

World of Business



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Mahratta Chamber of Commerce, Industries and Agriculture

S. B. Road, Pune - 411016 Tel No. 020-25709000, Compiled by: Dnyaneshwar Bandre

Customs

Circular No. 19/2021-Customs

F. No. 15021/10/2020-ICD-CBEC
Government of India
Ministry of Finance
Department of Revenue
Central Board of Indirect Taxes and Customs

North Block, New Delhi
Dated 16th August, 2021

To,

All Principal Chief Commissioners/Chief Commissioners of Customs
All Principal Chief Commissioners/Chief Commissioners of Customs (Prev.)
All Principal Chief Commissioners/Chief Commissioners of GST & Customs
All Principal Directors General/Directors General under CBIC

Sir/Madam,

Subject: Amendment in Circular No. 38/2016-Customs with the insertion of a new entry 5(d) to enable Pr. Commissioners/Commissioners of Customs to decide the amount of security required in certain cases of provisional assessments - reg.

Reference is drawn to Board's Circular no. 38/2016-Customs dated 22.08.2016, which provides guidelines for provisional assessment under section 18 of the Customs Act 1962.

2. Reference is also drawn to Circular no. 18/2020-Customs dated 11.04.2020, which allows provisional clearance of goods imported under India's Trade Agreements without original Certificate of Origin (CoO) in certain situations. The said Circular 18/2020-Customs was issued to mitigate the difficulties faced by importers in producing original CoO at the time of import clearance owing to COVID-19 pandemic. It provides that the import consignments, where preferential treatment of goods under a Free Trade Agreement has been claimed but the original hard copy of CoO has not been submitted or only digitally signed copy or unsigned copy of CoO is submitted, may be assessed and cleared provisionally in terms of section 18 of the Customs Act, 1962; the final assessment may be done subsequently on submission of the original CoO by the importer; and the revenue may be secured through undertaking and appropriate security.

3. Further, *vide* Instruction No. 04/2020-Customs dated 04.05.2020, the scope of the facilitation extended by the above Circular no. 18/2020-Customs was aligned to the requirements of extant Circular No. 38/2016-Customs governing guidelines for provisional assessments under Section 18 of the Customs Act. It was stated that the cases covered by Circular no. 18/2020-Customs may be treated at par with category listed at serial no. 5(c) of the Circular 38/2016-Customs, provided that the matter is not covered under 5(a), wherein there is reasonable belief that it involves mis-declaration of origin/value addition. The aforesaid serial no. 5(c) under then existing Circular 38/2016-Customs provided flexibility to the Principal Commissioner/Commissioner of Customs to decide the security/BG amount.

4. Subsequently, *vide* Circular No. 42/2020-Customs dated 29.09.2020 certain entries in the Circular No. 38/2016-Customs were substituted with new entries primarily to reflect and align the requirements of the Customs (Administration of Rules of Origin under Trade Agreements) Rules, 2020 (CAROTAR) issued on 21.08.2020. In the amended Circular 38/2016-Customs, as

it exists today, there is requirement of 100% security at serial no. 5(c) and no flexibility is available with Principal Commissioner/ Commissioner.

5. The above amendment dated 29.09.2020 in Circular no. 38/2016-Customs effectively nullified powers of field officers in exercising discretion on the subject matter as the entry 5 (c) now stood irrevocably linked to the provisions of Rule 6(1)(a) of CAROTAR 2020 which is reproduced below for ease of reference –

“6. Verification request. – (1) The proper officer may, during the course of customs clearance or thereafter, request for verification of certificate of origin from Verification Authority where:

- (a) there is a doubt regarding genuineness or authenticity of the certificate of origin for reasons such as mismatch of signatures or seal when compared with specimens of seals and signatures received from the exporting country in terms of the trade agreement;”

6. As elucidated above, the aforesaid amendment done in September 2020 had the unintended consequence of negating the flexibility extended earlier in the year *vide* Circular 18/2020-Customs in view of the exceptional circumstances created by the ongoing Covid-19 pandemic.

