



MINISTRY OF COMMERCE & INDUSTRY
DEPARTMENT OF COMMERCE
DIRECTORATE GENERAL OF FOREIGN TRADE

INDIA'S EXPORT CONTROL SYSTEM

Special Chemicals, Organism, Materials, Equipment and Technologies (SCOMET)

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[Guidelines for Special Chemicals, Organism, Materials, Equipment and Technologies \(SCOMET\)](#)

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“Special Chemicals, Organism, Materials, Equipment and Technologies (SCOMET)” items are dual-use items having potential for both civilian applications as well as weapons of mass destruction.

India is a signatory to the major multilateral export control regimes, namely, Missile Technology Control Regime (MTCR), Wassenaar Arrangement (WA) and Australia Group (AG) and adherent to Nuclear Supply Group (NSG). India is also a signatory to international conventions on non-proliferation, namely, Chemical Weapons Convention (CWC) and Biological and Toxic Weapons Convention (BWC). Accordingly, the SCOMET control list is aligned to the control lists of the all the multilateral export control regimes and conventions.

Chapter IVA of Foreign Trade (Development & Regulation) Act, 1992 was incorporated by way of amendment in 2010 to regulate brokering, transshipment and export of specified goods, services and technology which have applications as weapons of mass destruction in aligning it with the provisions of The Weapons of Mass Destruction and their Delivery Systems (Prohibition Of Unlawful Activities) Act, 2005.

Accordingly, the Directorate General Foreign Trade (DGFT) has laid down the policy and procedure for regulating export of such controlled items for items listed in category 1 to 5 and 8 of SCOMET List contained in Appendix 3 to Schedule 2 of ITC (HS) Classification of Export and Import Items, which is available on the website of DGFT (www.dgft.gov.in) at weblink

<http://dgftcom.nic.in/exim/2000/scomet/2017/Appendix%203%20List%20of%20SCOMET%20items%20as%20on%2003.07.2018.pdf> . The relevant documents regulating export of SCOMET items are as under :

- Foreign Trade Policy 2015-20 (Para 1.03, 2.09, 2.16 to 2.19)
- Handbook of Procedures 2015-20 (Para 2.73 to 2.82)
- Appendix 3 of Schedule 2 of ITC (HS) Classification (Revised as on 03.07.2018)

There are total eight categories of such items. Various categories and licensing authorities in SCOMET are as under:

SCOMET Category	SCOMET items	Licensing Jurisdiction
0	Nuclear materials, nuclear-related other materials, equipment and technology	Department of Atomic Energy(DAE)
1	Toxic chemical agents and other chemicals	DGFT
2	Micro-organisms, Toxins	DGFT
3	Materials, Materials Processing Equipment and related Technologies	DGFT
4	Nuclear-related other equipment and technology,	DGFT

	not controlled under Category '0'	
5	Aerospace systems, equipment, including production and test equipment, and related technology	DGFT
6 (NEW)	Munitions List	Deptt. of Defence Production (DDP)/ Ministry of Defense
7 (NEW)	Reserved	DGFT
8 (NEW)	Special Materials And Related Equipment, Material Processing, Electronics, Computers, Telecommunications, Information Security, Sensors And Lasers, Navigation And Avionics, Marine, Aerospace And Propulsion.	DGFT

The DAE has been designated as the licensing authority for items under Category '0' of SCOMET List under the Atomic Energy Act 1962 through 'Guidelines for Nuclear Transfers (Exports)'. List of "Prescribed Substances, Prescribed Equipments and Technology" can be seen at http://www.dae.nic.in/writereaddata/pres_subs_0516.pdf).

The DDP, Ministry of Defense has been designated as the licensing authority for the items under Category '6' of SCOMET known as 'Munitions list', who in turn issue export authorisations/NOCs as per the Standard Operating Procedure (SOP) [https://ddpmod.gov.in/sites/default/files/New%20SOP0001_2.pdf] available on the website of DDP under heading 'Defence Export' (<https://ddpmod.gov.in/defence-exports>)

For all other items, the DGFT is the licensing authority. Applications for issuance of SCOMET authorization are received in the DGFT through online secure portal [Home page of DGFT website (www.dgft.gov.in) → Services → ECOM → Online ECOM applications → SCOMET (<http://dgftcom.nic.in/CallModule.asp?sch=SCOMET>)] and shared with members of the Inter Ministerial Working Group (IMWG) which includes members from the Ministry of External Affairs (MEA), Department of Defence Production (DDP), Department of Space (through ISRO), Defence Research and Development Organization (DRDO), Department of Chemicals and Petrochemicals, National Authority of Chemical Weapon Convention (NACWC) and Cabinet Secretariat.

The IMWG meets every month, under the Chairmanship of the Additional DGFT (in-charge of export), to decide on the applications on case to case basis as per the guidelines and criteria laid down in Para 2.74 of the Hand Book of Procedures. The IMWG decides, by consensus, on whether to approve an export authorization. Pre-license checks are conducted through the agencies and India's missions abroad. Post-shipment verifications are made part of licensing conditions.

The decisions of IMWG are uploaded on the website of DGFT on monthly basis and can be seen at weblink : <http://dgft.gov.in/act-rules/IMWG-Meeting-for-SCOMET-items> [Home Page of DGFT website → Quick Links → Minutes of the Meetings of various Committees in DGFT → IMWG Meeting for SCOMET items (Sl. No. 17) → Year-wise /Month-wise Minutes

of IMWG meeting]. Live status of SCOMET applications are also available on the DGFT website at weblink :<https://docs.google.com/spreadsheets/d/1b7JozJfTMTMPqgm-nvSdKffHLVaBJOB02Sp8O2Mx9Fw/edit#gid=886260032> [Home Page of DGFT website →Export Facilitation →Restricted Licences' Application Status → SCOMET Export License

The criteria for analyzing applications by IMWG include:

- (a) End-user credentials, credibility of declaration of end-use of the item or technology, integrity of chain of transmission of item from supplier to end-user, and on potential of the item or technology, to contribute to end-uses that are not in conformity with India's national security or foreign policy goals and objectives etc.
- (b) Assessed risk that exported items will not fall into hands of terrorists and non-State actors;
- (c) Export control measures instituted by the recipient State;
- (d) Capabilities and objectives of programs of the recipient State relating to weapons and their delivery; and assessment of end-use of items.

Policy for SCOMET in Foreign Trade Policy (FTP) 2015-20

Central Government, in exercise of powers conferred under Section 5 of the Foreign Trade (Development & Regulation) Act, 1992 (No. 22 of 1992) [FT (D&R) Act], as amended notifies Foreign Trade Policy (FTP), time to time. The FTP, 2015-2020, incorporating provisions relating to export and import of goods and services, was notified in April, 2015 and shall remain in force up to 31st March, 2020, unless otherwise specified.

The provisions relating to SCOMET in FTP are given below :

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1.03 Hand Book of Procedures (HBP) and Appendices & Aayat Niryat Forms (AANF)

Director General of Foreign Trade (DGFT) may, by means of a Public Notice, notify Hand Book of Procedures, including Appendices and Aayat Niryat Forms or amendment thereto, if any, laying down the procedure to be followed by an exporter or importer or by any Licensing/Regional Authority or by any other authority for purposes of implementing provisions of FT (D&R) Act, the Rules and the Orders made there under and provisions of FTP.

1.06 Objective (TRADE FACILITATION& EASE OF DOING BUSINESS)

Trade facilitation is a priority of the Government for cutting down the transaction cost and time, thereby rendering Indian exports more competitive. The various provisions of FTP and measures taken by the Government in the direction of trade facilitation are consolidated under this chapter for the benefit of stakeholders of import and export trade.

1.07 DGFT as a facilitator of exports/imports

DGFT has a commitment to function as a facilitator of exports and imports. Focus is on good governance, which depends on efficient, transparent and accountable delivery systems. In order to facilitate international trade, DGFT consults various Export Promotion Councils as well as Trade and Industry bodies from time to time.

1.14 Exporter Importer Profile

An electronic procedure has been created to upload various documents in exporter importer profile. Once uploaded, there will be no need to submit these documents / copies of these documents to Regional Authority repeatedly with each application. It intends to reduce the transaction cost and time and is a step towards paperless processing of different applications in DGFT.

1.17 Online Inter-ministerial consultation

Presently, the exporters are required to file applications online on the website of DGFT under the Icon E-COM and are required to submit the duly signed and stamped printout of the online application along with all the necessary documents viz. technical specifications, literature etc. Now, a facility is being provided to upload copies of all the required documents including technical specifications, literature etc in PDF/JPG/JPEG/GIF format in the online filing system in respect of (a) Fixation of norms under Advance Authorisation by Norms Committees (b) Export of Restricted Items (c) Import of Restricted Items (d) SCOMET Items. The exporters would not be required to submit the hard copy of application except architectural drawings, machine drawings etc which may be difficult to scan and upload. The processing of the applications will also be done online.

2.16 Prohibition on Import and Export of 'Arms and related material' from / to Iraq

Notwithstanding the policy on Arms and related materials in Chapter 93 of ITC(HS), the import/export of Arms and related material from/to Iraq is 'Prohibited'. However,

export of Arms and related material to Government of Iraq shall be permitted subject to 'No Objection Certificate' from the Department of Defence Production.

2.16 A Prohibition on Trade with the Islamic State in Iraq and the Levant [ISIL, also known as Daesh], Al Nusrah Front [ANF] and other individuals, groups, undertakings and entities associated with Al Qaida.

In compliance with United Nations Security Council Resolution No. 2199 [2015] (full text of the Resolution is available at <http://www.un.org/press/en/2015/sc11775.doc.htm>), trade in oil and refined oil products, modular refineries and related materials, besides items of cultural (including antiquities), scientific and religious importance is prohibited with the Islamic State in Iraq and the Levant [ISIL], Al Nusrah Front [ANF] and other individuals, groups, undertakings and entities associated, directly or indirectly, with Al Qaida.

2.17 Prohibition on direct or indirect import and export from/to Democratic People's Republic of Korea (DPRK)

“Prohibition on export:

(A) The direct or indirect supply, sale, transfer or export of the following items to Democratic People's Republic of Korea (DPRK) is prohibited:-

(i) any battle tanks, armoured combat vehicles, large calibre artillery systems, combat aircraft, attack helicopters, warships, missiles or missile systems as defined for the purpose of the United Nations Register on Conventional Arms, or related materiel including spare parts;

(ii) all arms and related materiel, including small arms and light weapons and their related materiel;

(iii) all items, materials, equipment, goods and technology as set out in the United Nations Security Council (UNSC) and International Atomic Energy Agency (IAEA) documents, namely,

1. S/2006/853*;
2. S/2006/853/Corr.1;
3. Part B of S/2009/364;
4. Annex III of Resolution 2094 (2013);
5. S/2016/1069;

6. Annex A to INFCIRC/254/Rev.12/Part1 (IAEA document);
7. Annex to INFCIRC/254/Rev.9/Part2 (IAEA document);
8. S/2014/253;
9. S/2016/308;

10. Annex III of Resolution 2321 (2016); and

11. other items, materials, equipment, goods and technology, as determined by the Central Government, which could contribute to DPRK's nuclear related, ballistic missile-related or other weapons of mass destruction related programmes;

(iv) luxury goods, including, but not limited to, the items specified in Annex IV of Resolution 2094 (2013), Annex IV of Resolution 2270 (2016) and Annex IV of Resolution 2321 (2016);

(v) items as determined by the Central Government, except food or medicine, that could directly contribute to the development of the Democratic People's Republic of Korea's operational capabilities of its armed forces. This measure is subject to the exemptions set out in paragraph 8 (a) and (b) of Resolution 2270 (2016);

Prohibition on import

(B) The direct or indirect procurement or import from DPRK, of items, whether or not originating in DPRK, covered in sub-paragraphs (A)(i), (A)(ii), (A)(iii) and (A)(v) above is prohibited.

Sectoral prohibitions (export)

(C) The direct or indirect supply, sale, transfer or export of the following items to DPRK is prohibited:

(i) new helicopters and **new or used** vessels, except as approved in advance by the Committee on a case-by-case basis;

(ii) aviation fuel, including aviation gasoline, naphtha-type jet fuel, kerosene-type jet fuel, and kerosene-type rocket fuel. This measure is subject to the provisions of paragraph 31 of Resolution 2270 (2016) and paragraph 20 of Resolution of 2321 (2016);

(iii) condensates and natural gas liquids;

(iv) refined petroleum products. This measure is subject to the **limits, exceptions** and procedures set out in **paragraph 5 of Resolution 2397 (2017)**;

(v) crude oil. This measure is subject to the **limits**, exemptions and procedures set out in **paragraph 4 of Resolution 2397 (2017)**;

(vi) **all industrial machinery [Chapter 84 and 85 of ITC(HS)], transportation vehicles [Chapter 86 to 89 of ITC(HS)], and iron, steel, and other metals**

[Chapter 72 to 83 of ITC(HS)]. This measure is subject to the exemptions set out in paragraph 7 of Resolution 2397 (2017);

Sectoral prohibitions (import)

(D) The direct or indirect procurement or import from DPRK, of the following items is prohibited:

(i) coal, iron and iron ore. This measure is subject to the exemptions and procedures set out in paragraph 8 of Resolution 2371 (2017);

(ii) gold, titanium ore, vanadium ore, and rare earth minerals;

(iii) copper, nickel, silver and zinc;

(iv) statues, unless the Committee approves on a case-by-case basis in advance;

(v) seafood (including fish, crustaceans, mollusks, and other aquatic invertebrates in all forms). This measure is subject to the exemptions, **clarifications** and procedures set out in paragraph 9 of Resolution 2371 (2017) **and paragraph 6 of Resolution 2397 (2017);**

(vi) lead and lead ore. This measure is subject to the exemptions and procedures set out in paragraph 10 of Resolution 2371 (2017);

(vii) textiles (including but not limited to fabrics and partially or fully completed apparel products). This measure is subject to the exemptions and procedures set out in paragraph 16 of Resolution 2375 (2017);

(viii) food and agricultural products [Chapters 12, 08, 07 of ITC(HS)], machinery [Chapter 84 of ITC(HS)], electrical equipment [Chapter 85 of ITC(HS)], earth and stone including magnesite and magnesia [Chapter 25 of ITC(HS)], wood [Chapter 44 of ITC(HS)], and vessels [Chapter 89 of ITC(HS)]. These measures are subject to the procedures set out in paragraph 6 of Resolution 2397(2017).

