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GOVERNMENT OF INDIA
MINISTRY OF COMMERCE AND INDUSTRY
DEPARTMENT OF COMMERCE

NOTIFICATION NO. 29 /(RE-2004) / 2002-2007
NEW DELHI, DATED 28th January, 2004

S.O. (E) - In exercise of powers conferred by Section 5 of the Foreign Trade (Development and Regulation) Act, 1992 (No.22 of 1992) read with paragraph 2.1 of the Export and Import Policy – 2002-07, as amended from time to time, the Central Government hereby amends the ITC (HS) Classification of Export and Import Items 2002-07 as under:

1. Condition 6 of Chapter I A (General Notes to Import Policy) of the ITC (HS) Classifications of Export and Import items 2002-2007shall be amended to read as under:

"Import of all the products as per Appendix III to Schedule I of the ITC (HS) Classifications of Export and Import Items, 1997-2002, shall be subject to compliance of the mandatory Indian Quality Standards as mentioned in column 2 of the said Annexure, which are also applicable to domestic goods. For compliance of this requirement, all manufactures/ exporters of these products to India, shall be required to register themselves with Bureau of Indian Standards(BIS).

Alternatively certification of the products under mandatory quality Indian standards will be permitted under the BIS Product Certification Scheme for Indian importers provided all the following conditions are met:

a) Items are required for captive consumption, and
b) Items are required on continuous basis, and
c) Items are procured from pre-identified sources.

The Indian Importers would have to apply to BIS for seeking a licence for each of the notified product he intends to import. BIS would record the application after satisfying itself that all the above conditions are met and that the applicant importer has installed the test facilities. Based on the recording of application, the Customs can clear the consignment, which will be tested by the BIS and a licence issued if the product conforms to the relevant Indian standard. The importer would use the material only after grant of licence for the first lot so imported and for the subsequent imports, after testing the product for conformance to Indian Standard.

The conditions of Paragraph 6 above shall not be applicable on imports of gifts where the recipient of a gift is a charitable, religious or an educational institution registered under a law relating to the registration of societies or trusts or otherwise approved by the Central or a State Government and the gift sought to be imported has been exempted from payment of customs duty by the Ministry of Finance.

Not withstanding anything contained in the Appendix III to the Schedule 1 of ITC (HS) Classifications of Export and Import Items, 2002-2007, import of cylinders and import of valves/valve fittings will be exempted from the conditions at paragraph 6 above. However, this exemption shall be applicable only on such cylinders, import of which has been approved by Chief Controller of Explosives, Nagpur."

2. Condition 11 of Chapter I A (General Notes to Import Policy) of the ITC (HS) Classifications of Export and Import items 2002-2007 shall be amended to read as follows:

"Import of textile and textile articles is permitted subject to the condition that they shall not contain any of the hazardous dyes whose handling, production, carriage or use is prohibited by the Government of India under the provisions of clause (d) of subsection (2) of section 6 of the Environment (Protection) Act, 1986 (29 of 1986) read with the relevant rule(s) framed thereunder. For this purpose, the import consignments shall accompany a preshipment certificate from the notified agencies. **In cases where such certificates are not available, the consignment will be cleared after testing of the same from the notified agencies based on the following parameters:**

a) At least 25% of samples are drawn for testing instead of 100%.
b) While drawing the samples, it will be en sured by Customs that majority samples are drawn from consignments originating from countries where there is no legal prohibition on the use of

harmful hazardous Dyes.

c) **The test report will be valid for a period of six months in cases where the textile/textile articles of the same specification/quality are imported and the importer, supplier and the country of origin are the same."**

3. **After amendment the following entries would read as under:-**

S.No	Exim Code	Item Description	Policy	Conditions relating to the Policy
1	27160000	**Electrical Energy**	**Free**	
2	71061000	Powder	**Free**	Subject to RBI Regulations.
3	71069100	Unwrought	**Free**	Subject to RBI Regulations.
4	71069210	Sheets, plates, strips, tubes and pipes	**Free**	Subject to RBI Regulations.
5	71069290	Other	**Free**	Subject to RBI Regulations.
6	71081100	Non-monetary: Powder	**Free**	Subject to RBI Regulations.
7	71081200	Other unwrought forms	**Free**	Subject to RBI Regulations.
8	71081300	Other semi-manufactured forms Monetary	**Free**	Subject to RBI Regulations.
9	71189000	**Other**	**Free**	Subject to RBI Regulations.
10	85269300	Global Positioning System (GPS) Reciver; Differential Global Positioning System	**Free**	

		(DGPS) Receiver		
11	93040000	Other Arms (for example, Spring, Air or Gas Guns and Pistols, Truncheons), excluding those of heading 9307	**Restricted**	Import of Air Gun& Air Pistol will be free subject to the condition that the requirements specified in the MHA Notification No. S.O. 667 (E) dated 12.9.1985 and Notification No. S.O. 831 (E) dated 2.8.2002 are fulfilled and also that the purchaser / user of these items shall obtain requisite user license from the competent authority under the provisions of the existing Arms Act, 1959.

4. Import Licensing Note No. (1) of **Chapter 71 to the Schedule – I** of ITC (HS) Classification of Export and Import items, 2002-07 incorporating Public Notice No. 51 (PN)/97-02 dated 27.10.1997 and Public Notice No. 54(PN)/97-02 dated 4.11.1997, stands deleted.

5. <u>Import Licensing Note No.(2) of Chapter 48 to the Schedule – I of ITC (HS) Classification of Export and Import items, 2002-07:</u> The sentence "A declaration about the total quantity and value of the newsprint imported & consumed during the first half of each licensing year shall be submitted to the Registrar of Newspapers for India by 31st October of each year." stands deleted.

6. Import Licensing Notes to Chapter 87 of ITC (HS) Classification of Export and Import Items 2002-07 will be amended as follows :

(i) Paragraph 2(II)(d) : "The import of new vehicles shall be permitted through the Customs Port at Nhava Sheva,

Kolkata, Chennai, ICD – Tughlakabad and Delhi Air Cargo.”

(ii) Paragraph 3(I) (a) : “Individuals coming to India for permanent settlement after two years continuous stay abroad provided the car has been in the possession of the individual for a period of minimum one year abroad.”

(iii) A new Paragraph will be added as follows :

“(5) Import of new vehicles having a CIF value of $ 40,000 by individuals / companies and firms under the EPCG Scheme will be exempt from the conditions at Sl. No. (2)(II)(c) above. However, at the time of Customs clearance, a Type Approval Certificate from the country of origin shall be furnished. This Type Approval shall stipulate that the vehicle to be imported complies with ECE Regulations and shall be from an Internationally Accredited Organization/Agency.”

(iv) Paragraph 3(II) : “The following shall be deleted “all such imports, except by the physically handicapped persons, shall not involve any foreign exchange remittance from India directly or indirectly.”

This issues in public interest.

(L.MANSINGH)
Director General of Foreign Trade and
Ex-Officio Addl. Secretary to the Government of India

Copy to all concerned.