

F.No.19(2)/2018-D(EPC)
Government of India
Ministry of Defence
Department of Defence Production

DDP invites comments from all Stakeholders on the draft Standard Operating Procedure (SOP) for issuance of Import Authorisation to Indian Private Companies by the Ministry of Defence, Department of Defence Production for Restricted Defence Items as notified by DGFT.

Comments may be sent to D(EPC) by 20.9.2018 through email at usepc@ddpmod.gov.in

DRAFT

F.No. 19(2)/2018/D(~~EPC~~)
Government of India
Ministry of Defence
Department of Defence Production
D(EPC)

New Delhi, dated the August _____, 2018

Sub : Standard Operating Procedure (SOP) for issuance of Import Licenses to Indian Private Companies by the Ministry of Defence, Department of Defence Production for Restricted Defence Items as notified by DGFT - Regarding -

.

1. BACKGROUND

The Directorate General of Foreign Trade (DGFT) vide Order dated 28/05/2018 (Annexure-I) has authorized the Department of Defence Production (DDP) for the items enclosed therewith to grant or renew or refuse to grant or renew licence or to suspend or cancel a licence for the purpose of import of such class or classes of goods or services or technologies. In order to process the applications for import of Defence items in a time-bound and user-friendly manner, the DDP hereby notifies the following guidelines:

2. CATEGORY OF IMPORT LICENCE

The DDP shall issue the Import Licenses under the following categories-

Category 1 : Items for the end use of Indian Armed Forces, DRDO, DPSUs, OFB, MHA, other Government Departments and State governments and

Category 2 : Items for the purposes of export, repairs, fitment into a system, participation in Tenders/Exhibition, Testing & Evaluation or any other use spelt out by the applicant.

3. EXEMPTION FROM THE APPLICATIONS OF RULES

Agencies/Organisations mentioned in DGFT's Amendment Order, 2017 dated 25.07.2017 (F.No. 01/93/180/16/AM-16/ PC-2(B)), as amended from time to time, shall be exempted from seeking import authorization of defence items.

4. MODE OF APPLICATION

The Indian Manufacturers are required to file applications in ANF1, ANF2M along with the necessary documents [including Appendix 2P (ANF2K(i), Annexure 2(i), (ii) & (iii)) for imports from USA. The certificate notified in such documents would continue to be issued by DGFT as agreed under Indo US MOU signed by DGFT]. They would also enclose the copy of Purchase Order/ End User Certificate counter-signed by the end user. The applications along with the scanned copy of EUC/ purchase order may be sent through email to usepc@ddpmod.gov.in till an on-line system is made available for the purpose.

5. DOCUMENTS REQUIRED FOR PROCESSING OF THE APPLICATIONS

- (i) A copy of Purchase order/ Supply order/ End User Certificate (EUC) signed by the Applicant and counter-signed by the End User for items covered under 'Category 1'.
- (ii) End User Certificate (EUC)/ Self-Declaration by Importer for items covered under 'Category 2' with relevant documents regarding participation in Tenders/Exhibition, Testing & Evaluation and any other use as applicable;
- (iii) Technical Specifications of the items intended to be imported.

6. EXAMINATION PROCESS

6.1 On receipt of applications for import of restricted defence items as mentioned under Annexure-I, the D(EPC) Section shall scrutinize the applications for proper documentation and raise the shortfalls/ queries to the Applicants within two working days, if required. Once the application is found to be in order, the decision on the application shall be communicated within a maximum time limit of 15 days.

6.2 Post issue of the Authorization, the DDP reserves the right to cross verify the End User Certificates on random basis for validation of record or further actions as deemed fit. The responsibility for veracity of all such certificates would vest with the Importer and the concerned Importer would be liable for actions including penal actions, if any misrepresentation is noticed.

6.3 DDP would also seek the inputs of the security agencies to establish the bona fides of the importer(s). Keeping such credentials clean would enable the importer get faster clearances.

7. COMPETENT AUTHORITY FOR APPROVAL

Joint Secretary (DIP), DDP shall be the competent authority to issue the import licenses.

8. VALIDITY OF IMPORT LICENSE

The validity of import licence would be concurrent with the Schedules indicated in supply order/ purchase order in Category-1 and would be valid for two years in Category-2. The importer can apply for renewing the license if the time limit granted in the license is over.

9. EXAMINATION FEE FOR THE APPLICATION

As provided by DGFT, the Application for Import Authorization must be accompanied by application fees as indicated in the Appendix 2K. Fees must be paid through DD or Cheque to be issued in favour of Ministry of Defence.

10. CERTIFICATE OF UTILIZATION

On receipt of the Import Licence and the execution of the orders by the importer, the Applicant shall submit a Certificate of Utilization with the following declaration, within six months of the date of import. The certificate would also need to be counter-signed by the End User in Category-1 cases.

- (i) It is certified that the items imported by the undersigned has been used for the purpose as stated in the import application i.e.,.....;
- (ii) The items imported by us shall not be used for any other purpose that relates to development of weapons of mass destruction and their delivery system(s); and
- (iii) If required, the verification of possession of item(s)/documents will be provided by the User to the Agencies nominated by DGFT/MoD.

11. SIGNING AUTHORITY FOR IMPORT LICENSE

Upon approval of the Competent Authority and receipt of original EUC, the Import Authorization would be invariably signed and stamped by the 02 Officers in DDP i.e., Director or Deputy Secretary (DIP), Under Secretary (EPC), Section Officer (EPC) based on the extant availability of the Officers. A copy of the Import Licence shall be marked to DGFT and Indian Customs. The Import Licence shall be sent to the Applicant by post, however, a scanned copy shall also be sent to the Applicant by E-Mail provided by them in the application.

12. RECORD KEEPING

The Importer shall maintain records in manual or electronic form for a minimum period of 05 years from the date of application. MOD, if required, may depute a team of official(s) at the firm's premise(s) for regular/surprise check and verification of documentation(s)/ transaction.

13. PENALTY

The relevant penal provisions shall be attracted for any wrongdoing, submission of incorrect information & forged/fraudulent documents. This may warrant cancellation of Importer Exporter Code (IEC), financial penalties as well as criminal prosecution as per the extant provisions of the FTDR Act, 1992 as amended from time-to-time, the Customs Act, 1962 and any other Acts and their amendments issued from time to time, as may be applicable.

To be Published in the Gazette of India Extraordinary Part-II, Section - 3, Sub-Section (ii)

Government of India
Ministry of Commerce & Industry
Department of Commerce
Directorate General of Foreign Trade

ORDER

New Delhi the 28 May, 2018

S.O. - In exercise of the powers conferred by sub-sections (2) and (4) of section 9 of The Foreign Trade (Development and Regulation) Act, 1992 (22 of 1992) as amended vide The Foreign Trade (Development and Regulation) Amendment Act 2010 No 25 of 2010), the Director General authorizes the officers mentioned in the Table below to grant or renew or refuse to grant or renew a licence or to suspend or cancel a license for the purposes of import or export of such class or classes of goods or services or technology as may be prescribed and , grant or renew or refuse to grant or renew a certificate, scrip or any instrument bestowing financial or fiscal benefit, after recording in writing, reasons for such refusal :-

Sl. No.	The Designation of the Officers	The Territorial areas in respect of which the jurisdiction is to be exercised
1.	Additional Director General of Foreign Trade	Throughout India
2.	The Joint Director General of Foreign Trade	
	(a) In the Headquarters office of the Director General of Foreign Trade	Throughout India
	(b) In the Regional Licensing Authority	Respective territorial jurisdiction of such authority
3.	The Deputy Director General of Foreign Trade	
	(a) In the Headquarters office of the Director General of Foreign Trade	Throughout India
	(b) In the Regional Licensing Authority	Respective territorial jurisdiction of such authority
4.	The Assistant Director General of Foreign Trade	
	(a) In the Headquarters office of the Director General of Foreign Trade	Throughout India
	(b) In the Regional Licensing Authority	Respective territorial jurisdiction of such authority
5	The Development Commissioner/ Joint Development Commissioner/ Deputy Development Commissioner/ Assistant Development Commissioner of a Free Trade Zone or an Export Processing Zone	Respective territorial jurisdiction of such authority
6.	The Joint Secretary to the Government of India In the Department of Defence Production, Ministry of Defence	Throughout India for items listed in Annexure to this Order

(Alok Vardhan Chaturvedi)
Director General of Foreign Trade

Restricted items (only for defence use) for which import authorization will be required from DDP.

