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(PART-I, SECTION-1)

GOVERNMENT OF INDIA
MINISTRY OF COMMERCE AND INDUSTRY
DEPARTMENT OF COMMERCE

PUBLIC NOTICE NO. 39 (RE-2003)/2002-2007 NEW DELHI:

Dated :28th January , 2004

In exercise of powers conferred under Paragraph 2.4 of the Export and Import Policy 2002-2007, the Director General of Foreign Trade hereby makes the following amendments in Handbook of Procedures (Vol. I):

1. Paragraph 2.12(iii) pertaining to the validity of an import licence/ certificate/ permission is amended as under:-

(iii)	EPCG Licence for spares, refractories, catalyst and consumables	24 months
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2. Paragraph 2.47 pertaining to “Prototypes” is amended as under:

Import of new/second hand prototypes/ second hand samples may be allowed on payment of duty without a licence/ certificate/ permission to an Actual User (industrial) engaged in the production of or having industrial licence/letter of intent for research in the item for which prototype is sought for product development or research, as the case may be, upon a self – declaration to that effect, to the satisfaction of the customs authorities.

3. Paragraph 2.52.1 is amended as under:

Status holders shall be entitled to export freely exportable items on free of cost basis for export promotion subject to an annual limit of Rs.10 lakhs or 2% of the average annual export realization during the preceding three licensing years whichever is higher.

4. Appendix 16A pertaining to application form for grant of export licence for export of SCOMET items mentioned as restricted for export in appendix – 3 schedule 2 of ITC(HS) classifications of export and import items is appended to this Public Notice.

This issues in Public Interest.

(L. MANSINGH)
DIRECTOR GENERAL OF FOREIGN TRADE

File No: 01/94/180/Public Notice/ AM04/ PC IV

Appended to this Public Notice No 39 Dated 28th January, 2004

**APPLICATION FORM FOR GRANT OF EXPORT LICENCE FOR EXPORT OF SPECIAL CHEMICALS , ORGANISMS, MATERIALS , EQUIPMENTS & TECHNOLOGIES (SCOMET)
ITEMS MENTIONED AS RESTRICTED FOR EXPORT IN APPENDIX - 3 SCHEDULE 2 OF ITC(HS) CLASSIFICATIONS OF EXPORT AND IMPORT ITEMS**

Note:- (1) Please read the general instructions at Appendix 1 before filling this application.
(2) Please submit 10 copies of this application form.

For official use

File NoDate.....

Part-I

1. Name and address of the Applicant:
2. IEC Number:

Part-II

(To be filled in for export of Special Chemicals in categories 1 B and 1 C Chemicals of Appendix 3)

- 3 (i) Item of export :
- (ii) Quantity applied for :
- (iii) fob value per unit:
- (iv) total fob value:

Details of the exports of category 1B and 1C items in preceding three licensing years, where licence / permission / general permission has been taken

(for I B Chemicals)

S1 No.	DGFT, HQ File No	Permission letter Date	Items of export	Qty of items exported	FOB value in US \$	Name of Buyer	Name of end- user	Destinations of Export	Shipping Bill No & date *	Bill of entry *
1	2	3	4	5	6	7	8	9	10	11

* Enclose copy of Shipping Bills and corresponding Bills of Entry serial-wise/ consignment-wise and on reverse of the same give details of DGFT permission letter No & date and Export Licence No & date , for the last three licensing years. To be enclosed with the first application of licensing year and thereafter for subsequent applications the File No of the first application be mentioned above .

(for I C Chemicals)

S1	DGFT	Permission	Export	Items	Qty	Total	Name	Name	Destination	Bill of
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Sl No.	DGFT, HQ File No	PERMISSION letter Date	EXPORT Licence No & date	ITEMS of export	Qty	FOB value in US \$	Name of Buyer	Name of end- user	Destination of Export	Bill of Entry No *
1	2	3	4	5	6	7	8	9	10	11

* Enclose copy of Bill of Entry serial-wise/consignment-wise and on reverse of the same give details of DGFT permission letter No & date and Export Licence No & date, for the last three licensing years. To be enclosed with the first application of licensing year and thereafter for subsequent applications the File No of the first application be mentioned above .

