



(File No. : 01/94/180/0009/AM05/PC IV)

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

Public Notice No. 22/2004-09

Dated 8th November, 2004

The Directorate General of Foreign Trade, Ministry of Commerce and Industry, Department of Commerce, Government of India, New Delhi vide its Public Notice No. 22/2004-2009 dated 8th November, 2004 has made certain amendments in the Handbook of Procedures (Vol. I). The amendments made with reference to engineering products are reproduced below :

In exercise of powers conferred under Paragraph 2.4 of the Foreign Trade Policy, 2004-09, the Director General of Foreign Trade hereby makes the following amendment(s) in the Handbook of Procedures (Vol. I) :-

1. S. No. 2 pertaining to the **Scale of Application fee under Appendix 29** which stipulates the "Procedure for Deposit/Refund of Import Application Fee and Other Fee" is amended to read as under –

2. Scale of application fee	S. No.	Particulars	Amount of fee (in rupees)
	1.	Application for Import Licence (except for DEPB and EPCG) where the CIF value of goods specified in the application does not exceed Rupees Fifty thousand.	Two hundred
	2.	Application for Import Licence where the CIF value of the goods specified in the application exceeds Rupees Fifty thousand.	Two per thousand or part thereof subject to a minimum of Rs. Two hundred and maximum of Rs. One lakh and fifty thousand. However, for applications filed electronically, the fee would be Rs.1/1000 or part thereof subject to a minimum of Rs. Two hundred and maximum of Rs. Seventy five thousand.
	3.	Application for Import Licence filed by SSI units where the CIF value goods specified in application does not exceed Rupees Two lakhs.	Two hundred
	4.	Application for grant of Duplicate Licence including Duty Entitlement Pass Book.	Two hundred
	5.	Application for issue of certificate of Importer -Exporter Code Number (IEC).	One thousand
	6.	Application for Duplicate copy of IEC No.	Two hundred
	7.	Application for issue of an Identity Card.	Two hundred
	8.	Application for issue of Duplicate Identity Card.	One hundred
	9.	Application for Revalidation of an Import Licence	Two hundred
	10.	Application for Duty Entitlement Passbook (DEPB), Duty Free Credit Entitlement Certificate for service provider, Duty Free Credit Entitlement Certificate for status holder, Vishesh Krishi Upaj Yojana and Target Plus Scheme.	Five per thousand of duty credit subject to a minimum of Rs. Two hundred. However, for application filed electronically, Rs. 2.50/1000 of duty credit subject to a minimum of Rs. 200/-
	11.	Application for Import Licence under Export Promotion Capital Goods (EPCG) Scheme.	Rs. Five per thousand of duty saved subject to a minimum of Rs. Two hundred. However, for application filed electronically, Rs. 2.50/1000 of duty credit subject to a minimum of Rs. 200/- and a maximum of Rs. Two lakh and fifty thousand only.

NOTWITHSTANDING THE ABOVE, THE APPLICATION FEE FOR ALL APPLICATIONS FILED ELECTRONICALLY WOULD BE 50% OF THE AMOUNT SPECIFIED IN THIS TABLE". THE WORD 'ELECTRONICALLY' WHEREVER APPEARING IN THIS APPENDIX WOULD MEAN 'DIGITALLY SIGNED & SUBMITTED THROUGH' DGFT WEBSITE(ONLINE/OFFLINE)."

2. **Appendix 9 D** pertaining to the Refixation of the Export Obligation under the EPCG Scheme is amended as under –

APPENDIX -9 D

APPLICATION FORM FOR REFIXATION OF EXPORT OBLIGATION UNDER EPCG SCHEME

Note : 1. Please see paragraph 5.4 (i) of the Policy and paragraph 5.19 of this Handbook.

- File No. _____ Date _____
1. Name and address of the applicant : M/s. _____
 2. IEC Number : _____
 3. Block year of Export Obligation fulfilment : 1st year [] 2nd year [] 3rd year [] 4th year []
5th year [] 6th year [] 7th year [] 8th year []
9th year [] 10th year [] 11th year [] 12th year []
 4. Exports mandated under the block prescribed in row above : As a percentage of total exports to be made _____
 5. Export actually made : As a percentage of the total exports to be made _____
 6. Details of EPCG licence presented for refixation of export obligation :

S. No.	EPCG Licence No.	Date of Issue	Export Product(s)	Capital Goods applied for import	Export obligation fixed as per imports made (in US\$)	Exports actually made (in US\$)	% of exports unfulfilled
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8) = 100* [(6) - (7)]/(6)

