issued, request for splits can be permitted with same port of registration as appearing on the original Scrip. The above procedure shall be applicable only in respect of EDI enabled ports.
- (c) In case of export through non-EDI ports, the facility of splits shall not be allowed after issue of Scrip.

3.10 Procedure to upload documents by Chartered Accountant / Company Secretary / Cost Accountant

- (a) In order to move towards paperless processing of reward schemes, an electronic procedure is being developed to upload digitally signed documents by Chartered Accountant / Company Secretary / Cost Accountant. Such documents like annexure attached to ANF 3 B, ANF 3C and ANF 3D, which are at present signed by these signatories, can be facilitated by this procedure.
- (b) Till such time it is made mandatory to upload these annexure digitally, such annexures attached to ANF 3B, ANF3C, ANF3D would continue to be submitted in physical form to RA.
- (c) Exporter shall link digitally uploaded annexure with his online applications after creation of such facility.

3.11 Import from private / public Bonded warehouses

Entitlement can be used for import from private / public bonded warehouses subject to fulfilment of paragraph 2.36 of FTP and terms and conditions of DoR notification.

3.12 Re-export of defective / unfit goods

Goods imported which are found defective or unfit for use, may be re-exported, as per DoR guidelines. Where Duty Credit Scrip has been used for imports, Customs shall issue a certificate containing particulars of Scrip used, date of import of re-exported goods and amount debited while importing such goods. Based on this certificate, upon application, a fresh Scrip shall be issued by concerned RA to extent of 98% of debited amount, with same port of registration and valid for a period equivalent to balance period available on date of import of the defective / unfit goods.

3.13 Validity period and Revalidation

Duty Credit Scrip shall be valid for a period of 18 months from the date of issue and must be valid on the date on which actual debit of duty is made. Revalidation of Duty Credit Scrip shall not be permitted unless covered under paragraph 2.20(c) of HBP.

3.14 Declaration of Intent on shipping bills for claiming rewards under MEIS including export of goods through courier or foreign post offices using e-Commerce.

- (a) Export shipments filed under all categories of the Shipping Bills would need the following declaration on the Shipping Bills in order to be eligible for claiming rewards under MEIS: “ **We intend to claim rewards under Merchandise Exports From India Scheme (MEIS)**”. Such declaration shall be required even for export shipments under any of the schemes of Chapter 4 (including drawback), Chapter 5 or Chapter 6 of FTP. In the case of shipping bills (other than free shipping bills), such declaration of intent shall be mandatory with effect from 1st June 2015.
- (b) Whenever there is a decision during the financial year to include any new product/goods or new markets then to avail such rewards:
 - (i) For exports of such products/goods, to such markets, a grace period of one month from the date of notification/public notice will be allowed for making this declaration of intent.

- (ii) After the grace period of one month, all exports (of such products/goods or to such markets) would have to include the declaration of intent on all categories of shipping bills.
- (iii) For exports made prior to date of notification/public notice of products/markets, such a declaration would not be required since such exports would have already taken place.

3.15 Last date of filing of application for Duty Credit Scrips

- (a) Application for obtaining Duty Credit Scrip under MEIS shall be filed within a period of :
 - (i) Twelve months from the Let Export (LEO) date or
 - (ii) Three months from the date of :
 - (1) Uploading of EDI shipping bills onto the DGFT server by Customs.
 - (2) Printing/ release of shipping bills for Non EDI shipping bills.

whichever is later, in respect of shipments for which claim is being filed.

- (b) For SEIS, the last date for filing application shall be 12 months from the end of relevant financial year of claim period.

3.16 Application for Shipments from EDI Ports and Non-EDI Ports under MEIS

- (a) Shipments from EDI Ports and Non-EDI Ports cannot be clubbed in one application.
- (b) Port of registration for EDI enabled ports shall be the port of export. Accordingly separate application shall be filed for each EDI port.

- (c) In case of exports through non-EDI port, the port of registration shall be the relevant non EDI port of exports. Accordingly separate application shall be filed for each non EDI port.
- (d) Multiple applications can be filed and supplementary cut shall not be applicable. However, an application can be filed with upto a maximum of 50 shipping bills.

3.17 Risk Management System

The policy relating to Risk Management System is given in Paragraph 3.19 of FTP. The Risk Management System shall be in operation as under:-

- (a) Computer System in DGFT HQ, on random basis, will select 10% of cases for each RA which has issued scrips in the preceding month by 10th of the month.
- (b) The list of such selected cases will be sent to concerned RA by NIC by 15th of the month.
- (c) Concerned RA, will in turn, ask for the original documents by 30th of the month for examination in detail.
- (d) The applicant shall be under obligation to submit the document asked for in the next 15 days.
- (e) Concerned RA in turn will examine such documents in next 15 days. In cases, there is any deficiency the applicant shall rectify it in next one month from the date of communication by RA. In case of excess avilment of rewards, the applicant shall refund the excess claim with interest as prescribed in paragraph 3.19 of FTP.
- (f) In case the applicant fails to submit the original documents/ rectify the deficiencies / refund the excess claim as stipulated above, RA will initiate action as per FTDR Act and Rules.

3.18 Status Certificate

Policy for Status Holders is given in Chapter 3 of FTP.

3.19 Application for grant of Status Certificate

- (a) Status Certificates issued under FTP 2009-14 to an IEC holder shall remain valid till 30th June 2015 or till the issuance of status certificate to such IEC holder under this policy, whichever is earlier.
- (b) Applicants shall be required to file an application online for recognition of status under the Policy in ANF 3C. Scanned copy of relevant prescribed documents shall be uploaded by the applicant unless prescribed otherwise.
- (c) Online Application for status certificate shall be filed using digital signature with jurisdictional RA / Development Commissioner (DC) by Registered Office in the case of Company and by Head Office in the case of others as indicated in table below:

| S.No. | Category | Issuing /renewing Authority for Status Certificate |
|-------|--|---|
| 1. | IEC holder having exports of DTA unit as well as exports of SEZ/EOU unit. EHTP/STP/BTP | Concerned Regional Authority as per jurisdiction indicated in Appendix 1A |
| 2. | IEC holder having SEZ/EOU unit only | Concerned Development Commissioner as per jurisdiction indicated in Appendix 1A |
| 3. | IEC holder having DTA unit only | Concerned Regional Authority as per jurisdiction indicated in Appendix 1A |

3.20 Validity of status certificate

- (a) Status Certificates issued under this FTP shall be valid for a period of 5 years from the date on which application for recognition was filed.
- (b) Status Certificates valid beyond 31.3.2020 shall continue to remain in force, in case provisions of subsequent Foreign Trade Policy continue to recognize the status.

3.21 Maintenance of Accounts

Status Holders shall maintain true and proper accounts of its exports and imports based on which such recognition has been granted. Records shall be maintained for a period of two years from the date of grant of status certificate. These accounts shall be made available for inspection to RA concerned or any Authority nominated by DGFT.

3.22 Refusal /Suspension /Cancellation of Certificate

Status Certificate may be refused / suspended/ cancelled by RA concerned, if status holder or authorized representative acting on his behalf:

- (a) Fails to discharge export obligation imposed;
- (b) Tampers with Authorisations;
- (c) Misrepresents or has been a party to any corrupt or fraudulent practice in obtaining any Authorisation;
- (d) Commits a breach of FT (D& R) Act, or Rules, Orders made there under and FTP, The Customs Act 1962, The Central Excise Act 1944, FEMA Act 1999 and COFEPOSA Act 1974; or
- (e) Fails to furnish information required by this Directorate.

A reasonable opportunity shall be given to Status Holder before taking any action under this paragraph.

3.23 Appeal

An applicant, who is not satisfied with decision taken to suspend or cancel Status Certificate, may file an appeal to DGFT within 45 days. Decision of DGFT shall be final and binding thereon.

CHAPTER 4

DUTY EXEMPTION / REMISSION SCHEME

4.01 Policy

Policy relating to Duty Exemption / Remission Schemes is prescribed in Chapter 4 of Foreign Trade Policy.

4.02 General Provision

- (i) Application for grant of Advance Authorisation / Advance Authorisation for Annual Requirement / Duty Free Import Authorisation (DFIA) shall be filed online (digitally signed) by IEC holder to the concerned jurisdictional Regional Authority as per Appendix 1A. Applicant could be either Registered office or Head office or a branch office or a manufacturing unit of the IEC holder.
- (ii) Applicant shall upload documents as prescribed in ANF 4A, if any, at the time of online filing of application. No physical copy of application is required to be submitted to Regional Authority.
- (iii) In case an applicant is not able to upload any document as given in Appendix 4E electronically for fixation of adhoc norms / standardization of norms, then only such documents may be submitted in physical form to the concerned Norms Committee in DGFT headquarters.

4.03 Applicant details

Where applicant is a branch office or a manufacturing unit, name of branch office or manufacturing unit should appear in electronic RCMC and in IEC of the applicant.

4.04 Advance Authorisation

Applicant shall file application online in ANF 4A. Same form is applicable where Standard Input Output Norms (SION) have been notified or on the

basis of adhoc norms or on self declaration basis as per paragraph 4.07 of Hand Book of Procedures.

4.05 Advance Authorisation for items which are otherwise prohibited for export

- (i) Items covered under Chapter 7 and Chapter 15 of ITC (HS) Schedule 2, which is prohibited for export, may be allowed to be exported under the advance authorization scheme. Export shall be allowed subject to pre-import condition under notified SION/prior fixation of norms by Norms Committee in terms of paragraph 4.06 of Hand Book of Procedures. Import and Export would be permitted only through EDI enabled ports.
- (ii) The Export obligation period (EOP) of advance authorizations issued for such items shall be 90 days from the date of clearance of import consignment and no extension in EOP shall be allowed. Such import shall be subject to actual user condition and no transfer of imported raw material, for any purpose, including job work, shall be permitted. In case of non-fulfilment of EO/ non-achievement of stipulated value addition, a penalty equal to five times of the CIF value of the imported material, corresponding to the shortfall in EO, shall be imposed in addition to the applicable duty and interest. Provisions of Paragraph 4.49 of Handbook of Procedures shall not be applicable in this case.

4.06 Fixation of Norms

- (i) In case where norms have not been notified, application in ANF 4B, along with prescribed documents, shall be uploaded online to concerned Norms Committee (NC) in DGFT headquarters for fixation of norm. Details of Norms Committees along with products groups dealt by each Norms Committee and respective email addresses for correspondence relating to norms fixation is as follows:

| Norms Committees (NC) in DGFT headquarters | For fixation / revision / amendment of norms of Export Products under following ITC HS Chapters | Email addresses for communication with respective Norms Committee |
|---|--|--|
| NC-1 | 81 to 84, 86 to 93 | nc1.dgft@nic.in |
| NC-2 | 72 to 76, 78 to 80, 85 | nc2.dgft@nic.in |
| NC-3 | 29, 30 | nc3.dgft@nic.in |
| NC-4 | 27, 28, 31 to 38, 44 to 49, 68 to 71 | nc4.dgft@nic.in |
| NC-5 | 41 to 43, 50 to 67 | nc5.dgft@nic.in |
| NC-6 | 1 to 26, 94 to 98 | nc6.dgft@nic.in |
| NC-7 | 39, 40 | nc7.dgft@nic.in |

- (ii) An applicant shall indicate a valid email address for communication purpose and to ensure that this email address is active.
- (iii) The decisions of Norms Committees shall be available on the website of DGFT (<http://dgft.gov.in>) periodically and the applicants shall update themselves the status of norms fixation in respect of Authorisation obtained by them.
- (iv) Norms Committees shall also function as recommendatory authority for notification of SION and DGFT may notify such norms from time to time.
- (v) Exporters / EPC shall provide data to the Norms Committee for the fixation of SION for the export product within three months of such request made by Norms Committee. Norms Committee shall endeavour to notify such adhoc norm(s), if not notified already, within six months of the ratification of such adhoc norm (s).

- (vi) It is mandatory for industry / manufacturers/ EPCs to provide production and consumption data etc for the past three years, as may be required by DGFT for fixation of SION. Otherwise, applicants shall not be allowed to take benefit of Advance Authorisation scheme for taking repeat Advance Authorisations on self-declared basis. Norms Committee may also seek data from Central Excise (CBEC).

4.07 Self Declared Authorisations where SION does not exist

- (i) Regional Authority may also issue Advance Authorisation where SION is not fixed, based on self declaration by applicant. Wastage so claimed shall be subject to wastage norms as decided by Norms Committee. The applicant shall submit an undertaking to abide by decision of Norms Committee. The provisions in this regard are given in paragraph 4.03 and 4.11 of FTP.
- (ii) In case of revision / rejection, applicant shall pay duty and interest as notified by DoR within thirty days from the date of hosting of Norms Committee decision on DGFT website.
- (iii) No Authorisation under this paragraph will be issued by Regional Authority for items listed in paragraph 4.11 of FTP.

4.08 Cases involving Acetic Anhydride, Ephedrine and Pseudoephedrine as inputs.

- (i) Where Acetic Anhydride, Ephedrine and Pseudo-ephedrine is required as an input for import, applications shall be filed with Regional Authority concerned. After filing application online, printed copy of such application shall also be simultaneously endorsed by applicant to (a) Drug Controller of India, Nirman Bhawan, New Delhi, (b) Narcotics Commissioner, Central Bureau of Narcotics, Gwalior (c) respective Zonal Director of Narcotics Control Bureau. The applicant should declare that they would maintain prescribed records / documents and also submit prescribed returns to the relevant authorities, within time as prescribed by law from time to time.

- (ii) Regional Authority shall endorse a copy of such Advance Authorisation to the above three agencies. Regional Authority shall also endorse a condition that before effecting imports, 'No Objection Certificate' shall be obtained from Drug Controller and Narcotics Commissioner of India.

4.09 Cases requiring Sanitary Import Permit.

- (i) Where import of meat and meat products of any kind including fresh, chilled and frozen meat, tissue or organs of poultry, pig, sheep, goat; egg & egg powder; milk & milk products; bovine, ovine and caprine embryos, ova or semen; and pet food products of animal origin has been sought as an input under Advance Authorisation, the Regional Authority, while issuing Advance Authorisation shall endorse a condition that before effecting imports of any of these inputs, Sanitary Import Permit shall be obtained from the Department of Animal Husbandry, Dairying and Fisheries (DAHDF).
- (ii) Regional Authority shall also endorse a copy of authorisation to DAHDF, Krishi Bhawan, New Delhi.

4.10 Advance Authorisation for applicants with multiple units

- (i) Transfer of any duty free material imported or procured against Advance Authorisation from one unit of a company to another unit for manufacturing purpose shall be done with prior intimation to jurisdictional Excise Authority. Benefit of CENVAT shall not be claimed on such transferred input.
- (ii) Such transfers shall not be allowed to units located in areas covered by Central Excise Notification Numbers 32/1999, 33/1999, 39/2001, 56/2002, 57/2002, 49/2003, 50/2003, 56/2003, 71/03, 8/2004 and 20/2007 and any other notification issued by DoR from time to time. (The areas presently included are Himachal Pradesh, Uttarakhand, Jammu and Kashmir, Kutch in Gujarat, Assam, Tripura, Meghalaya, Mizoram, Manipur, Nagaland, Arunachal Pradesh and Sikkim).

- (iii) In case of non-excisable company / products, units should maintain a proper record.
- (iv) To avail this facility, names of such units should appear in IEC. Rules and Regulation of Central Excise for job work would be followed.
- (v) Imported duty free inputs can be taken from the port / domestic supplier's premises to the factory or the premises of the authorization / co-authorisation holder or the factory of the supporting manufacturer (whose name is endorsed in the authorization or allowed by the Central Excise authority). However, such duty free material imported or procured against advance authorization can also be taken from the port directly to the project site of the project authority, subject to furnishing a bond to the customs authority at the port of import and other documents / declaration and other provisions as per Department of Revenue guidelines.

4.11 Advance Authorisation for Free of Cost and Paid Material

Authorisations granted in terms of paragraph 4.19 of FTP, a specific endorsement by Regional Authority shall be made on exchange control copy of Advance Authorisation disallowing remittances for material being supplied free of cost. All imported inputs excluding wastage shall be utilised in manufacturing of export product.

4.12 Entitlement

- (a) Maximum CIF value of one or more authorisations to be issued under paragraph 4.07 of Hand Book of Procedures shall be as under:
 - (i) For Status Holders – upto 300% of FOB and / or FOR value of preceding year's exports and /or supplies.
 - (ii) Other than Status Holders – upto 300% of FOB or Rs. 10 crore and / or FOR value of preceding year's exports and/or supplies, whichever is higher.

- (iii) Once adhoc norms are fixed by Norms Committee, value limits mentioned in sub paragraph (i) and (ii) above, would not be applicable to Advance Authorisations issued under paragraph 4.07 of Hand Book of Procedures. Value of such authorisations, subsequent to fixation of norms by Norms Committee, may be enhanced, if the Advance Authorisation was issued restricting the CIF value to maximum of value in sub-paragraph (i) & (ii) above.
- (iv) In such cases Authorisations shall be issued by Regional Authority concerned under "Adhoc Norms Fixed" category and application copies need not be forwarded to NC for fixation / ratification of norms. Where the application has already been forwarded before the ratification of Norms, the Regional

- (ii) Wherever exports are prior to 27.8.09, enhancement in CIF / FOB values shall be subject to a minimum VA of 15% or the VA prescribed in Appendix 4D of current HBP, or the VA declared in the original Advance Authorisation application, whichever is lower.
- (c) Request for pro-rata enhancement in value and quantity may be made either before or after exports. In such cases where there is a change in SION prior to export of said product, pro-rata enhancement shall be given after calculating entitlement on revised SION.
- (d) Application for the enhancement in CIF or FOB value of Authorisation / reduction in the value of Authorisation / EOP Extension / Revalidation of Authorisation shall be filed online in ANF 4D to concerned Regional Authority.

4.40 Application fee for enhancement

Application fee payable for enhancement would be on the difference in CIF values of original and final Authorisation. However, no application fee would be charged if value of Authorisation is being reduced or applicant has already paid maximum fee of Rs 1,00,000 for Advance Authorisation / DFIA.

4.41 Revalidation of Authorisation

- (a) Regional Authority may consider a request of original Authorisation holder and grant one revalidation for six months from expiry date. Request(s) for revalidation of Authorisation shall be filed online in ANF 4D.
- (b) In case of revalidation of advance authorization issued prior to 27.8.2009 (FTP 2004-2009) , it should be ensured that VA is maintained at 15% (and as per details mentioned in paragraph 4.09 of FTP) or as stipulated in the Advance Authorization, whichever is higher. However, for Advance Authorisations for products with VA as per Appendix 4D, the VA shall be as per the VA stated in Appendix 4D or as stated in Advance Authorisation, whichever is higher.