SI No.	EXIM CODE	ITEM Description
1.	8525 50 10	Radio broadcast transmitter(only for defence applications)
2.	8525 50 20	TV broadcast transmitter
3.	8525 50 40	Communication jamming equipments
4.	8525 50 90	Other
5.	8525 60 12	Marine radio communication equipment
6.	8525 60 92	Other satellite communication equipment
7.	8526 10 00	Radar apparatus
8.	8526 91 10	Direction measuring equipment
9.	8526 91 30	Direction finding equipment
10.	8526 91 40	Non directional beacon
11.	8526 91 50	VHF omni range equipment
12.	8526 91 90	Other
13.	8529 10 11	For communication Jamming equipment(Dish Antenna)
14.	8529 10 22	For communication jamming equipment(Other Aerials/Antenna:)
15.	8529 10 92	For communication jamming equipment(Other)
16.	8529 90 20	For communication jamming equipment
17.	8543 89 91	RF (Radio Frequency) power amplifiers and noise generators for communication jamming equipment, static/mobile/manportable
18.	8710 00 00	Tanks and other armoured fighting vehicles, motorised, whether or not fitted with weapons, and parts of such vehicle
19.	8802 11 00	Helicopters-Of an unladen weight not exceeding 2000 kg
20.	8802 12 00	Helicopters-Of an unladen weight exceeding 2000 kg
21.	8802 20 00	Aeroplanes and other aircraft, of an unladen weight not exceeding 2000 kg

22.	8802 30 00	Aeroplanes and other aircraft, of an unladen weight exceeding 2000 kg but not exceeding 15000 kg
23.	8802 40 00	Aeroplanes and other aircraft, of an unladen weight exceeding 15000 kg
24.	8802 60 00	Spacecraft (including satellites) and suborbital and spacecraft launch vehicles
25.	8906 10 90	Warships
26.	9004 90 10	Passive night vision goggles
27.	9013 10 10	Telescopic sights for fitting to arms
28.	9301 11 00	Self-propelled(Artillery weapons)
29.	9301 19 00	Other
30.	9301 20 00	Rocket launchers ; flame throwers; grenade launchers; torpedo tubes and similar projectors
31.	9301 90 00	Other
32.	8802 11 00	Helicopters-Of an unladen weight not exceeding 2000 kg
33.	8802 12 00	Helicopters-Of an unladen weight exceeding 2000 kg
34.	8802 20 00	Aeroplanes and other aircraft, of an unladen weight not exceeding 2000 kg
35.	9305 91 00	Of military weapons of heading 9301
36.	9305 99 00	Other
37.	9306 21 00	Cartridges
38.	9306 29 00	Other
39.	9306 30 00	Other Cartridges and parts thereof
40.	9306 90 00	Other
41.		Import of Unmanned Aircraft System(UAS)/Unmanned Aerial Vehicle (UAVs) / Remotely Piloted Aircraft(RPAs)/Drones is Restricted.
42.	9301	MILITARY WEAPONS, OTHER THAN REVOLVERS, PISTOLS AND THE ARMS OF HEADING 9307
43.	9301 10	<i>Artillery weapons (for example, guns, howitzers and mortars):</i>
44.	9301 10 10	Self-propelled

ly

45.	9301 10 90	Other
	9301 20 00	Rocket launchers; flame throwers; grenade launchers; torpedo tubes and similar projectors
47.	9301 90 00	Other
48.	9302 00 00	Revolvers and Pistols, other than those of heading 9303 or 9304
49.	9306	BOMBS, GRENADES, TORPEDOES, MINES, MISSILES AND SIMILAR MUNITIONS OF WAR AND PARTS THEREOF; CARTRIDGES AND OTHER AMMUNITION AND PROJECTILES AND PARTS THEREOF, INCLUDING SHOT AND CARTRIDGE WADS
		Shotgun cartridges and parts thereof; air gun pellets:
50.	9306 21 00	Cartridges
51.	9306 29 00	Other
52.	9306 30 00	Other Cartridges and parts thereof
53.	9306 90 00	Other
	CCECCNs	Description
54.	0A606.b	Ground vehicles, parts and components, as follows:
		1. Unarmed vehicles that are derived from civilian vehicles and that have all of the following:
		a. Manufactured or fitted with materials or components other than reactive or electromagnetic armour to provide ballistic protection to level III (National Institute of Justice Standard 0108.01, September 1985) or better;
		b. A transmission to provide drive to both front and rear wheels simultaneously, including those vehicles having additional wheels for load bearing purposes whether driven or not;
		c. Gross vehicles weight rating (GVWR) greater than 4,500 kg; and
		d. Designed or modified for off-road use
		2. Parts and components having all of the following:

h

		a.	Specially designed for vehicles specified in paragraph b.1. of this entry; and
		b.	Providing ballistic protection to level III (National Institute of Justice Standard 0108.01, September 1985) or better
55.	1A004	Protective and detection equipment and components, specially designed for military use, as follows (see List of Items Controlled).	
		c.	Nuclear, biological and chemical (NBC) detection systems, specially designed or modified for detection or identification of any of the following, and specially designed components therefor:
		c.1.	Biological agents 'adapted for use in war';
		c.2.	Radioactive materials 'adapted for use in war'; or
		c.3.	Chemical warfare (CW) agents;
		d.	Electronic equipment designed for automatically detecting or identifying the presence of "explosives" residues and utilizing 'trace detection' techniques (e.g. Surface acoustic wave, ion mobility spectrometry, differential mobility spectrometry, mass spectrometry).
56.	1D003	"Software" specially designed or modified to enable equipment to perform the functions of equipment controlled under 1A004.c. and 1A004.d.	
57.	1E001	"Technology" according to the General Technology Note for the "development" or "production" of items controlled by 1A004.d.	
58.	2A983	Explosives or detonator detection equipment, both bulk and trace based, consisting of an automated device, or combination of devices for automated decision making to detect the presence of different types of explosives, explosive residue, or detonators; and parts and components, n.e.s.	
59.	2A984	Concealed object detection equipment operating in the frequency range from 30 GHz to 3000 GHz and having a spatial resolution of 0.5 milliradian up to and including 1 milliradian at a standoff distance of 100 meters; and parts and components, not elsewhere specified	

60. 2B018

Equipment as follows (only for defence applications)

