

ieport.com - India's Premier portal on DGFT matters**Customs Notification No-90/2006 dated 01.09.2006
Exempts imports under Focus Market Scheme**

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 exempts goods when imported into India against a duty credit scrip issued under the Focus Market Scheme in accordance with paragraph 3.9 of the Foreign Trade Policy (hereinafter referred to as the said scrip) from,-

- (a) the whole of the duty of customs leviable thereon under the First Schedule to the Customs Tariff Act 1975 (51 of 1975); and
- (b) the whole of the additional duty leviable thereon under section 3 of the said Customs Tariff Act, subject to the following conditions, namely :-

- (1) that the benefit under this notification shall be available only in respect of duty credit scrip issued against exports to the countries notified in Appendix 37-C of the Handbook of Procedures, Vol.I of the Foreign Trade Policy;
- (2) that the said scrip is produced before the proper officer of customs at the time of clearance for debit of the duties leviable on the goods, but for this exemption:

Provided that exemption from duty shall not be admissible if there is insufficient credit in the said scrip for debiting the duties leviable on the goods, but for this exemption;

- (3) that the said scrip and goods imported against it shall be freely transferable ;

(4) that the imports against the said certificate are undertaken through sea ports at Mumbai, Sikkim, Kolkata, Cochin, Magdalla, Kakinada, Kandla, Mangalore, Mormagoa, Chennai, Nhava Sheva, Paradeep, Pipavav, Sikka, Tuticorin, Visakhapatnam, Dahej, Mundhra, Nagapattinam, Okha, Bedi including Rozi-Jamnagar, Muldwarka, Porbander, Dharamtar and Vadinar or through any of the airports at Ahmedabad, Bangalore, Bhubaneswar, Mumbai, Kolkata, Coimbatore, Delhi, Hyderabad, Jaipur, Chennai, Srinagar, Trivandrum, Varanasi, Nagpur, Cochin, Rajasansi (Amritsar) and Lucknow (Amausi) or through any of the Inland Container Depots at Agra, Bangalore, Coimbatore, Delhi, Faridabad, Gauhati, Guntur, Hyderabad, Jaipur, Jalandhar, Kanpur, Ludhiana, Moradabad, Nagpur, Pimpri (Pune), Pitampur (Indore), Surat, Tirupur, Varanasi, Nasik, Rudrapur (Nainital), Dighi (Pune), Vadodara, Daulatabad (Wanjarwadi and Maliwada), Waluj (Aurangabad), Anaparthi (Andhra Pradesh), Salem, Malanpur, Singanalur, Jodhpur, Kota, Udaipur, Ahmedabad, Bhiwadi, Madurai, Bhilwara, Pondicherry, Garhi Harsaru, Bhatinda, Dappar (Dera Bassi), Chheharata (Amritsar), Karur, Miraj, Rewari, Bhusawal, Jamshedpur, Surajpur, Dadri, Tuticorin, Kundli, Bhadohi, Raipur, Mandideep (District Raisen), Durgapur (Export Promotion Industrial Park) and Babarpur or through the Land Customs Station at Ranaghat, Singhabad, Raxaul, Jogbani, Nautanva (Sonauli), Petrapole, Mahadipur, Nepalganj Road, Dawki, Agartala, Sutarkhandi, Amritsar Rail Cargo and Attari Road or Special Economic Zones as specified in the notification issued under section 76A of the said Customs Act;

(5) that where the importer does not claim exemption from the additional duty of customs leviable under section 3 of the said Customs Tariff Act, he shall be deemed not to have availed the exemption from the said duty for the purpose of calculation of the said additional duty of customs.

(6) that the importer shall be entitled to avail of the drawback or CENVAT credit of additional duty leviable under section 3 of the said Customs Tariff Act against the amount debited in the said scrip.

2. The following categories of exports specified in paragraph 3.9.2.2 of the Foreign Trade Policy shall not be counted for calculation of export performance or for computation of entitlement under the scheme:

- a. export of imported goods covered under Para 2.35 of the Foreign Trade Policy or exports made through transshipment;
- b. export turnover of units operating under SEZ/EOU/EHTP/STPI/BTP Schemes or supplies made to such units or products manufactured by them and exported through DTA units;
- c. deemed exports;
- d. service exports;
- e. Diamonds and other precious, semi-precious stones;
- f. Gold, silver, platinum and other precious metals in any form, including plain and studded Jewellery;
- g. Ores and Concentrates, of all types and in all forms;
- h. Cereals, of all types;
- i. Sugar, of all types and in all forms;
- j. Crude/Petroleum Oil and Crude/Petroleum based products covered under ITC HS codes 2709 to 2715, of all types and in all forms.

Explanation.-

In this notification-

- (i) "goods" means any inputs, or goods including capital goods, which are freely importable under the Foreign Trade Policy;
 - (ii) "capital goods" has the same meaning as assigned to it in paragraph 9.12 of the Foreign Trade Policy;
 - (iii) "Foreign Trade Policy" means the Foreign Trade Policy 2004-2009, published by the Government of India in the Ministry of Commerce and Industry vide notification No.1 (RE-2006)/2004-2009, dated the 7th April, 2006.
- F.No.605/36/2006-DBK (Pt.)