4.42 Export Obligation (EO) Period and its Extension

- (a) Fulfilment Period of EO under an Advance Authorisation shall commence from date of issue of Authorisation, unless otherwise specified.
- (b) Regional Authority may consider a request of Advance Authorisation holder for one extension of EO period upto six months from the date of expiry of EO period subject to payment of composition fee of 0.5% of the shortfall in EO. Authorisation holder will have to submit a self declaration to RA stating that unutilised imported/domestically procured inputs are available with the applicant.
- (c) Request for further extension of six months after first extension as in (b) above can be considered by Regional Authority, provided Authorisation holder has fulfilled minimum 50% export obligation in quantity as well as in value, on pro-rata basis. This will be subject to payment of composition fee @ 0.5% per month on unfulfilled FOB value of export obligation. No further extension shall be allowed by Regional Authority. This provision shall also be applicable to Advance Authorisations issued during FTP 2009-2014. At the time of filing application for second extension, authorisation holder will have to submit a certificate to RA from an independent Chartered Accountant/Chartered Engineer certifying that unutilised imported/domestically procured inputs are available with the applicant.
- (d) However, extension in EO period in respect of an Advance Authorization issued for import of an input listed under Appendix 4J shall not be permitted by RA.
- (e) Whenever a ban / restriction is imposed on export of any product, export obligation period in respect of Advance Authorisation already issued prior to imposition of ban, would stand automatically extended for a period equivalent to the duration of ban, without any composition fee.

4.43 Provisional clearance of export consignment

Customs may allow provisional clearance of export consignment as and when Authorisation holder produces documentary evidence of having applied for Export Obligation extension to concerned Regional Authority.

4.44 Monitoring of Export Obligation

- (a) Regional Authority, with whom undertaking is executed by Advance Authorisation holder, shall maintain a proper record in a master register indicating starting and closing dates of obligation period and other particulars to monitor EO. In addition, this information may be generated from Computer System and maintained in a book form.
- (b) Within two months from the date of expiry of EO period, Authorisation holder shall file application online by linking details of shipping bills against the authorization.
- (c) Exporters shall link all exports on line on DGFT system by linking file number / authorisation number with the relevant shipping bill numbers / bill of exports / invoices in case of deemed exports on quarterly basis.
- (d) In case of non EDI shipping bills and supplies under deemed export, exporter shall file relevant details manually on the website of the DGFT within two months from the date of expiry of EO period. Copies of shipping bills shall be submitted to concerned Regional Authority for verification within two months from date of expiry of export obligation period.
- (e) e-BRC shall be linked with these shipping bills within six months from the date of expiry of export obligation/realisation or as per the time period prescribed for realization of foreign exchange by RBI. Regional Authority shall not take action for non linking / submission of e-BRC before expiry of said period, provided other documents substantiating fulfilment of EO have been furnished by the exporter

- (f) In case Authorisation holder fails to complete EO or fails to submit relevant information / documents, Regional Authority shall enforce condition of Authorisation and Undertaking and also initiate penal action as per law including refusal of further authorization to the defaulting exporter.

4.45 Advance Authorisation for Annual Requirement

- (a) Exporters eligible for such Authorisations shall file online application in ANF 4A to Regional Authority concerned. All provisions applicable to Advance Authorisation given above would apply except the following:
 - (i) Authorisation holder shall have flexibility to export any product falling under export product group using duty exempted material.
 - (ii) Within eligible entitlement, an exporter may apply for one or more than one authorisation in a licensing year, subject to the condition that against one Port of registration, not more than five authorisations can be issued for same product group. One time enhancement / reduction of the authorisation shall be available.
 - (iii) On completion of EO against one or more authorisations, all issued in same licensing year, entitlement of an exporter for that licensing year shall be deemed to be revived by an amount equivalent to EO completed against authorisation (s).
 - (iv) In respect of export product for which SION does not exist, no Advance Authorisation for Annual Requirement shall be available. Further, where SION is fixed but input is listed in Appendix 4J, no exports shall be made under Advance Authorisation.

- (b) At the time of clearance of the import consignment against the authorisation, exporter shall mention technical characteristics, quality and specifications which shall be endorsed in the Bill of Entry / invoice, duly attested by the Customs authority, in respect of following inputs:

“Alloy steel including stainless steel, copper alloy, synthetic rubber, bearings, solvents, perfumes/ essential oils/aromatic chemicals, surfactants, relevant fabrics and marble.”

4.46 Fulfilment of Export Obligation

Authorisation holder shall file online application in ANF 4F to concerned Regional Authority and upload prescribed documents in support of fulfilment of EO.

4.47 Redemption / No Bond Certificate

- (a) **Bond Waiver:** In case Authorisation holder exports first (before effecting imports) by using imported inputs / indigenously procured raw material, in that case the Authorisation holder can seek waiver of Bond condition by submitting evidence of export made and payment realised to that extent. If exports made are less than the export obligation stipulated in the Authorisation, request for waiver of bond condition, on pro-rata basis, can also be made.
- (i) For such a request, an applicant has to file online application attaching Shipping Bills and e-BRC. Scanned copy of other documents as prescribed in the ANF 4F shall also be uploaded. In case of deemed exports or export from non-EDI ports, the documents evidencing proof of export/supply shall be submitted at the counter of Regional Authority concerned giving reference of online application in physical form except e-BRC.
- (ii) While allowing waiver of Bond, Regional Authority may revalidate the Authorisation in continuation for further six month from the date of endorsement provided applicant has made a specific request and paid requisite fee for revalidation.

- (iii) In case EO has been fulfilled, Regional Authority shall issue Bond Waiver Certificate (BWC) and forward a copy to the Customs authority at the port of registration of Authorisation enclosing details of shipping bill number(s), date(s), FOB value in Indian Rupees as per shipping bill(s) and description of export products in respect of shipment taken into account for allowing waiver of Bond condition. Such bond waiver shall not preclude the Customs Authority from taking bond in terms of the Customs notification.
- (iv) Copy of the Bond Waiver Certificate will also be endorsed by the Regional Authority to the Customs at the Port of Registration by post till system of transmitting these through EDI mode under message exchange is introduced between DGFT and CBEC.

(b) Export Obligation Discharge Certificate (EODC):

- (i) In case Authorisation holder imports / procures inputs first and exports later, the Authorisation holder shall submit online application in ANF-4F as in (a) (i) above. In such cases, if EO has been fulfilled, the Regional Authority may issue EODC / Redemption Certificate to Authorisation holder and forward a copy to the Customs authority at the port of registration of Authorisation indicating the same details of proof of fulfilment of EO as stated in paragraph (a) above evidencing fulfilment of Export Obligation.
 - (ii) Copy of EODC will also be endorsed by Regional Authority to Customs at the Port of Registration by post till system of transmitting these through EDI under message exchange between DGFT and CBEC is introduced.
- (c) Ordinarily, redemption of BG / LUT shall not preclude customs authority from conducting random checks and from taking action against Authorisation holder for any misrepresentation, mis-

declaration and default detected subsequently as per the Customs Act.

- (d) Authenticity of such Certificate shall be verified by referring to DGFT website (dgft.gov.in). DGFT will publish details of such certificate on its official web every month.
- (e) Regional Authority shall take action against Authorisation holder in case of non-submission of Appendix 4H & 4-I duly filled in, as stipulated in paragraph 4.51 below or for any misrepresentation, mis-declaration and default detected subsequently in details declared and furnished in Appendix 4H & 4-I. An endorsement to this effect shall be made by Regional Authority in the redemption certificate.

4.48 Transitional Arrangement for Authorisations issued upto 26.08.2009

- (a) Advance Licences including Advance Licence for Annual Requirement issued up to 26.08.2009 shall be governed by provisions contained in Chapter-7 of HBP v1(RE-2001), Chapter 4 of HBP v1 (2002-2007) as Notified on 31.3.2002 and Chapter 4 of HBP v1 (2004-2009) as notified on 31.8.2004 respectively as amended from time to time, excepting provisions relating to clubbing and extension in E.O. period which shall be governed by provisions of paragraphs 4.38 and 4.42 (e) respectively and any other provision, as notified by DGFT.
- (b) Wherever Customs duty is to be paid on unutilised material, same shall be paid along with interest thereon as notified by DoR.

4.49 Regularisation of Bonafide Default

Cases of bonafide default in fulfilment of EO may be regularised by Regional Authority as under:

- (a) If EO is fulfilled in terms of value, but there is a shortfall in terms of quantity, the Authorisation holder shall, for regularisation, pay:

- (i) To customs authorities, customs duty on unutilized value of imported / indigenously procured material along with interest as notified by DoR. Exporter will have the option to pay customs duty through valid duty credit scrips issued under FTP. However, interest / penalty shall be required to be paid in cash.
 - (ii) An amount equivalent to 3% of the CIF value of unutilised imported material, if the item of import is restricted, into "Head Account: 1453, Foreign Trade and Export Promotion and Minor Head102". Provisions of this sub paragraph will not be applicable if unutilized material was freely importable on date of import/domestic procurement.
- (b) If the EO is fulfilled in quantity but there is shortfall in value, no penalty shall be imposed if Authorisation holder has achieved minimum VA prescribed. However, if VA falls below the minimum VA prescribed, Authorisation holder shall be required to deposit an amount equal to 1% of shortfall in FOB value in Indian Rupee through TR in authorised branch of Central Bank of India as above or through EFT mode or through credit card.
 - (c) Value wise shortfall shall be calculated with reference to actual quantity of exports and FOB value of realisation with reference to pro-rata quantity of imports and CIF value. For example, if export performance is only 50% quantity wise but import has been for complete CIF value permitted, then VA would be calculated on a pro-rata basis, i.e. with reference to 50% of CIF value of imports. This would, accordingly, imply that where Authorisation holder is unable to export, no penalty on value wise shortfall shall be imposed.
 - (d) If EO is not fulfilled both in terms of quantity and value, the Authorisation holder shall, for the regularisation, pay as per a), b) and c) above.
 - (e) In case an exporter is unable to complete EO undertaken in full and he has not made any import under Authorisation,

Authorisation holder will also have an option to get the Authorisation cancelled and apply for drawback after obtaining permission from Customs authorities for conversion of shipping bills to Drawback Shipping Bills.

- (f) Regional Authority shall compare relevant portion of Appendix 4H duly verified and certified by Chartered Accountant/Cost Accountants with that of norms allowed in Authorisation(s) and actual quantity imported against Authorisation(s) in the beginning of licensing year for all such Authorisations redeemed in preceding licensing year. In this verification process, in case it is found that Authorisation holder has consumed lesser quantity of inputs than imported, Authorisation holder shall be liable to pay customs duty on unutilized value of imported material, along with interest thereon as notified, or affect additional export within the EO period.

4.50 Payment of Customs Duty and Interest in case of bonafide default in EO

- (a) Customs duty with interest as notified by DoR to be recovered from Authorisation holder on account of regularisation or enforcement of BG / LUT, shall be deposited by Authorisation holder in relevant Head of Account of Customs Revenue i.e., "Major Head 0037 - Customs and minor head 001-Import Duties" in prescribed T.R. Challan within 30 days of demand raised by Regional / Customs Authority and documentary evidence shall be produced to this effect to Regional Authority / Customs Authority immediately. Exporter can also make suo motu payment of customs duty and interest based on self/own calculation as per procedure laid down by DoR.
- (b) Mode of payment: Following modes of payment are available:
 - (i) Payment in cash through TR Challan to Customs Authority.
 - (ii) Payment of customs duty through debit of valid duty credit scrips issued under Chapter 3 (excluding SHIS, SFIS and AIIS scrips) in terms of FTP (2009-14) or Chapter 3 of this FTP or post-export

EPCG duty remission scheme scrip, in respect of goods which are permitted under the respective reward/duty remission scrip.

- (c) Exporter shall obtain an endorsement from Customs authorities on the TR Challan 006 or on the back of the duty credit scrip(s) against which payment of customs duties have been accepted/debited and produce the same to RA along with duty calculation sheet at the time of regularization of their case.
- (d) Regional Authority shall verify the quantity of excess import before redeeming the case. RA may direct licence holders to pay balance amount of customs duty after informing the reasons of the difference in the liability worked out by Authorisation holder and the calculations by Regional Authority. In such case, the balance amount of duty and interest, if any shall be paid by Authorisation holder within 30 days, for regularization of the matter.
- (e) The interest shall be paid in cash through TR Challan 006 at the rate applicable on the date of payment of delayed duty amount to the Customs Authority.
- (f) On receipt of said documentary evidence from Authorisation holder, Regional Authority shall redeem the case and inform details of recovery/deposits made to the Customs Authority at the port of registration or the Commissioner of Central Excise having jurisdiction over the factory of the Authorisation holder, as the case may be.
- (g) Payment of duty, interest and any dues for regularisation shall, however, be without prejudice to any other action that may be taken by Customs Authorities at any stage under Customs Act, 1962.

4.51 Maintenance of Proper Accounts

Every Advance Authorisation holder shall maintain a true and proper account of consumption and utilisation of duty free imported / domestically procured goods against each authorisation as prescribed in Appendix 4H or 4I, as applicable. These records are required to be sent to the concerned Regional Authority at the beginning of each licensing year for all those authorisations, which have been redeemed in previous licencing year. However, these records in said format are required to be

submitted for authorisations issued on or after 13-05-2005. Such records should be preserved for a period of at least three years from date of redemption.

4.52 Consideration of cases against lost EP copy of the Shipping Bills and / or Bank Realisation Certificate / e-BRC

- (a) In case where Original EP copy of Shipping Bill / original BRC / e-BRC has been lost, request for EODC, No BG / LUT condition under Advance Authorisation / DFIA scheme or endorsement of transferability under DFIA scheme can be considered subject to submission of following documents in lieu of those original documents:
 - (i) A duplicate / Customs Certified / Self-attested copy of the shipping Bill in lieu of the original; Duplicate / Bank certified copy of BRC in lieu of original;
 - (ii) An application fee equivalent to 1% of duty saved amount. However, no fee shall be charged when such document is lost by Government agencies and a documentary proof to this effect is submitted;
 - (iii) Self declaration by exporter about loss of document and an undertaking to surrender it immediately to concerned Regional Authority, if found subsequently;
 - (iv) An indemnity bond by exporter to the effect that he would indemnify Government for financial loss, if any, on account of duty free import entitlement availed / allowed against lost Shipping Bills / BRC.
- (b) Customs Authority, before allowing redemption of BG / LUT or clearance after endorsement of “No BG / LUT condition” or endorsement of transferability, shall verify the genuineness of such shipping bill (s) and ensure that no double benefit against such

shipping bill has been availed. This specific condition shall be endorsed by Regional Authority concerned on the EODC.

DUTY FREE IMPORT AUTHORISATION SCHEME (DFIA)

4.53 Policy

Policy relating to the Duty Free Import Authorisation (DFIA) Scheme is prescribed in Chapter 4 of FTP.

4.54 Application

- (a) Application in ANF 4G along with documents therein, shall be filed online to concerned Regional Authority.
- (b) Provisions of paragraphs 4.26, 4.27, 4.28, 4.48, 4.49(e) & 4.49 (f) and 4.53 of this Handbook of Procedures shall also be applicable for DFIA Scheme.

4.55 Facility for Split DFIA

Split Authorisations of DFIA subject to a minimum of CIF value of Rs. 10 lakh each and multiples thereof may also be issued, on request at the time of seeking transferability. A fee of Rs. 1000/- each shall be paid for each split authorization. Split-up DFIA's shall be permitted with the same port of registration as appearing on the original DFIA.

4.56 Re-export of goods imported under DFIA Scheme

- (i) Goods imported against transferable DFIA, which are found defective or unfit for use, may be re-exported, as per Department of Revenue guidelines. In such cases, if the goods were not put to use after import, a certificate shall be generated by concerned Commissioner of Customs to the extent of 95% of CIF value debited against DFIA containing amount and description of exported goods and the details of original DFIA.

- (ii) Based on the certificate, a fresh DFIA shall be issued by concerned Regional Authority. Fresh DFIA, so issued, shall have same port of registration and shall be valid for a period equivalent to balance period available on date of import of such defective/unfit goods.

4.57 Maintenance of proper accounts of import and its utilisation

Original DFIA holder shall maintain a true and proper account of consumption and utilisation of duty free imported / domestically procured goods against each authorisation as prescribed in Appendix 4H. These records are required to be sent to concerned Regional Authority along with request for bond waiver / redemption / discharge of export obligation / transferability. Such records should be preserved for a period of at least three years from date of redemption.

GEMS AND JEWELLERY SECTOR

4.58 General Provision

Policy relating to Gem Replenishment Authorisation and scheme for gold/silver/platinum jewellery is given in FTP. Application in respect of export promotion scheme for gems & jewellery sector including those of Nominated Agency Certificate shall be made to concerned Regional Authority as per Appendix 4A.

4.59 Application for Replenishment Authorisation

- (a) Application for REP Authorisation shall be filed online in ANF 4 H and upload the documents prescribed therein to concerned Regional Authority as per Appendix 4A.
- (b) Application shall be filed within six months following the month during which the export proceeds are realised. For export proceeds realised during a month, consolidated application for entire month shall be filed.

- (c) In case E.P Copy of Shipping Bill and Customs attested invoice is submitted to nominated agencies, exporter shall furnish a self certified photo copy of same along with a certificate from nominated agencies certifying carat / value of studdings in case of studded jewellery and excess value addition achieved in case of plain jewellery and articles.
- (d) In cases where payment is received in advance and exports take place subsequently, application for REP Authorisation shall be filed within six months following the month during which exports are made.
- (e) It is clarified that the month in which the export has been made in case of advance payment and the month in which export proceeds have been realised in part or full after making of exports, shall be excluded while calculating period of six months for filing of application for REP Authorisation.

4.60 Wastage Norms

Maximum wastage or manufacturing loss on gold/silver/ platinum jewellery and articles thereof is as follows:

| Sl No | Items of export | Percentage of wastage by weight with reference to Gold/ Platinum / Silver content in export item | |
|--------------|---|---|---------------|
| | | Gold / platinum | Silver |
| a) | Plain jewellery, articles, and ornaments like Mangalsutra containing gold and black beads /imitation stones, cubic zirconia diamonds, precious, semi-precious | 2.5 % | 3.2 % |

| | | | |
|----|---|-------|-------|
| | stones. | | |
| b) | Studded jewellery and articles thereof | 5.0 % | 5.0 % |
| c) | Mountings and findings manufactured (by non-mechanised process) indigenously | 2.5 % | 3.2 % |
| d) | Any jewellery/ articles manufactured by a fully mechanised process and unstudded. | 0.9 % | 0.9 % |
| e) | Mountings, whether imported or indigenously procured/ manufactured, used in studded jewellery | 1.8 % | 1.8 % |
| f) | Gold / silver / platinum medallions and coins (excluding coins of nature of legal tender) | 0.2% | 0.2% |
| g) | Findings and mountings manufactured by mechanized process | 0.9% | 0.9% |

4.61 Value Addition

Under scheme for export of jewellery, value addition shall be calculated as per paragraph 4.38 of FTP. Minimum value addition shall be:

| Sl No | Items of export | Minimum Value Addition |
|-------|---|------------------------|
| a) | Plain gold jewellery, Articles, and ornaments like Mangalsutra containing gold and black beads / imitation stones, except in studded form of jewellery. | 3.5 % |

| | | |
|----|--|---|
| b) | All types of Studded gold | 6.0% (for those studded with coloured Gem stones) and 7.0% (for those studded with diamonds). |
| c) | Any jewellery / articles manufactured by fully mechanised process | 2.0 % |
| d) | Gold medallions & coins (excluding coins of nature of legal tender) | 1.5 % |
| e) | Gold / silver / platinum findings / mountings manufactured by mechanised process | 2.5 % |

4.62 Entitlement

Entitlement of quantity of gold / silver / platinum against the export of articles made out of these metals shall be quantity of gold / silver / platinum in item of export plus admissible wastage / manufacturing loss.

