

GOVERNMENT OF INDIA
MINISTRY OF FINANCE
(DEPARTMENT OF REVENUE)

Notification No. 33/2015 - Customs

New Delhi, the 15th May, 2015

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 directs that each of the notifications of the Government of India in the Ministry of Finance (Department of Revenue), specified in column (2) of the Table hereto annexed shall be amended or further amended, as the case may be, in the manner specified in the corresponding entry in column (3) of the said Table, namely:-

Serial number	Notification number and date	Amendments
(1)	(2)	(3)
1.	94/96-Customs, dated the 16 th December, 1996 [G.S.R 569 (E), dated the 16 th December, 1996]	<p>In the said notification, in the <i>Explanation</i>,-</p> <p>(i) for clause (b), the following clause shall be substituted, namely:- "(b) 'Foreign Trade Policy' means Foreign Trade Policy, 2015 - 2020 notified by the Government of India in the Ministry of Commerce and Industry published in the Gazette of India, Extraordinary, Part-II, Section 3, Sub-section (ii) vide notification No. 01/2015-2020, dated the 1st April, 2015."</p> <p>(ii) for clause (c), the following clause shall be substituted, namely "(c) 'Nominated agencies' means,- (1) Metals and Minerals Trading Corporation Limited (MMTC); (2) Handicraft and Handloom Export Corporation (HHEC); (3) State Trading Corporation (STC); (4) Project and Equipment Corporation of India Ltd. (PEC); (5) STCL Ltd; (6) MSTC Ltd; (7) Diamond India Limited (DIL); (8) Four Star Export House from Gems & Jewellery sector and Five Star Export House from any sector as may be recognised as nominated agencies by Regional Authority in terms of the Foreign Trade Policy; (9) any bank as authorised by Reserve Bank of India as Nominated Agency."</p>
2.	41/99-Customs, dated the 28 th April, 1999 [G.S.R. 289 (E), dated the 28 th April, 1999]	<p>In the said notification, for the words, letters and figures "Replenishment Authorisation referred to in para 4A.28 of the 'Handbook of Procedures (Volume-I)' means Handbook of Procedures (Volume-I) notified by the Government of India in the Ministry of Commerce and Industry, published in the Gazette of India, Extraordinary, Part-I, Section 1 vide Public Notice No. 1/2009-2014, dated the 27th August, 2009, as amended from time to</p>

time", the following words, letters and figures shall be substituted, namely:

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"Replenishment Authorisation referred to in para 4.36 of the Foreign Trade Policy, 2015 - 2020 notified by the Government of India in the Ministry of Commerce and Industry published in the Gazette of India, Extraordinary, Part-II, Section 3, Sub-section (ii), vide notification No. 01/2015-2020, dated the 1st April, 2015."

3. 42/99-Customs, dated the 28th April, 1999 [G.S.R. 290(E), dated the 28th April, 1999]
- In the said notification,-
- (1) in the opening paragraph, for the words, letters and figures "Diamond Imprest Licences issued under para 4.4.16 read with para 4.4.16.1 of the Foreign Trade Policy or by the holders of Gem & Jewellery Replenishment Authorisation referred to in Paragraph 4A.4 of the Handbook of Procedures (Volume-I)", the words, letters and figures "Replenishment Authorisation for Gems referred to in Paragraph 4.35 of the Foreign Trade Policy" shall be substituted;
- (2) in the **Explanation** ,-
- (a) for clause (i), the following clause shall be substituted, namely:-
- "(i) 'Foreign Trade Policy' means Foreign Trade Policy, 2015 - 2020 notified by the Government of India in the Ministry of Commerce and Industry published in the Gazette of India, Extraordinary, Part-II, Section 3, Sub-section (ii) vide notification No. 01/2015-2020, dated the 1st April, 2015.";
- (b) for clause (ii), the following clause shall be substituted, namely :-
- "(ii) 'Handbook of Procedures' means Handbook of Procedures notified by the Government of India in the Ministry of Commerce and Industry published in the Gazette of India, Extraordinary, Part-I, Section 1 vide Public Notice No. 01/2015-2020, dated the 1st April, 2015."
4. 56/2000-Customs, dated the 5th May, 2000 [G.S.R. 399 (E), dated the 5th May, 2000]
- In the said notification, in the **Explanation**,-
- (i) for clause (a), the following clause shall be substituted, namely:-
- "(a) 'Foreign Trade Policy' means Foreign Trade Policy, 2015 - 2020 notified by the Government of India in the Ministry of Commerce and Industry published in the Gazette of India, Extraordinary, Part-II, Section 3, Sub-section (ii) vide notification No. 01/2015-2020, dated the 1st April, 2015.";
- (ii) for clause (b), the following clause shall be substituted, namely :-
- "(b) 'Handbook of Procedures' means Handbook of Procedures notified by the Government of India in the Ministry of Commerce and Industry published in the Gazette of India, Extraordinary, Part-I, Section 1 vide Public Notice No. 01/2015-2020, dated the 1st April, 2015.";
- (iii) for clause (d), the following clause shall be substituted, namely:-
- " 'Status holder' means importer recognised as One Star Export House, Two Star Export House, Three Star Export House, Four Star Export House, or as the case may be, Five Star Export House, in terms of the Foreign Trade Policy."
5. 57/2000-Customs, dated the 8th May, 2000, G.S.R.
- In the said notification,-
- (l) in the opening paragraph,
- (i) in clause (a), for the word, letter and figures "paragraph 4A.14", the word, letter and figures "paragraph 4.46" shall be substituted;