Explanation.-

- a) UNSC means the United Nations Security Council;
- b) IAEA means the International Atomic Energy Agency;
- c) Committee means the Committee of the UNSC set up in terms of paragraph 12 of Resolution 1718 (2006);
- d) Resolution, as the case may be, means the UNSC Resolutions under Chapter VII of the Charter of the United Nations on Democratic People's Republic of Korea, namely, 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016), 2231 (2016), 2356 (2017), 2371 (2017), 2375 (2017) and **2397(2017)**".

2.18 Direct or Indirect Export/Import to/from Iran

- (a) Direct or indirect export to Iran or import from Iran of any item, material, equipment, goods and technology mentioned in the following documents would be permitted subject to the provisions contained in Annex-B to the United Nations Security Council Resolution 2231 (2015):
 - (i) Items listed in INFCIRC/254/Rev.9/Part 1 and INFCIRC /254/Rev.7 /Part 2 (IAEA Documents) as updated by the IAEA from time to time.
 - (ii) Items listed in S/2006/263 (UN Security Council document) as updated by the Security Council from time to time.
- (b) All the UN Security Council Resolutions/Documents and IAEA Documents referred to above are available on the UN Security Council website (www.un.org/Docs/sc) and IAEA website (www.iaea.org).

2.19 Prohibition on Import of Charcoal from Somalia

Direct or indirect import of charcoal is prohibited from Somalia, irrespective of whether or not such charcoal has originated in Somalia [United Nations Security Council Resolution 2036 (2012)]. Importers of Charcoal shall submit a declaration to Customs that the consignment has not originated in Somalia.

2.46 Import for export

- I. (a) Goods imported, in accordance with FTP, may be exported in same or substantially the same form without an Authorisation provided that item to be imported or exported is not in the restricted for import or export in ITC (HS).
- (b) Goods, including capital goods (both new and second hand), may be imported for export provided:
 - i. Importer clears goods under Customs Bond;
 - ii. Goods are freely exportable, i.e., are not “Restricted”/ “Prohibited”/ subject to “exclusive trading through State Trading Enterprises” or any conditionality/ requirement as may be required under Schedule 2 – Export Policy of the ITC (HS);
 - iii. Export is against freely convertible currency.

- (c) Goods in (b) above will include 'Restricted' goods for import (except 'Prohibited' items).
 - (d) Capital goods, which are freely importable and freely exportable, may be imported for export on execution of LUT/BG with Customs Authority.
 - (e) Notwithstanding the above, goods which are freely importable may be re-exported **except items as in the Prohibited or SCOMET List of exports**, in same or substantially same form even though such goods are under "restricted list" for export, subject to the following conditions:
 - (i) Goods are not of Indian Origin;
 - (ii) Goods imported shall be kept in bonded warehouse under supervision of Customs;
 - (iii) Goods to be exported have never been cleared for home consumption;
 - (iv) Export of goods shall be subjected to Section 69 of Customs Act, 1962.
- II. (a) Goods imported against payment in freely convertible currency would be permitted for export only against payment in freely convertible currency, unless otherwise notified by DGFT.
- (b) Export of such goods to the notified countries (presently only Iran) would be permitted against payment in Indian Rupees, subject to minimum 15% value addition.
 - (c) However, re-export of food, medicine and medical equipments, namely, items covered under ITC(HS) Chapters 2 to 4, 7 to 11, 15 to 21, 23, 30 and items under headings 9018, 9019, 9020, 9021 & 9022 of Chapter-90 of ITC(HS) will not be subject to minimum value addition requirement for export to Iran. Exports of these items to Iran shall, however, be subject to all other conditions of FTP 2015-20 and ITC (HS) 2017, as applicable. Bird's eggs covered under ITC (HS) 0407 & 0408 and Rice covered under ITC (HS) 1006 are not covered under this dispensation, as at II (a) above.
 - (d) Exports under this dispensation, as at I (e) and II (a), (b) and (c) above shall not be eligible for any export incentives.

2.47 Export through Courier Service/Post

Exports through a registered courier service is permitted as per Notification issued by DoR. However, exportability of such items shall be regulated in accordance with FTP/ ITC (HS), 2017.

2.48 Export of Replacement Goods

Goods or parts thereof on being exported and found defective/damaged or otherwise unfit for use may be replaced free of charge by the exporter and such goods shall be allowed for export by Customs authorities, provided that replacement goods are not mentioned as restricted/SCOMET items for exports in ITC (HS). **If the export item is 'restricted'/ under SCOMET, the exporter shall require a export license for replacement.**

9.49 SCOMET'' is the nomenclature for dual use items of Special Chemicals, Organisms, Materials, Equipment and Technologies (SCOMET). Export of dual-use items and technologies under India's Foreign Trade Policy is regulated. It is either prohibited or is permitted under an Authorisation.

Procedure for SCOMET in Handbook of Procedure (HBP) of FTP – (SOP for SCOMET)

In pursuance of the provisions of paragraph 1.03 of Foreign Trade Policy (FTP), the Director General of Foreign Trade (DGFT) notifies the Handbook of Procedure(HBP), time to time, to be followed by an exporter or importer or by the licensing/Regional Authority or by any other authority for purpose of implementing the provisions of Foreign Trade (Development & Regulation) Act, the Rules/orders made thereunder and the provisions of Foreign Trade Policy. The said procedure is contained in following compilations:

- a) Hand Book of Procedures
- b) Appendices & Aayat Niryat Forms and
- c) Standard Input Output Norms (SION)

The provisions relating to SCOMET in HBP [Standard Operating Procedure (SOP) followed in DGFT for dual use SCOEMT items] including general useful provisions for an exporter /importer are given below:

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2.07 Importer Exporter Code (IEC) Number Exempted Categories

IEC is compulsory for import and /or exports. However, some categories of importers or exporters are exempted from obtaining IEC. Further, exemption from obtaining IEC shall not be applicable for export of Special Chemicals, Organisms, Materials, Equipments and Technologies (SCOMET) as listed in Appendix - 3, Schedule 2 of ITC (HS) except in case of exports by Ministries /Departments of Central or State Government. .

2.08 Application for IEC

- a) Exporters / Importers shall file an online application in ANF 2A format for grant of e-IEC with digital signatures along with requisite documents and paying the applicable fee. The facility of filing online application for IEC is also available through e-biz portal of DIPP.
- b) Deficiency in the application form has to be removed by re-logging onto the “Online IEC application” on DGFT website and resubmitting the form along with the requisite documents.

2.09 IEC Format

An IEC will be issued in prescribed format (**ANF 2(A) (II)**). A copy of such IEC shall be endorsed to concerned banker (as per details given in **ANF 2A**). Such endorsement should ordinarily be done using emails.

2.10 Validity of IEC

An IEC allotted to an applicant shall have permanent validity unless cancelled by the competent authority. The IEC will cover all branches / divisions / units / factories of the applicant.

2.15 Profile of Importer / Exporter

- a) ANF-1 contains the profile of the importer/exporter. IEC Holder shall be responsible for updating the same as and when a change takes place immediately or in any case at least once in a year.
- b) Documents which are uploaded in the Importer-Exporter Profile are not required to be filed each time the importer/exporter applies for authorisations/scrips under different schemes of this FTP. However, persons seeking any benefit from any authority, by claiming status as manufacturer exporter, have to prove its credence for the same independently to that authority.

2.16 Validity period of Authorisation/ Licence / Certificate / Authorisation / Permissions / CCPs

- (a) Validity period of Import / Export Authorisations from the date of issue shall be as follows, unless specified otherwise:

Sr. No.	Type of Authorisation	Validity Period
i.	Export Authorisation for restricted (Non SCOMET) goods	12 months
ii.	Export Authorisation for SCOMET items	24 months
iii.	Import Authorisations for restricted items and CCP	18 months
iv.	EPCG Authorisation	18 months
v.	Advance Authorisations (AA) for Deemed Export	Coterminous with contracted duration of project execution or 12 months, whichever is more
vi.	Replenishment Authorisation for Gems & Jewellery as per Chapter 4 of FTP.	12 months from issue date.

However, EXIM Facilitation Committee (EFC) (for non-SCOMET items) and Inter Ministerial Working Group (IMWG) (for SCOMET items) may approve the grant of Export Authorisation for a shorter / longer duration in specific cases to meet contractual obligations/delivery schedule or on specific recommendation of the concerned Technical / Administrative Ministry / Department / or any other agency.

- (b) DGFT may decide to issue specific authorisation/ class of authorisations for a longer/shorter validity period. Any extension /revalidation in such cases to be allowed only by DGFT.

2.20 Revalidation of Import / Export Licence Certificate/ Authorisation / Permissions for Non-SCOMET and SCOMET items

- a) RA concerned may revalidate import authorisation on merits for six months from date of expiry of validity.
- b) Export Authorisation including for SCOMET items may be revalidated, on merits for a period of six months at a time and maximum upto 12 months by the RA concerned, except for cases in para 2.16(b) of HBP.
- c) However, revalidation of freely transferable authorisation / duty credit scrips and stock and sale (excluding SCOMET items) authorisation shall not be permitted unless validity has expired while in custody of Customs Authority / RA / Government Authority.
- d) Revalidation of Authorisation/Duty Credit Scrip shall also be allowed without charging any fee for the period of delay (the period for which authorisation/scrip holder was unable to utilise the same) or six months, whichever is less, due to the following reasons:
 - (i) If Authorisation/Scrip or any amendment thereof could not be transmitted to Customs Server within fifteen working days from the date of issue/amendment;
 - (ii) If Authorisation/Scrip rejected by Customs server with error Code;
 - (iii) If request for issue of waiver of Bond/EODC was not considered within the period specified under Para 9.10 of HBP, 2015-2020 where complete application was submitted within the validity of the Authorisation.

In such cases, revalidation shall be allowed from the date of endorsement for the period of delay or six months, whichever is less. For example: Authorisation is issued having initial validity of 12 months on 01.04.2017. It was transmitted to Customs server on 01.04.2017 by DGFT server but it is accepted by Customs server on 31.10.2017. So the Authorisation holder loses 7 months (still 5 months validity is left). In such a case, RA shall allow revalidation for a period of 6 months (validity of 5 months is subsumed) from the date of endorsement.

The applicant shall submit request for endorsement of Authorisation/Scrip along with screen shot of DGFT server as well as Customs Server in support of his claim. RA shall verify the same before revalidation is allowed.

However, request must be made to RA concerned within a month from the date of final acceptance of Authorisation/Scrip in the Customs Server.

Notwithstanding anything contained above, these provisions of revalidation shall not apply wherever, the authorisation/scrip holder had clear 6 months period in hand for utilisation.

2.21 Authority to Revalidate

Such revalidation under Paragraph 2.20 above would be permitted under specific orders of Head of concerned Office and such revalidation would be maximum up to the extent of custody period.

2.22 Application for Revalidation

An application for revalidation of authorisation, may be made to RA concerned. RA would consider such application as per FTP/ HBP. Where DGFT is concerned authority, original application shall be submitted to RA concerned and self-attested copy of same shall be submitted to DGFT.

SPECIFIC PROVISION FOR SCOMET (Para 2.72 to Para 2.82):

2.72 Application for Grant of Export Authorisation/Certificate/ Permission for non-SCOMET Items

- a) An application for grant of Export Authorisation in respect of restricted items [other than Special Chemicals, Organisms, Materials, Equipment and Technologies (SCOMET)] mentioned in Schedule 2 of ITC (HS) Classifications of Export and Import Items may be made in ANF 2 N to DGFT (Headquarters) along with documents prescribed therein. EFC shall consider applications on merits for issue of export Authorisation.
- b) If the exporter has been notified in writing by DGFT or he knows or has reason to believe that an item not covered in the SCOMET list has a potential risk of use in or diversion to weapons of mass destruction (WMD) or in their missile system or military end use (including by terrorists and non-state actors), the export of such an item may be denied or permitted subject to the grant of a license, as per the procedure provided for SCOMET items in Paragraph 2.73.

Note: "Military use" shall mean incorporation into items listed in SCOMET Categories 6 or for the use, development, or production of military items listed in these categories.'

2.73 Application for SCOMET Authorisation

a) An application for grant of Export Authorisation in respect of SCOMET items mentioned in Appendix 3 to Schedule 2 of ITC (HS) Classifications of Export and Import Items may be made in ANF 2 O to DGFT (Hqrs) along with documents prescribed therein.

b) However, such applications are mandatorily to be filed through online system under the Icon E-COM on the website of DGFT. The Uniform Resource Locator [URL] for online application is <http://dgft.gov.in/CallModule.asp?sch =SCOMET>. While submitting the online application, all the required documents including End User Certificates (EUCs) are to be uploaded as PDF files. Manual submission of application is dispensed with except the original End User Certificate(s) in Appendix 2 S from all entities in the chain of supply viz. the foreign buyer, end user and intermediary/consignee (if they are different from the foreign buyer & end user), which is/are to be submitted in hard copy to SCOMET Section of DGFT (HQ), besides electronic submission.

c) Maintenance of Records:

Every SCOMET authorisation holder shall maintain the following records in manual or electronic form for a period of 5 years from the date of export or import, as applicable:

- a) All documents submitted while making an application for SCOMET Authorization.
- b) Correspondence with buyer/consignee/end-user or DGFT or relevant Government agency;
- c) Relevant Contracts;
- d) Relevant Books of account;
- e) Relevant Financial records;
- f) Any communication from any government agency related to an application for authorization for any item on the SCOMET list or a commodity classification request;
- g) Shipping documents including shipping bill, bill of entry and bill of lading.