4.63 Loss of Gem and Jewellery in transit

Consignments of gem and jewellery items exported out of country and lost in transit after exports, where foreign exchange against such exports has been realised or insurance claims settled, will also be eligible for REP Authorisation.

4.64 Gem & Jewellery Replenishment Authorisations

- (a) Gem REP Authorisations shall be valid for import of precious stones, semi-precious and synthetic stones and pearls. In addition, Authorisation shall also be valid for import of empty jewellery boxes up to 5% of value of Authorisation within its overall CIF value. Gem REP Authorisations issued against export of studded gold / silver / platinum jewellery articles, shall also be valid for import of cut and polished precious / semi- precious stones other than

emerald up to 10% of CIF value of Authorisation within its overall CIF value.

(b) Gem REP Authorisation will be as per scale given in Appendix-4G.

4.65 Agency Commission

Exporter availing scheme of gold / silver / platinum jewellery are allowed to pay agency commission subject to the guidelines laid down by RBI. VA shall be calculated after deducting agency commission.

4.66 Endorsement on shipping Bill and Invoice.

During export of jewellery, shipping bill and invoice presented to customs authorities shall contain description of item, its purity, weight of gold/silver/platinum content, wastage claimed thereon, total weight of gold/silver/platinum content plus wastage claimed and its equivalent quantity in terms of 0.995/0.999 fineness for gold / silver and in terms of 0.9999 fineness for platinum and its value, FOB value of exports and value addition achieved. If purity of gold/silver/platinum used is same in respect of all or some of items made out from each of these metals for export, exporter may give total weight of gold/silver/platinum and other details of such similar items which are of same purity. In case of studded items, shipping bill shall also contain description, weight and value of precious / semi-precious stones / diamonds / pearls used in manufacture and weight / value of any other precious metal used for alloying gold/silver.

4.67 Conditions of Exports

Exports shall be allowed by customs authorities provided endorsement made on shipping bill and invoice are correct and value addition achieved is not below minimum prescribed in FTP.

4.68 Proof of Exports

- (a) Exporter has to furnish the proof of exports, wherever required for export of gold / silver / platinum jewellery and articles thereof, by furnishing following documents:
 - (i) E.P copy of the shipping bill;
 - (ii) Customs attested invoice;
 - (iii) Bank certificate/e-BRC of realisation in Appendix 2U.
- (b) In case of personal carriage of jewellery by foreign buyer, following documents should be submitted by the exporter/seller as proof of exports for claiming export entitlements:
 - (i) Copy of shipping bill filed by Indian Seller;
 - (ii) copy of Currency Declaration Form filed by Foreign Buyer with Customs at the time of his arrival; and
 - (iii) Foreign Exchange Encashment Certificate from Bank.
- (c) In addition to this, Personal Carriage on Documents Against Acceptance (DA)/ Cash On Delivery (COD) basis is also allowed. Exporter will have to furnish following documents as proof of exports for claiming export entitlements:
 - (i) Copy of Shipping Bill filed by Indian Seller; and
 - (ii) Bank Certificate / e-BRC of Export and Realisation.
- (d) Instructions issued by Customs Department in this regard should be followed mutatis mutandis.

4.69 Conversion of Purity/Fineness

For conversion of quantity of gold/ silver/platinum in terms of equivalent quantity in terms of fineness, following formula shall be used:

- (i) Where items of gold has been exported in terms of carats, quantity of gold shall be multiplied by number of carat of gold

exported, divided by 24 and thereafter again divided by 0.995/0.999/0.900 to arrive at equivalent quantity of gold in terms of fineness of 0.995/0.999/0.900 respectively; and

- (ii) Wherever purity of item of export is expressed in terms of fineness, the quantity of gold/silver/platinum shall be multiplied by fineness of gold/silver/platinum exported and thereafter divided by 0.995 / 0.999 / 0.900 to arrive at equivalent quantity of gold/silver/platinum in terms of 0.995 / 0.999 / 0.900 fineness respectively.

4.70 Release of Gold/Silver/ Platinum by Nominated Agencies

Gold / silver / platinum shall be released to exporter of jewellery by nominated agencies/RBI authorised banks in multiples of 10 gms or in Ten Tola Bars in respect of gold. However, silver shall be released to exporters in multiples of 1 Kg only. Any balance of gold/ silver/ platinum shall be available to exporter along with his future entitlement. Gold/ silver shall be released by the nominated agencies in terms of 0.995 fineness or more and platinum in terms of 0.900 fineness or more.

4.71 Terms of payment

Export of gold / silver / platinum jewellery and articles thereof shall be against irrevocable letter of credit, payment of cash on delivery basis, Documents Against Acceptance (DA) basis or advance payment in foreign exchange or replenishment of gold/silver/platinum content in exported jewellery / articles.

4.72 Port of Export

Exports under schemes of gold /silver/platinum jewellery and articles thereof shall be allowed by airfreight and Foreign Post Office through the Customs House at Mumbai, Kolkata, Chennai, Delhi, Jaipur, Bangaluru, Kochi, Coimbatore, Ahmedabad, Dabolin Airport, Goa, Hyderabad and Surat (Surat Hira Bourse). Export by courier shall also be allowed through Custom Houses at Mumbai, Kolkata, Chennai, Kochi,

Coimbatore, Delhi, Jaipur, Bangaluru, Ahmedabad and Hyderabad upto FOB value of Rs.20 lakh per consignment.

4.73 Export by Post

Policy for export of gems and jewellery parcel by post is in paragraph 4.48 of FTP. At the time of exports, exporter shall submit following documents:

- (i) Shipping bills or invoice presented at foreign Post Office;
- (ii) Certificate from nominated agencies indicating price at which gold/ silver/platinum was booked or given on outright sale basis or loan basis;
- (iii) Three copies of invoice.

4.74 Export of Cut & Polished Diamonds for Certification/ Grading & Re- import

Following are authorized laboratories for certification / grading of diamonds of 0.25 carat and above :

- (1) International Gemological Institute (IG) – Hong Kong.
- (2) American Gem Society Laboratories (AGS Laboratories), 8917 West Sahara Avenue, Las Vegas, Nevada 89117;
- (3) Central Gem Laboratory, Miyagi Building, 5-15-14 Ueno Taito-Ku, Tokyo, Japan;
- (4) Diamond Trading Company, Maidenhead, UK;
- (5) European Gemological Laboratory (EGL), USA;
- (6) Gemological Institute of America (GIA), USA;
- (7) Hoge Road Voor Diamond, Antwerp, (HRD);
- (8) International Diamond Laboratories DMCC, Dubai.
- (9) The Robert Mouawad Campus, International Gemological Institute (IGI) USA;
- (10) World Diamond Centre of Diamonds High Council, Antwerp, Belgium.
- (11) GIA Hong Kong Laboratory Ltd., Hong Kong;
- (12) Gemological Research (Thailand) Co. Ltd., Bangkok;
- (13) GIA Education and Laboratory (Pvt) Ltd., Johannesburg;

- (14) GIA Education and Laboratory, Gaborone (Botswana);
- (15) Forevermark NV, Antwerp, Belgium;
- (16) International Gemological Institute (IG) – Antwerp, Belgium;

4.75 Import of Diamonds for Certification/Grading & re-export

- (a) This facility has been stated in Paragraph 4.42 of FTP. At the time of imports of diamonds, the bill of entry shall have the detailed description, including the dimensions / specifications of the diamonds. At the time of re-export after grading/certification, the Bill of Entry details should be endorsed in the shipping bill, so far as the dimensions and other specifications/ details of the diamonds are concerned, so as to establish a clear correlation between the imported diamonds and the diamonds being re-exported. In addition, a separate self certificate shall be attached by GIA (or any other approved agency) along with the shipping bill at the time of shipment, for matching of the imports to that of the exports as per the documents and GIA (or any other approved agency) certificate.
- (b) GIA (or any other agency approved in this regard) shall obtain GR waiver as per the procedure laid down by RBI, in all such cases.
- (c) Re-export of the imported diamonds shall be completed within a maximum time period of 3 months from the date of import(s). At the time of import, the agency shall give an undertaking to the customs to this effect. GIA (or any other agency approved in this regard) shall furnish a quarterly report to the customs authority at the port of import by 25th of the month, succeeding the end of the quarterly period, to ensure that the exports are effected within the stipulated time period.

4.76 Enlistment /Authorisation of Laboratories for Certification/ Grading of Diamonds of 0.25 carat and above

Applications for enlistment of laboratories should be submitted to Gems and Jewellery Promotion Council (GJEPC) for scrutiny of the application for fulfilment of the norms prescribed. GJEPC will forward the application

after verification of bona fides with their clear recommendation for in principle approval of DGFT. After in principle approval of DGFT is granted, GJEPC will conduct inspection of the facility to verify the availability of equipments, technical manpower as well as other infrastructure required for the Laboratory, to function as Authorised Laboratory for certification/grading of diamonds of 0.25 carat and above. Based on the Inspection Report and recommendations of the GJEPC, the concerned laboratory would be considered for inclusion in paragraph 4.43 of FTP.

4.77 Export Against Supply By Foreign Buyer

- (a) Before clearance of each consignment of import supplied by foreign buyer, Nominated Agency / Status Holder having Nominated Agency Certificate shall execute a bond with Customs, undertaking to export within stipulated period in contract, gold/silver/platinum jewellery or articles equivalent to entire import quantity of gold/silver/platinum, mountings and findings etc excluding admissible wastage.
- (b) In case of direct supply of gold/silver/platinum, alloys, findings and mountings of gold/silver/platinum and plain semi-finished gold/silver/platinum jewellery to status holder/ exporter, Status Holder/exporter shall furnish a Bank Guarantee/LUT, as per Customs Rules and regulations to Customs equivalent to Customs Duty leviable on imported gold/ silver/ platinum, alloys, findings and mountings of gold/ silver/ platinum and plain semi-finished gold/ silver/ platinum jewellery etc.
- (c) BG /LUT, executed with Customs shall be valid for one year. In case of direct supply to Status Holder/exporter, exports shall be completed within 90 days. In case of non-fulfillment of EO / non-achievement of stipulated value addition, Customs Authority shall proceed to recover custom duty alongwith interest as notified by DoR which may include enforcement of BG/LUT. Besides, importer will be liable to penal action under Customs Act.

4.78 Export Procedure / Payment of Customs Duty

- (a) Nominated Agency / Status Holder having Nominated Agency Certificate / exporter shall be liable to pay customs duty leviable on that quantity which is proved to have not been exported.
- (b) Goods shall be cleared through Customs by Nominated Agency/ Status Holder having Nominated Agency Certificate / exporter. Even where export order is received by an Associate, goods shall be cleared through Customs by nominated agency only and not by Associate. Associate shall, in such cases, authorise Nominated Agency to act as its agent to file Bill of Entry and shipping bill.
- (c) At the time of export, shipping bill presented to Customs shall also contain the following:
 - (i) Name and address of associate/ Status Holder having Nominated Agency Certificate /exporter;
 - (ii) An endorsement by Nominated Agency / Status Holder having Nominated Agency Certificate that export is made against an order received by concerned associate, its date of registration with nominated agency. In case of exports by Status Holder having Nominated Agency Certificate /exporter, a self declaration shall be provided to this effect;
 - (iii) Name of Customs House through which gold/ silver/ platinum/plain semi-finished gold/ silver/ platinum jewellery was imported and corresponding Bill of Entry No. and date and date of import.
- (d) Each shipping bill shall be valid for exports only through Customs House located at the place where office of Nominated Agency/ Status Holder having Nominated Agency Certificate / exporter concerned is situated. It shall be valid for shipment for a period of seven days including the date on which endorsement was

made by nominated agency in case of exports through nominated agency. If exports cannot be made within this period, exporter shall file a fresh shipping bill.

- (e) At the time of export, exporter shall submit following documents:
 - (i) Shipping bill with two extra copies where exports are made from a Customs House other than Customs House through which corresponding import of gold/ silver/ platinum/plain semi-finished gold/silver/ platinum jewellery was effected. In other cases, shipping bill with an extra copy;
 - (ii) Three copies of invoice;
 - (iii) Certificate from nominated agency indicating quantity and value of items supplied by foreign buyer.
- (f) Customs authorities shall return two copies of shipping bill and connected invoice duly attested. One copy shall be sent to person who presented documents and the other copy shall be sent by Customs to office of nominated agency/Status holder/ exporter.
- (g) In case of exports through nominated agency, exporter shall submit proof of exports to nominated agency within 15 days of exports, who shall, after verifying documents, release admissible quantity of the gold/ silver/ platinum etc. to exporter.
- (h) Exporter may also obtain, in advance, gold/ silver/ platinum etc. supplied by foreign buyer by furnishing a BG /LUT for an amount equal to international price of such items plus customs duty payable thereon. BG /LUT shall be redeemed only when the exporter has furnished proof of exports to nominated agency and accounted for the use of items supplied in advance in export product.
- (i) For redemption of bond/ BG /LUT executed with Customs, Nominated Agency/ Status Holder having Nominated Agency

Certificate /exporter shall furnish a statement indicating items, its quantity and value supplied by foreign buyer, corresponding Bill of Entry number and date, number of each of shipping bills against which corresponding exports was made.

4.79 Maintenance of Accounts

Nominated Agency / Status Holder having Nominated Agency Certificate shall maintain complete account, consignment-wise, of the gold, silver, platinum, mountings, findings/ plain semi-finished gold/silver/ platinum jewellery etc. imported for execution of each export order, exports effected and quantity of gold, silver, platinum mountings, findings etc. released against such exports. Such accounts shall be maintained for a minimum period of three years from date of exports.

4.80 Export Through Exhibitions / Export Promotion Tours / Export of Branded Jewellery

- (A) Nominated Agencies shall produce to Customs Authorities letter in original or its certified copy, containing Government's approval for holding exhibition/export of branded jewellery. Any other person shall produce to the Asst. Commissioner, customs letter in original or its certified copy containing GJEPC's approval for holding exhibitions/ export promotion tour/export of branded jewellery.
- (B) In case of re-import, such items, on arrival, shall be verified along with export documents before clearance.
- (C) Exports under this scheme shall be subject to following conditions for following modes of export:
 - (i) Export of Gems and Jewellery for holding/participating in overseas exhibition.
 - (a) Items not sold abroad shall be re- imported within 60 days of close of exhibition. However in case exporter is participating in more than one exhibition within 45 days of close of first

exhibition, then 60 days shall be counted from date of close of last exhibition. In case of exhibition in USA, the time period shall be 90 days instead of 60 days mentioned above. In case of personal carriage of gems and jewellery for holding /participating in overseas exhibitions, value of such gems and jewellery shall not exceed US \$ 5 million. Gold/ silver/ platinum content on items sold in such exhibitions may be imported as replenishment.

- (b) Exporter shall take replenishment from nominated agency within 120 days from the close of the exhibition gold /silver / platinum for replenishment content against items sold abroad in exhibition.
- (D) Personal Carriage of gems & jewellery or export through airfreight/post parcel route for Export Promotion Tours/photo shoots/fashion shows overseas. Personal carriage/export through airfreight/post parcel route of gold/silver/ platinum jewellery, cut and polished diamonds, precious, semi-precious stones, beads and articles as samples upto US\$ 1 Million for export promotion tours/photo shoots/fashion shows and temporary display/ sale abroad is also permitted with approval of Gem & Jewellery EPC subject to the condition that promoter would bring back jewellery / goods or repatriate sale proceeds within 45 days from date of departure through normal banking channel. In case of personal carriage for export promotion tours, exporter shall declare personal carriage of such samples to Customs while leaving country and obtain necessary endorsement on Export Certificate issued by Jewellery Appraiser of Customs. In such cases exporter shall book with nominated agency, within 120 days after export promotion tour or expiry of stipulated period of 45 days, whichever is earlier, gold/silver/ platinum for replenishment content against items sold abroad.

(E) Export of branded jewellery.

- (i) Export of branded jewellery is also permitted with approval of Gem & Jewellery EPC for display/sale in permitted shops set up abroad or in showroom of their distributors/ agents. Items not sold abroad within 365 days shall be re-imported. Exporter shall book with nominated agency within 120 days after the end of stipulated period of 365 days, gold/silver/platinum for replenishment content against items sold abroad.
- (ii) Following documents shall be submitted for claiming such replenishment:
 - (a) Customs attested invoice;
 - (b) Copy of the approval letter issued by Government/GJEPC;
 - (c) Certificate from Nominated Agency/GJEPC as in **Appendix 4-O**.

In case of exhibitions organised by nominated agencies, gold/silver/platinum shall be imported as replenishment by nominated agencies within 60 days from close of exhibition.

- (F)** Nominated Agencies shall maintain a complete account of exports made, goods sold abroad, goods re-imported, and metals purchased abroad and imported into India. Such account shall be maintained for a minimum period of three years from date of close of exhibition.

4.81 Export against supply by Nominated Agencies

Exporter may obtain gold/silver/ platinum on following basis:

- (i) Replenishment basis after completion of exports;
- (ii) Outright purchase basis in advance;
- (iii) Loan basis.

4.82 Replenishment Basis

- (a) Exporter may apply to Nominated Agency / Status Holder having Nominated Agency Certificate for booking of precious metal gold/silver/platinum. Quantity of precious metal booked with nominated agency shall be equivalent to precious metal content in the export product and admissible wastage.
- (b) Applicant shall at the time of booking deposit an earnest money for a minimum amount of 20% of notional price of precious metal, which shall be adjusted at actual sale.
- (c) Exporter may also export jewellery on a notional rate based on certificate provided by Bank. Exporter must fix price within credit terms allowed to buyer and realise proceeds within the due date of the credit terms or 180 days, whichever is earlier. Exporter exporting on a notional basis under Replenishment Scheme must book the same quantity of gold with Nominated Agency on same rate that he may have booked with buyer. Nominated agencies shall purchase precious metal on behalf of exporter at the rate so fixed and thereafter issue a purchase certificate bearing a serial number to exporter indicating quantity of gold/ silver/platinum and CIF value, in dollars including the Rupee equivalent. Price shall be actual price at which gold/silver/platinum is purchased by nominated agencies plus permitted service charges levied by nominated agencies shall be included with the price of gold/ silver/ platinum for value addition. Duplicate and triplicate copies of exporter's application together with copies of purchase certificate for exporter shall be sent by nominated agencies to concerned Custom House as well as to the negotiating bank who will confirm realization at which gold has been purchased. Exporter exporting under notional rate will get replenishment only after proceeds are realised.
- (d) Exports shall be effected within a period of 120 days from date of booking and drawal of precious metal shall be completed within a period of 150 days from date of booking or within 30 days from date of export whichever is later.

4.83 Outright Purchase Basis in Advance

- (a) Exporter may obtain required quantity of precious metal in advance on outright purchase basis subject to furnishing of BG / LUT to nominated agencies for an amount as may be prescribed by nominated agency. On failure to effect exports within period prescribed, the nominated agencies shall enforce BG / LUT, as the case may be.
- (b) Exports shall be effected within a maximum period of 90 days from date of outright purchase of precious metal.