5 If applied for export on repeat basis in the same licensing year for same product and end-use and to the same end-user then following information may also be furnished

- (i) Reference No and date vide which the earlier permission was granted by this office
- (ii) Export Licence No and date
- (iii) Quantity allowed for export
- (iv) Quantity exported on the date of this application

Export Order No & date (Attach copy)

Name and full address of the buyer

Name and full address of the end-user

Port of shipment :

Destination of Export:

- (i) Port of discharge:
- (ii) Ultimate destination:

11.End-product for which the item of export will be used by the end-user (attach end-user certificate)

12. The purpose for which the end-product will be utilised:

13. State if any licence has been denied in previous three licensing years.

Part-III

(To be filled in for export of all other category of items of Appendix 3 except those covered by Part-II above)

14. Category , item number and item name as in Schedule 2 Appendix 3 of ITC(HS) Classification of Export and Import Items (Attach technical specification not exceeding one page for item, in the order in which these items have been listed).

15. (i)Quantity applied for:
(ii) FOB value per unit (US \$)

(ii) FOB value per unit (US \$)
(iii) Total fob value (US \$)

16. Importer's Purchase Order No & date (Attach copy)

17. Is the applicant the producer / manufacturer of the item to be exported ? If not, name the producer / manufacturer and provide full address , telephone No. , etc.

18. Details of Export Licences (EL) previously applied for items Schedule 2 Appendix 3 of ITC(HS) Classification of Export and Import Items :

S1 No.	DGFT, HQ File No	Permission letter Date	Export Licence No & date	Items of export	Qty	Total FOB value in US \$	Name of Buyer	Name of end- user	Destination of Export	Bill of entry No **	Status of fulfilment of other conditions , if any prescribed
1	2	3	4	5	6	7	8	9	10	11	12

** Enclose copy of Bill of Entry serial-wise / consignment-wise and on reverse of the same give details of DGFT permission letter No & date and Export Licence No & date, for the last three licensing years . To be enclosed with the first application of licensing year and thereafter for subsequent applications the File No of the first application be mentioned above .

19. Port of shipment:
(Sea and air ports of Delhi / Calcutta/ Chennai /Mumbai / and sea ports of JNPT and Nava Sheva - Identify only one port)

20. Destination of export (Country):

21. Name of the consignee, complete postal address , telephone No, fax , etc.:

22. Citizenship of consignee (if individual) :

23. Headquarters address of consignee , if corporate office different from entry (10 above):

24. (a) Location (country) of end-user:

(b)End product and /or and purpose for which the exported item will be used by the end-user (Attach end-use certificate in the prescribed proforma):

(c)Name and complete address of end-user (include tel Nos., fax Nos , etc.)

(d)Is end-user an entity of Government of destination country?

(e)Manufacturing / Business / Other activity of the end-user.

25. Through which banks will the financial transactions relating to this export will be executed ?

(a)In destination country (provide full address)

(b)In India

26. Name and address of all foreign collaborators of the applicant (as registered with GOI/RBI) . If None, state None:

27.Period during which the item is proposed to be exported from India:

28. If application is for spares or originally exported . Reference of earlier may be given

29.If revalidation required

(a)Period of extension sought:

(b)Reasons therefor:

30. State if any licence has been denied in previous three licensing years.

Declaration / Undertaking

I/We solemnly undertake that:-

- (i) The particulars and the statements made in this application and attachments thereto are true to the best of my /our knowledge and belief and nothing has been concealed or withheld therefrom.
- (ii) If any information furnished in this application is found to be false , inaccurate , not correct , misleading , any licence granted on this basis of shall be liable to cancellation or being made in effective without prejudice to any other action that may be taken in this behalf under the Foreign Trade (Development & Regulation) Act, 1992 or rules and orders made thereunder, and the Customs Act, 1962.
- (iii) Any information furnished in this application if proved incorrect , false, inaccurate , not correct or misleading will render me / us liable for any penal action or other consequences as may prescribed in law or otherwise warranted .
- (iv) I/we further declare that no export proceeds are outstanding beyond the prescribed period as laid down by the RBI, or such extended period which RBI permission has been obtained .
- (v) I hereby certify that I am authorised to certify and sign this declaration as per paragraph 9.9 of the Policy.
- (vi) I/we further undertake to submit to the DGFT (PC-III Section) a copy of the bill of entry into the destination state party within 30 days of delivery , failing which I/we shall be liable to action under Foreign Trade (Development & Regulation) Act, 1992 or rules and orders made thereunder, and the Customs Act, 1962.
- (vii) " That I / We also hereby inform that we have complied with the conditions of all previous licences issued to us for export of SCOMET items and have duly intimated the O/o DGFT , New Delhi alongwith documentary evidence in the stipulated time regarding receipt of the items of export by only the end-user as per the respective applications ".

Place:

Date:

Signature of the Applicant

Name in Block letters.....

Designation.....