2.74 Inter Ministerial Working Group (IMWG)

An Inter-Ministerial Working Group (IMWG) in DGFT (Hqrs.) shall consider applications for export of SCOMET items as specified in Appendix-3 to Schedule 2 of ITC (HS) Classifications of Export and Import Items based on following guidelines:

- I. Applications for Authorisation to export items or technology on SCOMET List are considered on the basis of following general criteria:
 - a) Credential of end-user, credibility of declaration of end-use of the item or technology, integrity of chain of transmission of item from supplier to end-user, and on potential of the item or technology, including timing of its export, to contribute to end-uses that are not in conformity with India's national security or foreign policy goals and objectives, goals and objectives of global non-proliferation, or India's obligations under International treaties/Agreements to which it is a State party.
 - b) Assessed risk that exported items will fall into hands of terrorists, terrorist groups, and non-State actors;
 - c) Export control measures instituted by the recipient State;
 - d) Capabilities and objectives of programmes of the recipient State relating to weapons and their delivery;
 - e) Assessment of end-use(s) of item(s);
 - f) Applicability of provisions of relevant bilateral or multilateral Agreements and Arrangements, to which India is a party, or adherent. This is including but not limited to the control lists of the Nuclear Suppliers Group, Missile Technology Control Regime, Australia Group (and its Warning List or Awareness Raising Guidelines) and Wassenaar Arrangement (and its Sensitive List and Very Sensitive List) as amended from time to time;
 - g) of the Nuclear Suppliers Group, Missile Technology Control Regime, Australia Group and Wassenaar Arrangement (and its Sensitive List and Very Sensitive List) as updated from time to time.
- II. Application shall be accompanied by an end user certificate **(EUC) in the prescribed proforma, as applicable [Appendix 2S(i), 2S(ii) or 2S(iii)]**, certifying that:
 - a. The item will be used only for stated purpose and that such use will not be changed, nor items modified or replicated without consent of Government of India;

b. Neither the items nor replicas nor derivatives thereof will be re-transferred without consent of Government of India;

c. End-user shall facilitate such verifications as are required by Government of India.

III. The end-user certificate will indicate the name of the item to be exported, the name of the importer, the specific end-use of the subject goods and details of Purchase Order/Contract.

IV. Government of India may also require additional formal assurances, as deemed appropriate, including those on end-use and non-retransfer, from the State of the recipient.

V. (a) Licensing authority for items in Category 0 and Note 2 of the 'Commodity Identification Note' in Appendix 3 to Schedule 2 of ITC (HS) is Department of Atomic Energy. Applicable guidelines are notified by the Department of Atomic Energy under Atomic Energy Act, 1962. For certain items in Category 0, formal assurances from the recipient State will include non-use in any nuclear explosive device. Authorisations for export of certain items in Category 0 will not be granted unless transfer is additionally under adequate physical protection and is covered by appropriate International Atomic Energy Agency (IAEA) safeguards, or any other mutually agreed controls on transferred items.

(b) Licensing authority for items in Category 6 in Appendix 3 to Schedule 2 of ITC (HS) is Department of Defence Production. Export of items in Category 6 is governed by the extant Standard Operating Procedure issued by the Department of Defence Production in the Ministry of Defence. Export of items covered in Note 3 of the 'Commodity Identification Note' in Appendix 3 to Schedule 2 of ITC (HS) is prohibited.

VI. Additional end-use conditions may be stipulated in Authorisations for export of items or technology that bear possibility of diversion to or use in development or manufacture of, or use as, systems capable of delivery of weapons of mass destruction.

VII. Authorisations for export of items in SCOMET List (other than those under Category 0, 1, 2 & 6) solely for purposes of display or exhibition shall not require any end-use or end-user certification. However, no export Authorisation for display or exhibition shall be issued for 'Technology' in any category. **IMWG would seek comments from technical agencies as deemed necessary.**

VIII. Authorization for export of items in Categories 0, 3 (other than 3D), 4, 5 and 7 of the SCOMET list to Iran would be subject to the relevant provisions contained in

Annex B to the UN Security Council resolution 2231 (2015). The licensing authority, i.e. DGFT or Department of Atomic Energy, as the case may be, on completion of the IMWG process or the applicable internal process, shall seek the concurrence of Disarmament and International Security Affairs (D&ISA) Division in the Ministry of External Affairs, as required.

IX. The Inter Ministerial Working Group shall normally meet once every month. Where a case has been deferred in the IMWG and subsequently, NOC(s) has / have been received from all concerned agencies with no divergence in views, authorisation shall be issued with the approval of Chairman, IMWG and the case shall be brought before IMWG in its subsequent meeting for approval on ex-post facto basis. Case(s), where a decision could not be arrived in IMWG, shall be placed before Director General of Foreign Trade for appropriate decision on grant of authorization.

2.75 Applicability of WMD Act

Export of items not on SCOMET List may also be regulated under provisions of the Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Act, 2005.

- Note 1: Export or attempt to export in violation of any of conditions of Authorisation shall invite civil and/or criminal prosecution.
- Note 2: Authorisations for export of items in SCOMET List for display or exhibition abroad are subject to a condition of re-import within a period not exceeding six months. Exporters are entitled to apply for an export authorisation for such items exhibited abroad. If exhibitor intends to offer that item for sale during exhibition abroad, such sale shall not take place without a valid Authorisation.
- Note 3: Export of items in Category 2 of SCOMET list may also be controlled by other applicable guidelines issued from time-to time.
- Note 4: Exporters are entitled to request that only such conditions need be imposed as are subject of government-to-government instruments of accord over export of items on SCOMET List.
- Note 5: 'Technology' (see also entry 'Technology' in glossary in Appendix-3 to Schedule 2 of ITC (HS) Classifications of Export and Import Items): Approval of export of an item on the SCOMET List also authorizes the export to same end-user of minimum 'technology' required for installation, operation, maintenance and repair of the item.

2.76 Supply of SCOMET Items from DTA to SEZ

No export authorisation is required for supply of SCOMET items from DTA to SEZ. However, all supplies of SCOMET items from DTA to SEZ will be reported to the Development Commissioner of the respective SEZ by the supplier in the prescribed proforma [Annexure 1 to Appendix-3 to Schedule 2 of ITC (HS) Classifications of Export and Import Items] within one week of the supplies getting effected. An annual report of such supplies from DTA to SEZ shall be sent to SCOMET Section, DGFT (Hqrs), Department of Commerce, Udyog Bhawan, Maulana Azad Road, New Delhi-110011, by the Development Commissioner (DC), SEZ in the prescribed proforma [Annexure 2 to Appendix-3 to Schedule 2 of ITC (HS) Classifications of Export and Import Items]. Report by the DC, SEZ is to be filed by 15th May of every financial year for the supplies effected during the preceding financial year. Export Authorisation is, however, required if the SCOMET items are to be physically exported outside the country from SEZ i.e. to another country (Refer Rule 26 of the SEZ Rules, 2006).

2.77 Outreach Programmes on SCOMET Export Control System

DGFT in association with Administrative Ministries/ Departments and Trade Associations will organize Industry Outreach Programme on regular basis for an effective awareness among the exporters/ importers dealing with trade, in particular, in SCOMET items.

2.78 Procedure/ Guidelines for filing / Evaluation of Applications for Entering into an Arrangement or Understanding for Site Visits, On-site Verification and Access to Records / Documentation

An application for entering into an arrangement or understanding involving site visit, on-site verification or access to records/documentation by a foreign government or a foreign third party either acting directly or through an Indian party as mentioned in Appendix 3 of Schedule 2 of ITC (HS) Classifications of Export and Import Items shall be made in ANF 2 P to DGFT (Hqrs.), New Delhi along with documents prescribed therein. These applications shall be considered by an Inter-Ministerial Working Group (IMWG) in DGFT (Hqrs.) based on following guidelines/general criteria:

- I. Following factors, among others, will be taken into account in the evaluation of applications for entering into an arrangement or understanding for site visits, on-site verification and access to records/ documentation:
 - a Purpose for which arrangement / understanding is proposed under which site visit or on-site verification or access to records/documentation is to be undertaken.
 - b Credentials and details of the parties involved.

- c Credentials of end-user, credibility of declarations of end-use of the items or technology, the integrity of chain of transmission of the item from the supplier to the end-user, and on the potential of the item or technology, including the timing of its export, to contribute to end-uses that are not in conformity with India's national security or foreign policy goals and objectives, the objectives of global non-proliferation, or its obligations under treaties to which it is a State party.
- d The assessed risk that the arrangement / understanding could lead to dual-use items and technology falling into the hands of terrorists, terrorist groups and non-State actors.
- e In case site visit, on-site verification or access to records/ documentation is to be carried out by a foreign government or its representative(s), the following shall be taken into consideration :-
 - (i) Export control measures instituted by the foreign government;
 - (ii) Capabilities and objectives of programs of the foreign government relating to weapons and their delivery.
- f Applicability of relevant bilateral and multilateral agreements to which India is a party.
- g Assessment of any threat that such site visit, on-site verification or access to records/ documentation may pose to India's national security, and relations with any other country.
- h Assessment of possible links of the foreign parties with terrorist organizations and non-state actors within their own country or in any other country.

II. Permission for arrangement or understanding involving site visit, on-site verification or access to records / documentation will be subject to the following conditions:

- a. Site visit, on-site verification or access to records /documentation will be confined to the purpose, sites and activity for which permission given/which have been mentioned in the authorisation.
- b. Site visit, on-site verification or access to records/ documentation will be allowed only to individuals mentioned in the authorisation.

- c. Site visit, on-site verification or access to records/ documentation shall be concluded during the period mentioned in the authorisation.
- d. Exporter/Importer will keep a record of site visit, on site verification or access to records/documentation alongwith detail of individuals who visited the premises during this visit and produce the same as and when required to do so by the Government of India.
- e. No exchange of goods, services and technologies and any documentation including drawings, specification sheets etc. will take place during the visit.
- f. Exporter/importer may be required to give any additional assurance that the Government of India may require.
- g. Any other condition that may be stipulated in the permission.

III. Provisions of Weapons of Mass Destruction Act, 2005 shall also apply to an arrangement or understanding that involves site visit, on-site verification or access to records/ documentation.

IV. Any violation of any condition of the license shall invite civil/ criminal prosecution as per law.

2.79 Issue of authorization for repeat orders

Applications for grant of authorization for **repeat orders** to the applicant exporter for export of **same SCOMET items to the same country/entities** shall be approved by Chairman IMWG, without any consultation with IMWG members. However, in cases of repeat orders for export of same SCOMET items to different country/entities, approval will be granted by Chairman, IMWG after verification of the credentials of foreign buyer/consignee/end user only.

The approval will be subject to the fulfillment of the following criteria:

- (i) **Same SCOMET items** would imply that the products, along with the technical specifications, are exactly the same for which export authorization has been issued to the applicant exporter earlier after due consultation/verification;
- (ii) **Same country/entities** would imply that (a) the foreign buyer (b) the consignee or the intermediaries, if any (c) the end user and (d) the end use are exactly the same for which export authorization has been issued to the applicant exporter earlier after due consultation/verification;

- (iii) Only the applications submitted within **three** years from the date of issue of original SCOMET authorization, after due verification/consultation process, will be eligible for repeat authorization;
- (iv) The cumulative quantity permitted against repeat export authorizations shall be commensurate with the operational capacity of the end user in respect of the relevant product, as certified by the end user. A certificate to this effect from the end user shall be submitted by the exporter along with the application for a repeat authorization;
- (v) A declaration by the authorized signatory on the qualifying conditions as per (i) to (iv) above shall be submitted by the exporter along with the application for consideration under the repeat order route;
- (vi) The authorization(s) for repeat orders shall be liable for recall/termination by the DGFT on receipt of an adverse report in respect of any of the export consignments;
- (vii) All authorizations for repeat orders shall be brought before IMWG in its subsequent meeting for confirmation of approval, on ex-post facto basis, and the IMWG would reserve its right to refuse further repeat authorizations based on its assessment of proliferation concerns.

