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(PART-I, SECTION-1)

GOVERNMENT OF INDIA
MINISTRY OF COMMERCE AND INDUSTRY
DEPARTMENT OF COMMERCE
DIRECTORATE GENERAL OF FOREIGN TRADE

PUBLIC NOTICE NO. 03 (RE-2005)/2004-2009
NEW DELHI, DATED THE 20th April, 2005

In exercise of powers conferred under Paragraph 2.4 of the Foreign Trade Policy 2004-2009, the Director General of Foreign Trade hereby makes the following amendments in Handbook of Procedures (Vol. I):

1. After Sl.No.4 of the list of documents to be annexed to the application for obtaining Importer Exporter Code Number under the heading “Guidelines for applicants”, i.e. para 4.I of ‘Aayaat Niryaat Form’ the following is added:

“5. Two copies of passport size photographs of the applicant duly attested by the Banker of the applicant”.

2. Para (vi) of Appendix 26 is amended to read as under:-

“(vi) I/We further certify that M/s..... has realised 95% or more of the export proceeds in respect of exports made by him in the preceding three licensing years [excluding the export made during last six months from the date of filing of application] and 90% in the case of exports made in the current licensing year on the basis of which recognition is being claimed. (applicable for obtaining status certificate afresh)

I/We further certify that M/s..... has realised 95% or more of the export proceeds in respect of exports made by him in the preceding three licensing years [excluding the export made during last 360 days from the date of filing of application] and 90% in the case of exports made in the current licensing year on the basis of which recognition is being claimed. (applicable for renewal of status)

I/We hereby certify that the total value of outstanding export proceeds beyond a period of 360 days from the date of exports made by the applicant is Rs._____ (applicable in case of existing status holders for renewal of status and for EPCG redemption).

I/We hereby certify that the total value of outstanding export proceeds beyond a period of 6 months from the date of exports made by the applicant is Rs._____ (applicable for obtaining status certificate afresh and for EPCG redemption).”

3. Para 2.13 is amended to read as under:

“2.13 The licence/certificate/permission may be revalidated on merits by the licensing authority concerned, which has issued the licence/ certificate/permission, for a period of six months reckoned from the date of expiry of the validity period.”

4. Para 6.21.1(d) is amended to read as under:-

“(d) EOUs shall be eligible for wastage as applicable as per para 4A.2 of Handbook for sub-contracting and against exchange.”

5. After sub para 6.27.2(c), para no. of the sub para beginning with the words “In addition”, is renumbered as sub para 6.27.3 which reads as under:-

“6.27.3 In addition to this, Personal Carriage by foreign bound passenger on Document Against Acceptance (DA)/Cash On Delivery (COD) basis is also allowed. The EOUs will have to furnish the following documents as proof of exports:-

(a) Copy of Shipping Bill;

(b) Bank Certificate of Export and Realisation.”

6. After Para 9.6 following paras are added:-

<i>“Consumption Register</i>	9.7	The importer shall maintain a register of items imported under a licence and its consumption. The importer shall also maintain such a register of items imported without a licence and its consumption provided such items are imported subject to actual user condition.
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The register shall be maintained in the form given in Appendix-23 except in respect of the scheme wherein period for retention of the consumption register is specifically mentioned, in all other cases, the register shall be maintained upto 3 years period from the date of import.

<i>Export Facilitation</i>	9.8	In order to resolve exporters' problems in a co-ordinated manner, the field offices of the Directorate General of Foreign Trade shall act as Export Facilitation Centres.
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These offices shall function as nodal agencies to attend to the problems and grievances of the exporters, and also co-ordinate with different Departments to resolve their trade and export related problems.

In addition, Nodal Officers have also been nominated in other Ministries/ Departments and a list of such officers nominated to assist exporters is given in Appendix-17.

For resolving problems relating to different departments, facilitation committees shall be constituted in each department which shall be serviced by Directorate General of Foreign Trade.

<i>Standing Grievance Committee</i>	9.9	The detail of the Grievance Redressal Mechanism is given in para 2.49 of the Policy.
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In order to facilitate speedy redressal of genuine grievances of trade and industry pertaining to the Policy and Procedure, Grievance Committees have been constituted.

These Grievance Committees are chaired by (i) the Director General of Foreign Trade at the Headquarters and (ii) head(s) of the concerned Regional Licensing Authority (s) in the respective licensing offices.

Grievance Committee will include representatives of the Federation of Indian Export Organisations (FIEO), Export Promotion Councils/ Commodity Boards, Development Authorities, and Government Departments/ technical authorities as their members.

- 9.9.1 The Chairman of the respective Grievance Committee(s) may also co-opt any other member. The meetings of such Committees shall be held on a monthly basis.
- 9.9.2 Every exporter/importer shall have a right to seek and have an opportunity to make a representation to and be personally heard, if he so desires, by the Grievance Committee. For this purpose, he may send his request in writing seeking such personal hearing.
- 9.9.3 A representation to the Grievance Committee may be made in the form given in Appendix-26.”

7. Para 9.12 is amended to read as under:

<i>“Date of Shipment/ Dispatch in respect of Exports</i>	9.12	Date of shipment/despatch for the purposes of exports will be reckoned as under:-				
		<table><tr><td>Mode of Transportation</td><td>Date Of Shipment/ Dispatch</td></tr><tr><td>(i) By Sea</td><td> For bulk cargo, the date of Bill of Lading or the date of receipt, whichever is later. a) For containerised cargo, the 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), the date of Bill of Lading issued by shipping agents at the time of loading of export goods in the ICD after customs clearance. b) For Lash barges, the date of Bill of </td></tr></table>	Mode of Transportation	Date Of Shipment/ Dispatch	(i) By Sea	For bulk cargo, the date of Bill of Lading or the date of receipt, whichever is later. a) For containerised cargo, the 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), the date of Bill of Lading issued by shipping agents at the time of loading of export goods in the ICD after customs clearance. b) For Lash barges, the date of Bill of
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	Lading evidencing loading of the export goods on board
(ii) By Air	The date mentioned by the appropriate Officer of Customs on the Shipping Bill, evidencing loading or handing over of goods to the air cargo complex, which are not international airports, or by way of rotation of flight number and date.
(iii) By Post Parcel	The date stamped on the postal receipt.
(iv) By Rail	The date of RR (Railway Receipt).
(v) By Registered Courier Service	The date affixed on Courier Receipt/ Waybill
(vi) By Road	The date on which the goods crossed the Indian border as certified by the Land Customs Authorities.

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

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

This issues in Public interest.

(K.T. CHACKO)
DIRECTOR GENERAL OF FOREIGN TRADE and
EX-OFFICIO ADDITIONAL SECRETARY TO THE GOVT. OF INDIA

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