Specialized machinery, equipment, gear and specially designed parts and accessories therefor, including but not limited to the following, that are specially designed for the examination, manufacture, testing and checking of arms, appliances, machines and implements of war:

a. Armor plate drilling machines, other than radial drilling machines;

b. Armor plate planing machines;

c. Armor plate quenching presses;

d. Centrifugal casting machines capable of casting tubes 6 feet (183 cm) or more in length, with a wall thickness of 2 inches (5 cm) and over;

e. Gun barrel rifling and broaching machines, and tools therefor;

f. Gun barrel rifling machines;

g. Gun barrel trepanning machines;

h. Gun boring and turning machines;

i. Gun honing machines of 6 feet (183 cm) stroke or more;

j. Gun jump screw lathes;

k. Gun rifling machines;

l. Gun straightening presses;

m. Induction hardening machines for tank turret rings and sprockets;

n. Jigs and fixtures and other metal-working implements or accessories of the kinds exclusively designed for use in the manufacture of firearms, ordnance and other stores and appliances for land, sea or aerial warfare;

o. Small arms chambering machines;

p. Small arms deep hole drilling machines and drills therefor;

q. Small arms rifling machines;

r. Small arms spill boring machines;

		s. Tank turret bearing grinding machines	
61.	2D984	Software required for the development, production, or use of concealed object detection equipment controlled by 2A984.	
62.	2E983	Technology specially designed or modified for the development, production, or use of equipment controlled by 2A983, or the development of software controlled by 2D983.	
63.	2E984	Technology required for the development, production, or use of equipment controlled by 2A984 or required for the development of software controlled by 2D984.	
64.	6A003.b.4.b	Uncooled thermal imaging cameras	
65.	6A998.c	Millimetre wave enhanced vision radar imaging systems specially designed for rotary wing aircraft and having all of the following:	
		1.	Operates at a frequency of 94 GHz;
		2.	An average output power of less than 20 mW;
		3.	Radar beam width of 1 degree; and
		4.	Operating range equal to or greater than 1500 m
66.	6A999.c.	Seismic intrusion detection systems that detect, classify and determine the bearing on the source of a detected signal.	
67.	6D991	Software not elsewhere specified specially designed for the development, production, or use of commodities controlled by 6A998.c.	
68.	6D993.b.	Software specially designed for seismic intrusion detection systems controlled by 6A999.c.	
69.	9A515.e.	Microelectronic circuits (e.g. integrated circuits and micro-circuits) that are rated, certified, or otherwise specified or described as meeting or exceeding all the following characteristics and that are specially designed for defence articles controlled by Unites States Munitions List.	

ANF- 1
PROFILE OF EXPORTER AND IMPORTER

Note: Please state 'Not Applicable' wherever the information/data is not applicable to you.

1. IEC details:	
i. IEC Number:	
ii. Date of Issue and Issuing Authority:	
2. Applicant firm's details :	
i. Name of the entity:	
ii. Address (Registered Office in case of Companies and Head Office in case of Others):	
iii. Landline no. if any:	
iv. Mobile number:	
v. e-mail id/ website address:	
vi. Nature of the Concern: Proprietorship/Partnership /Limited Liability Partnership/Private limited/ Public Limited/Govt. undertaking/Section 25 Company/Registered Society/Trust/HUF	
vii. Preferred Activities: Merchant Exporter/Manufacturer Exporter/Service Provider/ Others	
viii. Bank Account details of the applicant's entity:	
ix. PAN Details of the Entity:	
x. LLPIN/CIN/Registration no. (if applicable):	
Part B: Branch details	
i. Number of Branches:	
ii. Address of Branches , Divisions, units, factories :	
3. Details of Proprietor/Partners/Directors/Karta/Trustee of the applicant firm:	
i. Name as in PAN (Mr/Mrs):	
ii. Father's Name:	
iii. Date of Birth (DD/MM/YYYY):	
iv. Residential Address:	
v. Mobile Number:	
vi. PAN :	
vii. DIN(if applicable):	
viii. Aadhar Card Number:	
4. Industrial Manufacturing Registration Details:	
i. SSI/EM/LOI or IL Registration No./any other document to prove a manufacturer status:	
ii. Date of Issue and validity/ Issuing Authority:	
iii. Products for which Registered:	
5. Service Tax Registration Details (in case of Service providers):	
i. Service Tax Registration No/ Issuing Authority :	
ii. Services for which registered:	
6. RCMC details:	
i. RCMC no. / Issuing Authority :	
ii. Date of Issue and validity:	

**ANF -2M
PART-A
Application Form for Import of Restricted Items (Para 2.50 of HBP)**

1	IEC Number				
2	Applicant details				
(i)	Name				
(ii)	Address				
3	Application fee details	Amount (Rs)		DD/Bank Receipt / EFT No.	
		Date of issue		Name of Bank & Branch	
4	Total CIF Value applied for				
		Rs.		In Foreign Currency	
5	Port of Registration				
6	Detail of item(s) applied for import				
S.No	Description	ITC (HS) Code	Quantity	CIF Value (Rs)	Country of Origin
7	Purpose of Import (strike whichever is not applicable)	Actual user	OR	Trading	
7A	In case of AU, address of factory / unit / farm where item so import shall be used				
8	Detailed justification for import:				

PART-B

9. Details of the imports made during preceding 3 licensing years for the item(s) applied for in the application.

S.No	Year	Import License Details			Qty. Imported	Balance quantity
		No.	Date	Qty		

10. In case of import of Ammunition, please furnish details:

i. Fire Arm Dealers License No and date				
ii. Issuing Authority of Fire Arm Dealers License				
iii. Sales turnover of indigenous & imported ammunition in the preceding 3 licensing years (Rs)				
S.No.	Year	Item description	Quantity	Value

11. In case of import of Aircraft / Helicopters, please furnish details:

Year of manufacture		Whether New / Second hand		Seating Capacity	
Residual Life		No. of flying hours already completed		Whether Private or Passenger category	
Model No.					

DECLARATION / UNDERTAKING

1	<p>I/We hereby certify that :</p> <p>A. the entity for whom the application has been made have not been penalized under any of the following Acts (as amended from time to time):</p> <p>a. The Customs Act, 1962,</p> <p>b. The Central Excise Act 1944,</p> <p>c. Foreign Trade (Development & Regulation) Act 1992, and</p> <p>d. The Foreign Exchange Management Act, 1999;</p> <p>e. The Conservation of Foreign Exchange, Prevention of Smuggling Activities Act, 1974</p> <p>B. none of the Directors / Partners / Proprietor / Karta / Trustees of the company / firm /HUF/Trust, (as the case may be), is/are a Director(s) / Partner(s) / Proprietor / Karta / Trustee in any other Company/ firm / entity which is on the Denied Entity List (DEL) of DGFT;</p> <p>C. neither the Registered Office of the company / Head Office of the firm / nor any of its Branch Office(s)/ Unit(s)/ Division(s) has been declared a defaulter and has otherwise been made ineligible for undertaking import / export under any of the provisions of the Policy;</p> <p>D. we have not obtained nor applied for issuance of an Importer Exporter Code Number in the name of</p>
2	I/We undertake to abide by the provisions of the Foreign Trade (Development and Regulation) Act, 1992, as amended from time to time, the Rules and Orders framed there under, the Foreign Trade Policy, the Handbook of Procedures and the ITC (HS) Classification of Export & Import Items.
3.	I/We fully understand that if any information furnished in the application is found incorrect or false will render me/us liable for any penal action or other consequences as may be prescribed in law or otherwise warranted.
4.	I/We hereby declare that the particulars and the statements made in this application are true and correct to the best of my/our knowledge and belief and nothing has been concealed or withheld therefrom.
5	I hereby certify that I am authorized to verify and sign this declaration as per Paragraph 9.06 of the Foreign Trade Policy.