Official Address.....

Residential Address.....

E-mail Address.....

Note: Each page of this application should be signed individually by the Managing Director , or the Company Secretary or a Director of the firm . If signed by a Director of the firm , then that must be duly authorised to do so by the Board of Directors of the firm.

END USE CUM END USER CERTIFICATE

I /we (name of the end user) _____

Certify that we are importing (name of the SCOMET item) _____
From (name and address of the exporter) _____
Against our purchase order No _____ date _____ as capital equipment/ Component / raw material / other use (specify) _____
For the manufacture of (end product) _____ which will be used for (state specific use) * _____
(* if more than one use then enclose self certified list)

I/we further certify that that the items detailed in the referenced purchase order will not be used for any purpose other than the purpose (s) stated above, and that such use shall not be changed nor the items modified or replicated without the prior consent of the Government of India. And further , if required , post installation verification shall be allowed.

The end-user shall not himself , or through another , cause the items , or replicas , ore derivatives thereof to be re-transferred / sold without the knowledge / consent of the Government of India, to any party within (name of the country) _____ / or outside it.

I/we also certify that all the facts contained in this certificate are true and correct to the best of my knowledge and belief and that I/we do not know of any additional facts that are inconsistent with this certificate

Place: _____
Signature of end-user / authorised signatory
of the end-user with stamp and seal
Date: _____

Name : _____
Designation: _____
Address & e-mail: _____

CERTIFICATION ON BEHALF OF THE RECEPIENT STATE
(For Schedule 3 Chemicals of CWC , viz . Category 1 C of SCOMET list)

(To be filled for transfers of Schedule 3 Chemicals to states not party to the Convention)

It is hereby certified that the transferred Chemical referred to above will be used only for purposes not prohibited / disallowed under the Chemical Weapons Convention and shall not be transferred to any other person or re-exported from the recipient country .

Name of the chemical (IUPAC nomenclature)	Quantity
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Signature: _____
Name: _____
Position: _____
Organisation / State: _____
Address: _____

IMPORT CERTIFICATE TO BE ACCOMPANIED WITH END-USE CUM END-USER CERTIFICATE
(To be filled when the import is by a third party)

I /we (name of the end user) _____
Certify that we are importing (name of the SCOMET item) _____

Certify that we are importing (name of the SCOMET item) _____
From (name and address of the exporter) _____
Against our purchase order No _____ date _____

as capital equipment and which will be transferred to : _____ in _____ (country)
for the manufacture of (end product) _____
which will be used for (state specific use) _____
(the end use cum end user certificate from the ultimate end user is also enclosed) _____
as component and will be used for assembling of another equipment _____
and will be transferred to _____ in _____ (country)
for the manufacture of (end product) _____
which will be used for (state specific use) _____
(the end use cum end user certificate from the ultimate end user is also enclosed) _____
will be used as raw material for the manufacture of (end product) _____
and will be transferred to _____ in _____ (country)
which will be used for (state specific use) _____
(the end use cum end user certificate from the ultimate end user is also enclosed) _____
which will be used for purposes other than the above (specify) _____

(NB : export of 1C Chemicals shall be allowed only when buyer and end-user are in the same country)

I/we further certify that that the items detailed in the referenced purchase order will not be used for any purpose other than the purpose (s) stated above, and that such use shall not be changed nor the items modified or replicated without the prior consent of the Government of India. And further , if required , post installation verification shall be allowed.

The end-user shall not himself , or through another , cause the items , or replicas , ore derivatives thereof to be re-transferred / sold without the knowledge / consent of the Government of India, to any party within (name of the country) _____ / or outside it.

I/we also certify that all the facts contained in this certificate are true and correct to the best of my knowledge and belief and that I/we do not know of any additional facts that are inconsistent with this certificate and am also enclosing the end use cum end user certificate

Place:

Signature of end-user / authorised signatory
_____ of the end-user with stamp and seal

Date:

Name : _____
Designation: _____
Address & e-mail: _____

CERTIFICATION ON BEHALF OF THE RECEPIENT STATE
(For Schedule 3 Chemicals of CWC , viz . Category 1 C of SCOMET list)

(To be filled for transfers of Schedule 3 Chemicals to states not party to the Convention)

It is hereby certified that the transferred Chemical referred to above will be used only for purposes not prohibited / disallowed under the Chemical Weapons Convention and shall not be transferred to any other person or re-exported from the recipient country .

Name of the chemical (IUPAC nomenclature)	Quantity
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Signature: _____

Name: _____

Position: _____

Organisation / State: _____

Address: _____