7. In order to rectify the situation and facilitate legitimate trade impacted by the pandemic, Circular 38/2016-Customs is further amended as below:

- (i) entry at serial no. 5(c) of Table at paragraph 3 of the said Circular 38/2016-Customs is substituted with a new entry 5(c) as below:

5 (c)	Cases related to verification of signatures and seals under FTAs, where there is a doubt regarding genuineness or authenticity of the certificate of origin for reasons such as mismatch of signatures or seal when compared with specimens of seals and signatures received from the exporting country in terms of the trade agreement	100%	In terms of Rule 6(1)(a) of CAROTAR,2020 (notification no. 81/2020-Customs (NT), dated 21.08.2020)
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- (ii) after entry at serial no. 5(c) of Table at paragraph 3 of the said Circular 38/2016-Customs, a new entry 5(d) is inserted as below:

5 (d)	Cases covered under Circular no. 18/2020-Customs dated 11.04.2020 where original hard copy of certificate of origin (COO) under FTA has not been submitted or only digitally signed copy or unsigned copy of COO is submitted	100%	(i) Where there is a reasonable belief that the case involves misdeclaration of origin or value addition. (ii) In other cases, the Principal Commissioner of Customs or Commissioner of Customs, after considering the facts and circumstances of the case and for reasons to be recorded in writing,
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			may reduce the amount of security or remove it completely, as deemed fit, for such provisional assessments.
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- (iii) in view of insertion of the new entry 5(d), appropriate amendment is also made in entry at serial no. 1, in its column 3, so as to make the security requirement of 5(d)(i) above applicable to AEO - T3, as below:

1	Imports by Authorised Economic Operators (AEO - T3)	0% (including cases at serial no. 4 to 6(b), except 5(a), 5(c) and 5(d)(i)).	In terms of Circular no. 33/2016-Customs dated 22nd July 2016, as amended.
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8. The above amendments in Circular no. 38/2016-Customs de-link the cases covered under Circular 18/2020-Customs from entry at serial no. 5(c) and create a separate entry 5(d) for handling such cases with sufficient flexibility for Principal Commissioner/Commissioner to reduce the amount of security required under provisional assessments in suitable cases.

9. The new entry 5(d) is applicable to all fresh import consignments and those pending Customs clearances, including those pending finalisation of assessment under Section 18 of the Customs Act on the date of issuance of this Circular.

10. With the above amendments in Circular 38/2016-Customs, the Instruction No. 04/2020-Customs dated 04.05.2020 becomes redundant and is hereby rescinded.

11. Difficulties faced, if any, in implementing this Circular may be brought to the notice of the Board.

12. Hindi version follows.

Yours faithfully

Neetisha
16/08/2021
(Neetisha Verma)
OSD (ICD)

Circular No. 20/2021-Customs

F.No. CBIC-50394/10/2021-Anti Smuggling Section-CBEC

Government of India
Ministry of Finance
Department of Revenue
Anti-Smuggling Unit (CBIC)

Room No. 501, 5th Floor, Hudco Vishala Building,
R. K. Puram, New Delhi **dated: 16.08.2021**

To,

All Pr. Chief Commissioners/ Chief Commissioners of Customs,
All Pr. Chief Commissioners/ Chief Commissioners of Customs (P),
All Pr. Chief Commissioners/ Chief Commissioners of Customs and GST,
The Director General of Human Resource Development,
Webmaster, CBIC.

Madam/Sir,

Subject: De-notification of Inland Container Depots/Container Freight Stations/Air Freight Stations – reg.

It has come to the notice of the Board that difficulties are being faced by the custodians of Inland Container Depots (ICDs) and Container Freight Stations (CFSs) when they intend to wind up the operations in the facility and approach Customs formations for de-notification of the same. Reportedly, there is inordinate delay in the de-notification in the absence of a specified procedure for de-notification. It is also reported that in such cases, the Customs field formations face challenges while ensuring timely payment of Cost Recovery Charges and disposal of un-cleared, seized and confiscated goods which are prerequisites for the de-notification.

2. The Board has examined the matter. The Circular No. 50/2020-Customs dated 05.11.2020 read with Circular No. 06/2021-Customs dated 22.02.2021 specifies the policy and guidelines for setting up of ICDs, CFSs and AFSs. Further, Circular No. 02/2021-Customs dated 19.01.2021 contains comprehensive guidelines in respect of posting of officers and staff on cost recovery basis and grant of exemption from payment of Cost Recovery Charges. In the context of de-notification of the ICDs/CFSs/AFSSs, Circulars No. 50/2020-Customs dated 05.11.2020 and No. 02/2021-Customs dated 19.01.2021, inter alia, mention the following requirements:

Circular No. 50/2020-Customs dated 05.11.2020:

“7.3. The ICDs not meeting the minimum prescribed threshold performance for four consecutive financial years will be considered for de-notification by the Board based on the recommendation of the jurisdictional Commissioner of Customs. As regards CFSs, jurisdictional Commissioner can de-notify the facility if it failed to meet the prescribed minimum threshold performance for four consecutive financial years. In the case of AFSs, the Board may analyse the performance of the facility and may consider the de-

notification wherever necessary, based on the recommendation of the jurisdictional Commissioner of Customs.