4.84 Loan Basis

- (a) Exporter may obtain required quantity of precious metal on loan basis subject to furnishing of BG / LUT, for customs duty to nominated agencies for an amount as may be prescribed by nominated agencies. On failure to effect exports within the period prescribed, the nominated agencies shall enforce the BG / LUT.
- (b) Exporter has to pay interest as notified by DoR on gold taken on loan basis at the rate as may be specified.
- (c) Export has to be completed within a maximum period of 90 days from date of release of gold on loan basis. No extension for fulfilment of EO shall be allowed.
- (d)
 - (i) Exporter shall be permitted to export jewellery on the basis of a notional rate certificate to be issued by nominated agency / GJEPC. This rate will be based on prevailing Gold/US\$ rate and the US\$/INR rate in notional rate certificate. Certificate issued by nominated agency/GJEPC should not be older than 7 working days of date of shipment.
 - (ii) VA will have to be achieved on rate as may be got fixed with buyer and Nominated Agency.

- (iii) Exporter shall have flexibility to fix the price and repay Gold Loan within 180 days from date of export. This price shall be communicated to nominated agencies who will issue a certificate showing final confirmation of the rate to the bank negotiating documents, to ensure export proceeds are realized at this rate.
- (e) Nominated agencies may accept payment in dollars towards cost of import of precious metal from EEFC account of exporter.

4.85 Exports against Advance Authorisation

- (a) Procedure applicable to Advance Authorisations under Chapter 4 of Hand Book of Procedures shall generally apply to this scheme except norms for value addition, EO period and regularization of default. Value addition for Gems and Jewellery items shall be as per paragraph 4.73 of this Handbook of Procedures.
- (b) EO will be required to be fulfilled within 120 days from date of import of each consignment against Authorisation. However EO period shall be 180 days from date of import of findings, mountings made of gold, platinum and silver and export of jewellery. No further extension in EO period will be allowed. Advance Authorisation holder may also import gold as replenishment after completion of exports.
- (c) Advance Authorisation holder may obtain gold /silver / platinum from nominated agencies in lieu of direct imports. In such a case, nominated agency shall make, both exchange control copy and customs purpose copy of Authorisation invalid for direct imports.

4.86 Regularisation of Bonafide Default

Cases of bonafide default in fulfilment of EO by an exporter who has obtained precious metals from nominated agencies may be regularised provided exporter has paid customs duty alongwith interest thereon as notified by DoR. Exporter will have the option to pay customs duty through

valid duty credit scrips issued under FTP. The interest / penalty shall be required to be paid in cash. In case of Advance Authorisation, the provisions as given in paragraph 4.49 above shall apply. This shall be without prejudice to any action that may be taken against exporter under FT(D&R) Act, Order or Rules Issued hereunder as amended from time to time.

4.87 Replenishment Authorisation for Import of Consumables etc.

Application for import of consumables etc., as given in paragraph 4.36 of FTP shall be filed online to the concerned Regional Authority in ANF 4H.

4.88 Personal Carriage of Gems & Jewellery Export Parcels

- (a) Personal Carriage of gems & jewellery parcels by Foreign Bound Passengers from all EOU/SEZ units and all firms in DTA through Airports in Delhi, Mumbai, Kolkata, Chennai, Kochi, Coimbatore, Bangalore, Hyderabad, Jaipur is permitted. Procedure for Personal Carriage of exports shall be as prescribed by Customs. Export proceeds shall, however, be realised through normal banking channel.
- (b) For claiming Replenishment in case of Personal Carriage of Exports by Foreign Bound passenger, documents shall be same as mentioned under paragraph 4.82(c) above. Authorised Courier Companies are also permitted to operate on the above lines.

4.89 Personal Carriage of Gems & Jewellery Import Parcels

Personal carriage of gems & jewellery import parcels by an Indian importer/ Foreign National may be permitted into all EOUs/SEZ units and all firms in DTA through airports in Delhi, Mumbai, Kolkata, Chennai, Bangalore, Hyderabad Jaipur. Procedure will be same as for import of goods by air-freight except that parcels shall be brought to Customs by Importer / Foreign National for examination and release. Clearance of imports under this scheme shall be as per normal customs clearance procedure.

4.90 Duty free import of samples

Duty free import of gems and jewellery samples upto Rs 3 lakh or 0.25% of the average of last three years export turnover of gems and jewellery items, whichever is lower, shall be allowed in a financial year as per Customs notification.

4.91 Re-import of rejected jewellery

An exporter of plain/ studded precious metal jewellery shall be allowed to re-import duty free jewellery rejected and returned by buyer up to 2% of FOB value of exports in preceding licencing year (based on CA certified copy of export of preceding year) with refund of any duty exemption/refund/replenishment benefit availed on inputs used as per customs rules and regulations.

4.92 Diamond & Jewellery Dollar Accounts

Policy for Diamond and Jewellery Dollar Accounts is given in paragraph 4.50 of FTP. Detailed procedure for its operation will be notified separately.

4.93 Export and import of Diamond, Gemstone & Jewellery on consignment basis

- (a) Policy for export and import of diamond, gemstone and jewellery on consignment basis is given in paragraph 4.53 of FTP.
- (b) Detailed procedure in this regard shall be governed as per the relevant Customs Rules & Regulations. Re-import of these items (either in complete or partial lot) exported on consignment basis shall be subject to condition that exporter follows prescribed provisions of relevant customs notification to establish that goods are the same which were exported.

4.94 Guidelines/ Monitoring for import of precious metal by the Nominated Agencies

The guidelines on import of precious metal by the nominated agencies and monitoring are as under:

- (a) Regional Authority competent to issue/renew Nominated Agency Certificate are given below:

| S. No. | Category | Issuing /renewing Authority for Status Recognition Certificate | Issuing / Renewing Authority for Nominated Agency Certificate |
|---------------|--|---|---|
| 1. | IEC holder having DTA unit as well as SEZ/EOU unit | Regional Authority concerned as per Appendix 1A of Hand Book of Procedures. | Regional Authority concerned as per Appendix 4A of Hand Book of Procedures. |
| 2. | IEC holder having SEZ/EOU unit only | Development Commissioner concerned as per Appendix 1A of Hand Book of Procedures. | No such Certificate for such applicants. |
| 3. | IEC holder having DTA unit only | Regional Authority concerned as per Appendix 1A of Hand Book of Procedures. | Regional Authority concerned as per Appendix 4A of Hand Book of Procedures. |

- (i) Four Star Export House (status on the basis of exports made only of Gems & Jewellery Sector items) and Five Star Export House may apply to the concerned Regional Authority online in ANF 4-I for issue of Nominated Agency Certificate. Applicant shall upload a self-attested copy of the valid Status Holder Certificate issued under FTP 2015-2020.

- (ii) On the date of application for renewal of Nominated Agency Certificate, the Status Certificate must be valid for next financial year also. Secondly, applicant should also be eligible to qualify to be recognized as Four Star Export House (based on the export of gems and jewellery sector items) / Five Star Export House on the date of application. In other words, Regional Authority shall reassess the eligibility of status holder based on export performance before issuing / renewing the Nominated Agency Certificate.
 - (iii) Regional Authority after scrutiny of details given by the applicant, may grant Nominated Agency Certificate to the eligible applicant as per format given in Appendix 4N of Hand Book of Procedures. The Nominated Agency Certificate / Renewal of Nominated Agency Certificate shall be issued by the Head of Office.
 - (iv) The existing Nominated Agency Certificate issued under FTP (2009-2014) shall be valid upto 31st March 2015. Thereafter, Nominated Agency Certificate issued under FTP 2015-2020 shall be valid for a period of one year from the date of issue.
- (b) Following guidelines for monitoring the import of precious metal and its distribution and / or own use by the Nominated Agencies will be followed, (other than the Banks nominated by RBI for this purpose):
- (i) Every Nominated Agency is required to maintain records of imports of precious metal (both quantity and value) and its distribution for the purpose of exports of value added product as well as for the purpose of domestic consumption as per the format given in Appendix 4-M of Hand Book of Procedures. Nominated Agencies will also have to follow the guidelines/ rules/procedures /directions as prescribed by RBI and DGFT. Failure to comply will render Nominated Agency Certificate liable to be cancelled in addition to action under FT (DR) Act

1992, as amended, after affording opportunity of personal hearing.

(ii) Monitoring by Gems & Jewellery Export Promotion Council:

Monitoring in respect of Nominated Agencies MMTC Ltd, Handicraft and Handlooms Exports Corporation Ltd, The State Trading Corporation Ltd, PEC Ltd, STCL Ltd, MSTC Ltd, Diamond India Limited will be by Gems & Jewellery Export Promotion Council (G&J EPC). Nominated Agencies shall file half yearly return as per format given in Appendix 4-M of Hand Book of Procedures, to the Gems & Jewellery Export Promotion Council (GJEPC), Mumbai within 15 days of every completed half year. In turn, G&J EPC shall compile the half yearly return and the figures submitted by the Nominated Agency and check the performance of the Nominated Agency. Thereafter, GJEPC shall forward the compiled half yearly returns along with its observation on performance of Nominated Agency to DGFT headquarters within one month of every completed half year. In case of delay in filing or non-submission of half yearly return within 15 days of every completed half year, GJEPC shall seek comments of defaulting Nominated Agencies. GJEPC will also forward the particulars of defaulting Nominated Agency to DGFT headquarters for taking appropriate action against defaulting Nominated Agency.

(iii) Monitoring by Regional Authorities of DGFT:

Regional Authority which has issued Nominated Agency Certificate shall monitor performance of such Certificate holders based on the half yearly returns to be filed by such agencies to the concerned Regional Authority. The Nominated Agency shall file half yearly return to Regional Authority in the month of October (for the period April to September) / April (for the period October to March) as per the format given in Appendix 4-M of Hand Book of Procedures. Regional Authority shall consolidate and verify these returns. Regional Authority

will also inform DGFT which agency has not filed the return and to also take appropriate action within 30 days for suspension / cancellation of the Nominated Agency Certificate.

- (c) DGFT headquarters can also review the performance of Nominated Agencies, whenever necessary.

CHAPTER 5

EXPORT PROMOTION CAPITAL GOODS (EPCG) SCHEME

5.01 Policy

Policy relating to EPCG Scheme is given in Chapter 5 of FTP.

5.02 Application Form

An application for grant of an authorisation may be made by Registered Office or Head Office or a Branch Office or Manufacturing Unit of an eligible exporter to RA concerned in ANF 5A along with documents prescribed therein.

5.03 Nexus Certification

- (a) RA concerned shall, on the basis of nexus certificate from an Independent Chartered Engineer (CEC) submitted by the applicant in Appendix 5A, issue EPCG authorisation. Reasonable wastage, if any, anticipated at the time of installation of capital goods will also be certified by the Chartered Engineer in the nexus certificate and the same would be mentioned in the condition sheet of the EPCG authorisation at the time of issue.
- (b) RA shall thereafter forward a copy of the EPCG authorisation to the concerned Jurisdictional Central Excise Authority. The wastage so permitted at the time of issuance of authorisation would be allowed to be sold as scrap/waste on payment of applicable duty.

5.04 Certificate of Installation of Capital Goods

- (a) Authorization holder shall produce, within six months from date of completion of import, to the concerned RA, a certificate from the jurisdictional Central Excise Authority or an independent Chartered Engineer, at the option of the authorisation holder, confirming installation of capital goods at factory/premises of authorization holder or his supporting manufacturer(s). The RA may extend the said period for producing the certificate by a maximum period of

another 12 months. Where a unit registered with Central Excise opts for independent Chartered Engineer's certificate, the authorisation holder shall send a copy of the certificate to the jurisdictional Central Excise Authority as intimation/record.

- (b) In the case of import of spares, the installation certificate shall be submitted by the Authorization holder within a period of three years from the date of import.

5.05 Port of Registration

EPCG Authorisation shall be issued with a single port of registration as per paragraph 4.37 of HBP, for imports. However, exports can be made from any port specified in paragraph 4.37 of HBP.

5.06 Import of spares, tools, refractories and catalysts

- (a) Applications for procurement of capital goods covered under sub-paragraphs (a) (iii) and (iv) of paragraph 5.01 of FTP shall contain a list of plant/machinery installed in factory/premises of the applicant for which such capital goods are required, duly certified by Chartered Engineer or Jurisdictional Central Excise Authorities.”
- (b) In case of import of spares, EPCG authorisation shall not specify list of spares but shall indicate:
 - (i) Name of plant /machinery for which spares are required.
 - (ii) Value of duty saved allowed under the authorisation.
 - (iii) Description of product to be exported and value of export obligation.
- (c) Authorisation holder shall maintain a register of stock & consumption of capital goods covered under sub-paragraphs (a) (iii) and (iv) of paragraph 5.01 of FTP imported under the scheme and at the time of final redemption of export obligation, authorization holder shall submit certificate from independent Chartered Engineer confirming their use in the installed capital goods on the basis of such register.

5.07 Conversion of EOU/ Relocated SEZ Units to DTA Unit under EPCG Scheme

- (a) An EOU/ a relocated SEZ unit, while converting to a DTA Unit, may apply for an EPCG authorisation alongwith documents prescribed. 'No Objection Certificate' should be produced from the concerned Development Commissioner.
- (b) The export obligation period for a unit which converts from EOU / SEZ Scheme to EPCG Scheme would be the same as is available to a direct EPCG Authorisation Holder as per Paragraph 5.01 of Foreign Trade Policy (FTP).
- (c) If a standalone EOU / SEZ unit wishes to de-bond from EOU to EPCG Scheme, there shall be no requirement for maintenance of average export obligation and the unit shall be required to maintain only specific export obligation equivalent to six times of the proportionate duty saved amount of the depreciated value of capital goods for which the Authorisation has been obtained.
- (d) In case one unit of a firm / company opts to de-bond from EOU to EPCG Scheme, while other unit(s) are DTA units, then the average export obligation in respect of the authorisations issued to the firm / company (other than de-bonding unit) shall remain unchanged and the average EO, after de-bonding of the unit, shall be fixed by excluding the exports made by the de-bonded unit from the total exports of the firm / company, which runs concurrently for all the units of the firm / company. In such a case, specific EO equivalent to six times of the proportionate duty saved amount on the depreciated value of the Capital Goods would be imposed on the de-bonding unit shifting to the EPCG Scheme.

5.08 Sourcing of Capital Goods Manufactured Indigenously

- (a) EPCG authorisation holder intending to source capital goods manufactured indigenously shall make a request to the RA for invalidation of EPCG authorisation for direct import / issuance of

Advance Release Order (ARO) for availing deemed export benefits as given in paragraph 7.03 of FTP read with paragraph 7.02(c) of HBP.

- (b) This request can be made either alongwith application or during the validity period of EPCG Authorisation.
- (c) Applicant shall give the name and address of the manufacturer(s) of capital goods.
- (d) RA concerned will issue the invalidation letter / ARO, in quadruplicate.

5.09 Issuance of Advance authorisation for import of inputs

Indigenous manufacturer intending to supply capital goods to EPCG authorisation holder may apply to RA for issuance of Advance authorisation for import of inputs including components required for manufacture of capital goods to be supplied to EPCG authorisation holder.

5.10 Conditions for fulfilment of Export Obligation

In addition to conditions in paragraph 5.04 of FTP, the following conditions shall also be applicable for fulfilment of export obligation:

- (a) Name of the supporting manufacturer as well as the exporter shall be indicated on export documents.
- (b) EPCG authorisation holder may export either directly or through third party(ies).
- (c) In case the Authorization Holder wants to export through a third party, export documents viz., shipping bills / Bill of exports etc. shall indicate name of both authorization holder and supporting manufacturer, if any, along with EPCG authorization number. BRC, GR declaration, export order and invoice should be in the name of third party exporter. The goods exported through third party should be manufactured by the EPCG Authorisation Holder or the supporting

manufacturer where the capital goods imported under the authorisation have been installed.

- (d) The EPCG authorization holder shall submit the following additional documents for discharge of EO through third party (ies):
- (i) A copy of agreement entered into between the authorization holder and the ultimate exporter undertaking to export the goods manufactured by the authorization holder/supporting manufacturer for fulfilment of the export obligation against the EPCG authorization in question.
 - (ii) Proof of having despatched the goods from authorization Holder's factory premises to the ultimate exporter/port of export viz. (a) ARE-1 Certificate issued by Central Excise with due authentication by the Customs verifying the exports along with the shipping bill number, date and EPCG authorization number (b) Invoice duly incorporating the relevant EPCG authorization number & date at the time of dispatch.
 - (iii) Lorry Receipt (LR) /Logistical evidence for transportation of goods from the premises of the authorization holder to the third party/port of export.
 - (iv) An undertaking from the 3rd party on a stamp paper, declaring that the products exported for fulfilment of EO by them on behalf of the license holder as per details given in the statement of exports, were manufactured by the license holder.
 - (v) Financial evidence for having received proceeds through normal banking channel from third party exporter's account to the authorization holder's account towards such third party supplies.

- (vi) Disclaimer certificate from third party that they shall not use such proceeds towards EO fulfillment of any EPCG authorization (s) obtained by them.

5.11 Realization of Export proceeds

Export proceeds shall be realized in freely convertible currency except for deemed exports. Exports to SEZ units /Supplies to developers/ co-developers irrespective of currency of realization, would also be counted for discharge of Export Obligation. Realization in case of supplies to SEZ units shall be from foreign currency account of the SEZ unit.

5.12 Calculation of Average Export Obligation

While calculating Average Export Obligation, exports counted/being counted for fulfilling specific EO against EPCG Authorisations within valid EO Period (whether original or extended) that have been made in the preceding 3 years will not be taken into account.

5.13 Exemption from maintenance of average export obligation

- (a) In case of export of goods relating to the following the EPCG authorisation holder shall not be required to maintain average export obligation:
 - (i) Handicrafts,
 - (ii) Handlooms,
 - (iii) Cottage & Tiny sector,
 - (iv) Agriculture,
 - (v) Aqua-culture (including Fisheries), Pisciculture,
 - (vi) Animal husbandry,
 - (vii) Floriculture & Horticulture,
 - (viii) Poultry,
 - (ix) Viticulture,
 - (x) Sericulture,
 - (xi) Carpets,
 - (xii) Coir, and
 - (xiii) Jute

- (b) However, this exemption from maintenance of average export obligation shall not be allowed for import of fishing trawlers, boats, ships and other similar items.
- (c) Goods, excepting tools imported under EPCG scheme by sectors specified in sub-paragraph (a) above, shall not be allowed to be transferred for a period of five years from date of imports even in cases where export obligation has been fulfilled.

5.14 Block-wise Fulfilment of EO

- (a) The Authorisation holder under the EPCG scheme shall, while maintaining the average export obligation, fulfill the specific export obligation over the prescribed block period in the following proportions:

| Period from the date of issue of Authorisation | Minimum export obligation to be fulfilled |
|---|---|
| Block of 1 st to 4 th year | 50% |
| Block of 5 th and 6 th year | Balance EO |

- (b) The Authorisation holder would intimate the Regional Authority on the fulfilment of the export obligation, as well as average exports, within three months of completion of the block, by secured electronic filing using digital signatures.
- (c) Where EO of the first block is not fulfilled in terms of the above proportions, except in cases where the EO prescribed for first block is extended by the Regional Authority subject to payment of composition fee of 2% on duty saved amount proportionate to unfulfilled portion of EO pertaining to the block, the Authorization holder shall, within 3 months from the expiry of the block, pay duties of customs (along with applicable interest as notified by DOR) proportionate to duty saved amount on total unfulfilled EO of the first block.