Signature of the Applicant		
Name		
Designation		
Official Address	Flat/Plot/Block No	
	Street/Area/Locality	
	City	State
	Pin	
Telephone No.	Country Code _ Area Code	Phone number
	--	
Fax No.	--	
Email		
Place:		
Date:		

Note: Each page of application has to be signed and stamped. _____

GUIDELINES FOR APPLICANTS

Please see Paragraph 2.50 of HBP

1. Original application in ANF 2M along with prescribed documents and Treasury Receipt (TR) / Demand Draft shall be submitted to RA concerned. Self attested copy of the application in duplicate shall be submitted to DGFT(Hqrs) (Udyog Bhawan, New Delhi) along with proof of submission of application to RA concerned.
2. Each individual page of the application has to be signed by the applicant.
3. ANF 1 has to be filed in by all applicants. In case of applications submitted electronically, hard copy of ANF1 is not required. However, in case where applications are submitted otherwise, hard copy of ANF1 has to be submitted.
4. Fill up the para whichever is relevant from Para No. 11 to 19 in Part B.
5. In case of import of Ammunition, a certificate from Chartered Accountant / Cost Accountant / Company Secretary showing sales turnover of ammunition (indigenous and imported during preceding

ANF- 2 K (i)
Application Form for Import Certificate under Indo – US Memorandum
(Please see guidelines at the end before filling the application)

1. IEC Number:				
2. Applicant Details :				
i. Name				
ii. Address				
3. Application Fee Details:				
Amount (Rs)				
Demand Draft/Bank Receipt/Electronic Fund Transfer No				
Date of Issue				
Name of the Bank and Branch on which DD drawn, if any				
4 US Exporter Details:				
i. Name				
ii. Address				

5. Name of the Sponsoring Directorate in ICIA:

6. Items of Import for which Import Certificate is required

S No	Item details	ITC(HS) Code/ ECCN Code* if applicable	Quantity	CIF Value (Rs)

*** Export Control Classification Number of the item under US Department of Commerce Regulations (ECCN)**

7. Purpose of Import:				
a.If required for Manufacture please furnish:				
i. IL / SIA / DGTD / SSI registration number				
ii. End Product as given in registration certificate				
iii. Actual items of manufacture				
b. If required for Research & Development, please furnish:				
i. Registration details with Department of Science & technology				
ii. Validity of Registration				
iii. Specific project for which items required				
c.If required for Other Actual Users (Non Industrial), please furnish:				
i. Registration Certificate details				
ii. Permission details of local/municipal body				

8. i. ~~Whether under EPCIS~~ Yes/No

ii. File number of application submitted to *Regional* authority for Import License:

9. Reference Number, of the Controlled commodity / munitions list of US Export Administration Regulations, :

OR

Reference Number of the **Crime Control (CC)** Items as listed in **Appendix 2P(iia)** and **Regional Security (RS)** items as listed in **Appendix 2P(iib)**

10. Address of the factory / premises where the items to be imported are proposed to be used

DECLARATION / UNDERTAKING

1	<p>I/We hereby certify that :</p> <p>A. the entity for whom the application has been made have not been penalized under any of the following Acts (as amended from time to time):</p> <p>a. The Customs Act, 1962,</p> <p>b. The Central Excise Act 1944,</p> <p>c. Foreign Trade (Development & Regulation) Act 1992, and</p> <p>d. The Foreign Exchange Management Act, 1999;</p> <p>e. The Conservation of Foreign Exchange, Prevention of Smuggling Activities Act, 1974</p> <p>B. none of the Directors / Partners / Proprietor / Karta / Trustees of the company /firm /HUF/Trust, (as the case may be), is/are a Director(s) / Partner(s) / Proprietor / Karta / Trustee in any other Company/ firm / entity which is on the Denied Entity List (DEL) of DGFT;</p> <p>C. neither the Registered Office of the company / Head Office of Office(s)/ Unit(s)/ Division(s) has been declared a defaulter and has otherwise been made ineligible for undertaking import / export under any of the provisions of the Policy;</p> <p>D. we have not obtained nor applied for issuance of an Importer Exporter Code Number in the name of our Registered / Head Office to any other Licensing Authority</p>
2	<p>I/We undertake to abide by the provisions of the Foreign Trade (Development and Regulation) Act, 1992, as amended from time to time, the Rules and Orders framed there under, the Foreign Trade Policy, the Handbook of Procedures and the ITC (HS) Classification of Export & Import Items.</p>
3.	<p>I/We fully understand that if any information furnished in the application is found incorrect or false will render me/us liable for any penal action or other consequences as may be prescribed in law or otherwise warranted.</p>
4.	<p>I/We hereby declare that the particulars and the statements made in this application are true and correct to the best of my/our knowledge and belief and nothing has been concealed or withheld there from.</p>
5.	<p>I (Name of the Organization), a Government entity/Government controlled entity/ private sector entity (Delete whichever is not applicable) hereby undertake</p> <p>(i) To import the item into India and not to redirect it or any part of it, to another destination before its arrival in India;</p> <p>(ii) To provide, if asked, verification that possession of item was taken;</p> <p>(iii) Not to export the item without any written approval of Certificate Issuing Authority;</p> <p>(iv) Not to transfer within India the item(s) specified in this certificate without the written approval of the Certificate Issuing Authority;</p> <p>(v) To obtain permission in writing from the Certificate Issuing Authority prior to any change in end-user which shall be preceded by the new end-user notifying the Certificate Issuing Authority that he/she agrees to the conditions contained in this document;</p> <p>(vi) The items being imported will/will not be integrated into Indian end-products to be exported.</p>
6.	<p>I hereby certify that I am authorized to verify and sign this declaration as per Paragraph 9.06 of the Foreign Trade Policy.</p>

Place
Date

Signature of the Applicant
Name & Designation
Official Address
Telephone
Residential Address
Email Address

GUIDELINES FOR APPLICANTS

- 1) Two copies of the application must be submitted unless otherwise mentioned.
- 2) Each individual page of the application has to be signed by the applicant.
- 3) a). ANF 1 has to be filed in by all applicants. In case of applications submitted electronically, hard copy of ANF1 is not required. However, in case where applications are submitted otherwise, hard copy of ANF1 has to be submitted.
b). Only relevant portions of Application need to be filled in.
- 4) Application must be accompanied by documents as per details given below:
 - a) Bank Receipt (in duplicate)/Demand Draft/EFT details evidencing payment of application fee in terms of Appendix 2K.
 - b) Self certified copy of letter from US supplier in support of request for Import Certificate
- 5) 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 **Appendix 2P(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.

ANF- 2 K (ii)
Application Form for Export Certificate under Indo – US Memorandum
(Please see guidelines at the end before filling the application)

1. IEC Number: _____

2. Applicant Details :

i. Name _____

ii. Address _____

3. Application Fee Details:

Amount (Rs) _____

Demand Draft/Bank Receipt/Electronic Fund Transfer No _____

Date of Issue _____

Name of the Bank and Branch on which DD drawn, if any: _____

4 Details of the Importer in the foreign country:

i. Name _____

ii. Address _____

5. Items of export for which Export Certificate is required

S No	Item details	ITC(HS) Code/ ECCN Code* if applicable	Quantity	CIF Value (Rs)

***Export Control Classification Number of the item under US Department of Commerce Regulations (ECCN)**

6. i. Whether authorisation for export of Imported Items listed at Appendix 2P (iia) or/and Appendix 2P(iib) has been obtained : Yes/No

ii. File number of application submitted to *Regional* authority for Import License:

7. i. Reference Number, of the Controlled commodity / munitions list of US Export Administration Regulations : OR

ii Reference Number of the item listed in Appendix 2P (iia) or/ and Appendix 2P(iib):

DECLARATION / UNDERTAKING

I/We hereby certify that :

1 A. the entity for whom the application has been made have not been penalized under any of the following Acts (as amended from time to time):

- (i) The Customs Act, 1962,
- (ii) The Central Excise Act 1944,
- (iii) Foreign Trade (Development & Regulation) Act 1992, and
- (iv) The Foreign Exchange Management Act, 1999;
- (v) The Conservation of Foreign Exchange, Prevention of Smuggling Activities Act, 1974