413 (E), dated the 8th May, 2000

(ii) in clause (b), for the word, letter and figures "paragraph 4A.9", the word, letter and figures "paragraph 4.41" shall be substituted;

(iii) the second proviso shall be omitted;

(II) in the *Explanation* , -

(i) for clause (a), the following clause shall be substituted, namely:-
"(a) 'Foreign Trade Policy' means Foreign Trade Policy, 2015 - 2020 notified by the Government of India in the Ministry of Commerce and Industry published in the Gazette of India, Extraordinary, Part-II, Section 3, Sub-section (ii) vide notification No. 01/2015-2020, dated the 1st April, 2015.";

(ii) for clause (b), the following clause shall be substituted, namely :-
"(b) 'Handbook of Procedures' means Handbook of Procedures notified by the Government of India in the Ministry of Commerce and Industry published in the Gazette of India, Extraordinary, Part-I, Section 1 vide Public Notice No. 01/2015-2020, dated the 1st April, 2015.";

(iii) for clause (c), the following clause shall be substituted, namely:-
"(c) 'Nominated agencies' means,-

- (1) Metals and Minerals Trading Corporation Limited (MMTC);
- (2) Handicraft and Handloom Export Corporation (HHEC);
- (3) State Trading Corporation (STC);
- (4) Project and Equipment Corporation of India Ltd. (PEC);
- (5) STCL Ltd;
- (6) MSTC Ltd;
- (7) Diamond India Limited (DIL);
- (8) Four Star Export House from Gems & Jewellery sector and Five Star Export House from any sector as may be recognised as nominated agencies by Regional Authority in terms of the Foreign Trade Policy;
- (9) any bank as authorised by Reserve Bank of India as Nominated Agency."

6. 60/2002- Customs, dated the 7th June, 2002 [G.S.R. 416 (E), dated the 7th June, 2002]

In the said notification,-

(1) for clause (ii), the following clause shall be substituted, namely:-
"(ii) Replenishment Authorisation for Gems issued under, and in accordance with, paragraph 4.35 of the Foreign Trade Policy; or";

(2) for the Explanation, the following Explanation shall be substituted, namely:-
"Explanation.- For the purpose of this notification, 'Foreign Trade Policy' means Foreign Trade Policy, 2015 - 2020 notified by the Government of India in the Ministry of Commerce and Industry published in the Gazette of India, Extraordinary, Part-II, Section 3, Sub- section (ii) vide notification No. 01/2015-2020, dated the 1st April, 2015."

7. 52/2003- Customs, dated the 31st March, 2003 [G.S.R. 274 (E), dated the 31st March, 2003]

In the said notification,-

(I) in the opening paragraph,-

(a) at the end of sub-para (4b), the following shall be added, namely:-
"such transferred goods may also be returned by the second unit to the original unit in case of rejection without payment of duty;";

(b) after sub-para (4b), the following sub-para shall be inserted namely :-
"(4ba) In respect of a group of EOUs or EHTPs or STPs as the case may be, BTP units which source inputs centrally in order to obtain bulk discount and, or, reduce cost of transportation and other logistics cost and, or, to maintain effective supply chain, inter unit transfer of goods and services

may be permitted on a case-to-case basis by the Unit Approval Committee. In case inputs so sourced are imported and then transferred to another unit, then value of the goods so transferred shall be taken as inflow for the unit transferring these goods and as outflow for the unit receiving these goods, for the purpose of calculation of NFE.";

(c) at the end of sub-paragraph (12), the following shall be added, namely :-

"The said officer subject to the approval of the Commissioner of Customs or Commissioner of Central Excise, as the case may be, may also allow sharing of infrastructural facilities among EOUs in accordance with and subject to the terms and conditions specified in para 6.12(g) of Foreign Trade Policy 2015-2020.";

(d) after sub-para (12), the following sub-para shall be added, namely :-

"(12a) An EOU which intends to set up warehousing facilities outside the EOU premises and outside the jurisdiction of Development Commissioner, at a place near to the port of export, to reduce lead time for delivery of goods overseas and to address unpredictability of supply orders, is permitted to do so subject to the provisions of notification No. 46/2001-CE (N.T.) dated, the 26th June, 2001 as amended from time to time.";

(II) In para 4, in the Explanation, after clause (3), the following shall be inserted, namely :-

"(4) unit which has not availed any duty benefit on procurement of raw material, capital goods, etc., may be provided fast track de-bonding or exit from the STP or EHTP scheme."