CIF Value of imports (in US\$)	Total Customs Duty Saved					Refixed Export Obligation	
	Basic (A)	Additional/CVD (B)	Others (SAD, etc. if applicable) (C)	Rate of Duty levied on import (D)	Total Duty saved (A+B+C-D)		
(9)						(10)	(11)

= 8*(10)*(8)/100 for cases where refixation application is made within 2 years from the date of issue of EPCG Licence
 = 2*(10)*(8)/100 for cases where the remaining EO is less than 2 years on the date of application for refixation

DECLARATION/UNDERTAKING

I/We hereby solemnly undertake/declare that : –

- (i) I/We hereby declare that the particulars and the statements made in this application for refixation of export obligation are true and correct to the best of my/our knowledge and belief and nothing has been concealed or held therefrom.
- (ii) I/We full understand that any information furnished in the application if proved incorrect or false will render me/us liable for any penal action or other consequences as may be prescribed in law or otherwise warranted.

- (iii) I/We further declare that the refixation of export obligation is being sought for the EPCG licence where atleast 50% of the exports indicated in row 6 above have been realised.
- (iv) I/We undertake to abide by the provisions of the Foreign Trade (Development and Regulation) Act, 1992, the Rules and Orders framed thereunder, the Export and Import Policy and the Handbook of Procedures.
- (v) That I/We shall be liable to penal action in accordance with the Policy/Procedure/Foreign Trade (Development & Regulation) Act, 1992, the Rules and Orders framed thereunder and the Customs Act, 1962 addition to forfeiture of Bank Guarantee or any other Bond/Guarantee given to the Customs/licensing authority, in the event of failure to fulfill the export obligation as stipulated, within the export obligation period prescribed or subsequently extended by the competent authority.
- (vi) I hereby certify that I am authorised to verify and sign this declaration as per paragraph 9.9 of the policy.

Signature of the Applicant :

Name :

Designation :

Official Address :

Residential Address :

E-mail Address :

Place :

Date :

Documents to be enclosed with the Application Form :

- 1. Original copy of EPCG licence

7. Following amendments are made in sub para (vii) appearing in the Certificate of Chartered Accountant/Cost and Works Accountant/Company Secretary in Appendix 17 relating to Application for Grant of Export House –

“(vii) a. Applicable to existing Status holders seeking Renewal Status -

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 and/or in the current year on the basis of which recognition is being claimed **(excluding the export made during last 360 days from the date of filing of application).**

I/We hereby certify that the total value of outstanding export proceeds beyond a period of 360 days from the date of export made by the applicant **is Rs.** .

(vii) b. Applicable to new exporters seeking Status Certificate for the first time -

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 and 50% in the case of exports made in the current licensing year on the basis of which recognition is being claimed **(excluding the export made during last 6 months from the date of filing of application).**

I/We hereby certify that the total value of outstanding export proceeds beyond a period of 6 months from the date of export made by the applicant **is Rs. ”**

8. Following amendments are made in Note 1 appearing in the Bank Certificate of Export Realisation/Deemed Exports for Status Certificate in Appendix 17B relating to Application for Grant of Status Certificate -

“Note: 1)* FOB/FOR actually realised for the concerned financial year/years on the basis of which the Status is being claimed.”

9. The following note is added at the end of Serial No. 13 in Appendix 35 pertaining to the List of Agencies authorised to issue GSP certification -

“Note : An application for grant of a GSP certificate may be made by the Registered/Head Office/Branch Office/Factory of the applicant to the licensing authority under whose jurisdiction such office/factory falls.”

10. The following note is added at the end of Serial No. 2 of All India Organisations in Appendix 35B pertaining to the List of Agencies authorised to issue Certificates of Origin-Non Preferential -

“Note : An application for grant of a Certificate of Origin- Non Preferential may be made by the Registered/Head Office/Branch Office/Factory of the applicant to the licensing authority under whose jurisdiction such office/factory falls.”

11. Appendix 9 relating to Application Form for grant of licences for capital goods including computer, computer sub-systems and service equipment under the EPCG scheme is amended as under -

APPENDIX - 9

APPLICATION FORM FOR GRANT OF LICENCES FOR CAPITAL GOODS INCLUDING COMPUTER, COMPUTER SUB-SYSTEMS AND SERVICE EQUIPMENT UNDER THE EPCG SCHEME

- Note :
1. Please see Paragraph 5.2 of this Handbook.
 2. Please read the general instructions given at Appendix-1 before filling this application.
 3. Please submit 2 copies of this Application Form.