- (d) (i) Authorisations issued from 1st April, 2002 upto 31st August, 2004 shall be governed by provisions of paragraph 5.8 of HBP Vol. 1 (RE-02) as amended from time to time.
- (ii) Authorisations issued from 1st September, 2004 upto 17th April, 2013 shall be governed by provisions of paragraph 5.8 of HBP Vol. 1 (RE-12) as amended till 17.04.2013.
- (iii) Authorisations issued from 18th April, 2013 till issue of Notification of FTP 2015-20 shall be governed by provisions of paragraph 5.8 of HBP Vol. 1 as amended through PN No. 1 dated 18.04.2013.

5.15 Monitoring of Export Obligation

Authorisation holder shall submit to RA concerned by 30th April of every year, report on fulfilment of export obligation by secured electronic filing using digital signatures. RA concerned may issue partial EO fulfilment certificate, provided export performance is proportionately adequate for fulfilment of export obligation.

5.16 Automatic Reduction/ Enhancement upto 10% Duty saved amount and pro rata Reduction/ Enhancement in export obligation

If authorization issued has actually been utilized for import of goods: –

- (a) in excess of duty saved amount indicated on the authorization by not more than 10%, the authorization shall be deemed to have been enhanced by that proportion. Customs shall automatically allow clearance of such goods without endorsement by RA concerned. The authorization holder shall furnish additional fee to cover excess imports effected, in terms of duty saved amount, to RA concerned, within one month of excess imports taking place. Export obligation shall automatically stand enhanced proportionately.
- (b) in excess of duty saved amount indicated on the authorization by more than 10%, the RA concerned, as per its delegated powers, may

allow enhancement in duty saved amount of the EPCG authorization. The Authorisation holder shall furnish additional BG/LUT to the Customs Authority.

- (c) less than the duty saved amount indicated on the authorization, the export obligation shall stand reduced on pro-rata basis with reference to actual utilization of the authorization.

5.17 Extension in Export Obligation Period

- (a) Extension in Export Obligation Period of EPCG authorization issued prior to Notification of FTP 2015-20 shall be governed by relevant provisions of HBP Vol 1 applicable on the date of issue of authorisation.
- (b) In case of zero duty EPCG Authorizations, only one extension of upto 2 years in export obligation period may be considered by RA concerned, on payment of composition fee equal to 2% of proportionate duty saved amount on unfulfilled export obligation for each year of extension or an enhancement in export obligation imposed to the extent of 10% of total export obligation imposed under authorization for each year of extension, as the case may be, at the choice of the exporter.
- (c) Request for extension in EO Period shall be made to RA within 75 days from the date of expiry of original EO Period.
- (d) Extension in export obligation period shall also be subject to such terms and conditions as may be prescribed by competent authority.

5.18 Provision for Units under BIFR/Rehabilitation

- (a) An EPCG Authorisation holder, while applying for registration with BIFR/Rehabilitation Department of State Government, shall also intimate DGFT with regard to relief sought for EPCG authorization, if any, within 30 days of receipt of application by agency concerned.

- (b) DGFT, thereafter, shall take up the matter with agency concerned to safeguard government interest on account of default in authorization of export obligation imposed on EPCG authorization obtained by such firm/companies.

5.19 Relief in Average Export Obligation

- (a) To provide relief to exporters of those sectors where total exports in that sector/product group has declined by more than 5% as compared to the previous year, average export obligation for the year may be reduced proportionate to reduction in exports of that particular sector/product group during the relevant year as against the preceding year. However, in case export decline is continuous over consecutive years, the base year for calculation of eligibility and calculation of reduction in average export obligation will be taken as the year after which the exports have shown continuous decline.
- (b) The sectors /product groups for which this relaxation is to be allowed shall be conveyed by the DGFT to all the RAs within seven months of the end of the previous financial year, and the RAs shall re-fix the annual average EO for previous year accordingly for exporters in that sector / product group.

5.20 Automatic EO extension in the event of ban on export product

Whenever a ban/restriction is imposed on export of any product, export obligation period in respect of EPCG authorisations already issued prior to imposition of ban on such export products would stand automatically extended for a period equivalent to duration of such ban, without any composition fee. Authorisation holder would not be required to maintain average E.O. as well for the ban period.

5.21 Export Obligation Shortfall

RA concerned may condone shortfall upto 5% in specific export obligation.

5.22 Redemption

- (a) Authorisation holder shall apply for redemption in ANF 5B with documents prescribed therein as a proof of EO fulfilment.
- (b) On being satisfied, RA concerned shall issue a certificate of discharge of export obligation to the EPCG authorisation holder and forward a copy to Customs Authorities with whom BG/LUT has been executed. A statement giving details of the documents submitted by the authorisation holder towards evidence of EO fulfilment shall also be enclosed with the certificate.
- (c) RA shall process such applications ordinarily within 30 days. Shortcomings, if any, shall be pointed out in one go. All correspondence, thereafter, shall relate to these deficiencies only. Fresh correspondence, if necessary, shall be within 15 days. Once documents are complete, EO will be discharged within 30 days of receipt of complete documents /information.
- (d) Applications that remain outstanding beyond a period of 60 days after receipt of complete documents shall be reported to the EPCG Division at DGFT headquarters alongwith reasons thereof.

5.23 Regularization of Bonafide Default and Exit from EPCG Scheme

- (a) In case, EPCG authorisation holder fails to fulfil prescribed export obligation, he shall pay Customs Duty along with applicable interest as prescribed by Customs Authority. Such facility can also be availed by EPCG authorisation holder to exit at his option. The authorisation holder will have the option to furnish valid duty credit scrips, issued under Chapter 3 or Chapter 5 of FTP, for payment of the Customs duty component.
- (b) Authorisation holder can also pay duty and interest suo-motu on the basis of self /own calculation as per the procedure specified in paragraph 4.50 of HBP.

5.24 Maintenance of Records

Every EPCG authorisation holder shall maintain, for a period of 2 years from date of redemption, a true and proper account of exports/ supplies made and services rendered towards fulfilment of export obligation.

5.25 Re-Export / Replacement of Capital Goods Imported under EPCG Scheme

- (a) Capital Goods imported under EPCG scheme, which are found defective or unfit for use, may be re-exported to foreign supplier within three years from the date of clearance by Customs of such goods, with permission of RA / Customs Authority. Consequently, EO would be re-fixed.
- (b) Capital Goods imported and found defective or otherwise unfit for use may be exported, and Capital Goods in replacement thereof be imported under EPCG scheme. In such cases, while allowing export, the Customs shall credit the duty benefit availed which can be debited again at the time of import of such replaced Capital Goods.

5.26 Penal Action

In case of failure to fulfil export obligation or any other condition of authorisation, authorisation holder shall be liable for action under FT (D&R) Act, 1992, as amended, Orders and Rules made thereunder, provisions of FTP/HBP, Customs Act, 1962, as amended from time to time or any other law in force.

5.27 Clubbing of EPCG authorisations

- (a) Clubbing of two or more EPCG authorisations issued to the same authorisation holder would be permitted.
- (b) An application for clubbing can be made to RA concerned in **ANF 5C**. Clubbing shall only be permitted in case export products endorsed on the authorisations are same /similar and if authorisations are issued by the same RA.

- (c) Total export obligation would be re-fixed taking into account total of duty saved amount of the clubbed authorisations. Provision of Paragraph 5.21 shall not be applicable in case of such clubbed authorisations.
- (d) On Clubbing, authorisations for all purpose shall be deemed to be a single EPCG authorisation. Export obligation period for clubbed authorisations shall be reckoned from first authorisation issue-date.
- (e) Average export obligation for clubbed authorisations would be highest of average export obligations endorsed on individual authorisations so clubbed.
- (f) Clubbing would be permitted only during valid EOP including extended period, if any.
- (g) EPCG authorisations issued prior to 1.4.2007 shall be governed by provisions contained in Chapter 5 of HBP Vol.1 (RE-2006). The EPCG Authorisations issued between 01.04.2007 and 17.04.2013 shall be governed by provisions contained in Chapter 5 of HBP Vol.1 (RE-2012). The EPCG Authorisations issued from 18.04.2013 till the issue of Notification of FTP 2015-20 shall be governed by provisions contained in Public Notice No.1 dated 18.4.2013.

5.28 Post Export EPCG Duty Credit Scrip(s)

- (a) Exporters can exercise this option by filing an application in ANF5A with the RA concerned by selecting the option for this Scheme.
- (b) All applicable duties shall be paid in cash by the exporter at the time of import of Capital Goods.
- (c) RA shall issue an Authorisation specifying
 - (i) “Not for imports” on the body of the Authorisation;
 - (ii) Average EO, if any;

- (iii) Specific EO @ 85% of the applicable specific EO, computed as if the imports were to take the benefit of duty exemption; and
 - (iv) EOP, which shall commence from the Authorisation issue date.
- (d) Exporter can file request, in ANF5B, for issuance of Duty Credit Scrip(s) in proportion to the EO completed within the specified EOP. Only for first such request, proof of actual duty payments on Capital Goods (including proof of duty in respect of CENVAT availed or otherwise), nexus and installation certificate(s) of Capital Goods shall be submitted alongwith proof of fulfilment of EO alongwith proof of maintenance of Average EO. Subsequently, only proof of fulfilment of specific EO (alongwith proof of maintenance of Average EO) additionally completed vis-à-vis specific EO fixed {as in c(iii) above} may be submitted, unless there have been any changes in documents / proofs submitted earlier.
- (e) RA shall issue freely transferable duty credit scrip(s) equivalent to proportionate EO fulfilled.
- (f) The computation of freely transferable Duty Credit Scrip(s) will be based on basic Customs duty amount paid.
- (g) Where the exporter has obtained post-export EPCG authorisation declaring that he shall not avail CENVAT Credit, the Export Obligation shall be fixed with reference to the basic Customs duty paid. In such cases Duty Credit Scrip will be issued based on the certificate from Central Excise regarding non-availment of CENVAT credit. Such certificate from central excise regarding non-availing of CENVAT credit will not be required where the unit is not registered with central excise.
- (h) All provisions of the existing EPCG Scheme shall apply insofar as they are not inconsistent with this scheme.
- (i) The CG imported under paragraph 5.12 of FTP shall not be disposed of till the date of last export for offsetting EO against such CG.

- (j) In case of re-export of CG found defective or unfit for use as per the provisions of paragraph 5.25 of HBP if the exporter claims drawback on such re-export there would be no remission of duty under paragraph 5.12 of FTP.

5.29 Green Technology Products

The Export Products covered under Paragraph 5.10 of FTP which provides for reduced export obligation of 75% for green technology products are:

- (i) Equipment for Solar Energy decentralized and grid connected products,
- (ii) Bio-Mass Gassifier,
- (iii) Bio-Mass/Waste Boiler,
- (iv) Vapour Absorption Chillers,
- (v) Waste Heat Boiler,
- (vi) Waste Heat Recovery Units,
- (vii) Unfired Heat Recovery Steam Generators,
- (viii) Wind Turbine,
- (ix) Solar Collector and Parts thereof,
- (x) Water Treatment Plants,
- (xi) Wind Mill, Wind Mill Turbine / Engine,
- (xii) Other Generating Sets - Wind powered,
- (xiii) Electrically Operated Vehicles – Motor Cars,
- (xiv) Electrically Operated Vehicles - Lorries and Trucks,
- (xv) Electrically Operated Vehicles – Motor Cycles/Mopeds,
and
- (xvi) Solar Cells.

CHAPTER 6

EXPORT ORIENTED UNITS (EOUs), ELECTRONICS HARDWARE TECHNOLOGY PARKS (EHTPs), SOFTWARE TECHNOLOGY PARKS (STPs) SCHEME AND BIO-TECHNOLOGY PARKS (BTPs).

6.00 Scheme

Policy relating to EOUs, EHTPs, STPs and BTPs Schemes is given in Chapter 6 of Foreign Trade Policy (FTP).

6.01 Application / Approval / Renewal of approval

- (a) For setting up an EOU, three copies of application as in ANF 6 A of Appendices & ANFs may be submitted to DC.
- (b) Applications for setting up units under EOU scheme shall be approved or rejected by Units Approval Committee within 15 days, as per criteria indicated in Appendix 6 A of Appendices & ANFs and sector specific conditions relating to approval as in Appendix 6 B of Appendices & ANFs. In other cases, approval may be granted by DC after clearance by BOA.
- (c) Proposals for setting up EOU requiring industrial licence may be granted approval by DC after clearance of proposal by BOA (as per Appendix 6 C of Appendices & ANFs) and Department of Industrial Policy and Promotion within 45 days on merits.
- (d) STP / EHTP complexes can be set up by Central Government, State Government, Public or Private Sector Undertakings or any combination thereof, duly approved by Inter-Ministerial Standing Committee (IMSC) in Ministry of Communication and Information Technology (Department of Electronics & Information Technology - DeitY). Application for setting up EHTP / STP unit shall be in format prescribed by DeitY and shall be submitted to officer designated by DeitY.

- (e) BTP can be set up by Central Government, State Government, Public or Private Sector Undertakings or any combination thereof. Application for setting up of BTP shall be submitted to Department of Bio-Technology (DoBT) and such applications which meet guidelines prescribed by DoBT will be approved and recommended to DGFT for notification. Application for setting up of BTP unit shall be submitted to officer designated by DoBT.
- (f) LoP / LoI shall specify item(s) of manufacture / service activity, annual capacity, projected annual export for first five years in dollar terms, Net Foreign Exchange (NFE) earnings, limitations, if any, regarding sale of finished goods, by-products and rejects in DTA and such other matter as may be necessary and also impose such conditions as may be required.
- (g) LoP / LoI issued to EOU / EHTP / STP / BTP units by concerned authority would be construed as an authorization for all purposes. Standard format for LoP for EOU is given in Appendix 6 D of Appendices & ANFs.
- (h) EOUs shall have separate earmarked premises for separate LoP. Similarly, EOUs may be approved on leased premises provided lease has been obtained from Government Department / Undertaking / Agency. However, in case lease is obtained from private parties, it shall have a validity period of five years from date of LUT and DC shall satisfy himself of genuine nature of lease.
- (i) On completion of approval period as provided for in Paragraph 6.05 of FTP, it shall be open to unit to continue under scheme or opt out of scheme. Where unit opts to continue, DC will extend approval period. If no intimation in this regard is received from unit within a period of six months of expiry of approval period, DC will take action, suo motu, to cancel approval under EOU scheme and take further action in this regard. Where units give their option to continue after expiry of six months as stipulated above, DC will grant extension after obtaining approval of BOA.

6.02 Legal Undertaking (LUT)

- (a) Approved EOU / EHTP / STP / BTP unit shall execute an LUT with DC / Designated Officer concerned as in Appendix 6 E of Appendices & ANFs.
- (b) All EOU / EHTP / STP / BTP units should have permanent e-mail address. No LUT for new units shall be executed unless unit has its permanent e-mail address and digital signature on said e-mail ID. In event of an EOU not having permanent e-mail address and digital signature, further imports and DTA sale shall not be permitted by DC.

6.03 Export of Goods and Services

- (a) Software units may undertake exports using data communication links or in form of physical exports (which may be through courier service also), including export of professional services.
- (b) EOUs shall be permitted to export jewellery on basis of a notional rate certificate issued by nominated agency. This rate will be based on prevailing Gold / US\$ rate and US\$ / INR rate in notional rate certificate. Certificate issued by nominated agency should not be older than 7 working days of date of shipment.
- (c) Exporter shall have flexibility to fix price and repay gold loan within 180 days from date of export. Price shall be communicated to nominated agencies who will issue a certificate showing final confirmation of rate to bank negotiating document, to ensure export proceeds are realized at this rate.
- (d) Gems & Jewellery EOUs may re-export imported goods and export domestically procured goods, including goods generated out of partial processing / manufacture. Besides, supply of unsuitable / broken cut and polished diamonds, precious and semi-precious stones upto 5% of value of imported or indigenously procured goods

to DTA against valid Gems & Jewellery REP as applicable on payment of appropriate duty is also permitted.

6.04 Import / Domestic Procurement of Goods

Goods permitted to be imported / procured from DTA shall include:

- (a) Raw materials, components, consumables, intermediates, spares and packing materials.
- (b) Capital goods, whether new or second-hand, including inter-alia following and their spares:
 - (1) DG sets, captive power plants, transformers and accessories for all above.
 - (2) Pollution control equipment.
 - (3) Quality assurance equipment.
 - (4) Material handling equipment, like fork lifts and overhead cranes, mobile cranes, crawler cranes, hoists and stackers.
 - (5) Un-interrupted Power Supply System (UPS), Special racks for storage, storage systems, modular furniture, computer furniture, anti- static carpet, teleconference equipment, Servo Control System, Air-conditioners / Air conditioning system, panel for electricals and special data transmission cable.
 - (6) Security Systems
 - (7) Tools, jigs, fixtures, gauges, moulds, dyes, instruments and accessories.
- (c) Raw materials for making capital goods for use within unit.
- (d) Others including:
 - (1) Prototypes and technical samples for existing product(s) and product diversification development or evaluation.
 - (2) Drawings, blue prints, charts, microfilms and technical data.

- (3) Office equipment, including PABX, Fax machines, projection system, Computers, Laptop and Server.
- (e) Spares and consumables for above items.
- (f) Any other items not mentioned above with approval of BOA.

6.05 Repair / Remaking of Jewellery

EOUs may import plain / studded gold / platinum or silver jewellery for export after repairs / remaking.

6.06 Conditions of Import

Import of goods by EOU / EHTP / STP / BTP units shall be subject to following conditions:

- (a) Goods shall be imported into EOU / EHTP / STP / BTP premises. However, agriculture and allied sectors and granite sector units in EOU may supply / transfer capital goods and inputs in farm / fields / quarries with prior intimation to jurisdictional Customs / Central Excise authorities, provided ownership of goods rests with EOUs. Granite sector would also be allowed to take spares upto 5% of value of Capital Goods to quarry site.
- (b) Procedure as prescribed under Customs / Central Excise rules for EOUs and units in EHTP / STP / BTP will be followed and appropriate bond executed with Customs / Central Excise authorities.
- (c)
 - (i) The period of utilisation of goods, including capital goods, shall be co-terminus with the validity of LoP.
 - (ii) However, imported tea shall be utilized within a period of 6 months from date of import. Similarly, export obligation against import of items {covered by Chapter 9 of ITC(HS)} and coconut oil shall be fulfilled within a period of 90 days from the date on which first import consignment is cleared by Customs Authorities.

- (iii) Further, in case of import of spices for VA purpose like crushing / grinding / sterilization or for manufacture of oils and oleoresins of pepper, cardamom and chillies (and not for simple cleaning, grading, re-packing etc.), EO shall be fulfilled within 120 days from the date of importation of first consignment. In case of import of spices (other than pepper, cardamom and chillies) for manufacture of spice oils and oleoresins, EO shall be fulfilled within 12 months.
- (d) Goods already imported / shipped / arrived before issue of LoP / LoI are also eligible for duty free clearance under EOU / EHTP / STP / BTP scheme, provided customs duty has not been paid and goods have not been cleared from Customs.
- (e) Consumption of inputs by the EOU / EHTP / STP / BTP unit shall be based on the Standard Input Output Norms (SION) provided that:
- (i) where no SION have been notified, generation of waste, scrap and remnants upto 2% of input quantity shall be allowed;
 - (ii) where additional items other than those given in SION are required as inputs or where generation of waste, scrap and remnants is beyond 2% of input quantity, use of such inputs shall be allowed by the jurisdictional DC within a period of three months from the date of and based on self declared norms, with the unit undertaking to adjust self-declared / ad hoc norms in accordance with norms as finally fixed by Norms Committee in DGFT;
 - (iii) in case of any difficulty in fixation of SION as above, BOA in consultation with Norms Committee in DGFT, will decide on a case to case basis.

