

To be published in the Gazette of India Extraordinary (Part-I, Section-1)

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

Public Notice No. 23/2015-20
New Delhi: Dated 30th June 2015

Subject: Provisions relating to import of certain categories of processed metallic scrap, at designated ports having Scanners/Radiological Detection Equipments (RDEs) facilities.

In exercise of powers conferred under paragraph 2.04 of the Foreign Trade Policy 2015-20, the Director General of Foreign Trade hereby inserts paragraph 2.54 A in the Handbook of Procedures of FTP 2015-20, and Appendices 2N-2, 2G-1 and 2H-1 in Appendices and Aayat Niryat Forms of FTP 2015-20:

2. Para 2.54 A Import of certain categories of processed metallic scrap at designated ports having Scanner/Radiological Detection Equipment (RDE) facilities

Notwithstanding the procedure stated in paragraph 2.54(b) above, Import of processed metallic scrap, as described in paragraph (f) below, may be allowed at designated ports (with Scanner/RDE facility), as listed in Appendix 2G-1 of Appendices and Aayat Niryat Forms of FTP 2015-20, without PSIC (as per paragraph 2.55 of HBP 2015-20), subject to fulfillment of following conditions:-

- (a) The importer shall have to submit a self declaration cum legal undertaking, as given in Appendix 2 N-2 of Appendices and Aayat Niryat Forms of FTP 2015-20, along with a Pre-shipment Inspection Certificate in Format 2H-1, issued by the Inspecting Agency/Scrap Yard, certifying:
 - (i) That the metal scrap being imported is processed metallic scrap; and
 - (ii) That the consignment has been inspected before shipment and it does not contain any explosive or radioactive material; and
 - (iii) That the importer shall be liable for re-export of contaminated material, if detected on arrival in India, back to the exporter/exporting country at his own risk and cost.
- (b) Importer shall furnish bank guarantee of Rupees 10,00,000/- (Rupees ten lakh) to the Customs as security amount.
- (c) Importer shall also have to submit a copy of contract with the exporter stipulating that the consignment does not contain any type of arms, ammunition, mines, shells, cartridges, radioactive contaminated material, or any other explosive material, in any form, either used or otherwise. It shall also contain exporter's willingness to accept the consignment back, in case any explosive or radioactive material is found in it on arrival in India.
- (d) All scrap consignments, so imported at the designated ports, shall have to compulsorily pass through the Scanner / Radiological Detection Equipments (RDEs), installed at these ports, before being cleared by the Customs. The scanning of the containers at the sea port of arrival would be mandatory regardless of the fact that the container may be destined for any ICD or CFS.

(e) In the event, the declaration given by the importer is found to be false / incorrect, the importer shall be responsible for exporting back the contaminated consignment back to the exporting country at his risk and cost and shall also be liable for enforcement of bond/forfeiture of security amount, in addition to any other action under FT (D&R) Act 1992, Customs Act, 1962 or any other law in force.

(f) The processed metallic scrap for consideration under this paragraph shall include the following categories of scrap:

- (i) Shredded, Cut Sheared, Rotor Sheared
- (ii) Briquetted, Baled, Bundles.
- (iii) Turnings, Borings, Granules, Nodules

3. Following Appendices are inserted in the Appendices and Aayat Niryat Forms of FTP 2015-20;

- (i) Appendix 2N-2, prescribing Format of Self-Declaration cum Legal Undertaking, is annexed as Annexure 1 to this Public Notice.
- (ii) Appendix 2G-1, prescribing List of the designated Customs Ports having Scanners/Radiological Detection Equipments (RDEs), is annexed as Annexure 2 to this Public Notice.
- (iii) Appendix 2-H-1, prescribing Format of Pre-Shipment Inspection Certificate to be issued by Inspecting Agency/Scrap Yard, is annexed as Annexure-3 to this Public Notice.

4. **Effect of this Public Notice:**

- (i) Provision relating to import of certain categories of processed metallic scrap, at designated ports having Scanner/Radiological Detection Equipments (RDEs), has been notified.
- (ii) Three new Appendices 2G-1, 2-H-1 and 2N-2 are inserted in the Appendices and Aayat Niryat Forms of FTP, 2015-20.