B. none of the Directors / Partners / Proprietor / Karta / Trustees of the company /firm /HUF/Trust, (as the case may be), is/are a Director(s) / Partner(s) / Proprietor / Karta / Trustee in any other Company/ firm / entity which is on the Denied Entity List (DEL) of DGFT;

	<p>C. neither the Registered Office of the company / Head Office of the firm / nor any of its Branch Office(s)/ Unit(s)/ Division(s) has been declared a defaulter and has otherwise been made ineligible for undertaking import / export under any of the provisions of the Policy;</p> <p>D. we have not obtained nor applied for issuance of an Importer Exporter Code Number in the name of our Registered / Head Office to any other Licensing Authority</p>
2	I/We undertake to abide by the provisions of the Foreign Trade (Development and Regulation) Act, 1992, as amended from time to time, the Rules and Orders framed there under, the Foreign Trade Policy, the Handbook of Procedures and the ITC (HS) Classification of Export & Import Items.
3.	I/We fully understand that if any information furnished in the application is found incorrect or false will render me/us liable for any penal action or other consequences as may be prescribed in law or otherwise warranted.
4.	I/We hereby declare that the particulars and the statements made in this application are true and correct to the best of my/our knowledge and belief and nothing has been concealed or withheld there from.
5.	I / We hereby declare that I/we have perused the list of SCOMET items as contained in the Appendix 3 to the Schedule 2 of the ITC (HS) and that the item(s) exported / proposed to be exported does not fall within this list and that I / We agree to abide by the provisions of FTP for export of SCOMET items contained in the FTP, Schedule 2 of ITC (HS) and the HBP v1, irrespective of the scheme under which the item is exported / proposed to be exported.
6.	I hereby certify that I am authorized to verify and sign this declaration as per Paragraph 9.06 of the Foreign Trade Policy.

Place
Date

Signature of the Applicant
Name
Designation
Official Address
Telephone
Residential Address
Email Address

GUIDELINES FOR APPLICANTS

- 1) Two copies of the application must be submitted unless otherwise mentioned.
- 2) Each individual page of the application has to be signed by the applicant.
- 3) A). ANF 1 has to be filed in by all applicants. In case of applications submitted electronically, hard copy of ANF1 is not required. However, in case where applications are submitted otherwise, hard copy of ANF1 has to be submitted.
B). Only relevant portions of Application need to be filled in.
- 4) Application must be accompanied by documents as per details given below:
 - a. Bank Receipt (in duplicate)/Demand Draft/EFT details evidencing payment of application fee in terms of Appendix 2K.

GOVERNMENT OF INDIA
Import Certificate

1. Importer (Name & Address with IEC Number):
2. Exporter (Name & Address):
3. Details of Items being imported:

Description of Goods	ITC(HS)/ ECCN Code*	Quantity	Value

* Export Control Classification Number of the item under US Department of Commerce Regulations (ECCN) in case the item of import falls under CC/ RS as per Appendice 2P(iia)/(iib)

4. The importer has submitted:
 - I. the Bill of Lading No.....datedindicating the port of USA as
 - II. the legal undertaking that the said goods will not be exported/alienated.
5. It is certified that the importer named above has further undertaken:
 - I. To import the item into India and not to redirect it or any part thereof, to another destination before its arrival in India.
 - II. Not to export the item or any part thereof without the written permission of the Certificate Issuing Authority.
 - III. To abide by actual user condition, i.e., not to re-transfer within India the item(s) specified in this Certificate without the written approval of the Certificate Issuing Authority

Date.....
 Signature.....
 Seal:
 Designation.....



NB: This import certificate is not a substitute for import licence in respect of the items mentioned as restricted under ITC (HS) and an import licence, in addition to this Certificate, will have to be obtained, wherever required for such items.

**APPENDIX 2P(i)(b)
 FORMAT OF EXPORT CERTIFICATE UNDER INDO-US MEMORANDUM**

No. DGFT/201

**GOVERNMENT OF INDIA
 Export Certificate**

1. Exporter (Name & Address with IEC number):
2. Importer in third country (Name & Address):
3. Export Order No dated
4. Details of items being exported:

Description of Goods	*ECCN Code	Quantity	Value	Bill of entry No & date by which import was made	ITC(HS) code, if available/applicable.

* Export Control Classification Number of the item under US Department of Commerce Regulations (ECCN) in case the item of export is under CC/ RS list as per Appendice 2P(ii)/(iib)

5. It is certified that the above Exporter has submitted that:
 - I. The above goods were imported fromUSA under due permission from DGFT vide Import Certificate No:dated
 - The above goods are being exported to (consignee in third country) in (country's name)
 - III. The subject goods will not be utilised for non-civilian purposes.

Date.....

Signature.....

Seal

Designation.....



NB: This export certificate is not a substitute for Export Licence in respect of the items mentioned as restricted under ITC(HS) and an Export licence, in addition to this Certificate, will have to be obtained wherever required for such items.

Appendix 2P(ii)(a)
UNILATERAL "CRIME CONTROLLED" ITEMS ON THE
U.S. DEPARTMENT OF COMMERCE CONTROL LIST

Item #	CC ECCNs	Description
1.	0A978	Law enforcement striking weapons, including saps, police batons, side handle batons, tonfas, sjamboks, and whips
2.	0A979	Police Helmets, Shields
3.	0A981	Equipment designed for the execution of human beings
4.	0A982	Restraint Devices
5.	0E982	Technology for Restraint Devices and discharge type arms
6.	0A983	Specially Designed Implements of Torture
7.	0A984	Shotguns
8.	0E984	Technology for Shotguns
9.	0A985	Discharge Type Arms
10.	0A987	Optical Sighting Devices
11.	1A984	Chemical Agents, Tear Gas
12.	1A985	Fingerprinting Powders, Dyes, Inks
13.	3A980	Voice Print Identification equipment
14.	3A981	Polygraphs, Fingerprints Analyzers
15.	3D980	Software for Voice Print ID
16.	3E980	Technology for Voice Print ID
17.	4A003	Digital Computers for computerised finger-print equipment
18.	4A980	Computers for Fingerprint equipment
19.	4D001	Software for Digital Computers controlled by 4A003
20.	4E001	Technology for Digital Computers controlled by 4A003
21.	4D980	Software for 4A980 Fingerprint Computers
22.	4E980	Technology for Computer for Fingerprint
23.	6A002.c.	Police-Model Infrared Viewers
24.	6E001	Technology for Police Viewer development

25.	6E002	Technology for Police View Production
26.	9A980	Mobile Crime Labs

Appendix 2P(ii)(b)
UNILATERAL "REGIONAL SECURITY" CONTROLLED ITEMS ON THE
U.S. DEPARTMENT OF COMMERCE CONTROL LIST

S. No.	RS2 ECCNs	Description
1.	0A606.b.	Ground vehicles, parts and components, as follows: <ul style="list-style-type: none"> 1. Unarmed vehicles that are derived from civilian vehicles and that have all of the following: <ul style="list-style-type: none"> a. Manufactured or fitted with materials or components other than reactive or electromagnetic armour to provide ballistic protection to level III (National Institute of Justice Standard 0108.01, September 1985) or better; b. A transmission to provide drive to both front and rear wheels simultaneously, including those vehicles having additional wheels for load bearing purposes whether driven or not; c. Gross vehicles weight rating (GVWR) greater than 4,500 kg; and d. Designed or modified for off-road use. 2. Parts and components having all of the following: <ul style="list-style-type: none"> a. Specially designed for vehicles specified in paragraph b.1 of this entry; and b. Providing ballistic protection to level III (National Institute of Justice Standard 0108.01, September 1985) or better
2.	0A918	Bayonets
3.	0E918	"Technology" for the "development", "production" or "use" of bayonets.
4.	1A004	Protective and detection equipment and components, not specially designed for military use, as follows (see List of Items Controlled). <ul style="list-style-type: none"> a. Gas masks, filter canisters and decontamination equipment therefore designed or modified for defence against any of the following, and specially designed components therefor: <ul style="list-style-type: none"> a.1. Biological agents 'adapted for use in war';