(Jagmohan Singh)
Under Secretary to the Government of India

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

GOVERNMENT OF INDIA
MINISTRY OF COMMERCE AND INDUSTRY
DEPARTMENT OF COMMERCE

NOTIFICATION No. 92.(RE-2008)/2004-2009

New Delhi, Dated the 2nd March, 2009

S.O.(E) - In exercise of powers conferred by Section 5 of the Foreign Trade (Development and Regulation) Act, 1992 (No.22 of 1992), read with Para 1.3 of the Foreign Trade Policy, 2004-2009 (as amended from time to time), the Central Government hereby makes the following amendment in Foreign Trade Policy:

1. Following Para 3.10.9, is added after Para 3.10.8:

“3.10.9

For exports of specified Leather products as notified in Table 1 of Appendix 37D and specified Garments as notified in Table 14 of Appendix 37D, duty credit scrip under MLFPS shall be granted at the rate of 2% on FOB value of Exports when exported to specified linked markets. Such products / sectors along with their linked markets and admissible period / date of exports shall be notified in Table 14 of Appendix 37D of HBP Vol.1.”

This issues in Public interest.

Sd/-
(R.S. GUJRAL)
DIRECTOR GENERAL OF FOREIGN TRADE
AND EX-OFFICIO ADDITIONAL SECRETARY
TO THE GOVT. OF INDIA

(Issued from F.No.01/91/180/2191/AM09/PC-3)

TO BE PUBLISHED IN THE GAZETTE OF INDIA EXTRA ORDINARY

TO BE PUBLISHED IN THE GAZETTE OF INDIA EXTRA ORDINARY
(PART - I SECTION-I)
GOVERNMENT OF INDIA
MINISTRY OF COMMERCE & INDUSTRY
DEPARTMENT OF COMMERCE

DIRECTORATE GENERAL OF FOREIGN TRADE

PUBLIC NOTICE NO. 156 (RE-2008)/2004-2009

NEW DELHI, DATED THE 2nd March, 2009

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 amendments in Handbook of Procedures, Vol. I (RE 2008)

1. In Appendix 37D, after Table 13, the following Table 14 is added in the Index of Market Linked Focus Products:

Table 14 N. Market Linked Focus Products (MLFPS) – Special Products / Sectors					
Sl. No.	Focus Product Code	Description of Product /Sector	ITC (HS) Code	Linked Market (s) for Focus product (s)/sector(s)	Admissible period / Date of Exports
1.	14.1	Leather Products covered under Table 1 of Appendix 37D, HBP v1	As per Table 1 of Appendix 37D	EU (27 Countries), USA	From 1.4.2009 to 30.9.2009
2.	14.2	Apparels Readymade Garments)	(i.e. 61, 62	EU (27 Countries), USA	From 1.4.2009 to 30.9.2009

This issues in Public interest.

Sd/-
(R.S. Gujral)

3/5/2009

ANF 3D
For Focus Market Scheme (FMS) Applications
(for exports during 2006-07/2007-08/2008-09)

(Please note that application for FMS benefits for exports made during 2006-07 and 2007-08 and 2008-09 cannot be clubbed into one application. Separate applications are required to be filed for separate years.)

(Please note that export shipments from all EDI ports can be filed in one application while for export shipments from each Non-EDI ports, separate application is required to be filed.)

1. IEC Number

2. Applicant Details	
i. Name	
ii. Address	

3. RCMC Details	
i. RCMC Number	ii. Date of Issue
iii. Issuing Authority	iv. Valid upto
v. Products for which registered	

4. Details of exports made during the licensing year _____ (2006-07/2007-08/2008-09) (Write the relevant year as per date of export)*

(Please note that exports made during 2006-07 and 2007-08 and 2008-09 cannot be clubbed into one application)

Sl No	Shipping Bill No	Shipping Bill Date	Date of Export*	Port of Export	ITC (HS) code	Item Description	Focus Market code
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

BRC/ FIRC No	Date of Realisation as per BRC/FIRC (or Date of Exports in case of Advance Payment)**	FOB value as mentioned in BRC/ FIRC	Rate of Entitlement	Entitlement (in Rs.)	Late cut applicable, if any (in Rs.)	Focus Market Entitlement (in Rs.)
(9)	(10)	(11)	(12)	(13)	(14)	(15)
			2.5%	(13) = (11) X(12)		(15) = (13) - (14)

5. Number of Split Certificates required (in multiples of Rs 5 lakhs each):
 (Splits Certificates shall not be allowed for Duty Credit scrips issued for exports from Non-EDI ports)

6. Port of Registration (for the purpose of imports)***:

Note: No supplementary cut shall be imposed, as multiple applications can be filed.