2.79A Issue of export authorisation for "Stock and Sale" of SCOMET items

Stockist' refers to the entity abroad to whom the SCOMET items are originally exported by Indian principal/wholly owned subsidiary. The Stockist entity should be a subsidiary/principal company abroad of the Indian exporter. Applications for grant of authorization for export of SCOMET items for 'Stock & Sale' purpose shall be evaluated/considered by IMWG subject to the conditions prescribed as under:

a) Application for Authorization for Export of SCOMET items for 'Stock & Sale' purpose to the Stockist

- i. Export shall be permitted only from the principal company/the wholly owned subsidiary in India to their subsidiaries/principal company abroad on the basis of an End Use cum End User certificate (EUC) from the latter for 'stock & sale' purposes (as per Appendix 2S(iii)), when considered appropriate from the point of view of security and other critical considerations. The exhaustive list of countries to which exports would be done by the stockist needs to be indicated in the EUC for 'stock & sale' purposes. Documentary proof regarding relationship between exporter and stockist entity needs to be submitted at the time of application.

ii. The Stock & Sale Authorization holder would submit a statement of exports made from India, inventory with the stockist and transfers made to final end-users as on December 31st of each calendar year by 31st January of the following year. A consolidated statement would be required to be submitted within a period of 3 months from the expiry of the Stock & Sale Authorization.

iii. The items exported to the stockist entity under this authorization should be transferred to the final end-user within the validity period of the authorization. The authorization may be revalidated as per the procedure mentioned in Paragraph 2.80 of HBP.

iv. No applications for authorization for export of SCOMET items for 'Stock & Sale' purpose would be considered for items falling in Category 0 and 6 of the SCOMET list.

v. No export Authorisation for 'Stock & Sale' purpose shall be issued for 'Technology' in any category.

b) Application for permission for re-export/re-transfer from 'Stockist' to Ultimate end-user(s)

(i) Applications for re-export/re-transfer of items from the stockist entity to the end-user to be submitted to DGFT(Hq) as per ANF 20(a) along with the following documents (hereinafter referred to as required documents):-

- a. End-use/End-user certificate from each link in the supply chain as per Appendix- 2S (i)/2S(ii), as applicable
- b. Purchase Order(s)/Invoice(s)
- c. Technical specifications of the product to be transferred (only if there is any value addition in the product by the stockist)

(ii) Re-transfer within the same country by the stockist:-

- a) For any further transfer of these items by the stockist entity (to whom the items are originally exported by Indian principal/wholly owned subsidiary) to entity (ies), including end users, in the same country, the former shall obtain the required documents from each link in the supply chain and forward the same to the Indian applicant/licensee for the purpose of submission to DGFT(Hq) for seeking prior permission for such transfer. The IMWG may, however, relax this requirement of prior permission based on a Risk Assessment for such within same country sale/transfer.

b) In case of same country sale/transfer by the stockist entity, where IMWG has agreed to relax the requirement of prior permission, the required documents shall be submitted by the Indian applicant/licensee within 3 months of any such transfer. In such case, no link in the supply chain should be an entity outside the country and items should remain within the country.

c) Country would denote an independent sovereign entity which is a distinct national entity in political geography. Hence, transfers within an economic union or a customs union would not qualify as “same country transfers”.

(iii) Re-export outside the country by the stockist:- Application for re-export by the stockist entity to entity(ies) outside its country, shall be forwarded by the stockist entity to the Indian applicant/licensee, with the required documents from all links in chain of supply for the purpose of submission to DGFT(Hq) for seeking prior permission for such transfer.

(iv) Applications for re-export/re-transfer of SCOMET items from the stockist entity to the end-user for repeat orders shall be considered by IMWG on automatic basis, subject to the condition that the product along with the technical specifications; the foreign buyer; the consignee or the intermediaries, if any; the end user; the end use and the country of destination, shall be the same as the earlier permission.

2.79B Issue of export authorisation for spare parts of SCOMET items under stock and sale

At the request of the applicant, export permission for spare parts covered under SCOMET may be considered by IMWG along with the application for the main item/equipment. Accordingly, the applicant seeking permission for export of spares may indicate the requirement of spares in the application for main equipment after judicious and reasonable assessment thereof, and provide the justification for the same.

2.80 Revalidation of SCOMET authorisation

Export license for SCOMET items may be revalidated by RA concerned as per para 2.20 (b) of HBP.

2.81 Export of SCOMET Category 6 items

Notwithstanding anything contained in Paragraphs 2.73 to 2.80, Export of SCOMET Category 6 items will be permitted against an authorisation issued by Department of Defence Production. The grant of authorisation will be governed by the Standard

Operating Procedure (SOP) issued for the purpose by Department of Defence Production.

2.82 Timeline for comments/NOC

The members of IMWG will endeavour to furnish their written comments/views/No Objection to DGFT within 30 days from the date of forwarding of applications by DGFT (Hqrs.). If no comments/views/No Objection is received within the stipulated period. The cases will be placed before IMWG for taking a decision as deemed appropriate.

4.27 Exports/Supplies in anticipation or subsequent to issue of an Authorisation.

- a) Exports / supplies made from the date of EDI generated file number for an Advance Authorisation, may be accepted towards discharge of EO. Shipping / Supply document(s) should be endorsed with File
- b) Number or Authorisation Number to establish co-relation of exports / supplies with Authorisation issued. Export/supply document(s) should also contain details of exempted materials/inputs consumed.
- c) If application is approved, authorisation shall be issued based on input / output norms in force on the date of receipt of application by Regional Authority. If in the intervening period (i.e. from date of filing of application and date of issue of authorisation) the norms get changed, the authorization will be issued in proportion to provisional exports / supplies already made till any amendment in norms is notified. For remaining exports, Policy / Procedures in force on date of issue of authorisation shall be applicable.
- d) The export of SCOMET items shall not be permitted against an Authorisation until and unless the requisite SCOMET Authorisation is obtained by the applicant.**
- e) Exports/supplies made in anticipation of authorisation shall not be eligible for inputs with pre-import condition.

Export Control List – SCOMET (updated as on 03.07.2018)

Updated SCOMET List contained in Appendix 3 to Schedule 2 of ITC (HS) Classification of Export and Import Items is available on the website of DGFT (www.dgft.gov.in) .

To view [Click here](#).

SCOMET Notifications

Relevant Notifications for SCOMET are:

Notification No.	Date	Brief Subject
Notification No. 19	04.08.2016	Import/export policy for Human Biological Samples for commercial purposes
Notification No. 13	29.06.2016	Exports and Imports to Iran
Notification No. 5	24.04.2017	Comprehensive revision of Appendix 3 (SCOMET) of ITC(HS) Classification of Export and Import Items and Import Items
Notification No. 41	21.03.2017	Para 2.17 of FTP on Imports and Exports to Democratic People`s Republic of Korea
Notification No. 13	28.06.2017	Amendment in export policy of Schedule 3 (Cat. 1C) chemicals
Notification No. 29	21.09.2017	Inclusion of further items of Australia Group in Export List
Notification No. 52	07.03.2018	Amendment in Para 2.17 of the FTP to prohibit direct or indirect import and export from/to DPRK
Notification No.17	03.07.2018	Harmonisation of SCOMET list to align with recent update in AG,WA and MTCR 2017

SCOMET Public Notices

Relevant Public Notices for SCOMET are:

Public Notice No.	Date	Brief Subject
Public Notice No. 4	24.04.2017	Amendments in Paras 2.72, 2.73, 2.74,2.81 & 2.82 and Appendix 2S of the HBP, 2015-2020
Public Notice No. 7	17.05.2017	Inclusion of 'Stock & Sale' policy for SCOMET items
Public Notice No. 11	26.07.2017	Amendment in paras 2.16, 2.20, 2.51, 2.74, 2.79 and 2.80 of HBP
Public Notice. 27	21.09.2017	Amendment to Paragraph 2.72 (b) of the HBP on Catch all control

Public Notice No.19	03.07.2018	Amendment to Paragraph 2.74 and Para 2.79A of the HBP
Public Notice No.20	12.07.2018	Simplifying the procedure for export authorisations for repeat order

SCOMET Trade Notices / Circulars

Relevant Trade Notices for SCOMET are:

Trade Notice / Circular No.	Date	Brief Subject
Trade Notice No. 20	06.07.2018	Issuance of export authorisation/license centrally by DGFT (Hqrs.) for export of SCOMET items.

SCOMET Application Forms (ANFs)

ANF- 2 O

APPLICATION FORM FOR EXPORT OF SCOMET ITEMS LISTED IN APPENDIX 3 TO SCHEDULE 2 OF ITC (HS) CLASSIFICATION OF EXPORT AND IMPORT ITEMS

[Applicable for fresh SCOMET license including for Stock & Sale(transferring item from Indian exporter to Stockist entity)]

[Please see guidelines at the end before filling the application]

ANF- 2 O

APPLICATION FORM FOR EXPORT OF SCOMET ITEMS LISTED IN APPENDIX 3 TO SCHEDULE 2 OF ITC (HS) CLASSIFICATION OF EXPORT AND IMPORT ITEMS

[Please see guidelines at the end before filling the application]

1.Applicant Details:																			
i IEC																			
ii. Name																			
iii. Address	Flat/Plot/Block No.																		
	Street/Area/Locality																		
	City																		
	State													PIN Code					
iv. TeleNo.	(1)	Country Code	Area Code				Tel.No.												
	(2)																		
v. Fax No.		Country Code	Area Code				Fax No.												
vi. E-mail address where authorisation to be sent	E-mail (1)						E-mail (2)												
	Tele No.						Mobile No.												

2. Details of SCOMET items in Appendix 3 to Schedule 2 of ITC (HS) Classifications of Export & Import Items applied for export: (If required, attach extra sheet (A4 size) in the same format)								
Sl. No.	SCOMET Category i.e. 1B, 1C, 2, 3, 4, 5 and 7	SCOMET Item No	Description of export item/s including technical specification	ITC (HS) Code No. (if available)	Quantity	Total FOB Value		
						In relevant Foreign Currency	In Rupees	In US\$

3. Details of exports of SCOMET items in the preceding 3 licensing years. (Details of the export last made, if no export was made during the preceding licencing year): (If required, attach extra sheet (A4 size) in the same format)						
Sl. No.	Export Licence No. & Date and Issuing Regional Authority	Details of items exported		Qty exported	Country to which exported	DGFT's (HQ's) File Number
		Category	Description			

4.Shipment Details:	
i. Port of Loading/Shipment	
ii. Port of Discharge	
iii. Country to which item to be exported	
iv. Ultimate Destination Country	

5. Purpose of Export (please tick and give clarification if any):	
i. Trade	
ii. Sample	
iii. Display/Exhibition	

6A.Foreign Buyer Details:		
i. Name		
ii. Address	Flat/Plot /Block No.	
	Street/Area/Locality	
	City	

	Country		Postal Code															
iii. Telephone No.	(1)	Country Code	Area Code				Tel.No.											
	(2)																	
iv. Fax No.		Country Code	Area Code				Fax No.											
v. E-mail																		
vi. Export Order No. and date																		

6B. Consignee Details: (If same as Foreign Buyer write "SAME As in 6A")																	
i. Name																	
ii. Address	Flat/Plot/Block No.																
	Street/Area/Locality																
	City																
	Country					Postal Code											
iii. Telephone No.	(1)	Country Code	Area Code				Tel.No.										
	(2)																
iv. Fax No.		Country Code	Area Code				Fax No.										
v. E-mail																	

6C. End User Details: (If same as Foreign Buyer and/or Consignee write "SAME As in 6A and/or 6B" as the case may be)																	
i. Name																	
ii. Address	Flat/Plot /Block No.																
	Street/Area/Locality																

	City													
	Country					Postal Code								
iii Tele No.	(1)	Country Code			Area Code				Tel.No.					
iv. Fax No.	(2)	Country Code			Area Code				Fax No.					
v. E-mail														
vi. End product for which the item of export will be used by the end user														
vii. Purpose for which the end product will be utilized														
viii. Is end user an entity of Government of destination country?														
ix. Manufacturing/Business/other activity of the end user														

7.Details of Banks through which financial transactions relating to this export will be executed:													
a. In Destination Country													
i. Name of the Bank													
ii. Address of the Bank	Flat/Plot /Block No.												
	Street/Area/Locality												
	City												
	Country					Postal Code							
iii. SWIFT Code:													
iv. I BANK													
b. In India													

i. Name of the Bank											
ii. Address of the Bank	Flat/Plot /Block No.										
	Street/Area/Locality										
	City										
	State					PIN Code					
iii. IFSC Code											

8.If applied for export on repeat basis in the same licensing year for same product , same end use and to the same end user, please furnish:	
i. Reference Number and date vide which earlier permission was granted	
ii. Export Licence number and date	
iii. Quantity allowed for export	
iv. Quantity exported on the date of this application	

9. Details of Producer/Manufacturer of the item to be exported:											
i. Name											
ii. Address	Flat/Plot /Block No.										
	Street/Area/Locality										
	City										
	State					PIN Code					

10. Period during which the item is proposed to be exported from India	
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For Use in DGFT office only (To be filled by the applicant).	
11A. Application Submission Details (if submitted electronically):	
i. ECOM Reference Number	
ii. Date of Submission on Server	
iii. Submitted to which Regional Authority	

iv. File Number & Date of Issue	
v. Application Fee submission details viz. Amount in Rupees, Demand Draft No./Electronic Fund Transfer No. and Date and the name & branch of the bank on which drawn	
11B. Jurisdictional Regional Authority:	

DECLARATION/UNDERTAKING

1. I / We hereby certify that:

- (i) I/We hereby declare that the particulars and the statements made in this application are true and correct to the best of my / our knowledge and belief and nothing has been concealed or held there from.
- (ii) I/We fully understand that any information furnished in the application if found 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 undertake to abide by the provisions of the FT (D & R) Act, 1992, as amended, the Rules and Orders framed there under, FTP, HBP, Appendices and Aayat Niryat Forms and ITC (HS).
- (iv) I/We hereby certify that:
 - A. the entity for whom the application has been made have not been penalized under any of the following Acts (as amended from time to time):
 - (i) The Customs Act, 1962,
 - (ii) The Central Excise Act 1944,
 - (iii) Foreign Trade (Development & Regulation) Act 1992, as amended, and
 - (iv) The Foreign Exchange Management Act, 1999;
 - (v) The Conservation of Foreign Exchange, Prevention of Smuggling Activities Act, 1974
 - (vi) Weapons of Mass Destruction & their Delivery Systems (Prohibition of Unlawful Activities) Act, 2005
 - B. none of the Directors / Partners / Proprietor / Karta / Trustees of the company /firm /HUF/Trust, (as the case may be), is/are a Director(s) / Partner(s) / Proprietor / Karta / Trustee in any other Company/ firm / entity which is on the Denied Entity List (DEL) of DGFT or is in the caution list of RBI;
 - C. neither the Registered Office of the company / Head Office of the firm / nor any of its Branch Office(s)/ Unit(s)/ Division(s) has been declared a defaulter and has otherwise been made ineligible for undertaking import / export under any of the provisions of the Policy;
 - D. we have neither obtained nor applied for issuance of an Importer Exporter Code Number in the name of our Registered / Head Office to any other Licensing Authority.
- (v) I / We hereby declare that I / We have neither obtained nor applied for such benefits (including issuance of an Importer Exporter Code Number) in the name of our Registered / Head Office or any of our Branch(s) / Unit(s) / Division(s) to any other Regional Authority.