	a.2.	Radioactive materials 'adapted for use in war';
	a.3.	Chemical warfare (CW) agents; or
	a.4.	'Riot control agents',
	b.	Protective suits, gloves and shoes, specially designed or modified for defense against any of the following:
	b.1.	Biological agents 'adapted for use in war';
	b.2.	Radioactive materials 'adapted for use in war'; or
	b.3.	Chemical warfare (CW) agents;
	c.	Nuclear, biological and chemical (NBC) detection systems, specially designed or modified for detection or identification of any of the following, and specially designed components therefor:
	c.1.	Biological agents 'adapted for use in war';
	c.2.	Radioactive materials 'adapted for use in war'; or
	c.3.	Chemical warfare (CW) agents;
	d.	Electronic equipment designed for automatically detecting or identifying the presence of "explosives" residues and utilizing 'trace detection' techniques (e.g. Surface acoustic wave, ion mobility spectrometry, differential mobility spectrometry, mass spectrometry).
5.	1D003	"Software" specially designed or modified to enable equipment to perform the functions of equipment controlled under 1A004.c. and 1A004.d.
6.	1E001	"Technology" according to the General Technology Note for the "development" or "production" of items controlled by 1A004.d.
7.	2A983	Explosives or detonator detection equipment, both bulk and trace based, consisting of an automated device, or combination of devices for automated decision making to detect the presence of different types of explosives, explosive residue, or detonators; and parts and components, n.e.s.
8.	2A984	Concealed object detection equipment operating in the frequency range from 30 GHz to 3000 GHz and having a spatial resolution of 0.5 milliradian up to and including 1 milliradian at a standoff distance of 100 meters; and parts and components, not elsewhere specified.
9.	2B018	Equipment as follows:
		Specialized machinery, equipment, gear and specially designed parts and accessories therefor, including but not limited to the following, that are specially designed for the examination, manufacture, testing and checking of arms, appliances, machines and implements of war:

	a.	Armor plate drilling machines, other than radial drilling machines;
	b.	Armor plate planing machines;
	c.	Armor plate quenching presses;
	d.	Centrifugal casting machines capable of casting tubes 6 feet (183 cm) or more in length, with a wall thickness of 2 inches (5 cm) and over;
	e.	Gun barrel rifling and broaching machines, and tools therefor;
	f.	Gun barrel rifling machines;
	g.	Gun barrel trepanning machines;
	h.	Gun boring and turning machines;
	i.	Gun honing machines of 6 feet (183 cm) stroke or more;
	j.	Gun jump screw lathes;
	k.	Gun rifling machines;
	l.	Gun straightening presses;
	m.	Induction hardening machines for tank turret rings and sprockets;
	n.	Jigs and fixtures and other metal-working implements or accessories of the kinds exclusively designed for use in the manufacture of firearms, ordnance and other stores and appliances for land, sea or aerial warfare;
	o.	Small arms chambering machines;
	p.	Small arms deep hole drilling machines and drills therefor;
	q.	Small arms rifling machines;
	r.	Small arms spill boring machines;
	s.	Tank turret bearing grinding machines.
10.	2D983	Software specially designed or modified for the development, production, or use of equipment controlled by 2A983.
11.	2D984	Software required for the development, production, or use of concealed object detection equipment controlled by 2A984.
12.	2E983	Technology specially designed or modified for the development, production, or use of equipment controlled by 2A983, or the development of software controlled by 2D983.
13.	2E984	Technology required for the development, production, or use of equipment controlled by 2A984 or required for the development of software controlled by 2D984.

14.	6A003.b.4.b	Uncooled thermal imaging cameras
15.	6A998.c.	Millimetre wave enhanced vision radar imaging systems specially designed for rotary wing aircraft and having all of the following:
		1. Operates at a frequency of 94 GHz;
		2. An average output power of less than 20 mW;
		3. Radar beam width of 1 degree; and
		4. Operating range equal to or greater than 1500 m
16.	6A999.c.	Seismic intrusion detection systems that detect, classify and determine the bearing on the source of a detected signal.
17.	6D991	Software not elsewhere specified specially designed for the development, production, or use of commodities controlled by 6A998.c.
18.	6D993.b.	Software specially designed for seismic intrusion detection systems controlled by 6A999.c.
19.	9A515.e.	Microelectronic circuits (e.g. integrated circuits and micro-circuits) that are rated, certified, or otherwise specified or described as meeting or exceeding all the following characteristics and that are specially designed for defence articles controlled by Unites States Munitions List.

APPENDIX -2K
Scale of Application Fee and Procedure for Deposit/ Refund of Application Fee/Penalty, etc.

1. **Scale of Application Fee for various services:**

SI No	Particulars	Scale of Fee (in Rupees)
1.	Application for Importer Exporter Code No/I. Card	Five Hundred
2.	Application for Export License/ SCOMET items for restricted goods/ Free Sale & Commerce Certificate.	One Thousand
3.	Application for import License for restricted item/ permission / certificate / Advance Authorization/ DFIA/EPCG Authorization	One per thousand or part thereof subject to a minimum of Rs. Five Hundred and maximum of Rupees one lakh on CIF value/duty saved amount of Authorization/ license / permission.
4.	Application for Duty credit scrip under rewards/ incentive scheme.	One Thousand
5.	Application for grant of duplicate license/ permission / certificate /scrip/ I- Card	Two Hundred
6.	Application for amendment/ correction in license / scrip / Authorization/ certificate /permission etc.	Two hundred
7.	Application for first revalidation of Authorization / scrip/ permission /certificate/ license for SCOMET etc.	Five Hundred
8.	Application for second revalidation of Authorization / scrip/ permission / certificate/ license for SCOMET etc.	One thousand
9.	Application for Enlistment as an authorized agency under Appendix 2-E and Appendix 2-I of HBP	Five thousand
10.	Application for Certification Agency as per Appendix 2-G	Ten thousand for applicant based in India and US\$ 250 or an amount equivalent in rupees for applicant based abroad
11.	Application for seeking relaxation in Policy/procedure	Two Thousand
12.	Application for review of decision of any committees	Five thousand
13.	Application for enhancement of value of Authorization	One per thousand for differential CIF value/duty saved amount to be enhanced. No additional fee is required if maximum prescribed fee has been paid initially.

2. **Mode of Deposit of Application Fee/Penalty/Any Other Fee**

The application fee shall be deposited in the following manner:-

- (1) **By depositing cash or cheque for Treasury Receipt Challan (TR) in an authorized Branch of Central Bank of India** indicating the "Head of Accounts 1453 -Foreign Trade and Export Promotion- Minor Head 102-Import License Application Fee". The Bank Receipt must show the name of the Department viz.

"Directorate General of Foreign Trade". The Bank Receipt should be drawn in favour of Pay & Accounts Officer (Foreign Trade), indicating the station of the Pay & Accounts Officer concerned. Such fees can also be deposited with Indian Missions abroad. As a proof of payment of Fee, the applicant shall submit along with the Application two copies of Bank Receipt as per **Annexure-A**.

