



Bangalore Chamber of Industry and Commerce

No.1A, Bharat Apartments, 44/1, Fairfield Layout, Race Course Road, Bangalore - 560 001
Tel: 22286080 – 82; Fax: 22251475; e-mail: bcic@bcic.org.in ; website: www.bcic.org.in

INTERNATIONAL TRADE

Circular No.100

20.07.2010

All Members

Dear Sirs,

Please find enclosed herewith the following Notification and Policy circulars issued by Directorate General of Foreign Trade, New Delhi – for your reference and record.

1. Notification No. 53/2009-2014, dated 15th July 2010, (F. No. 01/89/180/12/AM11/PC-2(A) - Import policy for “off-the-air GSM monitoring technology”
2. Policy Circular No. 37/2009-14, Dated 07.07.2010, (issued from File No.01/02/31/AM-06/EDI - Online transmission of DES (Advance Authorization), EPCG and DEPB authorization at 33 ICES 1.5 new location w.e.f 10.07.2010
3. Policy Circular No. 38 / 2009-14, dated 15th July 2010-(Issued from File No. 01/91/180/692/AM11/PC.3) - Telecom Sector and their entitlement under SFIS scheme and other issues of SFIS scheme.

Thanking you,

Yours faithfully

T.S. Sampath Kumar
Secretary General

Notification No. 53/2009-2014, dated 15th July 2010, (F. No. 01/89/180/12/AM11/PC-2(A))

Import policy for “off-the-air GSM monitoring technology”

S.O. (E) In exercise of powers conferred under section 5 of the Foreign Trade (Development and Regulation) Act, 1992 read with paragraph 2.1 of the Foreign Trade Policy, 2009-14, the Central Government hereby makes the following amendments in the Schedule 1 (Imports) of the ITC (HS) Classifications of Export and Import Items :

The following is added in Chapter 1A: GENERAL NOTES REGARDING IMPORT POLICY:

22. Import of Multichannel GSM/CDMA receivers, transmitters and transreceivers capable of receiving or transmitting or both in two or more frequencies simultaneously, shall be “restricted”.

A Import Licensing Note No. 4 is added after Chapter 85 to read as under:

Import of Multichannel GSM/CDMA receivers, transmitters and transreceivers capable of receiving or transmitting or both in two or more frequencies simultaneously shall be “restricted”.

Sd/-
(R.S. Gujral)
Director General of Foreign Trade and
Ex-officio Special Secretary to the Government of India

Policy Circular No. 37/2009-14, Dated 07.07.2010, (issued from File No.01/02/31/AM-06/EDI)

Online transmission of DES (Advance Authorization), EPCG and DEPB authorization at 33 ICES 1.5 new location w.e.f 10.07.2010

In view of Customs readiness to accept online transmission of DES(Advance Authorization), EPCG and DEPB authorization at the following 33 ICES 1.5 new locations, all RAs of DGFT may note that for all the newly added ports, aforesaid authorizations issued w.e.f. 10.7.2010, will be communicated online to customs for necessary processing at their end. It may also further be noted that for all DEPB Shipping Bills issued w.e.f. 10.07.2010 from these ports, application will have to be filed mandatory in EDI mode.

Sl. No.	Location	Locode	Commissionerate
1	ICD Chakeri, Kanpur	INCPC6	Kanpur
2	ICD JRY Kanpur	INKNU6	Kanpur
3	ICD Agra	INBLJ6	Kanpur
4	ICD Rewari	INREA6	Rohtak
5	ICD Panipat	INPNP6	Rohtak
6	ICD Waluj, Aurangabad	INWAL6	Aurangabad
7	ICD Maliwada	INMWA6	Aurangabad
8	CFS Nasik	INNSK6	Nasik
9	ICD Janori	INJNR6	Nasik
10	ICD Bhusawal	INBSL6	Nasik
11	ICD Irugur	INIGU6	Coimbatore
12	ICD Singanallur	INSLL6	Coimbatore
13	ICD Rakkiyalayam(Tirpur)	INTUP6	Coimbatore
14	ICD Chettipalayam (Tirpur)	INCHE6	Coimbatore
15	ICD Veerappandi	INTHO6	Coimbatore
16	ICD Thudiyalur	INTDE6	Coimbatore
17	ICD Nagpur	INNGP6	Nagpur
18	ICD Raipur	INRAI6	Raipur
19	ICD Mandideep	INMDD6	Bhopal
20	ICD Surat	INSTV6	Ahmedabad
21	ICD Vapi	INVPI6	Ahmedabad
22	ICD Dashrath, Vadodra	INBRC6	Vadodara-I
23	ICD Bhilwara	INBHL6	Jaipur
24	ICD Bhiwadi	INBWD6	Jaipur
25	ICD RAJSIICO, Basni	INJUX6	Jaipur
26	ICD Concor Jodhpur	INBGK6	Jaipur
27	ICD Kota	INKTT6	Jaipur
28	ICD Concor Kanakpura,Jaipur	INKKU6	Jaipur
29	ICDs (CONCOR) Dadri	INDER6	Noida
30	CGM Dadri	INCPL6	Noida
31	CFS Albatross, Dadri	INAPL6	Noida
32	CFS Startrack, Dadri	INSTT6	Noida
33	CFS Trident, Dadri	INTTP6	Noida