- (vi) we have complied with the conditions of all previous licences / authorisations issued to us for export of SCOMET items and wherever required have duly intimated the o/o DGFT, New Delhi along with documentary evidence regarding receipt of the items of export by the end-user within the stipulated time.
- (vii) I / We undertake to abide by the provisions of the FT (D & R) Act, 1992, as amended, the Rules and Orders framed there under, FTP, HBP and ITC (HS) and submit all requisite documents to the o/o DGFT (SCOMET Section), failing which I/We shall be liable to action under FT (D & R) Act, 1992 as amended or rules and orders made there under, and the Customs Act, 1962.
- (viii) I hereby certify that I am authorised to verify and sign this declaration as per Paragraph 9.6 of the Policy.

Signature of the Applicant											
Name											
Designation											
Official Address	Flat/Plot/Block No.										
	Street/Area/Locality										
	City										
	State					PIN Code					
Telephone		Country Code	Area Code				Tel.No.				
Place:											
Date:											

GUIDELINES FOR APPLICANTS
(Please also see paragraph 2.73 of HBP)

1. IEC must not be in DEL.
2. One original application in the prescribed format ANF 20 and ANF 1 and six copies thereof along with self-certified copies of the documents as in Para 3 below must be submitted to DGFT (HQ), Udyog Bhavan, New Delhi. Each page of the original application has to be signed by the applicant with stamp of the company.
3. Application must be accompanied by self-certified copies of the following documents:
 - (i) **Purchase Order** from the Foreign Buyer, Consignee and End –User in respect of items mentioned in Col.2 of ANF20
 - (ii) **End User Certificate(s)** (Also see Para 4 below).
 - (iii) **Technical Specifications** (not exceeding one page for each item) for the items to be exported.
 - (iv) (a)**Bills of Entry(BEs)** into the destination country for items exported during the last one year as per information in column No. 3 of the application. In Col. 3 details of exports are to be given for last 3 years. However, BEs for the last 1 year only are to be submitted.
(b) BEs as above are to be submitted with the 1st application of the financial year only. From the 2nd application onwards, the exporter shall make a reference in the forwarding letter that the BEs have been submitted with the 1st application giving DGFT's File No. of 1st application. Copy of the forwarding letter of 1st application to be attached with every subsequent application.
 - (v) If a third party or contractor is involved, details of Contract or Agreement between the Foreign Buyer and End User with third party must be submitted, along with copy of contract or agreement.
4. **End User Certificate :-** Original End User certificate (in the prescribed format **Appendix 2 R** on Letter Head of all entities in the chain of supply viz. the foreign buyer, the end user and intermediaries/consignee (if they are different from the foreign buyer and end user) indicating complete details of the export product, end product, end purpose for which the item of export will be used by end user and complete address and telephone No. of end user must be furnished along with original application. End User Certificate from the following must also be submitted:
 - (i) The Foreign Buyer, if different from the End User.
 - (ii) The Consignee, if different from the Foreign Buyer & End User.
 - (iii) Other intermediary/ies, if any.
 - (iv) End User Certificates from Foreign Buyer, Consignee and End User must reflect the logical flow of items.
 - (v) Each EUC must mention details of items (including technical specifications) as in Col. 2 of the application (ANF 20), duly matching with the same as in Purchase Order.
 - (vi) 1(one) original End Use-cum-End User Certificate covering the entire item(s) applied for, only from each of the entities in supply chain i.e., Foreign Buyer, Consignee/intermediary(ies) and End User is to be filed.
5. Details of the item(s) given in ANF 20, End User Certificate(s) and Purchase Order(s) must match completely.

6. While filling ANF 2O, care should be taken to ensure the following:-
- (i) Category of the items proposed to be exported as per Appendix 3 of ITC (HS) Classifications of Export and Import Items should be clearly mentioned.
 - (ii) Port of discharge and route must be clearly defined. Route/mode of transport cannot be changed after export licence has been issued.
 - (iii) Against column 6A, 6B & 6C, complete address should be given. P.O. Box No. will not be accepted.
 - (iv) All columns must be filled correctly and completely.

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3. Details of exports of stocked items made previously						
Sl. No.	Approval No. & Date	Details of items exported		Qty exported	Country to which exported	DGFT's (HQ's) File Number
		Category	Description			

4. Shipment Details:	
i. Port of Lading/Shipment	
ii. Port of Discharge	
iii. Country to which item to be exported	
iv. Ultimate Destination Country	

5. Purpose of Export	
i. Re-export of Stocked Items	

6A. Foreign Buyer Details:															
i. Name															
ii. Address	Flat/Plot /Block No.														
	Street/Area/Locality														
	City														
	Country						Postal Code								
iii. Telephone No.			Country Code			Area Code				Tel.No.					
	(1)														
(2)															
iv. Fax No.			Country Code			Area Code				Fax No.					
v. E-mail															
vi. Export Order No. and date															

v. E-mail	
vi. End product for which the item of export will be used by the end user	
vii. Purpose for which the end product will be utilized	
viii. Is end user an entity of Government of destination country?	
ix. Manufacturing/Business/ other activity of the end user	

7.If applied for re-export on repeat basis under the same 'Stock & Sale' authorization for same product , same end use and to the same end user, please furnish:	
i. Reference Number and date vide which earlier permission was granted	
iii. Quantity allowed for export	
iv. Quantity exported on the date of this application	

8. Details of 'Stock & Sale' authorization under which item was exported:	
i. Authorization Number	
ii. Authorization Date	
iii. DGFT(Hq) file number	
iv. DGFT(Hq) approval meeting number	
v. DGFT(Hq) approval meeting date	

For Use in DGFT office only (To be filled by the applicant).	
9A. Application Submission Details (if submitted electronically):	
i. ECOM Reference Number	
ii. Date of Submission on Server	
iii. Submitted to which Regional Authority	
iv. File Number & Date of Issue	
v. Application Fee submission details viz. Amount in Rupees, Demand Draft No./Electronic Fund Transfer No. and Date and the name & branch of the bank on which drawn	

9B. Jurisdictional Regional Authority of original 'Stock & Sale' authorization:	
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DECLARATION/UNDERTAKING

2. I / We hereby certify that:

(ix) I/We hereby declare that the particulars and the statements made in this application are true and correct to the best of my / our knowledge and belief and nothing has been concealed or held there from.

(x) I/We fully understand that any information furnished in the application if found incorrect or false will render me / us liable for any penal action or other consequences as may be prescribed in law or otherwise warranted.

(xi) I/We undertake to abide by the provisions of the FT (D & R) Act, 1992, as amended, the Rules and Orders framed there under, FTP, HBP, Appendices and Aayat Niryat Forms and ITC (HS).

(xii) I/We hereby certify that:

D. The entity for whom the application has been made have not been penalized under any of the following Acts (as amended from time to time):

(i) The Customs Act, 1962,

(ii) The Central Excise Act 1944,

(iii) Foreign Trade (Development & Regulation) Act 1992, as amended, and

(iv) The Foreign Exchange Management Act,1999

(v) The Conservation of Foreign Exchange, Prevention of Smuggling Activities Act, 1974

(vi) Weapons of Mass Destruction & their Delivery Systems (Prohibition of Unlawful Activities) Act, 2005

E. None of the Directors / Partners / Proprietor / Karta / Trustees of the company /firm /HUF/Trust, (as the case may be), is/are a Director(s) / Partner(s) / Proprietor / Karta / Trustee in any other Company/ firm / entity which is on the Denied Entity List (DEL) of DGFT or is in the caution list of RBI;

F. Neither the Registered Office of the company / Head Office of the firm / nor any of its Branch Office(s)/ Unit(s)/ Division(s) has been declared a defaulter and has otherwise been made ineligible for undertaking import / export under any of the provisions of the Policy;

D. We have neither obtained nor applied for issuance of an Importer Exporter Code Number in the name of our Registered / Head Office to any other Licensing Authority.

(xiii) I / We hereby declare that I / We have neither obtained nor applied for such benefits (including issuance of an Importer Exporter Code Number) in the name of our Registered / Head Office or any of our Branch(s) / Unit(s) / Division(s) to any other Regional Authority.

(xiv) We have complied with the conditions of all previous licences / authorisations issued to us for export of SCOMET items and wherever required have duly intimated the o/o DGFT, New Delhi

along with documentary evidence regarding receipt of the items of export by the end-user within the stipulated time.

(xv) I / We undertake to abide by the provisions of the FT (D & R) Act, 1992, as amended, the Rules and Orders framed there under, FTP, HBP and ITC (HS) and submit all requisite documents to the o/o DGFT (SCOMET Section), failing which I/We shall be liable to action under FT (D & R) Act, 1992 as amended or rules and orders made there under, and the Customs Act, 1962.

(xvi) I hereby certify that I am authorised to verify and sign this declaration as per Paragraph 9.6 of the Policy.

Signature of the Applicant													
Name													
Designation													
Official Address	Flat/Plot/Block No.												
	Street/Area/Locality												
	City												
	State					PIN Code							
Telephone		Country Code		Area Code				Tele No.					
Place:													
Date:													

ANF- 2 P

APPLICATION FORM FOR REQUEST FOR ENTERING INTO AN ARRANGEMENT OR UNDERSTANDING THAT INVOLVES SITE VISIT, ON-SITE VERIFICATION OR ACCESS TO RECORDS / DOCUMENTATION AS MENTIONED IN APPENDIX 3 TO SCHEDULE 2 OF ITC (HS) CLASSIFICATION OF EXPORT AND IMPORT ITEMS

[Please see guidelines (at the end) before filling the application]

1. IEC Number*

*IEC should not be under DEL on the date of application.

2. Applicant Details:

i. Name

ii. Address

3. Applicant Fee Details:

i. Amount in Rupees

ii. Demand Draft/Bank Receipt/Electronic Fund Transfer Number

iii. Date of issue/Transfer

iv. Name of Bank on which drawn

v. Bank Branch on which drawn

4. Jurisdictional Regional Authority:

5. Detail of activities and operations:

6. Details of the provisions of the arrangement or understanding involving site visits / on-site verification / access to records / documentation (e.g. *nature of documentation, mode of verification, nature and frequency of site visits etc.*) Please include all details and attach the draft of relevant declaration / arrangement / MOU etc. *

* Enclose additional sheet if required

7. Purpose of arrangement/understanding involving site-visit / on-site verification / access to record / documentation (please tick and give clarification, if any):

i. Export of SCOMET Items

ii. Import of SCOMET Items

8. In case purpose is export / import of SCOMET Items, following details may be provided :

(a). Details of SCOMET items in Appendix 3 of Schedule 2 of ITC(HS) Classification of Export & Import Items:

Sl. No.	Description of export / import items including technical specification	SCOMET Category i.e. 1B, 1C, 2,3,4,5 and 7	SCOMET Item No.	ITC (HS) Code No. (if available)	Quantity

(b) End user Details :	
i. Name	
ii. Address	
iii. Telephone No.	iv. Fax No.
v. Location (Country) of end user	
vi. End product for which the item of export will be used by the end user	
vii. Purpose for which the end product will be utilized	
viii. Is end user an entity of Government of destination country?	
ix. Manufacturing / Business / other activity of the end user	

9. Details of export / import of SCOMET items in the preceding 3 licensing years:										
Sl. No.	Export / Import Licence/Authorization Details				Category & Description of items Exported / Imported	Qty. exported / imported	Date of Shipment	FOB Value of Exports / Imports (US \$)	Country to/ from which exported / imported	Name of the End User
	No.	Date	Qty	Value (US \$)						

10. Details of the Foreign Government / Foreign Third Party**	
i. Name	
ii. Address	
iii. Telephone No.	iv. Fax No.
v. Is the party, an entity of Govt. of that country?	

** Detailed profile to be enclosed.

11. If the visit / verification / access to records will be through an Indian Party, details of the Indian Party :	
i. Name	
ii. Address	
iii. Telephone No.	iv. Fax No.
v. Address of Corporate Office.	

12. (a) Period of arrangement or understanding that involves site visit, on-site verification or access to records / documentation:
(b). Proposed number of visits (indicate the number date/period of such visit):

13. Detail of sites and activities which will be covered by the arrangement / understanding #	
(l)	
i. Address	
ii. Telephone No.	iii. Fax No.

iv. Nature of Unit: Corporate Office / Registered Office / Branch Office /Manufacturing unit / Laboratory.
(v) Activity.
(II)
i. Address
ii. Telephone No. iii. Fax No.
iv. Nature of Unit: Corporate Office / Registered Office / Branch Office /Manufacturing unit / Laboratory.
v. Activity.

Enclose additional sheet, if required.

14. Details of persons / individuals who shall visit during site visit / on-site verification etc. ##
(I)
i. Name
ii. Address
iii. Nationality
iv. Position / Designation in the foreign government / foreign third party / Indian Party
v. Telephone No. vi. Fax No.
(II)
i. Name
ii. Address
iii. Nationality
iv. Position / Designation in the foreign government / foreign third party / Indian Party
v. Telephone No. vi. Fax No.