OR

(2) **Through NEFT/Debit Card/Credit Card using DGFT Server while making online Application.**

Note: For electronic filling of application, exporter/importer needs to access the website of the DGFT. An e-com number is generated. The DGFT website on completion of application details would prompt for e-payment to select the mode of payment. If the exporter wants to use Electronic Fund Transfer (EFT) for application fees he should be aware that he cannot change his licensing office. If EFT prompt is accepted, the website will transfer the exporter to the particular designated bank chosen for submission of application fees. The exporter would need to have an account with the bank, an ID and password from the bank. On successful validation of his ID, password and request for submission of the fees, the exporter's account gets debited. The bank will generate a Payment ID and amount shall thereafter stand reflected in conjunction with e-com number and name of the party in the Sever of DGFT. A successful message from the bank shall be shown on the exporter's account. The payment shall thereafter stand completed with regard to the concerned e-com number. In case, the exporter needs to add further payments against the particular e-com number, he may do so within the same day i.e. within 24 hours. For each additional payment, the bank shall generate a unique payment ID. Against one e-com number only one bank shall be required to make all payments. Alternatively, payment can also be made through Debit/Credit card instead of Net Banking by selecting that option.

OR

(3) **Through running deposit account maintained with concerned RLA in the following manner: -**

The applicants may deposit the anticipated amount as per their need for six months with the concerned Regional Licensing Authority through cheque/DD in the name of concerned Pay &Accounts Officer (Commerce). Initially, this amount will be credited into public accounts under Major Head 8443-Civil Deposits, 114-Export Trade Deposits adjustable against License Application Fees. The licensing authority at the time of admitting the application fee will carry out an adjustment in "Broad Sheet of Export Trade Deposits" and debit the value of application fee from the Head "Export Trade Deposits" by contra credit to Revenue Head Head-1453-ForeignTrade & Export Promotion, 103- ExportLicensing Application Fees". The licensing Authority may furnish the details of all such transactions (like the amount transferred from Public Accounts to Revenue Account etc.) to the Pay and Accounts Officer concerned who may carry out adjustment in the monthly compilation of accounts. A copy of the transactions may also be forwarded to the concerned firm for the purpose of reconciliation.

Note: The firms who want to resort to this mode of payment should be established and regular applicants having at least 25 applications/ transactions during the last licensing year. The minimum deposit under the scheme will not be less than Rs.1, 00,000/-. All subsequent payment in replenishment of the deposit will be made through Pay order in favour of the concerned office of CPAO. No license application will be entertained/ considered so long as the firms have a deposit balance in their account. All the charges in connection with the depositor transaction with DGFT including under charges detected subsequently in course of audit will be debited from the Depositor amounts. Likewise, any excess payment or wrong payment of fee will be refunded as per the procedure mentioned in this Appendix.

4. **Exemption from Payment of Fees:**

No fee shall be payable in respect of any application made by such class or category of applicant as specified in Foreign Trade (Regulation) Rules,1993.

5. **Where Bank Receipt Is Lost:**

The applicant should file an affidavit on a Stamp Paper to the effect that one copy/ both copies of Bank Receipt, in question, have been lost or misplaced and have not been utilized in any other manner. Further, the applicant should also certify that if the said copy/ or both the copies of Bank Receipt are found subsequently they shall be returned to the licensing authority concerned and shall not be utilized in any other manner. The particulars of the Bank Receipt i.e. licensing period, the amount remitted, the date of

payment etc. should also be stated in the affidavit. In addition the applicant shall produce a certificate from the bank or the Pay and Accounts Office to the effect that the amount was deposited.

6. Refund of Application Fees:

- (1) Application fee is nothing but the fee for processing of the application. Therefore, the fee once received will not be refunded except in the following circumstances, namely: -
 - (a) Where the fee has been deposited in excess of the specified amount of fee; or
 - (b) Where the fee has been deposited but no Application has been made;
 - or
 - (c) Where the fee has been deposited in error but the applicant is exempt from payment of fee.
- (2) Where the applicant is eligible for refund of application fee, an application in the **ANF-2G** may be submitted to the licensing authority within whose jurisdiction the fee was paid enclosing along with both the copies of Bank Receipt. In cases, where the said copies of Bank Receipt have been enclosed with the application for the license, the third copy of the Bank Receipt may be furnished. In all such cases, the number and date of Bank Receipt and the name and address of the Bank where the fee was deposited should be given.
- (3) Where the amount had been deposited by means of Net Banking/Debit Card/Credit Card, the applicant should furnish along with the application:
 - a) E-com Reference No. and date.
 - b) Transaction ID No, amount, date and time of payment
 - c) The Bank and its branch Code on which transaction was made
 - d) The name of the licensing Authority to whom the application was made.
 - e) IFSC code of Branch
- (4) On receipt of application, the licensing authority shall pass refund order after they have verified from the Pay and Accounts Officer concerned that the amount in question has been credited to the Government of India.
- (5) No claim for refund of application fee shall be entertained by the licensing authority after expiry of one year from the date of Bank Receipt/ online payment. However, on merits, for reasons to be recorded in Writing, the licensing authority may condone the delay but in no case shall an application for refund of fees be entertained after the expiry of three years from the date of Bank Receipt/online payment.
- (6) In cases, where the applicant has lost the original Bank Receipt the licensing authority may accept a certificate from the Bank or Pay and Accounts Officer (Imports & Exports) in support of the fact that the amount was deposited. In such cases, where the original receipt is not available the applicant will be required to file an affidavit containing same particulars as mentioned above.
- (7) Refund Order of fees will be valid for three months from the date of issue. Request for revalidating the same may be considered on merits by the authority which issued the Refund Order.

7. Adjustment of Fee:

In cases, where a new Advance Authorization, EPCG and Duty Credit Scrip is issued by RA in lieu of the earlier Authorization (which has been cancelled by RA, on the request of the firm, on account of non-registration at the Customs Port), the application fees paid in the earlier Authorization will be adjusted by the RA for the new Authorization. However, a minimum application fee of Rs.200/- shall be paid for the new Authorization. Head of Office of concerned RA while issuing Authorizations under this provision shall ensure proper linkage with the earlier cancelled Authorization.

Annexure-A

Bank
Receipt No
& date

Receipt of Cash paid into the Central Bank of India at

To be filled in by the remitter

To be filled in by the

department officer of the bank

By whom tendered	Name, designation and address of the person on whose behalf money is paid	Full particulars of the remittance/purpose and name of the authority (if any)	Amount in Rs.	Head of account	of Accounts officer by whom adjustable	Order to be Bank*
---------------------	---	---	---------------	-----------------------	--	----------------------

Name &

Signature

Rs.

Paise

1453
foreign
trade export
promotion –
minor head
–
102
Application
fee

Pay and
Accounts
officer
.....
(Name of
station)

Date, correct
receipt and
grant receipt
(signature and
full description
of the officer
ordering the
money to be
paid in)

Rs. (In Words)

* To be used only in the case
of remittance to the Bank
through Departmental Officer

Cashier

Accountant

Date

Bank Officer

NOTE:-

1. Particulars of money tendered should be given below.
2. In case where direct credits at Bank are permissible the Column "Head of Account" will be filled in by the Bank Officer or Pay and Accounts Officer as the case may be, on the receipt of Bank's daily statement

PARTICULARS

Amount In Rupees

Coins

Notes (with details)

Cheque (with details)

**To be Published in the Gazette of India Extraordinary Part-II, Section - 3, Sub-Section (ii))
Foreign Trade (Exemption from application of Rules in certain cases)**

Amendment Order, 2017
MINISTRY OF COMMERCE
(Director General of Foreign Trade)

ORDER

New Delhi the 25 July, 2017

S.O. - In exercise of the powers conferred by section 3, read with section 4, of the Foreign Trade (Development and Regulation) Act, 1992 (22 of 1992), as amended by the Foreign Trade (Development and Regulation) Amended Act, 2010 the Central Government hereby amends the Foreign Trade (Exemption from application of Rules in certain cases) Order, 1993 to read as under:

1. Short title and commencement.

(1) This Order may be called the Foreign Trade (Exemption from application of Rules in certain cases) Amendment Order, 2017.