(Pravir Kumar)
Director General of Foreign Trade
E-mail: dgft@nic.in

[Issued from File No.01/53/162/Misc/PSIA/AM15/S-5/IC]

Appendix 2N-2
Format of Self-Declaration cum Legal Undertaking
[Refer paragraph 2.54 A of HBP]

1. I/We M/s----- hereby declare that:
 - (i) The scrap being imported by us has been inspected by (state name and address of the agency which inspected) on _____ (date) in the country ----- (country where inspection was held). Pre-shipment Inspection Certificate in Form 2H-1 is attached.
 - (ii) The metal scrap being imported is processed metallic scrap and it conforms to the internationally accepted parameters, for such a classification.
 - (iii) The consignment does not contain any symbol related to ionizing radiation and/or any marking related to transport of dangerous goods classified as Class 7, as per United Nations classification.
 - (iv) 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;
 - (v) The consignment was checked for radiation level and it does not have radiation level (gamma and neutron) in excess of natural background.
2. I/We hereby declare that the particulars and statements made in this certificate are true and correct and nothing has been concealed or held there from.
3. I/We undertake that in case any explosive or radioactive material is detected in consignment on arrival in India, I/We shall be responsible for the return of the same consignment back to exporter/exporting country.
4. The Inspection Agency/Scrap Yard in exporting country shall have no objection to inspection of such Agency/Scrap Yard by Indian authorities, authorised for undertaking such inspection by DGFT.
5. I/We fully understand that In the event of the declaration given by us is found to be false / incorrect, I/we shall be liable for forfeiture of Bank Guarantee amount in addition to any other action under FT(D&R) Act 1992, Customs Act, 1962 or any other law in force.

Signature of Importer

Designation: _____
Address (office): _____
E Mail Address: _____
Phone Number: _____

Date:

Place:

STAMP & SEAL

Note: The Legal Undertaking is to be executed by the importer on a non-judicial stamp paper for an amount as may be prescribed by concerned state government under the Indian Stamp Act, 1899 or State Act, as the case may be. Any stamp duty payable on Legal undertaking on any document executed thereunder shall be borne by the importer.

Appendix 2G-1

List of the designated Customs Ports having Scanners/ Radiological Detection Equipments (RDEs)

[Refer paragraph 2.54 A of HBP]

1. Cochin
2. Ennore
3. Goa
4. Haldia
5. Jawaharlal Nehru Port Trust (JNPT)
6. Kolkata
7. New Mangalore
8. Tuticorin
9. Visakhapatnam

Appendix-2H-1**FORMAT OF PRE-SHIPMENT INSPECTION CERTIFICATE**

This Pre-Shipment Inspection Certificate is issued in terms of paragraph 2.54A of Handbook of Procedure for import of processed scrap

I, hereby certify the details as below:-

That I/we have inspected the consignment and certify the following:

(a) The consignment is actually processed metallic scrap, as per the internationally accepted parameters for such a classification.

(b) The consignment does not contain any symbol related to ionizing radiation and/or any marking related to transport of dangerous goods classified as Class 7 as per United Nations classification.

(c) Details of Importer are as follows:

- (i) Name: _____
 (ii) Address: _____
 (iii) Importer Exporter Code No. _____
 (iv) Telephone No. _____ (Mobile) _____
 (v) E-mail _____

(d) Details of Exporter are as follows:

- (i) Name: _____
 (ii) Address: _____
 (iii) Telephone No. _____ (Mobile) _____
 (iv) E-mail _____

(e) Details and quantity of import:

Description of metallic scrap

Sl. No.	Container No.	Seal Number*	Quantity (in MTs)	Background radiation level (μSv/h)	Container radiation level (μSv/h)

*Note 1: Seal Number of the seal affixed by exporting scrap yard

Note 2: In cases where the Customs of the exporting country have put seal (after examination of the container) the changes reflected in Bill of Lading shall be applicable.

- (f) (i) Country of Inspection _____
 (ii) Place of Inspection _____
 (iii) Date and time of Inspection _____

(g) Details of Radiological Detection Equipments (RDEs)/Radiation Survey Meter used:

- Make-

- Model-
- Serial no.-
- Last date of calibration-

DECLARATION

(1) 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 have radiation levels (gamma and neutron) in excess of natural background. **The radiation level of the consignment is within the accepted range and is fit to be exported to India**

(2) I/We hereby declare that the particulars and statements made in this certificate are true and correct and nothing has been concealed or held there from.

Date _____

Signature _____

Name of the Authorised Signatory _____

Seal of Exporting
Scrap Yard

Designation _____

Address (office) _____

E Mail Address _____

Phone Number _____

Name of Inspecting Agency/Yard _____

Address: _____

Telephone Number _____

E mail _____