Enclose additional sheet, if required.

15.If applied for permission for entering into arrangement / understanding that involves site visit, on-site verification or access to records / documentation on repeat basis during last five (5) licensing years for the same purpose, please furnish:
Reference Number and date vide which earlier permission granted

16.Foreign Collaborator Details (As registered with GOI/RBI) (If No foreign collaboration exists, please state 'None')
i. Name
ii. Address

DECLARATION/UNDERTAKING

1	I/We hereby certify that : A. the entity for whom the application has been made have not been penalized under any of the
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	<p>following Acts (as amended from time to time):</p> <ol style="list-style-type: none"> a. The Customs Act, 1962, b. The Central Excise Act 1944, c. Foreign Trade (Development & Regulation) Act 1992, and d. The Foreign Exchange Management Act,1999; e. The Conservation of Foreign Exchange, Prevention of Smuggling Activities Act, 1974 f. Weapons of Mass Destruction & their Delivery Systems (Prohibition of Unlawful Activities) Act, 2005 <p>B. none of the Directors / Partners / Proprietor / Karta / Trustees of the company /firm /HUF/Trust, (as the case may be), is/are a Director(s) / Partner(s) / Proprietor / Karta / Trustee in any other Company/ firm / entity which is on the Denied Entity List (DEL) of DGFT or in the caution list of RBI;</p> <p>C. neither the Registered Office of the company / Head Office of the firm / nor any of its Branch Office(s)/ Unit(s)/ Division(s) has been declared a defaulter and has otherwise been made ineligible for undertaking import / export under any of the provisions of the Policy;</p> <p>D. we have not obtained nor applied for issuance of an Importer Exporter Code Number in the name of our Registered / Head Office to any other Licensing Authority</p>
2	I/We undertake to abide by the provisions of the Foreign Trade (Development and Regulation) Act, 1992, as amended, the Rules and Orders framed there under, the Foreign Trade Policy, the Handbook of Procedures and the ITC (HS) Classification of Export & Import Items.
3.	I/We fully understand that if any information furnished in the application is found incorrect or false will render me/us liable for any penal action or other consequences as may be prescribed in law or otherwise warranted.
4.	I/We hereby declare that the particulars and the statements made in this application are true and correct to the best of my/our knowledge and belief and nothing has been concealed or withheld therefrom.
5.	I / We hereby declare that I / We have not obtained nor applied for such benefits (including issuance of an Importer Exporter Code Number) in the name of our Registered / Head Office or any of our Branch(s) / Unit(s) / Division(s) to any other Regional Authority.
6.	I / We solemnly declare that I / We have applied for / obtained a RCMC to the EPC which pertains to our main line of business. In case we have applied to any other council, the application has been made within the purview of the provisions of Para 2.94 of the HBP .
7.	<p>(i) I/We further undertake to maintain record of the site visit, on-site verification or access to records/documentation and produce the same as and when asked to do so by the Government of India.</p> <p>(ii) I/We also hereby inform that we have complied with the conditions of all previous permissions issued to us for entering into an arrangement or understanding that involves site visit, on-site verification or access to records/documentation.</p>
8	I hereby certify that I am authorized to verify and sign this declaration as per Paragraph 9.6 of the Foreign Trade Policy.
Place:	Signature of the Applicant
	Name
	Designation
Date:	Official Address
	Telephone
	E-mail Address

GUIDELINES FOR APPLICANTS

(Please also see paragraph 2.78 of HBP)

1. One original application in the prescribed format ANF 2P and ANF 1 and six copies thereof along with self-certified copies of the documents as in para 2 below must be submitted to DGFT (HQ), SCOMET Section, Udyog Bhavan, New Delhi. Each page of the original application has to be signed by the applicant with stamp of the company.
2. Application must be accompanied by self-certified copies of the documents as per details given below:
 - (i) Copy of draft Declaration / draft Agreement / draft MOU proposed to be signed for entering into an Arrangement or Understanding that involves site visit etc.
 - (ii) Technical Specifications (not exceeding one page for each item) for the items to be exported / imported.
 - (iii) Profile of the foreign government / foreign third party / Indian party.
3. In case purpose of site visit / on-site verification is export / import, Original End User certificate (in the prescribed format Appendix 2R on Letter Head of the End User) indicating complete details of the export / import product, end product, end purpose for which the item of export / import will be used by end user alongwith complete address and telephone No. of end user must be furnished alongwith original application. End User Certificate from the following must also be submitted:
 - (i) By the final end user if the import is by a third party / contractor.
 - (ii) By the third party /contractor, if any, who is supplying goods to the end user.
4. Complete address(s) should be stated in relevant columns. P.O. Box number will not be accepted.

End User Certificates (EUCs)

Depending on the kind of product and the authorization, please use specific format provided in the Handbook of Procedures.

EUCs and their applicability :

Appendix- 2S (i)	<ul style="list-style-type: none">➤ Required for export of SCOMET items in Categories 2,3,4,5 & 8➤ Re-export/re-transfer in case of stocked items other than Category 1 (From Stockist to ultimate end user)
Appendix- 2S (ii)	<ul style="list-style-type: none">➤ Required for export of SCOMET items in Category 1 (Chemicals).➤ Re-export/re-transfer of stocked items by the Stockist to the final end-user for Category 1 items
Appendix- 2S (iii)	<ul style="list-style-type: none">➤ Application for Stock and Sale authorization for export of all SCOMET items (from Exporter to stockist)

APPENDIX- 2 S (i) END USE CUM END USER CERTIFICATE IN CASE OF EXPORT OF SCOMET ITEMS

PART 1: PARTIES CONCERNED

- (a) Name of Exporter
- (b) Name of Buyer
- (c) Buyer's Address
- (d) Name of Consignee
- (e) Consignee's Address
- (f) Name of End-User
- (g) End-User's Address
- (h) Specific Location where the items will be used (if different from (g))

PART 2: ITEMS (goods, software, technology)

- (a) Description of the item(s) (e.g. Name of Model, Class, Type, Serial Number)
- (b) Quantity/Weight /Value¹

- (c) Purchase order Number & Date of signature of contract

PART 3: DECLARATION

- a) The item(s) indicated in PART 2 will be used as capital equipment/ component / raw material / other use for

- b) The item(s) indicated in PART 2 are being processed or incorporated into another product² (as detailed in 3a above), for sale to ultimate end users located in _____
- c) I/we certify that the above-mentioned items (as detailed in the referenced purchase order) shall not be used for any purpose other than the purpose(s) stated above and that such use shall not be changed nor the items modified or replicated without the prior consent of the Government of India. Post shipment verification shall be allowed if required by the Government of India, as may be applicable. In case the above-mentioned item(s) include(s) technology, we certify that it will be treated as strictly confidential.
- d) The end-user shall not himself, or through another, cause the items, or replicas, or derivatives thereof to be re-transferred / sold without the consent of the Government of India, to any party within (country of final destination) _____ or outside it unless specifically exempted in the export authorization.
- e) I/We also certify that the above items imported by us shall not be used to develop, acquire, manufacture, possess, transport, transfer or use, chemical, biological, nuclear weapons or for missiles capable of delivering such weapons.
- f) I/we also certify that all the facts contained in this certificate are true and correct to the best of my knowledge and belief and that I/we do not know of any additional facts that are inconsistent with this certificate.

Signature: _____ Date: _____
(Signature of authorised signatory)

Name: _____ Designation: _____

Address: _____

Email: _____

Telephone number: _____

APPENDIX- 2 S (ii)
END USE CUM END USER CERTIFICATE IN CASE OF EXPORT OF
CHEMICALS

PART 1: PARTIES CONCERNED

- (a) Name of Exporter
- (b) Name of Buyer
- (c) Buyer's Address
- (d) Name of Consignee
- (e) Consignee's Address
- (f) Name of End-User
- (g) End-User's Address
- (h) Specific Location where the items will be used (if different from (g))

PART 2: ITEMS

- (a) Description of the item(s) (e.g. Purity/Concentration, IUPAC Name & CAS number)
- (b) Quantity/Weight

- (c) Purchase order Number & Date of signature of contract

PART 3: DECLARATION

- g) The item(s) indicated in PART 2 will be used for

- h) I/we certify that the above-mentioned items (as detailed in the referenced purchase order) shall not be used for any purpose other than the purpose(s) stated above and that such use shall not be changed nor the items modified or replicated without the prior consent of the Government of India. Post shipment verification shall be allowed if required by the Government of India, as may be applicable.
- i) The end-user shall not himself, or through another, cause the items, or replicas, or derivatives thereof to be re-transferred / sold without the consent of the Government of India, to any party within (country of final destination) _____
_____ or outside it.
- j) I/We also certify that the above items imported by us shall not be used to develop, acquire, manufacture, possess, transport, transfer or use, chemical, biological, nuclear weapons or for missiles capable of delivering such weapons and that the chemical(s) will only be used for purposes not prohibited under the Chemical Weapons Convention (CWC).
- k) I/we also certify that all the facts contained in this certificate are true and correct to the best of my knowledge and belief and that I/we do not know of any additional facts that are inconsistent with this certificate.

Signature: _____ Date: _____
(Signature of authorised signatory)

Name: _____ Designation: _____

Address _____ Telephone number: _____

_____ Email: _____

PART 4 – CERTIFICATION ON BEHALF OF THE RECEIPT STATE¹

As an authorised signatory for the government of the recipient state, I confirm that the chemical(s) described in Part 2, will be used by the entity named at 1(f) and that the chemical(s) will only be used for purposes not prohibited under the Chemical Weapons Convention (CWC) and the chemical(s) shall not be transferred to any other person or re-exported from the recipient country.

Signature _____ Date _____
(signature of official government representative)

Name: _____ Government department/ministry
stamp

Designation _____

Organization & Contact details:

APPENDIX- 2 S(iii)
END USE CUM END USER CERTIFICATE
IN CASE OF EXPORT OF SCOMET ITEMS FOR STOCK AND SALE PURPOSE

PART 1: PARTIES CONCERNED

- (a) Name of Exporter in India
- (b) Name of Stockist entity
- (c) Address of the Stockist entity
- (d) Details of relationship between exporter and stockist
- (e) Specific Location where the items will be held in stock/assembled (if different from (c))

- (f) Exhaustive list of countries to which goods are to be transferred on receipt of orders:

PART 2: ITEMS (goods, software, technology)

- (a) Description of the item(s) (e.g. Name of Model, Class, Type, Serial Number)
- (b) Quantity/Weight

- (c) Purchase order Number & Date of signature of contract

PART 3: DECLARATION

- l) The item(s) indicated in PART 2 will be used as capital equipment/ component / raw material / other use (select one) for

- m) I/we certify that the above-mentioned items (as detailed in the referenced purchase order) shall not be used for any purpose other than the purpose(s) stated above and that such use shall not be changed nor the items modified or replicated without the prior consent of the Government of India. Post shipment verification shall be allowed if required by the Government of India, as may be applicable.
- n) The stockist shall not himself, or through another, cause the items, or replicas, or derivatives thereof to be re-transferred / sold without the consent of the Government of India, to any party within (country of the stockiest entity) _____ or outside it.
- o) We further certify that the goods are intended for stock to be held against future orders and that the consent of the Government of India will be obtained for any transfer to end-users in the countries mentioned in Part 1(f) above. We undertake that we shall follow the conditions laid down in the export authorization granted to entity at 1(a)

above by the Government of India.

- p) I/We also certify that the above items imported by us shall not be used to develop, acquire, manufacture, possess, transport, transfer or use, chemical, biological, nuclear weapons or for missiles capable of delivering such weapons.
- q) I/we also certify that all the facts contained in this certificate are true and correct to the best of my knowledge and belief and that I/we do not know of any additional facts that are inconsistent with this certificate.

Sign here: _____ Date: _____
(Signature of authorised signatory of the stockist)

Name: _____ Designation: _____
(add name of signatory in capitals)

Address: _____ Telephone number: _____

_____ Email: _____

Requisite for e-filing of SCOMET application

1. The following documents are to be uploaded along with online application to enable electronic processing of such applications:
 - (i) End Use-cum-End User Certificate(s)(EUC) from all the firm/entities involved in the supply chain of the product(s) (to be furnished on their letter head(s) duly signed by the authorised signatory);
 - (ii) Copy(ies) of Purchase Order(s) of firm(s) involved in the supply chain of the item/product;
 - (iii) Aayat Niryat Form (ANF)-1 (profile of Exporter);
 - (iv) Elaborate technical specification relating to item of export;
 - (v) Copy(ies) of supply contract/agreement {if documents are bulky only the relevant portion containing contract reference and parties to the contract and the portion indicating the item(s) to be supplied and quantity thereof not exceeding 10 pages shall be uploaded};
 - (vi) Copy of DGFT authorization letter for the same product, if any in case of repeat application;

2. Hard copy of the following documents are required to be submitted to DGFT (HQ):
 - (i) Original End Use-cum-End User Certificate (EUC);
 - (ii) Copies of Bills of Entry into the destination country for items exported during the last one year.

3. End User Certificate

Original End User certificate (in the prescribed format as per Appendix 2S(i),2S(ii) or

2S(iii) on letter head of all entities in the chain of supply viz. the foreign buyer, the end user and intermediaries/consignee (if they are different from the foreign buyer and end user) indicating complete details of the export product, end product, end purpose for which the item of export will be used by end user and complete address and telephone no. of end user must be furnished along with original application.

Following must be kept in mind:

- a) End User Certificate from the following must also be submitted:
 - (i) End User
 - (ii) The Foreign Buyer, if different from the End User.
 - (ii) The Consignee, if different from the Foreign Buyer & End User.
 - (iii) Other intermediary/ies, if any.