(2) It shall come into force on the date of its publication in the Official Gazette.

2. Definitions.

In this order, unless the context otherwise requires:-

(a) "Act" means the Foreign Trade (Development and Regulation) Act, 1992 (22 of 1992) as amended by the Foreign Trade (Development and Regulation) Amended Act, 2010;

(b) "Import Trade Regulations" means the Act and the rules and order made there under and the export and import policy;

(c) "Rules" mean the Foreign Trade (Regulation) Amendment Rules, 2015;

(d) Words and expressions used in this Order and not defined but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. Exemption from the application of rules.-

(1) Nothing contained in the Rules shall apply to the import of any goods,

(a) by the Central Government or agencies, undertakings owned and controlled by the Central Government for Defence purposes;

(b) by the Central Government or any State Government, Statutory Corporation, public body or Government Undertaking run as a joint Stock Company;

(c) by the Central Government, any State Government or any statutory corporation or public body or Government Undertaking run as a joint Stock Company, orders in respect of which are placed through the Directorate General Supplies and Disposals, New Delhi;

(d) by transit or imported and bonded on arrival for re-export as ship's stores to any country outside India except Nepal and Bhutan or imported and bonded on arrival for re-export as aforesaid but subsequently released for use of Diplomatic personnel, Consular Officers in India and the officials of the United Nations Organisation and its specialised agencies who are exempt from payment of duty under the relevant notification of the Government of India in the Ministry of Finance (Department of Revenue) and the United Nations (Privileges and Immunities) Act, 1947 (46 of 1947) respectively;

(e) imported and bonded on arrival for sale at approved duty-free shops, whether to outgoing or incoming passengers;

(f) which are in transit through India by post or otherwise, or are redirected by post or otherwise to a destination outside India, except Nepal and Bhutan, provided that such goods, while in India, are always in the custody of the postal or customs authorities;

(g) for transmission across India by air to Afghanistan or by land to any other country outside India, except Nepal and Bhutan, under claim for exemption from duty or for refund of duty either in whole or in part:

(i) Provided that such goods are imported by or on behalf of the Government or a country bordering on India or that the importer undertakes to produce within a specified period evidence that such goods have crossed the borders of India or in default to pay such penalty as the proper officer of customs may deem fit to impose on such goods:

(ii) Provided further that nothing contained in this order will exempt any goods from the Import Trade Regulations;

(h) by the person as passenger baggage to the extent admissible under the Baggage Rules for the time being in force:

Provided that in the case of imports by a tourist, articles of high value whose re-export is obligatory under Baggage Rules, 2016, shall be re-exported on his leaving India, failing which such goods shall be deemed to be goods the import of which has been prohibited under the Customs Act, 1962 (52 of 1962);

(i) by any person through the post or otherwise for his personal use subject to compliance of other Laws/Rules/Orders/Regulations in force:

(j) by or on behalf of diplomatic personnel, consular officers and Trade Commissioners in India who are exempted from payment of Customs duty under the relevant Notification of the Government of India in the Ministry of Finance (Department of Revenue);

(k) from any country, which are exempted from Customs duty on re- importation under section 20 of the Customs Act, 1962 (52 of 1962);

(l) of Indian manufacture and foreign made parts of such goods, exported and received back by the manufacturer from the consignee for repair and re-export:

Provided that

- (i) the customs authorities are satisfied that the goods received back by the said manufacturers are the same which were so exported; and
- (ii) in the case of goods on re-importation under a bond executed by the importer with the customs authority at the port concerned to the effect in accordance with Customs Notification;

(m) by officials of the United Nations Organisation and its specialised agencies who are exempted from payment of Customs duty under the United Nations(Privileges and Immunities) Act, 1947 (46 of 1947);

(n) deleted;

(o) being vehicles as defined in Article I of the Customs Convention on the Temporary Importation of Private Road Vehicles or the component parts thereof referred to in Article 4 of the said Convention and which are exempted from payment of customs duty under the relevant notification of the Government of India in the Ministry of Finance (Department of Revenue):

Provided that

- (i) such vehicles or component parts are re-exported within the period specified in the said notification or within such further period as the customs authorities may allow;
- (ii) the provisions of the said notification or of the "trip tyque or Carnel-De-Passage" permit are not contravened in relation to such vehicle or component parts:

Provided further that nothing contained in this Order shall prejudice the application to the said vehicles or component parts of any other prohibition or regulation affecting the import of goods that may be in force at the time of import of such goods;

(p) being goods imported temporarily for display or use in fairs, exhibitions or similar events specified in accordance with relevant Customs Notification against ATA carnets under the Customs Convention on the ATA Carnets for temporary admission of goods (ATA Convention) done at Brussels on the 30th July, 1963:

Provided that

- (i) such goods are exported within a period of six months from the date of clearance or such extended period as the Central Government may allow in each case; and
- (ii) the provisions of the said notification or of the ATA convention are not contravened:

Provided further that nothing contained in this item shall prejudice the application to the said goods of any other prohibition or regulation affecting the import of goods that may be in force at the time of import of such goods;

(q) any goods imported in accordance with the Treaty or Agreement on Transit with Nepal and Bhutan;

(r) of Indian manufacture or by the Central Government or any State Government for repair and re-export to Indian Embassies abroad or to any other office of the Central Government or State Government in a foreign country;

(s) being food grains, by Food Corporation of India:

Provided that at the time of clearance, a declaration to the effect that the import in question has been approved by the Central Government is furnished by the importer to the Customs authorities;

(t) deleted.

(2) Nothing contained in the Rules shall apply to –

- (a) any goods exported by or under the authority of the Central Government;
- (b) any goods other than food-stuffs constituting the stores or equipment of any outgoing vessel or conveyance;
- (c) any goods constituting the bona fide personal baggage of any person, including a passenger or member of a crew in any vessel or conveyance, going out of India:
Provided that the Wild Life (as defined in the wild life (Protection) Act, 1972 (as amended from time to time) shall not be treated as part of such personal baggage;
- (d) deleted;
- (e) any goods transhipped at a port in India after having been manifested for such transshipment at the time of despatch from a port outside India;
- (f) any goods imported and bonded on arrival in India for re-export to any country outside India, except Nepal and Bhutan;
- (g) any goods in transit through India by post or any goods re-directed by post to a destination outside India except Nepal and Bhutan:
Provided that such goods, while in India, are always in the custody of the postal authorities;
- (h) any goods imported without a valid import license and exported in accordance with an order for the export of such goods made by the proper officer of Customs;
- (i) products approved for manufacture in and export from the respective free Trade Zones/Export Processing Zones and 100 per cent Export Oriented Units except textile item covered by bilateral agreements, exports to Rupee Payment countries under the Annual Trade Protocol and Exports against payment in Indian Rupees to former Rupee payment countries:
Provided that conditions imposed in the letter of approval/letter of intent on Export Oriented Unit or Export Processing Zone will be binding on such a unit;
- (j) export of Blood group Oh (Bombay Phenotype) meant for scientific research or emergency medical treatment as life saving measure on humanitarian grounds by the Director, National Blood Group Reference Laboratory, Bombay on the basis of a certificate issued by him to this effect in each case;

(k) export of samples of lubricating oil additives, Lube Oil, crude oil and other related petroleum products and raw materials used to manufacture Lube Additives by Lubrizols India Limited, Hindustan Petroleum Corporation Limited and Bharat Petroleum Corporation Limited, from their installation in India to Lubrizol's Laboratories in the United States of America and the United Kingdom for evaluation and testing purposes.

(Alok Vardhan Chaturvedi)
Director General of Foreign Trade

F.No. 01/93/180/16/AM-16/ PC-2(B)