7.4. Jurisdictional Zonal Commissioners of Customs can order for closure of a facility when requested by a custodian. Such request should be approved within six months subject to clearance of dues of cost recovery charges, disposal of detained/seized cargo & cases against CCSP if any. Jurisdictional Commissioner will take no due certificate and thereafter he may de-notify any CFS/AFS and in the case of ICD, he shall forward the proposal for de-notification to the Board.”

Circular No. 02/2021-Customs dated 19.01.2021:

“11. Denotification and Cost Recovery Charges

11.1. If the facility is required to be de-notified for any reason, the cost recovery charges should be payable until the date of such de-notification. The DGHRD may take necessary steps during this period to surrender the sanctioned/ regularized posts.

11.2. If a facility is de-notified in the middle of a quarter for which the cost recovery charges are deposited in advance, the actual cost recovery charges until the de-notification date shall be calculated on pro-rata basis, and excess deposit, if any, shall be refunded to the entity. It may be noted that such refund shall not be treated as the refund of duty under Section 27 of the Customs Act, 1962. Instead, General Financial Rules (GFRs) shall be applied in such cases.”

3. As seen, the power to de-notify a facility is derived from the power to notify it. In terms of Section 7(1)(aa) of the Customs Act, 1962, Board may notify ICDs and AFSs. Further, as per Section 8 of the said Act, the jurisdictional Principal Commissioner/Commissioner of Customs may approve proper places for the unloading and loading of goods and specify the limits of Customs area. Also, in terms of Section 45 of the said Act, the jurisdictional Principal Commissioner/Commissioner of Customs may approve the custodian of these facilities. Therefore, the Board is the competent authority for de-notification of ICDs/AFSs and the jurisdictional Principal Commissioner/Commissioner of Customs can revoke the approvals granted under Sections 8 and 45 of the said Act for these facilities.

4. In the case of CFSs, the Inter-Ministerial Committee (IMC) gives the approval for setting up of the facility. Thereafter, the jurisdictional Principal Commissioner/Commissioner of Customs grants approvals under Sections 8 and 45 of the said Act. Therefore, these approvals which would be akin to de-notification can be revoked by the jurisdictional Principal Commissioner/Commissioner of Customs without referring to the Board. However, post revocation of these approvals, an intimation shall be sent to the Board in this regard within a week of such revocation.

5. There can be two situations where de-notification of an ICD/AFS can be initiated namely, (a) on application from the custodian and (b) on the report of the jurisdictional Principal Commissioner/Commissioner of Customs in terms of the para no. 7.3 of Circular No. 50/2020-Customs dated 05.11.2020. Likewise, the custodian of a CFS can seek de-notification or the jurisdictional Principal Commissioner/Commissioner of Customs can de-notify such facility Customs in terms of the said para no. 7.3.

6. A custodian intending to wind up the operation shall submit an application to jurisdictional Principal Commissioner/Commissioner of Customs in the format prescribed in the **Annexure-I**. Where a facility has not been exempted from payment of Cost Recovery Charges in terms of Circular No. 02/2021-Customs dated 19.01.2021, all pending payments, if any, of Cost Recovery Charges shall be paid upto the date of de-notification. Also, in terms of relevant guidelines prescribed vide Circular No. 02/2021-Customs dated 19.01.2021 jurisdictional Principal Commissioner/ Commissioner of Customs are required to assess the workload and accordingly deploy the required number of officers/staff and the payment of Cost Recovery Charges shall be for such number of officers/staff only. This guideline may be especially relevant to facilities to be de-notified due to the reduction in the work load. The application for de-notification should clearly mention that the payment of Cost Recovery Charges is up-to-date as on the date of application as well as for the subsequent period till the date of de-notification, as it is prescribed in general that such payment must be made in advance.