File No.	Date
1. Name and address of the applicant	: M/s.
2. IEC Number	:
3. Please tick the appropriate column	
(i) Manufacturer-Exporter	:
(ii) Merchant Exporter	:
(iii) Service Provider (please specify as per Appendix 36)	:
4. i) Name of the applicant or his supporting manufacturer(s)/vendor(s) SSI/IEM No.	:
Dated	:
Issuing Authority	:
ii) Address of the factory/premises where the capital goods to be imported are proposed to be installed	:
iii) Address of the jurisdictional Central Excise Authority under whom the proposed CG is to be installed	:
iv) The manufacturing products endorsed on SSI/Industrial Licence/IEM	:
v) Whether any export obligation has been imposed in the Letter of Intent/Industrial Licence/FC Approval	: Yes/No
If yes, give details thereof including E.O. fulfilled, if any	:
5. Port of Registration :	
6. (i) Name of the end products to which the proposed Capital Goods are related	:
(ii) whether related in the pre-production/production/post production activity (please specify)	:
(iii) Product(s) to be exported	:
7. Category of service provider (If applicable)	:
Regd. No.	:
Dated	:
Issuing authority	:
8. Details of capital goods applied for import : (Tick the appropriate column)	
(a) Capital goods/jigs, fixtures, dies and moulds/spares	: []
(b) New spares for old capital goods/machinery	: []

<i>S. No.</i>	<i>Description and technical specification of the items of import</i>	<i>Quantity</i>	<i>CIF value in freely convertible currency</i>
<i>(1)</i>	<i>(2)</i>	<i>(3)</i>	<i>(4)</i>

9. Details of duty levied/saved :

<i>*Total effective basic Customs duty, additional Customs duty, education cess on items to be imported/deemed to be imported (in %)</i>	<i>Duty to be levied under EPCG scheme (in %age)</i>	<i>Duty saved (in %)</i>	<i>CIF value of imports/deemed imports (in equivalent Rs.)</i>	<i>Duty Saved (in Rs.)</i>
(1)	(2)	(3) = (1)-(2)	(4)	(5) = (3)*(4)/100
5% or 0% (in case of agro products)				

*Note : In case of EPCG Licence for Projects as per para 5.1B of Policy, the basic Customs duty would be 10%. Wherever, CVD is paid in cash and not subsequently CENVATED, CVD would not be taken for computation of net duty saved.

10. (i) Duty saved on the imports/deemed imports (As per column 5 in the table above) (in Rupees) :

- (ii) Export Obligation (In Rupees) :
- (iii) Export Obligation (in freely convertible currency) :

11. Details of exports made for the same on similar export product during preceding three licensing years.

<i>LICENSING YEAR</i>	<i>FOB VALUE OF EXPORTS (in Rupees)</i>	<i>PRODUCTS EXPORTED</i>
[1]	[2]	[3]

12. Details of EPCG Licences already obtained which have not been redeemed :

<i>S. No.</i>	<i>Licence No. and date</i>	<i>CIF value (In Rupees)</i>	<i>Export obligation fixed in freely convertible currency</i>	<i>Whether BG/LUT executed</i>	<i>%age of export obligation fulfilled</i>
(1)	(2)	(3)	(4)	(5)	(6)

13. Details of Fee Paid

- : Bank Receipt
DD/TR No. & date
Amount (Rs.)
Name of the Bank
Branch of issue

DECLARATION/UNDERTAKING

I/We hereby solemnly undertake/declare that :-

- (i) I/We hereby declare that the particulars and the statements made in this application are true and correct to the best of my/our knowledge and belief and nothing has been concealed or held therefrom.
- (ii) I/We full understand that any information furnished in the application if proved incorrect or false will render me/us liable for any penal action or other consequences as may be prescribed in law or otherwise warranted.
- (iii) I/We undertake to abide by the provisions of the Foreign Trade (Development and Regulation) Act, 1992, the Rules and Orders framed thereunder, the Export and Import Policy and the Handbook of Procedures.
- (iv) That I/We shall be liable to penal action in accordance with the Policy/Procedure/Foreign Trade (Development & Regulation) Act, 1992 the Rules and Orders framed thereunder and the Customs Act, 1962 addition to forfeiture of Bank Guarantee or any other Bond/ Guarantee given to the Customs/licensing authority, in the event of failure to fulfill the export obligation as stipulated, within the export obligation period prescribed or subsequently extended by the competent authority.



- v) I/We further declare that no export proceeds are outstanding beyond the prescribed period as laid down by the RBI, or such extended period for which RBI permission has been obtained.
- (vi) I hereby certify that I am authorized to verify and sign this declaration as per paragraph 9.9 of the policy.
- (vii) I hereby declare that the capital goods/spares sought for import in the application are actually required for use at pre production/production/post production stages of the products or provide the services indicated in the application for fulfilment of export obligation. I undertake to refund the Custom duty as applicable with 15% interest on the goods imported & found having no relation with product exported or service provided as per Policy provision of Para 5.4 of Foreign Trade Policy, at any stage.
- (viii) I/We hereby declare that in respect of imported goods for which nexus is not established and found having no relation with the product exported or service rendered, I/We shall pay to the Government Customs duty saved together with 15% interest on such goods at any stage.