Sd/-
(Rajiv Arora)
Joint Director General of Foreign Trade

Policy Circular No. 38 / 2009-14, dated 15th July 2010-(Issued from File No. 01/91/180/692/AM11/PC.3)

Telecom Sector and their entitlement under SFIS scheme and other issues of SFIS scheme.

Attention is invited to Minutes of the PIC Meeting No. 04/AM11 held on 5.7.2010. In the PIC meeting, the issues regarding the entitlement of the Telecom Sector applicants under SFIS scheme were deliberated de-novo.

1. As decided in the PIC meeting No. 04/AM11 held on 5.7.2010:
 - a. The words 'relating to exports' appearing in Para 9.53(iv) would cover services provided in relation to export of goods (like for the port services on export cargoes). Since the Policy Circular No. 6 (RE-2005)/2004-2009 dated 8.6.2005 is not in consonance with the above interpretation, and consequently Policy Circular No. 6 (RE-2005)/2004-2009 dated 8.6.2005 is hereby rescinded ab-initio.
 - b. As decided in the PIC meeting No. 04/AM11 held on 5.7.2010, Para 3(i) of Policy Circular 25(RE-2007)/2004-2009 dated 1.1.2008 is not in consonance with the above interpretation, and consequently Para 3(i) of Policy Circular 25(RE-2007)/2004-2009 dated 1.1.2008 is hereby deleted ab-initio.
2. RAs shall review all the previously sanctioned Telecom Sector SFIS Cases (as well as DFCE for Service Providers cases of EXIM Policy (RE2003)) as per this Policy Circular and the Minutes of the PIC meeting No. 04/AM11 held on 5.7.2010. It may also be noted that in the Telecom Sector, there are 3 types of services, namely ILDO, NLDO and AP (for mobile network). A telecom company /firm could either be AP or NLDO as well as an ILDO. Thus, each applicant shall be directed to clearly indicate whether he is an ILDO or NLDO or AP or a combination of these and segregate the FX earned for each type. Further, against each type, there could be subcategories as detailed in PIC minutes for meeting No. 04/AM11 held on 5.7.2010. Moreover, a telecom company / firm could also earn FX from Data Service or Maintenance Service etc. These are listed in the Minutes at Sr. No. 4(i) to 4(v) and each applicant should clearly indicate FX earned for each such subcategory.
3. RAs are required to take the following action in a time bound manner for SFIS Cases of Telecom Sector (including the DFCE for Service Providers cases of EXIM Policy (RE2003)) and cases relating to PC 6 dated 8.6.2005:

- a. Re-open to review all the SFIS cases for re-computing the entitlement in each case in terms of the decision in the PIC meeting No. 04/AM11 held on 5.7.2010 and call information as required, within a time bound manner.
- b. Recover or adjudicate (at appropriate level as per financial powers)
 - i). in case the review finds any excess grant of SFIS benefits; or
 - ii). in case the applicant is not providing the required information in a time bound manner.
- c. Since the interpretation of the SFIS policy has taken place in PIC meeting recently held on 5.7.2010, no malafide can be ascribed to the applicants in cases where excess grant of SFIS benefit is established and duty credit amount, so granted in excess, be recovered without imposing any penal recovery of interest. This would uphold the principle of natural justice.
- d. Report the progress to DGFT headquarters on a monthly basis, for each telecom sector applicant.

The review exercise should be completed within 6 months from the date of this Policy Circular.

4. Further, it is pointed out to RAs that in terms of Para 3.6.1(h) of the HBPv1 2009-14 read with Policy Para 3.12.2, 3.12.3, & 3.12.4 of the FTP 2009-14, Telecom Sector is not entitled for SFIS benefits on foreign exchange earned from the year 2009-10 onwards.

Sd/-
(A.K. Singh)
Joint Director General of Foreign Trade

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