6.07 Taking out of Fax Machines / Laptop / Computers outside approved premises

- (a) EOU / EHTP / STP / BTP units may install one fax machine at a place of its choice, outside premises of unit, subject to intimation of its location to concerned Customs / Central Excise authorities.
- (b) EOU / EHTP / STP / BTP units may, temporarily take out of premises of unit, duty free laptop / computers and video projection systems for working upon by authorized employees.
- (c) EOU / EHTP / STP / BTP units may install personal computers not exceeding two in number, imported / procured duty free in their registered / administrative office subject to DoR guidelines.
- (d) For IT and IT enabled services, persons authorized by software units may access facility installed in EOU / EHTP / STP / BTP unit through communication links.

6.08 Facility of working from a place outside the unit

Person(s) / employee(s) authorized by a unit of (i) IT related EOU or (ii) STP or (iii) EHTP or (iv) BTP may work from a place outside the said unit, subject to the following conditions:

- (i) There must be an Authorisation from the unit specifying the duration of such authorization.
- (ii) Responsibility for carrying out the work and supervision, if any, be that of the unit, which will be liable for any misuse.
- (iii) Export of the resultant products / services would take place only from the premises of the unit.

6.09 Leasing of Capital Goods

Value of imported capital goods financed through leasing companies or obtained free of cost and / or on loan / lease basis, shall also be taken into account for purpose of calculation of NFE as defined in FTP.

6.10 Net Foreign Exchange (NFE) Earnings

- (a) EOU / EHTP / STP / BTP unit shall be a positive net foreign exchange earner. NFE earnings shall be calculated cumulatively in the block period as per Paragraph 6.04 of FTP, according to the formula given below. Items of manufacture for export specified in LoP / LoI alone shall be taken into account for calculation of NFE.

$$\text{Positive NFE} = A - B > 0$$

Where

‘NFE’ is Net Foreign Exchange;

‘A’ is FOB value of exports by EOU / EHTP / STP / BTP unit;

‘B’ is sum total of CIF value of all imported inputs and CIF value of all imported capital goods, and value of all payments made in foreign exchange by way of commission, royalty, fees, dividends, interest on external borrowings / high sea sales during first five year period or any other charges. It will also include payment made in Indian Rupees on high sea sales.

“Inputs” mean raw materials, intermediates, components, consumables, parts and packing materials.

- (b) If any goods are obtained from another EOU / EHTP / STP / BTP / SEZ unit, or procured from an international exhibition held in India, or bonded warehouses or precious metals procured from nominated agencies, value of such goods shall be included under ‘B’.

- (c) If any capital goods are imported duty free or leased from a leasing company, received free of cost and / or on loan basis or transfer, CIF value of capital goods shall be included pro-rata, under 'B' for period it remains with units.
- (d) For annual calculation of NFE, value of imported capital goods and lump sum payment of foreign technical know-how fee shall be amortized as under:

1st – 10th year : 10%.

Provided that above amortization rates would be applicable only if an undertaking is given by a unit that it will not exit to DTA in the first 10 years. For existing units, proportionate Customs and excise duty must be paid where NFE is less than depreciation already claimed, before exit.

6.11 Maintenance of Accounts

- (a) EOU / EHTP / STP / BTP unit shall maintain proper account, and shall file digitally signed quarterly and annual report as prescribed in Annexure to Appendix 6 E of Appendices & ANFs to DC / Designated Officer in DeitY / DoBT and Customs and Central Excise authorities.
- (b) Unit shall be able to account for entire quantity of each category of homogenous goods imported / procured duty free, by way of exports, sales / supplies in DTA or transfer to other SEZ / EOU / EHTP / STP / BTP units and balance in stock. However, at no point of time, units shall be required to correlate every import consignment with its exports, transfer to other SEZ / EOU / EHTP /STP / BTP units, sales in DTA and balance in stock. Any matter for clarification as to whether goods are homogenous or not shall be decided by Units Approval Committee.

6.12 Monitoring of NFE

Performance of EOUs shall be monitored by Units Approval Committee as per guidelines given in Appendix 6 F of Appendices & ANFs. Performance of EHTP / STP / BTP shall be monitored by DeitY / DoBT jointly with jurisdictional Central Excise / Customs authority.

6.13 Conversion of Scrap / Dust / sweeping of Gold / Silver / Platinum into Standard Bars

Scrap / dust / sweeping of gold / silver / platinum may be sent to Government of India Mint / private mint from EOU / EHTP / STP units and returned to them in standard bars in accordance with procedure prescribed by Customs authorities, or may be permitted to be sold in DTA on payment of applicable customs duty, on basis of gold / silver / platinum content, as may be notified by Customs authorities.

6.14 DTA Supplies

Notwithstanding provision of DTA sales in Paragraph 6.08 of FTP, such DTA sales shall not affect application, to any goods, of any other prohibition or regulation affecting import thereof in force at the time, when such goods are imported. This also does not confer any immunity, exemption or relaxation at any time from any commitment or compliance with any requirements to which importer may be subject to under other laws or regulations.

6.15 Supplies to other EOU / EHTP / STP / SEZ / BTP Units

Supplies to other EOU / EHTP / STP / BTP / SEZ units shall be counted towards NFE provided that such goods are permissible for procurement by these units.

6.16 Transfer of Power from one Unit to another

Transfer of power from Captive Power plants (DG Sets) from one unit of EOU / EHTP / STP / BTP unit to another is permitted as prescribed in sector specific condition in Appendix 6 B of Appendices & ANFs.

6.17 Supply of Precious / Semiprecious / Synthetic Stones from DTA

Supplier of precious and semi-precious stones, synthetic stones and processed pearls from DTA to EOUs shall be eligible for grant of Replenishment Authorisation at rates and for items mentioned in HBP. Procedure for submission of application for grant of Replenishment Authorisation as contained in relevant Chapter of HBP Vol. I shall be applicable. However, application shall be made to DC concerned. Such supplies to EOUs are not treated as deemed exports for purpose of any of deemed export Benefits

6.18 Application for grant of entitlements

Application for grant of all entitlements may be made to DC concerned.

6.19 Export through Other Exporters

An EOU / EHTP / STP / BTP unit may export goods manufactured / software developed by it through other exporter, or any other EOU / EHTP/ STP / BTP / SEZ unit subject to condition that:

- (a) Goods shall be produced in EOU / EHTP / STP / BTP unit concerned.
- (b) Level of NFE or any other conditions relating to imports and exports as prescribed shall continue to be discharged by EOU / EHTP / STP / BTP unit concerned.
- (c) Export orders so procured shall be executed within parameters of EOU / EHTP / STP / BTP schemes and goods shall be directly transferred from unit to port of shipment.
- (d) Fulfillment of NFE by EOU / EHTP / STP / BTP units in regard to such exports shall be reckoned on basis of price at which goods are supplied by EOUs to other exporter or other EOU / EHTP / STP / BTP / SEZ unit.
- (e) All export entitlements, including recognition as Status Holder would accrue to exporter in whose name foreign exchange earnings are

realized. However, such export shall be counted towards fulfilment of obligation under EOU / EHTP / STP / BTP scheme only.

6.20 Others Entitlements

- (a) FOB value of export of an EOU / EHTP / STP / BTP unit can be clubbed with FOB value of exports of its parent company in DTA or vice versa for the purpose of according Export House and Trading House status.
- (b) Sectoral norms as notified by Government shall apply to FDI in service activities.
- (c) STP Units / EHTP Units / Software EOUs may also use all duty free equipment / goods for training purpose (including commercial training), subject to condition that no duty free equipment / goods shall be installed outside bonded premises for this purpose.
- (d) Export of iron ore shall be subject to decision of Government. Requirements of other conditions of exports like minimum export price / export in consumer pack etc. as per ITC (HS) shall apply in case raw materials are sourced from DTA and exported without further processing / manufacturing by EOU. Export of textile items shall be covered by bilateral agreements. Wood based units shall comply with direction of Supreme Court contained in its order dated 12.12.1996 in Writ (civil) No 202 of 1995- T.N.Godavarman Thirrumulppad v/s Union of India and others with WP (Civil) No 171 of 1996 in regard to use of timber / other wood.

6.21 Sub – Contracting

- (a) Sub - contracting by EOU gems and jewellery units through other EOUs, or SEZ Units, or units in DTA shall be subject to following conditions:-
 - (i) Goods, finished or semi finished, including studded jewellery, taken out for sub - contracting shall be brought back to unit within 90 days.

- (ii) No cut and polished diamonds, precious and semiprecious stones (except precious, semi- precious and synthetic stones having zero duty) shall be allowed to be taken out for sub - contracting.
 - (iii) Receive plain gold / silver / platinum jewellery from DTA / EOU / SEZ units in exchange of equivalent quantity of gold / silver / platinum, as the case may be, contained in said jewellery.
 - (iv) EOUs shall be eligible for wastage as applicable as per Paragraph 4 A.2 of HBP for sub - contracting and against exchange.
 - (v) DTA unit undertaking job work or supplying jewellery against exchange of gold / silver / platinum shall not be entitled to deemed export benefits.
- (b) Facility of getting job work done from DTA unit will be available even when job worker is not registered with Central Excise authority, subject to condition that goods are brought back to premises of unit on completion of job work.
- (c) Export of finished goods from job worker's premises may be permitted, provided such premises are registered with Central Excise authorities. Where job worker is SEZ / EOU / EHTP / STP / BTP unit, no such excise registration is required and export may be effected either from job worker's premises or from premises of unit. Export of such products from job worker's premises shall not be allowed through third parties as provided in FTP.
- (d) EOUs may be permitted to remove moulds, jigs, tools, fixtures, tackles, instruments, hangers and patterns and drawings to premises of sub - contractors, subject to condition that these shall be brought back to premises of units on completion of job work within a stipulated period. Raw materials may or may not be sent along with these goods.

- (e) In case of sub - contracting of production process abroad, goods may be exported from sub - contractor premises subject to conditions that at the time of clearance of goods, the EOU / EHTP / BTP / STP unit shall declare (i) the transaction value of the finished goods to be cleared from the sub - contractor's premises abroad; (ii) job work charges to be paid to the sub - contractor abroad; and (iii) value of intermediate goods; supported with documents like (a) sale price contract / or invoice for the finished goods, (b) job work contract and (c) the basis of arriving at the value of intermediate goods. The EOU / EHTP / BTP / STP unit shall also ensure full repatriation of foreign exchange declared as the transaction value of the finished goods cleared from the sub - contractor's premises abroad.

6.22 Contract Farming

EOUs engaged in production / processing of agriculture / horticulture / aquaculture products may, on basis of annual permission from Customs authorities, take out inputs and equipments (specified in Appendix 6 I of Appendices & ANFs) to DTA farm subject to following conditions:

- (a) Supply of inputs by EOUs to contract farm(s) shall be subject to input-output norms approved by DGFT / BOA.
- (b) There shall be contract farming agreement between EOU and DTA farmer(s).
- (c) Unit has been in existence for at least two years and engaged in export of agriculture / horticulture / aquaculture products; otherwise it shall furnish bank guarantee equivalent to duty foregone on capital goods / inputs proposed to be taken out, to Deputy / Assistant Commissioner of Customs / Central Excise, till unit completes two years.

6.23 Export through Exhibitions / Export Promotion Tour

EOU / EHTP / STP / BTP units may export goods for holding / participating in exhibitions abroad, with permission of DC, subject to following conditions:

- (a) Unit shall produce to Customs authorities letter in original, or its certified copy containing approval of DC. For gems and jewellery items, a self certified photograph of products shall also be submitted.
- (b) In case of re - import, such items, on arrival shall be verified along with export documents before clearance
- (c) Items not sold abroad shall be re - imported within 60 days of close of exhibition. However, in case exporter is participating in more than one exhibition within 45 days of close of first exhibition, then 60 days shall be counted from date of close of last exhibition. In case of exhibition in USA, the time period shall be 90 days instead of 60 days mentioned above.
- (d) In case of personal carriage of goods and for holding / participating in overseas exhibitions, value of such gems and jewellery shall not exceed US \$ 5 million.

6.24 Personal Carriage of Gems and Jewellery for Export Promotion Tours

Personal carriage of gold / silver / platinum jewellery, cut and polished diamonds, precious, semi-precious stones, beads and articles as samples upto US \$ 1 million for export promotion tours, and temporary display / sale abroad by EOUs, is also permitted with approval of DC subject to following conditions:

- (a) EOU shall bring back goods or repatriate sale proceeds within 45 days from date of departure through normal banking channel.
- (b) Unit shall declare personal carriage of such samples to Customs while leaving country and obtain necessary endorsement.

6.25 Export through Show-rooms abroad / Duty free shops

Export of goods is also permitted for display / sale in permitted shops set up abroad or in showrooms of their distributors / agents. Items not sold abroad within 180 days shall be re-imported within 45 days.

6.26 Sale through Showrooms / Retail outlets at International Airports

EOUs may set up showrooms / retail outlets at International Airports for sale of goods in accordance with procedure laid down by Customs authorities. Items remaining unsold after a period of 60 days shall be exported or returned to respective EOUs.

6.27 Personal Carriage of Import / Export Parcels including through Foreign Bound Passengers

- (a) For Personal carriage of jewellery by foreign bound passenger, following documents shall be submitted by EOUs as proof of exports:
 - (i) Copy of shipping bill filed by EOUs;
 - (ii) A copy of Currency Declaration Form filed by Foreign buyer with Customs at time of his arrival; and
 - (iii) Foreign Exchange Realisation / Encashment Certificate from Bank.
- (b) In addition to this, Personal Carriage by foreign bound passenger on Document Against Acceptance (DA) / Cash On Delivery (COD) basis is also allowed. EOUs will have to furnish following documents as proof of exports:-
 - (i) Copy of Shipping Bill;
 - (ii) Bank Certificate of Export and Realisation.
- (c) Procedure for personal carriage of import parcels will be same as for import of goods by airfreight except that parcels shall be brought to

Customs by EOUs / foreign national for examination and release. Instructions issued by Customs authorities in this regard should be followed mutatis mutandis.

- (d) Personal carriage of parts by foreign bound passengers shall be allowed in case same are required for repairs of exported goods at customer site. Following documents should be submitted as proof of exports:
 - (i) Permission letter from Customs for exports.
 - (ii) Invoice with value (for payment or free of charge).

6.28 Replacement / Repair of Imported / Indigenous Goods

- (a) Units may send capital goods abroad for repair with permission of Customs authorities. Any foreign exchange payment for this purpose will also be allowed. However, no permission will be required for sending capital goods for repair within country.
- (b) EOU / EHTP / STP / BTP units may, on basis of records maintained by them and prior intimation to Customs authorities:
 - (i) Transfer goods to DTA / abroad for repair / replacement, testing or calibration and return.
 - (ii) Transfer goods for quality testing / R&D purpose to any recognised laboratory / institution upto Rs.5 lakh per annum without payment of duty, on giving suitable undertaking to Customs for return of goods. However, if goods have been consumed / destroyed in process of testing etc. a certificate from laboratory / institution to this effect be furnished to Customs.

6.29 Samples

- (a) EOU / EHTP / STP / BTP units may on basis of records maintained by them, and on prior intimation to Customs authority, supply or sell

samples in DTA for display / market promotion on payment of applicable duties.

- (b) Remove samples without payment of duty, on furnishing a suitable undertaking to Customs authorities for bringing back samples within a stipulated period.
- (c) An EOU may export free samples, without any limit, including samples made in wax moulds, silver mould and rubber moulds through all permissible mode of export including through courier agencies / post. For statutory requirement of Stability & Retention sample with manufacturer, an EOU / EHTP / BTP / STP unit may re-import without payment of duty, those samples, which were exported by it, under intimation to Custom Authorities, and FOB value of such samples shall not be counted for NFE purpose and other export benefits, if any.
- (d) An EOU, on basis of records maintained by them and on prior intimation to Customs authorities, may send samples to other EOUs for display on returnable basis within a period of 30 days.

6.30 Donation of Computer and Computer Peripherals

EOU / EHTP / STP / BTP unit may be allowed by Customs authorities concerned to donate imported / indigenously procured (bought or taken on loan) computer and computer peripherals, including printer, plotter, scanner, monitor, keyboard and storage units without payment of duty, two years after their import / procurement and use by units, to a school run by Central Government, or Government of a State or, a Union Territory or, a local body; an Educational Institution run on non-commercial basis by any organization; a Registered Charitable Hospital; a Public Library; a Public Funded Research and Development Establishment; a Community Information Center run by Central Government or, Government of a State or, a Union Territory or local body; an Adult Education Center run by Central Government or, Government of a State or, a Union Territory or a local body; or an organization of Central Government or, a Government

of a State or, a Union Territory as per Customs / Central Excise notification.

6.31 Distinct Identity

If an industrial enterprise is operating both as a domestic unit as well as an EOU / EHTP / STP / BTP unit, it shall have two distinct identities with separate accounts, including separate bank accounts. It is, however, not necessary for it to be a separate legal entity, but it should be possible to distinguish imports and exports or supplies effected by EOU / EHTP / STP / BTP units from those made by other units of enterprise.

6.32 Unit Approval Committee for EOUs

(a) Composition of Unit Approval Committee shall be as under:

Development Commissioner : Chairperson

Jurisdictional Commissioner of
Central Excise & Customs or nominee : Member

Joint DGFT or nominee : Member

Joint / Deputy Development
Commissioner of the Zone : Member

Any other nominee of any Department / Agency as special invitee

(b) Powers and functions of Unit Approval Committee of EOUs shall be as under:

(i) To consider applications for setting up EOUs. Items of manufacture requiring industrial licence under Industrial (Development & Regulation) Act, 1951 shall be considered by BOA.

(ii) to consider and permit conversion of units in SEZ to EOU;

(iii) to monitor performance of units;

- (iv) to supervise and monitor permission, clearances, licences granted to units and take appropriate action in accordance with law;
- (v) to call for information required to monitor performance of unit under permission, clearances, licenses granted to it;
- (vi) to perform any other function delegated by Central Government or its agencies;
- (vii) to perform any other function as may be delegated by State Governments or its agencies; and
- (viii) to grant all approvals and clearances for establishment and operation of EOUs

6.33 Approval of EHTP / STP / BTP Units

In case of units under EHTP / STP scheme, necessary approval / permission shall be granted by officer designated by DeitY / Director (STPI). Designated officer shall also exercise powers of adjudication under Section 13 read with Section 11 of FT (D&R) Act, 1992, as amended, in respect of STP / EHTP as mentioned in Gazette Notification No. S.O. 106 (E) dated 30-1-2006. Similarly in case of units under BTP, necessary approval / permission shall be granted by officer designated by DoBT. However, designated officers shall adopt criteria for automatic approval of new units as laid down in Appendix 6 A of Appendices & ANFs.

6.34 Administration of EOUs / Powers of DC / Designated Officer

DC / Designated Officer shall have following powers in respect to units. Jurisdiction of DC is given in Appendix 6 J of Appendices & ANFs.