7. On the date of de-notification, there shall be no pending consignment of un-cleared cargo in the facility beyond the time stipulated under the said Act. Thus, the custodian should have taken all the efforts to dispose of the un-cleared cargo by following the procedure prescribed vide Circular No. 49/2018-Customs, dated 03.12.2018. However, it may so happen that the un-cleared cargo could not be disposed for want of no-objection certificates (NOC) from Customs or for any other reasons including impending auctions as per the extant guidelines. Further, there may be goods detained, seized or confiscated by various agencies lying in the facility. Even Customs office equipment, records etc. may be present in the facility. Thus, the application for de-notification shall be accompanied by three lists of goods that may be present in the facility, as per the format in **Annexure-II**.

- i. List 1: Uncleared goods pending disposal for want of Customs NOCs;
- ii. List 2: Uncleared goods pending disposal for completion of required number of auctions; and
- iii. List 3: Goods detained, seized or confiscated by various agencies and pending disposal.

8. Upon receipt of an application for de-notification, which shall be duly acknowledged, the jurisdictional Principal Commissioner/Commissioner of Customs would nominate a nodal officer of the rank of a Deputy/Assistant Commissioner of Customs to facilitate the de-notification exercise. Such nodal officer shall act as single point of contact for the custodian during the entire process of de-notification.

9. The nodal officer, who could also be the officer in-charge of the facility, shall tally the lists of goods aforementioned with the records maintained in the facility in terms of Handling of Cargo in Customs Areas Regulations, 2009 (HCCAR). S/he shall also actively coordinate with all the agencies concerned for speedy disposal of the un-cleared, detained, seized or confiscated goods, if any. S/he shall also ensure, to the extent possible, that all the goods that are ripe for disposal are disposed of by following due procedure within four months from receipt of the application. S/he shall immediately bring any difficulty or lack of response from any agency to the notice of the jurisdictional Principal Commissioner/Commissioner of Customs for taking remedial action.

10. The nodal officer shall take stock of other goods such as goods detained, seized or confiscated by any agency of CBIC, samples, office equipment, furniture, office records etc.

that are to be removed from the premises to be de-notified. The jurisdictional Principal Commissioner/Commissioner of Customs shall make necessary arrangements for disposal/removal of these items expeditiously.

11. The custodian shall, take all steps to speedily dispose all uncleared goods as per law. The facility shall not be de-notified till the disposal is completed in terms of the Circular No. 49/2018-Customs dated 03.12.2018. However, if for any substantive reason the goods are not disposed even by the end of third month of application for de-notification, the custodian would have the option to apply to the Principal Commissioner/Commissioner of Customs to allow the shifting of these uncleared goods to its own or some other facility (ICD/CFS/AFS) within the same jurisdiction. This option would be available only in exceptional cases as ordinarily the goods should be disposed after maximum four auctions. This option would be available subject to the conditions that the custodian shall get a 'no objection' in this regard from the custodian receiving the consignments; the receipt of goods by the receiving facility shall be acknowledged and accounted properly; the safe transfer and receipt of goods shall be the sole responsibility of the custodian of the facility being de-notified; and the legal responsibility of disposal of the said uncleared goods shall remain with the custodian of the facility being de-notified unless it is legally and wholly transferred to the custodian of the transferee facility with the latter's explicit acceptance to the satisfaction of the jurisdictional Principal Commissioner/Commissioner of Customs.

12. The jurisdictional Principal Commissioner/Commissioner of Customs shall make best efforts to ensure removal/disposal of goods detained, seized or confiscated by any agency of CBIC, samples, office equipment, furniture, office records etc. If for some reason the disposal is not possible, steps would be taken to transfer these goods to some other secure location. Such transfer of location shall be carried out by taking all the precautions to ensure that all the relevant laws are complied with, interest of revenue is safeguarded and prosecution cases, if any are not jeopardized. The disposal/transfer shall be timed such that the facility is vacated before the end of four months from the receipt of the application. It is emphasized that the de-notification of a facility shall not be held up on account of delay on the part of the Customs to dispose/remove the goods for which it is responsible including goods detained, seized or confiscated by any agency of the CBIC.