- b) End User Certificates from Foreign Buyer, Consignee and End User must reflect the logical flow of items.
- c) Original End Use-cum-End User Certificate need to be submitted to DGFT.
- d) In case of export of Chemicals, End use cum end user certificate as per format provided in Appendix- 2S (ii) needs to be filled. For Export of chemicals specified in Category 1C to a country that is not a State Party to the Chemical Weapons Convention a Government signed End-Use Certificate is required.

4. Bills of Entry(BEs)

(i) Bills of Entry(BEs) into the destination country for items exported during the last one year as per information in column No. 3 of the application. In Col. 3 details of exports are to be given for last 3 years. However, BEs for the last 1 year only are to be submitted.

(ii) BEs are to be submitted with the 1st application of the financial year only. From the 2nd application onwards, the exporter shall make a reference in the forwarding letter that the BEs have been submitted with the 1st application giving DGFT's File No. of 1st application. Copy of the forwarding letter of 1st application to be attached with every subsequent application.

5. While filing ANF 20 in the online application, care should be taken to ensure the following:-

- (i) Category of the items proposed to be exported as per Appendix 3 of ITC (HS) Classifications of Export and Import Items should be clearly mentioned.
- (ii) Port of discharge and route must be clearly defined. Route/mode of transport cannot be changed after export licence has been issued.
- (iii) Against column 6A, 6B & 6C, complete address should be given.
- (iv) All columns must be filled correctly and completely.
- (v) Details of the item(s) given in ANF 20, End User Certificate(s) and Purchase Order(s) must match completely.
- (vi) If a third party or contractor is involved, details of Contract or

Agreement between the Foreign Buyer and End User with third party must be submitted, along with copy of contract or agreement.

(vii) IEC must not be in Denied Entity List

6. Guidelines for online filing of Application for Export of SCOMET Items

A detailed step by step guide for filling the online SCOMET application is available on the DGFT website (dgft.gov.in) under the 'Help' option which can be accessed as follows:-

1. Go to DGFT website. On the LHS menu, click on 'Help'.
2. Click on option 'Licensing Schemes' and then 'SCOMET Help'. Screen by screen help will open.

'ECOM Application' can be accessed at DGFT web portal as follows:

- o Click on 'ECOM Application' under ECOM Menu.
- o Sign in with IEC and Digital signature. Click on 'SCOMET'.
- o Main screen 'SCOMET' will open.
- o Click on option 'File'. Click on option 'Create'.
- o ANF 20 will open. Fill in the information as directed

While filling the online application please note

- i. All columns must be filled correctly and completely. No column is to be left blank. If information is not applicable, 'Not Applicable' may be filled in the space provided.
- ii. Where FOB value has to be filled, if the export does not have a commercial value, '00.00' may be filled.
- iii. Drop down lists have been provided wherever possible. Where no drop down list has been provided, requisite details must be filled in correctly in the space provided.

A check list for 'Uploaded documents' has been provided at the end of the application. Please tick whichever document has been uploaded.

'Master' screen:

(I) Port of Loading/Shipment must be selected from the drop-down list provided. Correct port must be selected. No change of route/mode of transport will be allowed after export licence has

been issued. Port of discharge must be filled in the space provided (No drop-down menu provided for this).

(II) FOB in Rupees and in relevant currency need not be filled in the 'Master' screen. This detail in 'Master' screen will get automatically populated once the same is filled in the 'Item of Export' screen.

(III) Fill in details in all columns on this screen. Then click on buttons/options given on the right side of this screen. Relevant screens will open. Proceed to fill each one.

'Item of Export' screen:

(IV) SCOMET Categories have been provided as a drop-down list. Correct category must be selected. SCOMET item number must be filled in correctly in the space provided.

(V) Space has been provided to fill in the details of maximum of six (6) items of export. If items are more than six (6), details must be uploaded as extra sheet in the same format as on the screen.

'Previous Export' screen:

(VI) For Previous Exports, drop-down menu for year has been provided. Select the respective year and fill in details.

'Foreign Buyer/Consignee/End-User' screen:

(VII) A drop down list has been provided for Foreign Buyer/Consignee/End- User. Choose each one from the drop-down list and fill details of each separately.

(VIII) Complete address should be given in respect of the Foreign Buyer, the Consignee and the End User.

'Bank Details' screen:

(IX) Filling 'Bank details' is mandatory. For applications where the consignment has no commercial value. 'Not Applicable' must be filled in all columns under 'Bank Details'.

(X) Giving details of IBAN, SWIFT Code and IFSC Code is mandatory.

If IBAN is not used in the country to which item is to be exported i.e. IBAN is not available, this may be mentioned. For example, if items are to be exported to South Korea and IBAN is not used in that country 'IBAN not used in South Korea' must be filled.

Help for e-filing of SCOMET Applications Before Login

NOTE: USE IE 11 OR HIGHER VERSION

- **Open DGFT website (www.dgft.gov.in)**
- **Go to** Home Page → Services → ECOM → Online ECOM application → e-filing of application → [click here for help](#)



विदेश व्यापार महानिदेशालय
DIRECTORATE GENERAL OF
FOREIGN TRADE

e-Filing of Applications

Before online filing of ECOM applications read Help

Procedures for online e-Filing of application have changed. PI read Help document with regards to eBRC implementation before proceeding with preparation of application.

Please note: Your e-BRCs will be available for attachment with shipping bills on DGFT e-com application server after 72 hours of uploading by the bank

[Click here for help](#)

If following screen displays :

This application is designed to run on IE8 or higher version and java run time environment version 1.6 or higher.

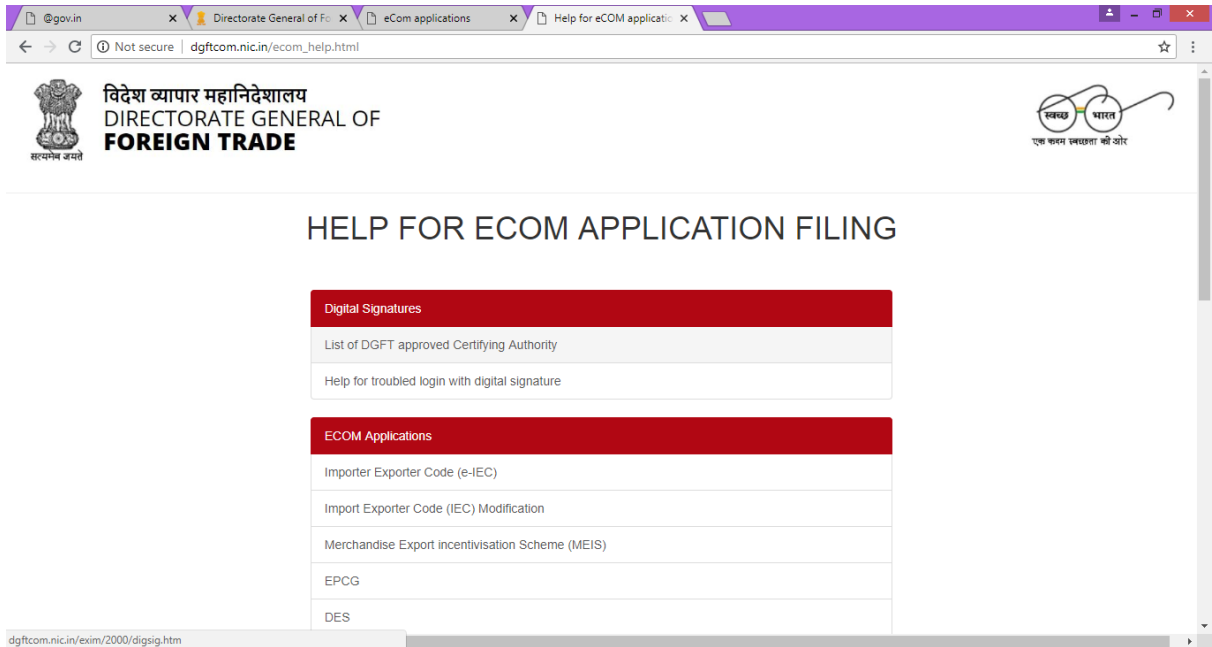
We have detected that you are trying to run the application from a non compatible environment.

1. Download and install latest JVM from websites www.java.com or www.java.sun.com
2. Clear cache of your browser and access the application again

NOTE: USE IE 11 OR HIGHER VERSION.

Please refer to the [document Help for troubled Login at DGFT web portal](http://dgftcom.nic.in/ecom_help.html) under at the address http://dgftcom.nic.in/ecom_help.html and make setting of your computer system or laptop accordingly. This is an useful tool for filing SCOMET application for the first time or using new / formatted machine .

About Digital Signature Certificate :



The screenshot shows the DGFT website's help page for eCOM application filing. The page header includes the DGFT logo and the text "विदेश व्यापार महानिदेशालय DIRECTORATE GENERAL OF FOREIGN TRADE". The main heading is "HELP FOR ECOM APPLICATION FILING". Below this, there are two main sections: "Digital Signatures" and "ECOM Applications".

Digital Signatures
List of DGFT approved Certifying Authority
Help for troubled login with digital signature

ECOM Applications
Importer Exporter Code (e-IEC)
Import Exporter Code (IEC) Modification
Merchandise Export Incentivisation Scheme (MEIS)
EPCG
DES



The screenshot shows the "LIST OF CERTIFYING AUTHORITIES" page on the DGFT website. The page header includes the Ministry of Commerce & Industry logo and the text "DIRECTORATE GENERAL OF FOREIGN TRADE". The list of certifying authorities is as follows:

- (n)Code Solutions CA
- e-Mudhra
- Safescript
- Sifycomm

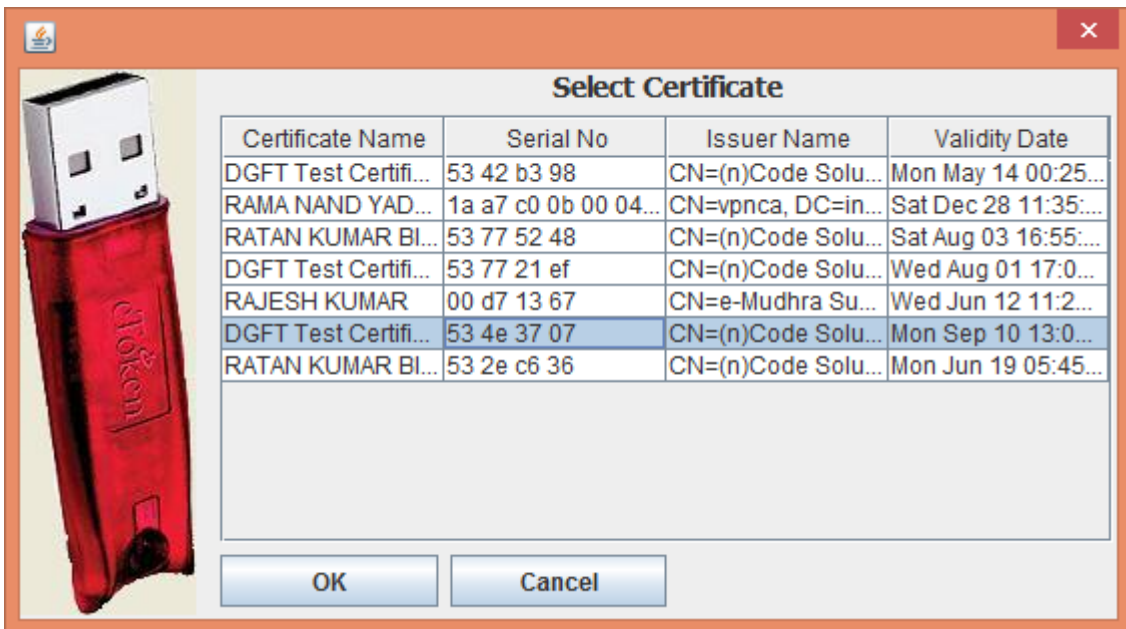
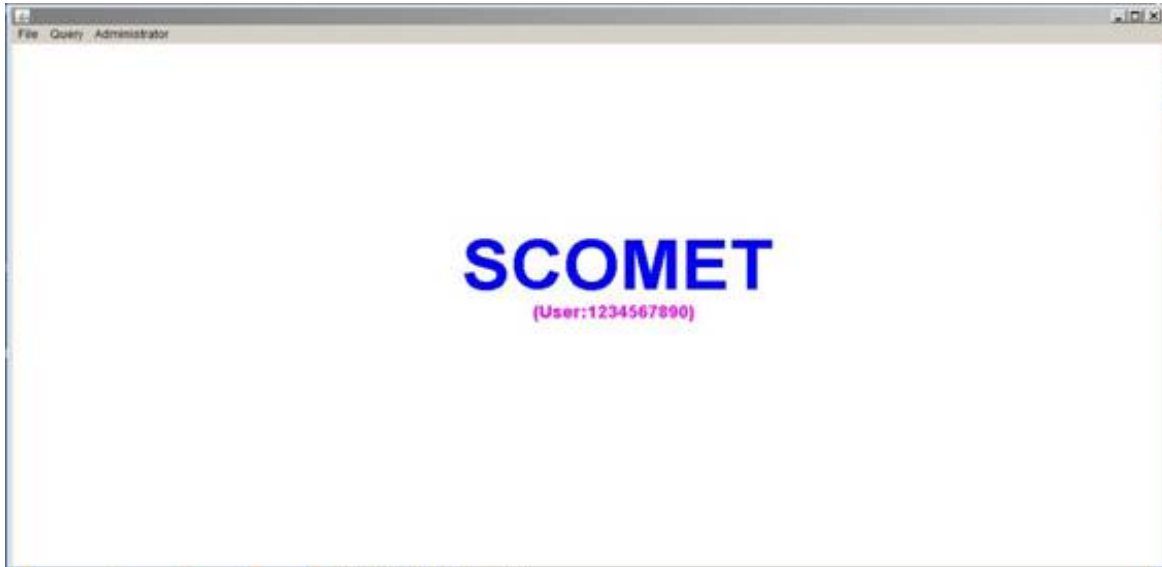
After Login