- (1) Conversion of sick / closed DTA unit into EOU;
- (2) Conversion of EOU to STP / EHTP / BTP and vice-versa as per prescribed procedure;

- (3) To allow increase in value of capital goods in terms of Indian Rupees, on account of foreign exchange rate fluctuations;
- (4) To permit capacity enhancement without any limit in case of de-licensed industries only;
- (5) Permit broad-banding for similar goods and activities mentioned in LoP or to provide for backward or forward linkages to existing line of manufacture;
- (6) Authorize change in name of company or implementing agency and change from a company to another provided new implementing agency / company undertakes to take over assets and liabilities of existing unit;
- (7) Permit change of location from place mentioned in LoP to another and / or include additional location provided that no change in other terms and conditions of approval is envisaged and that new location is within territorial jurisdiction of DC / Designated Officer;
- (8) Extend validity period of LoP beyond initial validity period of LoP (except in case where there is a restriction on initial period of approval, like setting up of oil refinery projects) as per Paragraph 6.05 (a) of FTP;
- (9) Cancel LoP wherever warranted;
- (10) Permit merger of two or more units into one unit provided units fall within jurisdiction of same DC / Designated Officer subject to condition that activities are covered under provision of broad banding;
- (11) Exercise powers of adjudication under Section 13 read with Section 11 of FT (D&R) Act, in respect of EOUs as mentioned in Gazette Notification No. SO. 194(E) dated 6.3.2000;

- (12) Do valuation of exports declared on SOFTEX form by EOUs as per RBI A.D. (M.A Series) Circular AP (DIR series Circular No.9 dated 25.10.2001);
- (13) Issue eligibility certificates for grant of employment visa to low level foreign technicians to be engaged by EOUs as per Ministry of Home Affairs letter No. 25022 / 7 / 99- F.1 dated 20.9.1999;
- (14) **Registration - cum - Membership Certificate**
Function as a Registering authority for EOU / EHTP / STP / BTP unit. A separate Registration – cum – Membership Certificate shall not be required in their cases as provided for in Paragraph 2.44 of FTP except in case of spices. In case of spices, it would be mandatory for units to get themselves registered with Spices Board also;
- (15) **Importer Exporter Code No.**
Allot Importer - Exporter Code number for EOUs, if same has already not been allotted to entity;
- (16) **Green Card**
Issue of Green Card automatically after execution of LUT;
- (17) Grant / renewal of Status Certificate in respect of EOUs provided it does not involve clubbing of FOB value of exports of its parent company in DTA;
- (18) Publicity of EOU / EHTP / STP / BTP Scheme under their jurisdiction.

6.35 Change of Location / Inclusion of Additional Location with BOA Approval

BOA may consider change of location of EOU / EHTP / STP / BTP unit from place mentioned in LoP to another and / or to include additional location outside territorial jurisdiction of original DC / Designated Officer, subject to such conditions as BOA may decide.

6.36 Clearance of Capital Goods in DTA

Clearance of capital goods, including second hand, in DTA shall be allowed as per FTP on payment of applicable duty and import policy in force on date of such clearance.

6.37 Depreciation Norms

Depreciation up to 100% is permissible for Computers and Computer peripherals in 5 years and 10 years in case of other items.

(a) Depreciation Norms for Computers and Computer Peripherals:

Depreciation for computers and computer peripherals shall be as follows.

10% for every quarter in first year;

8% for every quarter in second year;

5% for every quarter in third year;

1% for every quarter in fourth and fifth year.

(b) Depreciation Norms for Other Capital Goods:

For capital goods, other than above, depreciation rate would be as follows:

4% for every quarter in first year;

3% for every quarter in second and third year;

2.5% for every quarter in fourth and fifth year;

2% for every quarter thereafter.

6.38 Conversion

- (a) Existing DTA units, may also apply for conversion into an EOU /EHTP / STP / BTP unit, but no concession in duties and taxes would be available under scheme for plant, machinery and equipment already installed. For this purpose, DTA unit may apply to DC / Designated Officer concerned in same manner as applicable to new units. In case there is an outstanding export commitment under EPCG scheme / Advance Authorization Scheme, it will follow the procedure laid down in Appendix 6 M of Appendices & ANFs.
- (b) Existing EHTP / STP / BTP units may also apply for conversion / merger to EOU unit and vice-versa. In such cases, units will continue to avail permissible exemption in duties and taxes as applicable under relevant scheme. EHTP / STP / BTP units desiring conversion as an EOU may apply to DC concerned through Officer designated by DeitY / DoBT in same manner as applicable to new units. Likewise, EOU desiring conversion into EHTP / STP / BTP may apply to officer designated by DeitY / DoBT through DC concerned.
- (c) An EOU may be shifted to SEZ with approval of DC provided EOU has achieved pro-rata obligation under EOU scheme.

6.39 Revival of Sick Units

Subject to a unit being declared sick by appropriate authority, proposals for revival of unit or its take over may be considered by BOA. Guidelines on revival of sick units are given in Appendix 6 L of Appendices & ANFs.

6.40 Fast Track Clearance Procedure

(a) Eligibility:

EOUs having a status holder certificate under FTP shall be eligible for Fast Track Clearance Procedure.

(b) Examination of Import Cargo:

Status holder units shall be exempted from examination of import cargo at port of import. However, jurisdictional Commissioner of Customs / Central Excise may examine consignments at unit's place on random basis.

(c) Domestic procurement and import of goods:

Units having physical export turnover of Rs. 10 crore and above in preceding financial year shall be allowed to import goods without payment of duty on basis of pre - authenticated procurement certificate issued by jurisdictional Customs / Central Excise Authority.

(d) Installation of Fax Machine / Computers:

Eligible EOUs may install one fax machine and two computers in their administrative / registered office outside bonded premises under prior intimation to jurisdictional Asstt. / Deputy Commissioner of Customs or Central Excise.

(e) Procurement of DG sets:

Procurement of DG set of capacity commensurate with actual requirement of unit shall be permitted under intimation to DC and jurisdictional Central Excise authority.

(f) Temporary removal of Capital Goods:

Eligible EOU may remove their capital goods or parts thereof for repairs under prior intimation to jurisdictional Asst. / Deputy Commissioner of Customs or Central Excise.

(g) Personal carriage of samples:

Personal carriage of samples of Gems & Jewellery by status holder EOUs are allowed subject to limit fixed in Paragraph 6.24 without a need for prior permission from DC / Customs / Central Excise.

(h) Activities which do not require permission:

In respect of following activities of a status holder, permission will not be required from DC or jurisdictional Central Excise authority:

DTA sale of finished products in terms of Paragraph 6.08(a) of FTP; Participation in exhibition and Personal carriage of Gems & Jewellery for export promotion tours subject to fulfilment of conditions of Paragraph 6.24 of HBP. However, prior intimation thereof needsto be given.

6.41 Time Bound Disposal of Applications

DC shall dispose off applications expeditiously. Following time schedule shall normally be followed to dispose off applications provided application is complete in all respects and is accompanied with prescribed documents.

| S. No. | Category of Application | Time limit for disposal (days) |
|---------------|---|---------------------------------------|
| 1 | Issue of LoP / LoI | 15 |
| 2 | Conversion of LoP / LoI | 15 |
| 3 | Acceptance of LUT | 3 |
| 4 | Renewal of LUT | 3 |
| 5 | Permission for broad banding / diversification | 3 |
| 6 | Permission for change in locations | 7 |
| 7 | Permission for Advance DTA sale | 2 |
| 8 | Permission for merger of units | 7 |
| 9 | Permission for enhancement of production capacity | 3 |
| 10 | Cancellation of LoP | 3 |

| | | |
|----|---|----------|
| 11 | Permission for debonding / exit | 7 |
| 12 | Permission for DTA sale | 2 |
| 13 | Eligibility certificate for employment visa for lower level technicians | 2 |
| 14 | Issue of Green Card | 2 |
| 15 | Renewal of Green Card | Same day |
| 16 | Permission to lease CG | 1 |
| 17 | Permission for disposal of scrap / waste | 2 |
| 18 | Permission for change in name | 2 |
| 19 | Inter Unit Transfer | 2 |
| 20 | Wastage Norms, ad-hoc | 2 |
| 21 | Permission for re-import | Same day |
| 22 | Permission for re-export | Same day |
| 23 | Permission for replacement / repair of goods | Same day |
| 24 | Allotment of I.E. Code | 1 |
| 25 | Authorization of softex form | 1 |
| 26 | Reimbursement of CST claims | 7 |
| 27 | Issue of GSP Certificate | Same day |
| 28 | Permission for conversion of EOU to STPI, EPCG | 5 |
| 29 | Permission of final exit of EOU | 5 |
| 30 | Permission of extension of EOU | 2 |
| 31 | Permission to allow increase in value of CG | 2 |
| 32 | Permission for export through exhibition / tour | 2 |
| 33 | Reimbursement of Duty Drawback / TED | 7 |

CHAPTER 7

DEEMED EXPORTS

7.00 Policy

Policy relating to Deemed Exports is given in Chapter-7 of FTP.

7.01 Procedure for claiming Benefits

- (a) Supplier / Recipient of goods shall submit application for claiming deemed export benefits, in ANF-7A, along with the documents prescribed therein, to the concerned RA.
- (b) In case of supply of goods to an EOU, claim shall be filled with the concern Development Commissioner. A DTA Unit shall claim benefits from the concerned RA.

7.02 Criteria for claiming Benefits

- (a) (i) In respect of supply of intermediate goods to Advance Authorisation / DFIA holder, against Invalidation Letter, issued in terms of Paragraph 4.13 of HBP, application to obtain Advance Authorisation for import of duty free inputs shall be made as per procedures given in Chapter 4 of HBP. For supplies against invalidation letter, no TED refund shall be provided because such supplies are exempted from payment of Excise Duty under Excise Notification no 44/2001 dated 26.06.2001, as amended time to time.
- (ii) In respect of supply of goods to Advance Authorisation / DFIA, against ARO / Back to back L/C, procedure given in Chapter 4 of the HBP shall be followed. TED refund for supplies against ARO / Back to Back Letter of Credit shall be allowed, provided, Excise duty is paid while removing such goods. Duty Drawback shall be allowed on duty paid inputs used in such supplies.

- (b) In respect of supply of goods to EOU / EHTP / STP / BTP, Advance Authorisation / DFIA can be obtained as per procedure given in the Chapter 4 of HBP. For exemption from payment of Terminal Excise Duty, procedure as per Excise Circular No. 851/9/2007-CX dated 03.05.2007 read with Circular No. 10/2009-Cus. dated 25.02.2009, as amended, shall be followed for removal of goods against CT-3. No TED refund shall be provided for supply of goods to EOU / EHTP / STP / BTP. In case Advance Authorisation is not obtained for import of duty free inputs against such supply, drawback claim for duty paid inputs, used in the resultant product, shall be filed with the DC concerned. A DTA Unit shall claim benefits from the concerned RA.
- (c) In respect of supply of goods to an EPCG Authorisation holder, against Invalidation Letter, application for Advance Authorisation / DFIA shall be made as per procedures given in Chapter 4 of HBP. In respect of supply of goods to EPCG Authorisation holder against ARO, issued as per Paragraph 5.08 of HBP, refund of TED shall be allowed. If Advance Authorisation / DFIA is not obtained for duty free inputs, Duty drawback shall be allowed on duty paid inputs used in the resultant product.
- (d) In respect of supply of goods to other categories as listed in the Paragraph 7.02 (e), (f), (g) & (h) of FTP, Advance Authorisation / DFIA for import of duty free inputs may be obtained against Project Authority Certificate as per Appendix- 7C. However, if Advance Authorisation / DFIA is not obtained against such supplies for duty free inputs, claim for duty drawback may be filed as per ANF-7A. In case supply of goods is made against ICB contract, no TED refund shall be provided because supply against ICB contract is exempted from payment of Excise Duty under Excise Notification No 12/2012-CE dated 17.03.2012.

7.03 Eligibility criteria for claiming TED / Drawback

- (a) Application can be filed either by supplier or by recipient of goods, having IEC Number.

- (b) Application can be made by Registered office / Head office / Branch office or Manufacturing unit.
- (c) In case supplier files claim for TED refund, it shall obtain a certificate for non-availment of CENVAT credit from the recipient of goods as per Annexure - I to ANF-7A and submit the same. In case recipient of goods is an applicant, then the applicant itself shall submit such certificate.
- (d) In case supplier files claim for Duty Drawback, it shall submit a certificate for non-availment of CENVAT credit as per Annexure II to ANF-7A. In case recipient of goods is an applicant, then it shall obtain such certificate from the supplier and submit the same.
- (e) In case recipient unit files claim for TED / Duty Drawback, disclaimer certificate as prescribed in the Annexure-III to ANF- 7A shall be obtained from supplier and shall be submitted along with the application. In case supplier of the goods is an applicant then the disclaimer certificate from the recipient of the goods shall be submitted.
- (f) Claim can be filed only after payment is received in full, to the extent of supplies made.
- (g) Claim can be filed against payment received through normal banking channel, as per e-BRC. In other words, supply documents have to be negotiated through bank only. In respect of supplies covered under Paragraph 7.02 (e) to (h) of the FTP, payment certificate issued by Project Authority, in APPENDIX-7D, has also to be submitted.
- (h) Sub-contractor can also file claim provided its name is endorsed in the Project Authority Certificate / Contract before supply of such goods.

7.04 Procedure for claiming TED refund on Fuel

For supply of High Speed Diesel (HSD) / Furnace Oil from Depots of domestic oil Public Sector Undertakings under Paragraph 7.02(b) of FTP,

terminal excise duty shall be refunded on the basis of duty paid certificate issued by concerned domestic oil Public Sector Undertaking in the format given in Annexure-IV to ANF-7A. Duty refund will be allowed for quantity of HSD / Furnace oil procured by EOUP / EHTP / STP / BTP unit for its production activities, as certified by concerned DC / Bond authorities.

7.05 Frequency of application and time period for claiming TED / Drawback

- (a) In respect of supplies covered in Paragraphs 7.02 (a) to (d) of FTP, application for TED refund / drawback (whichever applicable) may be filed within 12 months from the date of realisation of 100% payment against such supplies. In cases where payment is received in advance and supply is made subsequently, in such cases application can be filed within 12 months from the last date of such supplies. Claim can be filed 'Invalidation Letter / ARO wise' against individual Authorisation within the time limit as specified above.
- (b) In respect of supplies covered in Paragraphs 7.02 (e) to (h) of FTP, claim may be filed either on the basis of proof of supplies effected or payment received. Claims should be filed within a period of twelve months from date of receipt of supplies by project authority or from date of receipt of the payment by supplier as per the option of applicant, either against a particular project or all the projects. Claims may also be filed where part payments have been received. Deemed export benefits may be allowed after 100% supplies have been made. However, benefit will be limited to the extent of payment received.

7.06 Fixation of Brand Rate

Normally, drawback may be allowed as per All Industry Rate fixed by DoR in the Drawback Schedule. An application in ANF- 7A, along with documents prescribed in **ANF-7A & Appendix-7E**, may be made to RA or DC concerned, as the case may be, for fixation of brand rate. Application for fixation of Brand rate may be made for the following:

- (a) Where All Industry Rate of Drawback is not available or same is less than 4/5th of duties actually paid on raw materials or components used in the production or manufacture of the said goods.
- (b) Where basic customs duty paid is claimed as brand rate of duty drawback, in terms of Paragraph 7.06(b) of FTP.

7.07 Time barred / supplementary claim

In case claim is filed after prescribed time period, provision of late cut, under Paragraph 9.02 of HBP and provision of supplementary claim under Paragraph 9.03 of HBP shall be applicable.

7.08 Exemption from payment of TED

For claiming exemption from payment of terminal excise duty, wherever applicable, procedure prescribed by Central Excise Authority shall be followed.

7.09 Applicability of other Rules

Subject to procedure laid down in HBP, Customs and Central Excise Duty Drawback Rules, 1995 shall apply mutatis mutandis to deemed exports scheme.

7.10 Payment of interest

- (a) RA shall make payment within 30 days from the date of issuance of Approval Letter. In case payment is not made within the time period as given above, then RA shall add interest component, along with principal amount, in accordance with Paragraph 7.09 of the FTP. No separate application for claiming interest is required to be made. A single mandate shall be issued to the bank for principal amount and interest.
- (b) If interest is not added by RA/DC, a separate application, as per ANF-7B may be filed, within 30 days from the date of receipt of principal

amount. No interest shall be paid thereafter. RA shall maintain separate account for disbursement of principal amount and interest for accounting purpose.

- (c) RA shall submit a monthly report regarding disbursement of deemed exports claims, in the proforma as given in Appendix-7F. Wherever interest is paid, RA shall inform the reason for payment of interest. Report shall be sent at the email ID ddgdbk@nic.in.

7.11 Internal Audit Mechanism

The zona offices of Additional DGFT shall constitute Audit team in their offices as per Paragraph 7.10 of FTP and shall carry out post Audit.

CHAPTER 8

QUALITY COMPLAINTS AND TRADE DISPUTES

8.01 Committee on Quality Complaint& Trade Dispute (CQCTD)

For effective dealing of quality complaints and trade disputes, a Committee on Quality Complaint & Trade Dispute (CQCTD) is constituted in the 22 offices of the DGFT. Name of the office, where CQCTD has been constituted and jurisdiction of CQCTD is given in the table below:

| Sl. No | Location of CQCTD | Designation of Chairperson | Jurisdiction of the CQCTD |
|-----------------------------|----------------------------------|----------------------------|---|
| <u>Northern Zone</u> | | | |
| | Zonal Addl. DGFT, CLA, New Delhi | Addl. DGFT | Zonal DGFT, New Delhi; RA, Moradabad and RA, Dehradun |
| | Jt. DGFT, Chandigarh | Jt. DGFT | RA, Chandigarh; RA, Jammu and RA, Srinagar |
| | Jt. DGFT, Panipat | Jt. DGFT | RA, Panipat |
| | Jt. DGFT, Jaipur | Jt. DGFT | RA, Jaipur |
| | Jt. DGFT, Kanpur | Jt. DGFT | RA, Kanpur |
| | Jt. DGFT, Ludhiana | Jt. DGFT | RA, Ludhiana and RA, Amritsar |
| | Jt. DGFT, Varanasi | Jt. DGFT | RA, Varanasi |
| <u>Western Zone</u> | | | |
| | Zonal Addl.DGFT, Mumbai | Addl. DGFT | Zonal DGFT, Mumbai; RA , Nagpur and RA, Panjim |
| | Jt. DGFT, Pune | Jt. DGFT | RA , Pune |
| | Jt. DGFT, Vadodara | Jt. DGFT | RA, Vadodara and RA, Gandhidham, Kutch |
| | Jt. DGFT, Ahmedabad | Jt. DGFT | RA, Ahmedabad |
| | Jt. DGFT, Surat | Jt. | RA, Surat |

| | | | |
|-----------------------------|---------------------------|------------|---|
| | | DGFT | |
| | Jt. DGFT, Bhopal | Jt. DGFT | RA, Bhopal and Indore extn.office |
| <u>Eastern Zone</u> | | | |
| | Zonal Addl. DGFT, Kolkata | Addl. DGFT | Zonal DGFT, Kolkata; RA, Patna; RA, Guwahati; RA, Shillong and RA, Raipur, Chhattisgarh |
| | Jt. DGFT, Cuttack | Jt. DGFT | RA, Cuttack |
| <u>Southern Zone</u> | | | |
| | Zonal Addl. DGFT, Chennai | Addl. DGFT | Zonal DGFT, Chennai and RA Puducherry |
| | Jt. DGFT, Bangalore | Jt. DGFT | RA, Bangalore |
| | Jt. DGFT, Hyderabad | Jt. DGFT | RA, Hyderabad |
| | Jt. DGFT, Madurai | Jt. DGFT | RA, Madurai |
| | Jt. DGFT, Coimbatore | Jt. DGFT | RA, Coimbatore |
| | Jt. DGFT, Vishakhapatnam | Jt. DGFT | RA, Vishakhapatnam |
| | Jt. DGFT Cochin | Dy. DGFT | RA, Cochin and RA, Thiruvananthapuram |

8.02 Composition of the CQCTD

The CQCTD may comprise of the following members:

1. Additional DGFT/Joint DGFT/ (H.O.O): Chairperson
2. Representative of Bureau of India Standard (BIS): Member
3. Representative of Agricultural and Processed Food Products Export Development Authority: Member
4. Representative of the Branch Manager of the concerned Bank: Member
5. Representative of Federation of Indian Exporter Organisation / and OR Export Promotion Council: Member
6. Representative of Export Inspection Agency: Member

7. Nominee of Director of Industries of State Government: Member
8. Nominee of Development Commissioner of MSME: Member
9. Officer as nominated by Chairperson: Member Secretary
10. Any other agency, as co-opted by Chairperson: Member.

