

**Public Notice**



**Government of India  
Ministry of Commerce and Industry  
Department of Commerce  
New Delhi**

**Public Notice No. 21 (RE-2005)/2004-2009**

Dated 13th June, 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 the Handbook of Procedures (Vol. I) :

1. Sub-paragraph 6.34 (14) shall be amended as under :  
“(14) Function as a Registering authority for EOU/EHTP/STP/BTP. A separate Registration-cum-Membership Certificate shall not be required in their cases as provided for in paragraph 2.44 of the Policy except in case of spices. In case of spices, it would be mandatory for the units to get themselves registered with the Spices Board also.”
2. Sub-paragraph 7.32.2 shall be amended as under :  
“7.32.2 Registering authority for SEZ units and SEZ developers, shall be the Development Commissioner of the SEZ concerned. A separate Registration-cum-Membership Certificate shall not be required in their cases as provided for in Paragraph 2.44 of the Policy except in case of spices. In case of spices, it would be mandatory for the units to get themselves registered with the Spices Board also.”

*Sd/-*

(K. T. CHACKO)

Director General of Foreign Trade  
and Ex-Officio Additional Secretary to the Government of India  
(F. No. 01/92/180/138/AM05/PC-II)

**Government of India  
Ministry of Commerce and Industry  
Department of Commerce  
New Delhi**

**Public Notice No. 22 (RE-2005)/2004-2009**

Dated 14th June, 2005

In exercise of powers conferred under paragraph 2.4 of the Export and Import Policy, 2002-07, the Director General of Foreign Trade hereby makes the following amendments in the Application Form Appendix 17 D for DFCE for Status Holders 2003-04 published as annexure A to the Public Notice 15(RE-2005)/2004-09 dated 04.06.2005 :

1. Sr. No. 11 of the Declaration at Page 4 of Appendix 17 D for DFCE for status holders 2003-04 relating to all discounts, commission is deleted.

*Sd/-*

(K. T. CHACKO)

Director General of Foreign Trade  
and Ex-Officio Additional Secretary to the Government of India  
(F. No. 1/94/180/Public Notice/AM04/PC.IV)

**Government of India  
Ministry of Commerce & Industry  
Department of Commerce  
New Delhi**

**Policy Circular No. 06 (RE-2005)/2004-2009**

Dated 8th June, 2005

**Clarification regarding Para 9.53 (iv) of the  
Foreign Trade Policy**

Attention is invited to Para 9.53 (iv) of Foreign Trade Policy 2004-09 updated as on 31.3.2005 according to which a Service Provider includes a person supplying “service” in India relating to exports paid in free foreign exchange or in Indian rupees which are otherwise considered as having been paid for in free foreign exchange by RBI.

2. As per GATT’s Agreement, such services can be rendered within the territory of service providers nationality, and therefore earning of free foreign exchange by providing services is the only way a service provider can export his services as defined in the above said Para.
3. It is therefore clarified that words “relating to exports” actually means “relating to exports of services by service provider under GATT’s Agreement”. It is reiterated that the provisioning of services; irrespective of import vessel and export vessel, that may have been serviced, is covered for benefits under this provision.

*Sd/-*

(SUBHASH R.)

Asstt. Director General of Foreign Trade  
(F. No. 01/94/180/Policy Circular/AM06/PC-I)

**Government of India  
Ministry of Commerce & Industry  
Department of Commerce  
New Delhi**

**Policy Circular No. 07(RE-2005)/2004-2009**

Dated 13th June, 2005

**Issuance of IEC Number to a Branch Office in India  
of a Foreign Company**

Representations have been received seeking clarification as to whether a Branch Office in India of a Foreign Company can be issued an IEC number.

2. It is hereby clarified that a Branch Office of a Foreign Company can be issued an IEC number provided the Branch Office in India has been opened with RBI permission under Foreign Exchange Management (Establishment in India of branch or office or other place of business) Regulation 5 of Notification No. FEMA 22/2000-RB dated 3rd May, 2000 and the Branch Office has been permitted by the RBI to undertake import or export business in India.



EEPC INDIA



3. In such case, the Branch office in India (of the foreign firm) shall apply to the jurisdictional licensing authority along with necessary supporting documents.

Sd/-  
(SUBHASH R.)

Assistant Director General of Foreign Trade

(F. No. 01/94/180/Policy Circular/AM06/PC-I)

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

**Policy Circular No. 09 (RE-2005)/2004-2009**

Dated 14th June, 2005

**DFCE under EXIM Policy (2003-04) and Target Plus Scheme  
under Foreign Trade Policy (2004-05),  
clarification and other issues**

Attention is invited to the Public Notice No. 15 (RE-2005)/2004-09 dated 04.06.2005 relating to the DFCE under EXIM Policy (2003-04) and Public Notice No.16 (RE-2005)/2004-09 dated 04.06.2005 relating to Target Plus Scheme under Foreign Trade Policy (2004-05).

2. The Zonal office shall constitute a committee to finalize claims in all cases relating to the two schemes. The Committee headed by Zonal Joint DGFT shall have the discretion to call for additional documents, on a sample basis, like Shipping Bills etc. to enable them to arrive at the genuineness/authenticity of the claim. Such Claims may be settled within a period of 45 days from date of filing of application.

3. Representations were received from Trade & Industry relating to admissibility of claims where GR Form and BRC contain more than one name in the context of Para 3.2.6A (I) of Handbook of Procedures (Vol. 1), 2002-07 and Para 3.2.5 (I) of Handbook of Procedures (Vol. 1), 2004-09.

It may be noted that wherever it is a mandatory requirement that more than one name is required to be recorded in these export documents, the exporter may approach the committee along with documentary evidence to prove such mandatory and legal requirements; based on which the Committee would consider and allow the claim or otherwise. No disclaimers are permitted in the schemes and the claim can be filed only by those who receive the export proceeds in own name.

Sd/-  
(A. K. SINGH)

Joint Director General of Foreign Trade

(F. No. 01/94/180/Policy Circular/AM04/PC-IV)