(III) In the **Explanation** occurring after paragraph 13,-

(a) for clause (iii), the following clause shall be substituted, namely:-

"(iii) 'Foreign Trade Policy' means Foreign Trade Policy, 2015 - 2020 notified by the Government of India in the Ministry of Commerce and Industry published in the Gazette of India, Extraordinary, Part-II, Section 3, Sub-section (ii), vide notification No. 01/2015-2020 dated the 1st April, 2015;"

(b) for clause (vi), the following clause shall be substituted, namely :-

"(vi) 'Handbook of Procedures' means Handbook of Procedures notified by the Government of India in the Ministry of Commerce and Industry published in the Gazette of India, Extraordinary, Part-I, Section 1 vide Public Notice No. 01/2015-2020, dated the 1st April, 2015;"

(c) for clause (viii), the following clause shall be substituted, namely:-

"(viii) 'Nominated agencies' means,-

- (1) Metals and Minerals Trading Corporation Limited (MMTC);
- (2) Handicraft and Handloom Export Corporation (HHEC);
- (3) State Trading Corporation (STC);
- (4) Project and Equipment Corporation of India Ltd. (PEC);
- (5) STCL Ltd;
- (6) MSTC Ltd;
- (7) Diamond India Limited (DIL);
- (8) Four Star Export House from Gems & Jewellery sector and Five Star Export House from any sector as may be recognised as nominated agencies by Regional Authority in terms of the Foreign Trade Policy;
- (9) Any bank as authorised by Reserve Bank of India as Nominated Agency;"

(d) for clause (xi), the following clause shall be substituted, namely:-
"(xi) 'Status holder' means importer recognised as One Star Export House, Two Star Export House, Three Star Export House, Four Star Export House or as the case may be, Five Star Export House, in terms of the Foreign Trade Policy;";

(e) in clause (xii), for the words and figures "Para 6.5 of Foreign Trade Policy and Para 6.9.1 of Handbook of Procedure Volume 1", the words and figures "Para 6.04 of Foreign Trade Policy and Para 6.10 of Handbook of Procedure" shall be substituted.

[F.No: DGEP/FTP/23/2014-EOU & G & J]
(SANJAY KUMAR)

Under Secretary to the Government of India

Note:-

1. The principal notification No. 94/96-Cus dated the 16th December, 1996 was published in the Gazette of India Extraordinary, Part II, Section 3 (i) vide G.S.R. No. 569 (E), dated the 16th December, 1996, as amended by notification No. 84/2007-Customs, dated the 6th July, 2007 published vide G.S.R. 473 (E), dated the 6th July, 2007 and was last amended by notification No. 106/2009-Cus dated 14.09.2009 published vide G.S.R. 672 (E), dated the 14th September, 2009 ;
2. The principal notification No. 41/1999-Customs, dated the 28th April, 1999 was published in the Gazette of India Extraordinary, Part II, Section 3 (i) vide G.S.R.289 (E), dated the 28th April, 1999 and was last amended by notification No. 97/2010-Cus dated 21.10.2010 published vide G.S.R. 774 (E), dated the 21st October, 2010 ;
3. Notification No. 42/99-Customs dated the 28th April, 1999 was published vide G.S.R. 290(E), dated the 28th April, 1999 and was last amended by notification No. 106/2009-Cus dated the 14th September, 2009 published vide G.S.R. 672 (E), dated the 14th September, 2009 ;
4. The principal notification No. 56/2000-Customs, dated the 5th May, 2000 was published in the Gazette of India Extraordinary, Part II, Section 3 (i) vide G.S.R 399 (E), dated the 5th May, 2000 and was last amended by notification No. 106/2009-Cus dated 14.09.2009 published vide G.S.R. 672 (E), dated the 14th September, 2009 ;
5. The principal notification No. 57/2000-Customs, dated the 8th May, 2000 was published in the Gazette of India Extraordinary, Part II, Section 3 (i) vide G.S.R 413 (E), dated the 8th May, 2000 and was last amended by notification No. 106/2009-Cus dated the 14th September, 2009 published vide G.S.R. 672 (E), dated the 14th September, 2009 ;
6. The principal notification No. 60/2002-Customs, dated the 7th June, 2002 was published vide G.S.R. 416 (E), dated the 7th June, 2002 and was last amended by notification No. 106/2009-Cus dated 14.09.2009 published vide G.S.R. 672 (E), dated the 14th September, 2009 ;
7. The principal notification No. 52/2003-Customs, dated the 31st March, 2003 was published in the Gazette of India Extraordinary, Part II, Section 3 (i) vide G.S.R 274 (E), dated the 31st March, 2003, was last amended by notification No. 53/2012-Customs, dated the 13th September, 2012 published vide G.S.R. 684 (E), dated 13th September, 2012;