13. Thus, to sum up, a facility will become ripe for de-notification if the following conditions are met, namely,

- i. The application for de-notification is complete in all respects,
- ii. There are no dues, including the duties on the uncleared goods that are eventually sold, pending to be recovered from the custodian,
- iii. All the uncleared goods lying at the facility have been cleared from the facility by disposal and/or shifting to any other facility in the jurisdiction of the Commissionerate,
- iv. All the detained/seized/confiscated goods lying at the facility are disposed and/or shifted out of the facility to another location for safe custody, and
- v. All the other items belonging to Customs such as office records, furniture etc. are removed from the facility.

14. In order to ensure undue cost overruns are avoided and the custodian intending to get the facility de-notified is not put to hardship, the jurisdictional Principal

Commissioner/Commissioner of Customs, shall facilitate the de-notification of a facility within maximum of four months from the date of receipt of application or from the date of de-notification requested by the custodian, whichever is later. Also, it shall be ensured that there shall be no disruption in the Exim operations, if any, at the facility while the while the formalities of de-notification are being completed.

15. The jurisdictional Principal Commissioner/Commissioner of Customs shall, after satisfying herself/himself that the facility is ripe for de-notification shall:

- i. revoke the approvals granted under Sections 8 and 45 of the said Act;
- ii. forward a proposal to Director General of Human Resource Development (DGHRD), CBIC so that the sanctioned/regularized posts are surrendered in time; and
- iii. forward (in the case of ICD and AFS) a proposal to the Board for de-notification of the facility at least two weeks before the expiry of four months from the date of application.


16. The custodian's bond and security (such as bank guarantee), if any, shall be kept live by the Customs till the resolution of disputes (show cause notice, adjudication, appeal or court case or any other liability), if any, against the custodian. Further, before cancellation of the bond and return of the security, it must be ensured that all the goods for which the custodian has taken responsibility to dispose are duly disposed as per law.

17. The Circulars No. 50/2020-Customs dated 05.11.2020 and No. 02/2021-Customs dated 19.01.2021 stand modified to the extent detailed above. All the pending requests for de-notification may be processed accordingly.

18. The above guidelines may be circulated among the stakeholders and public and the field formations may be sensitized suitably.

19. Any difficulty in the implementation of these guidelines may be brought to the notice of the Board immediately.

Yours faithfully,


(Sharad Srivastava) 8.21
Director (Anti-Smuggling)
Tel. No. 011- 26177519
Telefax-26177-328/572/543

[TO BE PUBLISHED IN PART II, SECTION 3, SUB-SECTION (i) OF THE GAZETTE OF
INDIA (EXTRAORDINARY)]
GOVERNMENT OF INDIA
MINISTRY OF FINANCE
DEPARTMENT OF REVENUE
(CENTRAL BOARD OF INDIRECT TAXES AND CUSTOMS)

Notification No. 39/2021 - Customs

New Delhi, the 19th August, 2021

G.S.R.---- (E).- In exercise of the powers conferred by sub-section (1) of section 25 of the Customs Act, 1962 (52 of 1962), the Central Government, being satisfied that it is necessary in the public interest so to do, hereby makes the following further amendments in the notification of the Government of India in the Ministry of Finance (Department of Revenue) No. 57/2000-Customs, dated the 8th May, 2000, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) *vide* number G.S.R. 413 (E), dated the 8th May, 2000, namely:-

2. In the said notification, after the third proviso, the following proviso shall be inserted, namely:-

“Provided also that for the cases where the last date of exports falls between the 1st February, 2021 and the 30th June, 2021, the last date of exports stands extended by six months”.

(F.No. DGEP/GnJ/01/2021-TECH)

(Rajeev Ranjan)
Under Secretary to the Government of India

[TO BE PUBLISHED IN THE GAZETTE OF INDIA, EXTRAORDINARY, PART II,
SECTION 3, SUB-SECTION (i)]

GOVERNMENT OF INDIA

MINISTRY OF FINANCE

(DEPARTMENT OF REVENUE)

Notification No. 40/2021-Customs

New Delhi, the 19th August, 2021

G.S.R. (E)...- In exercise of the powers conferred by sub-section (1) of section 25 of the Customs Act, 1962 (52 of 1962), the Central Government, on being satisfied that it is necessary in the public interest so to do, hereby makes the following amendments in the notification of the Government of India, in the Ministry of Finance (Department of Revenue), No. 34/2021-Customs, dated the 29th June, 2021, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section(i), *vide* number G.S.R. 449(E), dated the 29th June, 2021, namely: -

In the said notification, -

in the Table, after S.No.2 and the entries relating thereto, the following S.No. and entries shall be inserted, with effect from 20th August, 2021, namely: -