8.03 Format for Lodging Complaint

An application for investigation of quality complaints and/or other trade disputes may be filed to the concerned RA, as indicated in paragraph 8.01 above, in the format given in ANF8 of Appendices & Aayaat Niryat Forms. Complaint has to be duly supported by self-attested photocopies of relevant documents. Complainant can also file its complaint online on DGFT's website <www.dgft.gov.in>.

8.04 Mechanism for resolving Quality Complaint and Trade Dispute

- (a) The CQCTD, on receipt of a complaint, from importer abroad, against Indian exporter would call for comments from the firm against whom the complaint has been made. After giving reasonable opportunity of hearing to both sides, CQCTD may arrive at a conclusion to resolve the matter and CQCTD /RA will take action as considered appropriate.
- (b) RA would forward a copy of the complaint received from Indian importer, against foreign exporter to the concerned Foreign Trade (FT) Division in the Department of Commerce (DoC). FT Division in DoC will take up the complaint with the concerned Embassy/High Commission/ Consulate General in India and with concerned Indian Embassy/ High Commission abroad for effective resolution of the complaint.

8.05 Role of the Nodal Officer

- (a) The Nodal officer in DGFT, on receipt of complaints from importers abroad, would forward it to the Jurisdictional RA for examination and appropriate action.

- (b) The Nodal officer would forward copy of the complaint received from Indian importer, against foreign exporter to the concerned Foreign Trade (FT) Division in the Department of Commerce (DoC). FT Division in DoC will take up the complaint with the concerned Embassy/High Commission/ Consulate- General in India and with concerned Indian Embassy/ High Commission abroad for effective resolution of the complaint.
- (c) Regional Authorities of DGFT will send a consolidated quarterly report in respect of cases received/ referred to it, with details of action taken to the Nodal Officer.

CHAPTER 9

MISCELLANEOUS MATTERS

9.01 Denomination of Import Authorisation/Licence/ Certificate/ Permissions

- (a) CIF value of Authorisation / FOB value of export obligation shall be indicated both in Rupees and in freely convertible currency(s) at the exchange rate(s) prevailing on Authorisation issue date.
- (b) Remittance of foreign exchange and discharge of export obligation against Authorisation shall be regulated in freely convertible currency.
- (c) No enhancement in Rupee value shall be necessary if remittance of foreign exchange is covered by CIF value of Authorisation shown in freely convertible currency.
- (d) However, on Advance Authorisation(s), issued for exports to ACU countries, export obligation shall be denominated and discharged in ACU dollars.
- (e) Export obligation in Advance Authorisation for intermediate supply and for deemed export, where supplies are to be made within the country, shall be denominated and discharged in Indian rupees.

9.02 Late Cut

Wherever any application for any fiscal/financial benefits under FTP complete in all respects is received after expiry of last date for submission of such application, the application may be considered after imposing a late cut in the following manner:

| | | |
|------|---|-----|
| i. | Application received after the expiry of last date but within six months from the last date | 2% |
| ii. | Application received after six months from the prescribed date of submission but not later than one year from the prescribed date | 5% |
| iii. | Application received after 12 months from the prescribed date of submission but not later than 2 years from the prescribed date | 10% |

9.03 Supplementary Claims

Wherever any application for supplementary claim is received, within specified time limits, such application may also be considered after imposing a cut @2% on the entitlement.

9.04 Furnishing of Information

Every importer/ exporter shall furnish such information within the stipulated time as may be called for by DGFT or any officer duly authorised. Failure to furnish the requisite information within the stipulated time shall warrant Penal action as laid down in the FTP or as per the FT(D&R) Rules,1993.

9.05 Clarifications on Policy/Procedure

A request seeking clarifications on any provision of FTP or HBP, importability or exportability of items under ITC(HS), made to DGFT in the form in ANF2F. Clarification may also be sought on E-mail.

9.06 Consumption Register

Importer shall maintain a register as in Appendix-4G (for 3 years period) of items imported under an Authorisation and separately for items imported with actual user condition and its consumption. In respect of particular schemes such register shall be maintained for specified period.

9.07 Export Facilitation

In order to resolve exporters' problems in a co-ordinated manner, field offices of DGFT shall act as Export Facilitation Centres and nodal agencies.

9.08 Standing Grievance Committee

For speedy redressal of genuine grievances of trade and industry pertaining to FTP and Procedure, Grievance Committees have been constituted chaired by (i) DGFT at Headquarters and (ii) head(s) of RA(s) in regional offices Headquarters and (ii) head(s) of RA(s) in regional offices. Grievance Committee will include representatives of Federation of Indian Export Organisations (FIEO), Export Promotion Councils/ Commodity Boards, Development Authorities, and Government Departments/ technical authorities as their members.

9.09 Counter Assistance

- (a) While the endeavour of DGFT is to make filling/submission of all applications online, till the time the facility for online application is not available, applications will continue to be received at the counter.
- (b) For speedy disposal of applications, "Counter Assistance" will function in all offices of DGFT. An FTDO shall be in charge of counter in each office. On presentation of application at the counter, applicant would be advised whether his application is complete or there is any deficiency that needs to be rectified.

- (c) Counter Assistance may also be availed of for amendments of minor nature/enquiries. Applications, in such cases, will be received in regional offices at counter against a proper receipt. Authorisation / licence /list /enquiry shall be returned after carrying out necessary amendments/ giving necessary reply as far as possible on the same day, across the Counter.

9.10 Time Bound Disposal of Applications

RA shall dispose of applications expeditiously. Following time schedule shall normally be followed to dispose of applications provided it is complete in all respects and is accompanied by prescribed documents.

| S. No. | Category of Application | Time Limit For Disposal (in working days) |
|---------------|--|--|
| i | IEC Number | 2 |
| ii | Advance Authorisation where Input-Output norms are notified or under paragraph 4.07 of HBP, Advance Authorisation for Annual Requirement and DFIA. | 3 |
| iii | Fixation of input output norms | 120 |
| iv | Issuance of EPCG Authorisations | 3 |
| v | All Authorisations under Gem & Jewellery scheme | 3 |
| vi | Revalidation of Authorisation and extension of export obligation period by R.A | 3 |
| vii | Acceptance of BG/LUT | 15 |
| viii | Redemption/EODC of Advance Authorisation/ DFIA | 15 |
| ix | Redemption of EPCG Authorisations and release of BG /LUT. | 30 |
| x | Issuance/renewal of status certificate | 3 |
| xi | Amendment of any category of Authorisation | 3 |
| xii | Miscellaneous | 10 |
| xiii | Refund of DBK/ TED under deemed export | 30 |
| xiv | Fixation of Brand Rate for duty drawback | 30 |

In all the above cases, the number day is counted from the date of submission of complete application. Cases of undue delay in disposal of applications may be brought to notice of head of regional offices by way of a written representation, which shall be promptly enquired into and responded to.

9.11 Date of shipment/Dispatch in respect of Imports

Date of shipment/dispatch for imports will be reckoned as under:-

| S.No. | Mode of Transportation | Date of Shipment / Dispatch |
|--------------|----------------------------------|---|
| (i) | By Sea | The date affixed on the Bill of Lading |
| (ii) | By Air | Date of relevant Airway Bill provided this represents date on which goods left last airport in the country from which the import is effected. |
| (iii) | From land-Locked Countries | Date of dispatch of goods by rail, road or other recognised mode of transport to consignee in India through consignment basis. |
| (iv) | By Post Parcel | Date stamp of office of dispatch on the packet or dispatch note |
| (v) | By Registered Courier Service | Date affixed on Courier Receipt / Waybill |
| (vi) | Multimodal Transport | Date of handing over goods to first carrier in a combined transport Bill of Lading |

9.12 Date of Shipment/ Dispatch in respect of Exports

(A) Date of shipment/despatch for exports will be reckoned as under:

| Sl. No. | Mode of Transportation | Date of Shipment / Dispatch |
|----------------|-------------------------------|--|
| (i) | By Sea | <p>(a) For bulk cargo, date of Bill of Lading or date of mate receipt, whichever is later?</p> <p>(b) For containerised cargo, date of "Onboard Bill of Lading", or "Received for Shipment Bill of Lading", where the L/C provides for such Bill of Lading. For exports by containers from Inland Container Depot (ICD), date of Bill of Lading issued by shipping agents at the time of loading of export goods in ICD after customs clearance.</p> <p>(c) For Lash barges, date of Bill of Lading evidencing loading of export goods on board.</p> |
| (ii) | By Air | Date mentioned by appropriate Officer of Customs on Shipping Bill, evidencing loading or handing over of goods to air cargo complex, which are not international airports, or by way of rotation of flight number and date. |
| (iii) | By Post Parcel | Date stamped on postal receipt |
| (iv) | By Rail | Date of RR (Railway Receipt) |
| (v) | By Registered Courier Service | Date affixed on Courier Receipt/ Waybill. |
| (vi) | By Road | Date on which goods crossed Indian border as certified by Land Customs Authorities. |

(B) However, wherever Procedural / Policy provisions have been modified to disadvantage of exporters, the same shall not be applicable to consignments already handed over to Customs for examination and subsequent exports up to Public Notice / Notification date.

(C) Similarly, in cases where goods are handed over to the customs authorities before expiry of export obligation period but actual Exports take place after expiry of the export obligation period, such exports shall be considered within export obligation period and taken towards fulfilment of export obligation.

- (D) However, for benefit under FTP, Let Export Order (LEO) date shall be the date of reckoning of export.

9.13 General Power of Review

DGFT may, on his own or otherwise, call for records of any case pending with or decided by an officer subordinate to him or an officer of any EPC/FIEO including a Group/ Committee of officers nominated, appointed or authorised by him and pass such orders as he may deem fit.

GLOSSARY (ACRONYMS)

| Acronym | Explanation |
|----------------|---|
| AA | Advance Authorisation |
| AANF | Appendices and Aayaat Niryaat Form |
| ACU | Asian Clearing Union |
| AEZ | Agri Export Zone |
| ANF | Aayat Niryaat Form |
| ARE-1 | Application for Removal of Excisable Goods for Export (By Air/Sea/Post/Land) |
| ARE-3 | Application for Removal of Excisable Goods from a factory or a warehouse to another warehouse |
| ACP | Accredited Clients Programme |
| AEO | Authorised Economic Operator |
| AES | Approved Exporter's Scheme |
| APEDA | Agricultural & Processed Food Products Export Development Authority |
| ARO | Advance Release Order |
| ASEAN | Association of South- East Asian Nations |
| ASIDE | Assistance to States for Infrastructure Development of Exports |
| AU | Actual User |
| BCD | Basic Customs Duty |
| BG | Bank Guarantee |
| BIFR | Board of Industrial and Financial Reconstruction |
| BOA | Board of Approval |
| BOT | Board of Trade |
| BRC | Bank Realisation Certificate |
| BTP | Biotechnology Park |
| BIS | Bureau of Indian Standards |
| CBEC | Central Board of Excise and Customs |
| CCP | Customs Clearance Permit |
| CEA | Central Excise Authority |
| CEC | Chartered Engineer Certificate |
| CED | Central Excise Duty |
| CENVAT | Central Value Added Tax |
| CETF | Common Effluent Treatment Facility |
| CFCs | Common Facility Centres |
| CG | Capital Goods |
| CIF | Cost, Insurance & Freight |
| CIN | Corporate Identification Number |

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|--------|---|
| CIS | Commonwealth of Independent States |
| CKD | Completely Knocked Down |
| CoD | Cash on Delivery |
| CoO | Certificate of Origin |
| CQCTD | Committee on Quality Complaints and Trade Disputes |
| CRES | Certificate of Registration as Exporter of Spices |
| CST | Central Sales Tax |
| CIN | Company Identification Number |
| CRES | Certification of Registration as Exporter of Spices |
| CEPA | Comprehensive Economic Partnership Agreement |
| CBEC | Central Board of Excise and Customs |
| CSP | Common Service Provider |
| CECA | Comprehensive Economic Cooperation Agreement |
| CVD | Countervailing Duty |
| DA | Document against Acceptance |
| DBK | Drawback |
| DC | Development Commissioner |
| DDA | Diamond Dollar Accounts |
| DEA | Department of Economic Affairs |
| DEL | Denied Entity List |
| DES | Duty Exemption Schemes |
| DFIA | Duty Free Import Authorisation |
| DGCI&S | Director General, Commercial Intelligence & Statistics. |
| DIN | Director Identification Number |
| DPIN | Designated Partner Identification Number |
| DGFT | Director General of Foreign Trade |
| DIPP | Department of Industrial Policy & Promotion |
| DoBT | Department of Bio-Technology |
| DoC | Department of Commerce |
| DeitY | Department of Electronics and Information Technology |
| DoR | Department of Revenue |
| DoT | Department of Telecommunications |
| DRS | Duty Remission Schemes |
| DTA | Domestic Tariff Area |
| e-BRC | Electronic Bank Realisation Certificate |
| e-IEC | Electronic Importer-Exporter Code |
| ECA | Enforcement- cum-Adjudication |
| EDI | Electronic Data Interchange |
| ECGC | Export Credit Guarantee Corporation |
| EEFC | Exchange Earners' Foreign Currency |
| EFC | Exim Facilitation Committee |
| EFT | Electronic Fund Transfer |

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|-------------|---|
| EGM | Export General Manifest |
| EHTP | Electronic Hardware Technology Park |
| EIC | Export Inspection Council |
| EO | Export Obligation |
| EODC | Export Obligation Discharge Certificate |
| EOP | Export Obligation Period |
| EOU | Export Oriented Unit |
| EPC | Export Promotion Council |
| EPCG | Export Promotion Capital Goods |
| EPO | Engineering Process Outsourcing |
| EXIM | Export Import |
| FDI | Foreign Direct Investment |
| FE | Foreign Exchange |
| FEMA | Foreign Exchange Management Act |
| FIEO | Federation of Indian Export Organisation |
| FIRC | Foreign Exchange Inward Remittance Certificate |
| FOB | Free On Board |
| FOR | Freight on Road and Rails |
| FT (D&R)Act | Foreign Trade (Development & Regulation) Act, 1992 (22 of 1992) |
| FTDO | Foreign Trade Development Officer |
| FTP | Foreign Trade Policy |
| FT(R) Rules | Foreign Trade (Regulation) Rules |
| FTWZ | Free Trade and Warehousing Zone |
| FTA | Free Trade Agreement |
| G&J EPC | Gems & Jewellery Export Promotion Council |
| GOI | Government of India |
| GATS | General Agreement on Trade in Services |
| GR | Guarantee of Realisation |
| HACCP | Hazard Analysis and Critical Control Process |
| HBP | Handbook of Procedures |
| HHEC | Handicraft & Handlooms Exports Corporation |
| ICB | International Competitive Bidding |
| ICD | Inland Container Depot |
| ICM | Indian Commercial Mission |
| IEC | Importer Exporter Code |
| ISO | International Organisation for Standardisation |
| IAEA | International Atomic Energy Agency |
| INFCIRC | International Atomic Energy Agency Information Circular |
| IEM | Industrial Entrepreneurial Memorandum |
| IMSC | Inter-Ministerial Standing Committee |
| IL | Industrial Licensing |

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| ISO | International Standards Organisation |
| ITC (HS) | Indian Trade Classification (Harmonised System) for Export & Import Items |
| KVIC | Khadi and Village Industries Commission |
| LC | Letter of Credit |
| LCS | Land Customs Station |
| LLPIN | Limited Liability Partnership Number |
| LPG | Liquefied Petroleum Gas |
| LoC | Line of Credit |
| LoI | Letter of Intent |
| LoP | Letter of Permit |
| LUT | Legal Undertaking |
| MAI | Market Access Initiative |
| MDA | Market Development Assistance |
| MEA | Ministry of External Affairs |
| MEIS | Merchandise Exports from India Scheme |
| MRA | Mutual Recognition Agreements |
| MoD | Ministry of Defence |
| MoF | Ministry of Finance |
| MSME | Ministry of Micro Small and Medium Enterprises |
| MSMED | Micro Small and Medium Enterprises Development |
| MSTC | Metal Scrap Trade Corporation |
| NBFC | Non- Banking Financial Company |
| NC | Norms Committee |
| NFE | Net Foreign Exchange |
| NI | Non-Infringing |
| NCB | National Competitive Bidding |
| NOC | No Objection Certificate |
| PDS | Public Distribution System |
| PEC | Project and Equipment Corporation of India Ltd. |
| PIC | Policy Interpretation Committee |
| PRC | Policy Relaxation Committee |
| PAN | Permanent Account Number |
| PH | Personal Hearing |
| PTA | Preferential Trade Agreement |
| PSU | Public Sector Undertaking |
| R&D | Research and Development |
| RA | Regional Authority |
| RBI | Reserve Bank of India |
| RCMC | Registration-cum-Membership Certificate |
| REP | Replenishment |
| RPA | Rupee Payment Area |

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|---------|---|
| S/B | Shipping Bill |
| SAD | Special Additional Duty |
| SCOMET | Special Chemicals, Organisms, Materials, Equipment and Technology |
| SEI CMM | Software Engineers Institute's Capability Maturity Model |
| SEZ | Special Economic Zone |
| SEIS | Service Exports from India Scheme |
| SIA | Secretariat for Industrial Assistance |
| SIIC | State Industrial Infrastructure Corporation |
| SION | Standard Input Output Norms |
| SKD | Semi- Knocked Down |
| SLEPC | State Level Export Promotion Committee |
| STC | State Trading Corporation |
| STCL | Spices Trading Corporation Limited |
| STE | State Trading Enterprise |
| STH | Star Trading House |
| STPI | Software Technology Park of India |
| STR | State Trading Regime |
| SUVs | Sports Utility Vehicles |
| TED | Terminal Excise Duty |
| TEE | Towns of Export Excellence |
| TH | Trading House |
| TPO | Trade Promotion Organization |
| TRA | Telegraphic Release Advice |
| TRQ | Tariff Rate Quota |
| TUFS | Technology Upgradation Fund Scheme |
| UAC | Units Approval Committee |
| UN | United Nations |
| VA | Value Addition |
| WCO | World Customs Organisation |
| WHOGMP | World Health Organisation Good Manufacturing Practices |