(* Date of Export shall be as per Para 9.12 of HBP v1. No further claims shall be allowed under the scheme against S/Bs included under Sl. No. 4 of ANF 3D, even in case of part realizations.)

(** In case of multiple dates of realization against a shipment, the last date of realization is to be mentioned in this column.)

(*** The port of registration shall be any one of the EDI ports from which the exports have been made. In case of exports from Non EDI port, port of registration shall be the port of export.)

8. Application Submission Details (in case of electronically submitted applications)	9. Application Fee Details
i. ECOM Reference Number	(i) Amount (Rs):
ii. Date of Submission on Server	(ii) Demand Draft / Bank Receipt / Electronic Fund Transfer No
iii. Submitted to which Regional Authority	(iii) Date of Issue
iv. File Number	(iv) Name of the Bank on which drawn
v. Date of Issue	(v) Bank Branch on which drawn

DECLARATION/UNDERTAKING

1. I hereby declare that particulars and statements made in this application are true and correct and nothing has been concealed or held therefrom. I fully understand that any information furnished in application if found incorrect or false will render my firm / company and me liable for any penal action or other consequences as may be prescribed in law or otherwise warranted.
2. I hereby certify that none of Proprietor/ Partner(s) / Director(s) / Karta / Trustee in any other firm / company which has come to adverse notice of DGFT. I further declare that under Foreign Trade (Development and Regulation) Act (FT (D&R) Act) 1992, my firm / company have not been debarred in person from undertaking any export import business or activity by way of suspension or cancellation of IEC number. [If so debarred under FTDR Act, details of said order and period for which the same is operational may be provided].
3. I hereby certify that my firm / company have not defaulted from export obligation under any provisions of FTP and have not been placed under the Denied Entity List (DEL). [If under DEL List, kindly furnish details of order, current status etc.]
4. I hereby declare that details of exports of goods of my firm / company are true and correct and in accordance with accounts maintained in my firm / company.
5. I hereby declare that no benefit under Focus Market Scheme (FMS) was availed (or applied for) previously against Shipping Bills currently included in this application.
6. I hereby declare that in terms of Para 3.12.6 of FTP, this application does not contain any exports for which benefit under any other promotional scheme under Chapter 3 of FTP has been / will be claimed.
7. I further declare that shipment for which benefit is claimed under this application contains only those export shipments exported through EDI enabled ports, and does not contains any shipment from non-EDI ports.
Or
 I further declare that shipment for which benefit is claimed under this application contains only those export shipments exported through a single non-EDI enabled ports; and does not contains any shipment from EDI ports or other non EDI ports.
(Strike out which ever is not relevant, as separate applications for shipments from EDI ports and from shipments from each Non-EDI ports are required to be submitted).
8. I hereby declare that in terms of Para 3.12.8 of FTP, this application does not contain any exports in contravention to this provision.
9. **I hereby declare that the Export Market is covered under Appendix 37C and the exports, for which this application is being filed, are made on or after the respective admissible date of export, as indicated in Appendix 37C.**
10. I hereby declare that export product, for which FMS benefit is being claimed, does not contain any shipment made w.e.f 1.4.2007 from such EOU / EHTP / BTP Units, on which direct tax exemption is / will be availed and further that these exports are not covered under Sr. No. 11 below.
11. I hereby declare that the exports, for which benefit is being claimed under FMS, does not include any export and / or category covered under Para 3.9.2.2 of FTP for FMS.
12. I hereby declare that the exports, for which benefit is being claimed under FMS, does not include any shipment exported after the itemized policy contained in the ITC HS was restricted or prohibited.
13. I hereby certify that I am authorized to verify and sign this declaration as per Paragraph 9.9 of FTP.

Place: _____	Signature: _____
Date: _____	Name: _____
<u>Documents to be submitted</u>	Designation: _____
1. Export promotion (EP) copy of Shipping Bill / Bill of Export (including in case of exports through Land Customs)	Official Address: _____ _____
2. Relevant Original Bank Certificate of Exports and Realisation - Appendix 22A / Foreign Inward Remittance Certificates (FIRC) or offsetting of export proceeds with approval of RBI (Appendix 22D).	Residential Address: _____ _____
3. As a proof of landing of export consignment in specified Focus Market, any one of the documents specified in Para 3.20.3 should suffice.	
4. In case of FIRC, a declaration from exporter that remittance is in respect of Shipping Bill(s) No _____ dtd _____ shall also be furnished.	Telephone: _____
Note 1: Each individual page of application has to be signed. One Copy of ANF3D duly signed in provided space. Copy of Updated Profile in ANF1 only if any changes have taken place and updated, along with Copy of Valid RCMC.	Email Address: _____
Note 2: In cases where original EP copy of Shipping Bill(s) / Bill of export and/or Bank Realisation Certificates has been submitted under any other scheme of FTP, a self attested photocopy(s) of EP copy of the same be attached, quoting Reference File no. & concerned Regional Authority where original documents have been submitted.	