(1)	(2)	(3)	(4)
3.	1507 10 00	All goods	7.5%
4.	1507 90 10	All goods	37.5%
5.	1512 11 10	All goods	7.5%
6.	1512 19 10	All goods	37.5%";

[F.No. CBIC-190354/166/2021-TO(TRU-I)-CBEC]

(Gaurav Singh)

Deputy Secretary to the Government of India

GOVERNMENT OF INDIA
MINISTRY OF FINANCE
(DEPARTMENT OF REVENUE)
(CENTRAL BOARD OF INDIRECT TAXES AND CUSTOMS)

Notification No.68/2021 - Customs (N.T.)

New Delhi, dated the 19th August, 2021
28 Shrawana 1943 (SAKA)

In exercise of the powers conferred by section 14 of the Customs Act, 1962 (52 of 1962), and in supersession of the Notification No.65/2021-Customs(N.T.), dated 5th August, 2021 except as respects things done or omitted to be done before such supersession, the Central Board of Indirect Taxes and Customs hereby determines that the rate of exchange of conversion of each of the foreign currencies specified in column (2) of each of Schedule I and Schedule II annexed hereto, into Indian currency or *vice versa*, shall, with effect from 20th August, 2021, be the rate mentioned against it in the corresponding entry in column (3) thereof, for the purpose of the said section, relating to imported and export goods.

SCHEDULE-I

Sl. No.	Foreign Currency	Rate of exchange of one unit of foreign currency equivalent to Indian rupees	
		(a)	(b)
(1)	(2)	(3)	
		(For Imported Goods)	(For Exported Goods)
1.	Australian Dollar	54.80	52.45
2.	Bahraini Dinar	203.55	191.10
3.	Canadian Dollar	59.65	57.55
4.	Chinese Yuan	11.65	11.25
5.	Danish Kroner	11.90	11.45
6.	EURO	88.40	85.25
7.	Hong Kong Dollar	9.70	9.35
8.	Kuwaiti Dinar	255.35	239.15
9.	New Zealand Dollar	52.30	49.95
10.	Norwegian Kroner	8.45	8.15
11.	Pound Sterling	103.75	100.30
12.	Qatari Riyal	20.85	19.45

13.	Saudi Arabian Riyal	20.45	19.20
14.	Singapore Dollar	55.45	53.55
15.	South African Rand	5.10	4.80
16.	Swedish Kroner	8.65	8.35
17.	Swiss Franc	82.40	79.25
18.	Turkish Lira	9.05	8.50
19.	UAE Dirham	20.90	19.60
20.	US Dollar	75.20	73.50

SCHEDULE-II

Sl. No.	Foreign Currency	Rate of exchange of 100 units of foreign currency equivalent to Indian rupees	
		(a)	(b)
(1)	(2)	(3)	
		(For Imported Goods)	(For Export Goods)
1.	Japanese Yen	68.70	66.25
2.	Korean Won	6.55	6.15

[F.No. 468/01/2021-Cus.V]

(Bullo Mamu)
Under Secretary to the Govt. of India

Foreign Trade

भारत सरकार
वाणिज्य एवं उद्योग मंत्रालय
Ministry of Commerce & Industry
विदेश व्यापार महानिदेशालय
Directorate General of Foreign Trade
Export Cell/निर्यात परकोष्ठ

उद्योग भवन, नई दिल्ली-110011

दिनांक: 17th August, 2021

Trade Notice No. 16 /2021-22

To

1. All Members of the Trade
2. All DGFT RAs
3. All Custom Authorities

Subject: Procedure and Criteria for submission and approval of applications for export of COVID-19 Rapid Antigen Testing kits

Reference is invited to DGFT Notification No. 18/2015-20 dated 16.08.2021 restricting the export of COVID-19 Rapid Antigen Testing kits.

2. The quota for export of COVID-19 Rapid Antigen Testing kits has been fixed for the month of July, August and September, 2021 as below:

S.No	Item Description	Quantity
1.	COVID-19 Rapid Antigen Testing Kits	1176 Lakh Kits

3. Exporters are requested to apply for export license by filing applications online through DGFT's ECOM system for Export authorizations (Non-SCOMET Restricted items) – Please refer **Trade Notice No. 50 dated 18.03.2019**. There is no need to send any hard copy of the application via mail or post.

