

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

**Public Notice No. 2/2004-09**

Dated 13th September, 2004

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 corrections in Handbook of Procedures (Vol. I).

1. The following is added at the end of para 4.31 pertaining to the Duty Free Replenishment Certificate :

*The DFRC and the specific inputs procured against it are subject to actual user condition under the following circumstances :*

- (i) *the export proceeds have not been realised and the exports have not been made under an irrevocable letter of credit or the bill of exchange is not availed/co-accepted/guaranteed, or*
- (ii) *the DFRC is issued against a SION with actual user condition, or*
- (iii) *specific inputs under a SION are subject to actual user condition.*

*Under all other circumstances, the inputs procured against DFRC are freely transferable. However, in case of fuel, the same can only be transferred to agencies granted marketing rights by the Ministry of Petroleum and Natural Gas.*

2. The first sentence of paragraph 5.4 is amended as under :

*An EOU/SEZ unit may apply for an EPCG licence in terms of paragraph 6.18(d) of the Policy.*

3. The following is added at the end of para 5.13 (b) (ii)

*However in case of exports made under irrevocable inland letter of credit or the inland bill of exchange is unconditionally Availed/Co- Accepted/Guaranteed by a bank and the same is confirmed by the exporters bank, realization of export proceeds would not be insisted upon.*

4. Paragraph 6.20.1 is amended as under :

Clubbing of FOB value of export of an EOU/EHTP/STP/BTP units with FOB value of export of its parent company in the DTA or vice versa for the purpose of according One to Five Star Export House status.

5. Appendix 9 D pertaining to the refixation of the export obligation under the EPCG Scheme is inserted as per **Annexure I** to this Public Notice.

6. The following agency is added as an IS/ISO 9000 (Series) certification agency in Appendix 28 A pertaining to "List of IS/ISO 9000 (Series)/ISO-14000 (Series)/WHO-GMP/HACCP/SEI/CMM LEVEL II and other Certification Agencies"

34. *National Quality Assurance (India Operation)  
No. 25, 3rd Floor, Padmashree Mansion, 1st Cross  
Sampige Road, Malleshwaram, Bangalore 560003  
Tel. : 080- 30622698, 23446118  
Fax : 080- 51178952  
E-mail : nqaindia@vsnl.net*

7. 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 as per **Annexure II** to this Public Notice.

8. The following agency is added in Appendix 35 B pertaining to "List of Agencies Authorised to Issue Certificates of Origin-Non-Preferential"

**KERALA**

7. *The South Indian Chamber of Commerce and Industry  
Peniel Buildings, Muttambalam, Kottayam 4  
Tel. : 0481-2570745, 2584687  
Fax : 0481-2302008  
E-mail : sicci@sicci.net*

Sd/-

(K. T. CHACKO)

Director General of Foreign Trade

(F. No. 01/94/180/Public Notice/AM05/PC-IV)

**Annexure I**

**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.

**FOR OFFICIAL USE**

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(s) 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 (10)				Refixed Export Obligation	
(9)	Basic	Additional/CVD	Others (SAD, etc if applicable)	Rate of Duty levied on import	Total Duty saved	(11) = 8*(10)*(9)*(8)/100 or 2*(10)*(9) in case the remaining EO is less than 2 years
	(A)	(B)	(C)	(D)	(A+B+C-D)	

**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 at least 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 : .....

Place : .....

E-mail Address : .....

Date : .....

Documents to be enclosed with the Application Form :

- 1. Original copy of EPCG licence.

**Annexure II**

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 Export Promotion Capital Goods (EPCG).	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/-

NOTWITHSTANDING THE ABOVE, THE APPLICATION FEE FOR ALL APPLICATIONS FILED ELECTRONICALLY WOULD BE 50% OF THE AMOUNT SPECIFIED IN THIS TABLE.

**Proposal under Market Access Initiative (MAI) Scheme**

Members may be aware that the Government of India, Ministry of Commerce & Industry, Department of Commerce has announced Market Access Initiative (MAI) Scheme which is an Export Promotion Scheme. Under the Scheme various financial assistance may be given to the exporters to promote India's exports. The details of Market Access Initiative (MAI) Scheme is available at EEPC Website at [www.eepc.gov.in](http://www.eepc.gov.in)