Signature of the Applicant : _____

Name : _____

Designation : _____

Official Address : _____

Residential Address : _____

E-mail Address : _____

Place : _____

Date : _____

Documents to be enclosed with the Application Form

1. Bank Receipt (in duplicate)/Demand Draft evidencing payment of application fee in terms of Appendix-29.
2. Manufacturers illustrated pamphlets/catalogue/drawing/technical design etc.
3. Statement of exports achieved by the applicant in respect of the same/similar export product/services rendered during the preceding three licensing years duly certified by a Chartered Accountant/Cost and Works Accountant in the form given in Appendix- 23/23A.
4. Registration Certificate with the Service Tax Authorities. However this is applicable only for service providers.
5. A Chartered Engineer Certificate (two copies) certifying :-
 - (i) The end use of machinery sought for import under EPCG Scheme for which the proposed Capital Goods are related in the pre production/production/post production activity (explaining the end use of machinery in detail);
and/or
 - (ii) The essentiality of spare parts sought for import and its required quantity for existing machinery manufacturing the goods to be exported/machinery sought for import;
and/or
 - (iii) The complete usage of equipments/goods sought for import under the EPCG Scheme for supply of service to overseas customers/ service consumers of any other country in India to earn free foreign exchange/supply of service in India relating to export paid in free foreign exchange.
6. Copy of Drug Manufacturing License in case of export of Pharmaceutical product or copy of IEM/SSI Registration Number in case of other products. (P N 26: dtd. 30/09/03)
7. Address of the jurisdictional Central Excise Authority under whom the proposed CG is to be installed may not be insisted in the case of Service Providers who are not registered with Service Tax authorities. A declaration from the applicant may be taken in this regard.

Annexure-I to Appendix-9

(To be furnished on the letterhead of the Chartered Engineer)

Chartered Engineer Certificate for Certifying End Use of Capital Goods to be Imported in Regards to Pre-Production/ Production/Post Production Activity of the Firm Vis-À-Vis Exports Under the EPCG Scheme

I have examined the applicant firm's/company's import requirement for the capital goods w.r.t. their nexus with the pre production/production/post production activity undertaken by the firm/company mentioned in Col. 4 of Appendix 9 and with reference to their endorsement in SSI/Industrial Licence/IEM. I hereby certify that the capital goods proposed to be imported by the licensee M/s. _____ under EPCG scheme is required for use at pre-production/production/ post production stage as per the details given below :-

1. Name/Model Number/Technical Specifications of the Capital Good(s) :
2. Quantity required with justification thereof :
3. Export products to which CG related :

4. End use of CG for export product and the stage where and how to be used (Additional sheet, if required, may be attached) :
5. Stepwise process/flow chart :

Signature & Seal of Chartered Engineer
along with Registration Number

12. Following Note is added at the end of Appendix 21 -

“ Note : The Bank Guarantee shall be valid till the expiry of the Export Obligation period plus six months.”

13. **Appendix 22A** is amended to read as under -

APPENDIX - 22-A

BANK CERTIFICATE OF PAYMENTS FOR DOMESTIC SUPPLIES

NOTE : PLEASE SEE CHAPTER 4, 5 AND 8 OF THE POLICY AND CHAPTER 4, 5 AND 8 OF THE PROCEDURE.

To _____ (Name and address of Licensing Authority). We _____ (Name and address of the domestic supplier) hereby declare that we have received payment through banking channel in respect of supplies given hereunder.

<i>Invoice</i>			<i>Description of goods as given in the invoice</i>	<i>Details of payment/advance payment received</i>			<i>Date of issue of this Certificate</i>
<i>No.</i>	<i>Date</i>	<i>FOR value</i>		<i>Cheque/DD No./ *Bank Ref. No.</i>	<i>Date</i>	<i>Amount</i>	
[1]	[2]	[3]	[4]	[5]	[6]	[7]	[8]

* The Bank Reference Number would be applicable for documents routed through bank & payments released through banking channels. We further declare that the aforesaid particulars are correct.

Signature of the domestic supplier :

Name in block letters :

Place :

Designation :

Full official address :

Official Seal/ stamp

Full residential address :

BANK'S CERTIFICATE

This is to certify that we have received the amount mentioned in column 7 against invoice mentioned in column 1 above/** **details mentioned in Column 5** above.

** (Please strike out one of the options)

(Signature of the Bankers)

Full address of the Bankers

Branch and City

Official Stamp