4. Online applications for export of “COVID-19 Rapid Antigen Testing Kits” for the above said quantity may be applied from **20th August to 30th August, 2021**.

5. All the applications will be examined as per the Para 2.72 of Handbook of procedures.

6. Validity of the export license will be for 6 months only.
7. The following eligibility criteria will be applicable for consideration of applications:
 - Documentary proof of manufacturing “COVID-19 Rapid Antigen Testing Kits”.
 - The documents to be submitted may include the following:
 - **Copy of Purchase order/Invoice**
 - **Undertaking duly signed by the authorized signatory in the company letter head to be submitted by the manufacturer certifying that as on date, all domestic commitments/orders have been fulfilled.**
8. All the documents must be duly self-attested by the authorized person of the firm.
9. All the relevant documents as specified above must be submitted along with the application to verify the eligibility criteria. Incomplete applications will not be considered for any allocation. Any application received through email or submitted outside the timeline specified will not be considered.
10. This issues with the approval of Competent Authority.



(Nitish Suri)

Deputy Director General of Foreign Trade

E-mail: nitish.suri@nic.in

(Issued from File No. 01/91/110/06/AM21/EC/E-22863)

To be published in the Gazette of India Extraordinary Part II Section 3, Sub Section (II)

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

Notification No. 20 /2015-2020
New Delhi, Dated: 24th August, 2021

Subject: Relaxation in applicability of provision in Para 6 (b) of General Notes Regarding Import Policy Schedule – I (Imports) of the ITC(HS) 2017, Schedule – I (Import Policy).

S.O. (E): The following communications have been received regarding the import of crushed and de-oiled GM soya cake (Non-living organism only):

1 (i) Vide DO No. R-43011/2/2021-Anim_Dadf dated 27.7.2021, Ministry of Fisheries, Animal Husbandry & Dairying sought permission/approval of MOEF&CC for allowing import of 12 Lakh MT crushed and de-oiled GM soya cake (Non-living organism) upto 31st October 2021, or earlier;

(ii) In response to the above, MOEF vide OM dated 6.8.2021, has clarified that, "Since soya de-oiled and crushed (DOC) cake does not contain any living modified organism, this Ministry has no concerns and no objection for import of soya cakes from environmental angle";

(iii) DoCA vide F. No. M-1/1/2020-PMC dated 16.8.2021 and Corrigendum dated 16.8.2021 has conveyed the approval of the Competent Authority to facilitate the import of 12 Lakh ton of GM soya de-oiled cake; and

(iv) DAHD vide letter dated 19.8.2021 has communicated those imports may be facilitated at 2 ports namely, Nhava Sheva (sea port) and Petrapole border (land port);

2. Therefore, in exercise of powers conferred by Section 3 read with Section 5 of FT(D&R) Act, 1992 and paragraph 1.02 and 2.01 of the Foreign Trade Policy, 2015-2020, as amended from time to time, the Central Government hereby relaxes the provision in Para 6 of General Notes Regarding Import Policy, Schedule – I (Imports) of the ITC(HS), 2017.

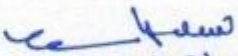
3. Accordingly, Condition No. 6 (b) of General Notes Regarding Import Policy Schedule -I (Imports) of the ITC (HS) 2017 will not apply to the import of 12 Lakh Metric ton of crushed and de-oiled GM soya cake (only Non-living organism) under ITC HS codes 23040020 and

23040030 till 31st October,2021 or until further orders, whichever is earlier, only from Nhava Sheva (INNSA1) port and LCS Petrapole (INPTPB).

4. Strict monitoring of import quantity of the above items through the designated ports shall be carried out by CBIC through the customs authorities at the respective ports to ensure that the quantity of 12 lakh Metric ton is not breached.

Effect of the Notification: Application of provision as in Condition 6(b) of General Notes Regarding Import Policy Schedule – I (Imports) of the ITC (HS) 2017 is relaxed to allow imports of 12 Lakh Metric ton of crushed and de-oiled GM soya cake (only Non-living organism) under ITC HS codes 23040020 and 23040030 from Nhava Sheva (INNSA1) port and LCS Petrapole (INPTPB), till 31st October, 2021 or until further orders, whichever is earlier.

This issues with the approval of the Minister of Commerce & Industry.


24/08/2021
(Amit Yadav)

Director General of Foreign Trade
Ex- officio Addl. Secretary to the Government of India