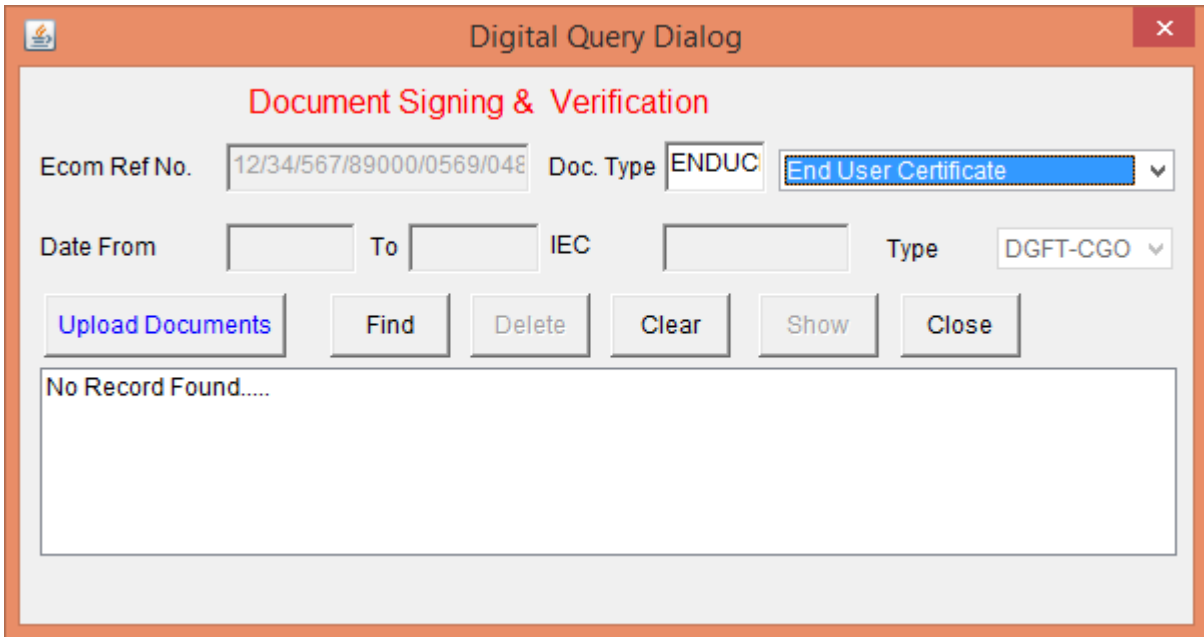
MAIN SCREEN

After successful login using **ECOM application** module through **Digital Certificate** on DGFT website, exporter will select the **SCOMET Application** Module.

This is the first screen that is displayed when the exporter clicks on the SCOMET online link.

In this there are three options in the menu bar- File, Query and Administrator

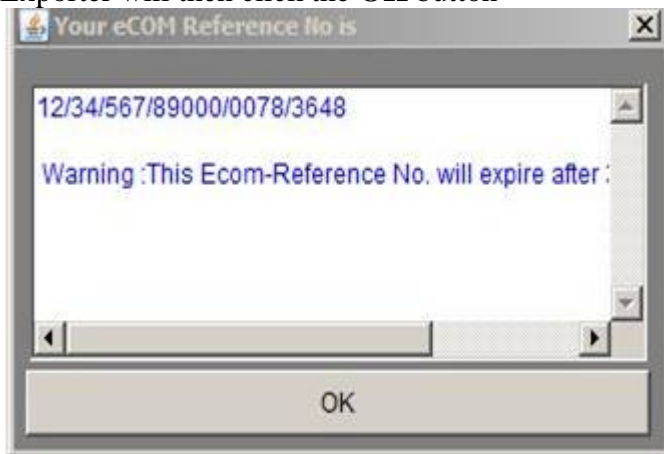




ECOM Reference Message Box

In the File menu option select the Create option, then the following message box will appear. It will show the 20 digit **ECOM Reference number**.

Exporter will then click the **OK** button



Master Screen

When the **OK** button is clicked on the above **ECOM Reference Number Message box** the following screen will appear

This is the **Master screen**.The user must enter all the details.

The screenshot shows the SCORET Master application window with the following fields and values:

- ECOM Ref No.:** 12/34/567/89000/0078/4254
- ECOM Date:** 21.03.2012
- IEC No.:** 1234567890
- Branch Code:** 0 (with a Find button)
- Address Section:**
 - Name:** DGFT TEST IEC
 - Flat/Plot/Block No.:** GATE NO 2, UDYOG BHAWAI
 - Street/Area/Locality:** 11-RAFI MARG
 - City/State:** DELHI
 - Country:** IND (INDIA dropdown)
 - PIN Code:** 110011
 - Telephone No.:** (empty)
 - Fax No.:** (empty)
 - E-mail (1):** (empty)
 - E-mail (2):** (empty)
- Calculated FOB:**
 - FOB in Rupees(Rs.):** 0.00
 - FOB in US Dollar:** 0.00
 - FOB in Relevant Currency:** 0.00
 - USD / US Dollars:** (dropdown)
- Shipment Details:**
 - Port of Loading/Shipment:** INABG1 Ailbag (dropdown)
 - Port of Discharge:** (empty)
 - Country to which item to be Exported:** IND (INDIA dropdown)
 - Ultimate Destination Country:** IND (INDIA dropdown)
 - Purpose of Export:** 1 Trade (dropdown)
- Period during Which item is to be Exported:**
 - From Date:** (empty)
 - To Date:** (empty)
 - Jurisdictional Regional Authority:** 1 New Delhi (dropdown)
- Buttons:** Save, CLOSE, Item of Export, Previous Exports, Foreign Buyer etc., Bank Details, Manuf/Prod., Declaration, Upload Documents, SUBMIT, Print Application.

In the above screen, enter the

- 1) Telephone No.
- 2) Fax details
- 3) Email (1) and Email(2)
- 4) Under the **shipping details** heading, enter the **Port of Loading/shipment** from the dropdown box.
- 5) Enter the **Port of Discharge**.
- 6) Select from the dropdown list box the “**country to which item is to be exported**”, the **ultimate Destination country** and the **Purpose of export**.
- 7) Enter the **From Date** and **To-date** under the heading “**Period during which item is to be exported**” in the **DD/MM/YYYY** format.
- 8) Select the **Jurisdictional Regional Authority** from the dropdown list box and by default it is New Delhi (DGFT headquarters).

Finally click the **save** button to save your details.

Now you can select from the options given on the right side.

Item of Export Screen

When the user clicks on the **Item of Export button**, following screen will be displayed

The screenshot shows a software dialog box titled "ExportItemsDetailsDialog" with the following fields and controls:

- ECOM Ref No.:** 12/34/567/89000/0078/4254
- ITC(HS) Code:** [Empty]
- SCOMET Category:** 1B
- Scomet Item No.:** [Empty]
- Name Of Export Item(s):** [Empty]
- Description of Export Item(s):** [Empty]
- Item Quantity:** [Empty]
- UOM:** NOS | Number
- FOB in Rupees(Rs):** [Empty]
- FOB in USD:** [Empty]
- FOB in relevant Foreign Currency:** [Empty]
- Currency Code:** USD | US Dollars
- Repeat Basis**
- Note:** If applied for export on repeat basis in the same licensing year for same product, same end use and to the same end user.
- Reference No./File No.:** [Empty]
- Date:** 01.01.1900
- License No.:** [Empty]
- Date:** 01.01.1900
- Quantity Allowed For Export:** 0.00
- UOM:** NOS | Number
- Quantity Exported:** 0.00
- Buttons:** ADD, UPDATE, DELETE, CLEAR, COPY, CLOSE

In the screen above,

- 1) Enter **ITC (HS) code** (if available).
- 2) Select the **SCOMET category** from the dropdown box.
- 3) Enter the **SCOMET Item No.**, **Name** and **Description of Item(s)** to be exported.
- 4) After that enter the **Item Quantity**.
- 5) Select the **Unit of Measurement (UOM)** from the dropdown box,
- 6) Enter **FOB in Rupees**, **FOB in USD** and **FOB in relevant Foreign Currency**.

If the user has already applied for export on **Repeat Basis** in the same licensing year for same product, same end use and to the same end user then he has to **check** in the repeat basis check box and he will enter the **File no**, **File date**, **License no.**, **License date**, **Quantity allowed for Export** and the **Quantity Exported** for export and its **UOM** from the dropdown box.

- If the exporter needs to enter another record on the same screen then they first have to click on the **CLEAR** button and then they can enter another record. After filling all the required entries, it is required to click on the add button again.
- If the exporter wishes to modify his/her data then they first have to select the required option from the list box and then make changes in the desired field and finally will click on the **UPDATE** button.
- Click on the **DELETE** button to delete a record which will remove the concerned record from the list box
- Click on the **CLOSE** Button if you want to close the above screen

Please note:

1. The fields that are marked by the Star (*) Symbol are mandatory.

2. Do not copy and paste in the text boxes as some special characters might be added.

Previous Export Screen

This is the Second option on the Master Screen. The Exporter will enter desired values and can Add/Update etc. as per his/her requirements. In this the exporter will enter the details of exports of SCOMET Items in the preceding 3 licensing years.

The screenshot shows a software window titled 'Previous Export - Rec: 0 of 0'. The main heading is 'Details of exports of SCOMET items in the preceding 3 licensing years. (Details of the export last made, if no export was made during the preceding licensing year)'. The form contains the following fields and controls:

- ECOM Ref. No.:** 12/34/567/89000/0078/4254
- Reference No./File No.:** [Empty text box]
- License No.:** [Empty text box]
- Quantity Exported:** 0.00
- Issuing Regional Authority:** 5 New Delhi
- Country to which Exported:** IND INDIA
- SCOMET Category:** 1B
- SCOMET Item No.:** [Empty text box]
- Previous Export:** 2005-2006 (dropdown menu)
- Date:** [Empty text box]
- Date:** [Empty text box]
- UOM:** NOS (dropdown menu) Number (dropdown menu)

Below the form are two large text areas for 'Name of Export Item(s)' and 'Description of Export Item(s)'. At the bottom, there is a note: 'Note: 5 Items to be allowed to enter.(if required , Upload Extra sheet in the above format)'. At the very bottom are buttons for 'Add', 'Update', 'Delete', 'Copy', 'Clear', and 'Close'.

In this screen,

- 1) Enter the **Previous export year** from the **drop down** box.
- 2) Enter the **File No.** and **Date**.
- 3) Enter the **License No.** and **Date**
- 4) Enter the **Quantity exported** and
- 5) Select the **issuing regional authority, country to which exported, SCOMET category** from the dropdown list box
- 6) Enter the **SCOMET Item No.** and then **Name** and **Description** of export Item. Here Name of Export Item is a mandatory field.

(**Please note:** Date format should be DD/MM/YYYY)

When the user clicks on the **Foreign Buyer button** on the **Master Screen** a message box will appear informing that details of each one Foreign Buyer, Consignee and End user are to be filled separately.



Foreign Buyer

As soon as **ok** button is clicked the following screen will appear. Exporter has to fill details in each one of the following screens that is he has to fill details in foreign Buyer, consignee and end user dialogs. The user can select the user type from the **drop down** box given on the screen

Exporter can fill in the details of all the three options as per his requirements.

If the exporter selects the Foreign Buyer option, then the following screen will appear.

Foreign Buyer, Consignee, End User Details Rec: 0 of 0

ECOM Ref. No. 12/34/567/89000/0078/4254 Foreign Buyer Details

Name *

Address

Flat/Plot/Block No. Street/Area/Locality

City * Country IND INDIA

Postal Code *

Telephone Details

Country Code Area Code Telephone No. *

Fax Details

Export Order No. *

Date of Export Order

Add Update Delete Copy Clear Close

In this he has to first enter the **Name**.

Under the **address heading** he has to fill the required fields and then can select the **Country** from the dropdown box.

Then again under the **Telephone details heading**, **Telephone No.1** which is marked on asterisk(*) for the first record is mandatory, **Telephone No.2** and **Fax details** are optional.

After that fill in the **Export order no.** and the **Date of Export** order number.

Consignee

If the Exporter selects the option Consignee Details.



The screenshot shows a software window titled "Foreign Buyer, Consignee, End User Details. Rec: 0 of 0". The form contains the following fields and sections:

- ECOM Ref. No.:** 12/34/567/89000/0078/4254
- Consignee Details:** A dropdown menu.
- Name:** A text input field with a red asterisk.
- Address:**
 - Flat/Plot/Block No.:** A text input field.
 - Street/Area/Locality:** A text input field.
 - City:** A text input field with a red asterisk.
 - Country:** A dropdown menu showing "IND" and "INDIA".
 - Postal Code:** A text input field with a red asterisk.
- Telephone Details:**
 - Country Code:** A text input field.
 - Area Code:** A text input field.
 - Telephone No.:** A text input field with a red asterisk.
- Fax Details:** A section with three empty text input fields.

At the bottom of the form, there are six buttons: **Add**, **Update**, **Delete**, **Copy**, **Clear**, and **Close**.

In this he has to enter Name, Full address and the Telephone/Fax details.

End user Details Screen

If the user selects the option End User Detail, the following screen will appear.

Foreign Buyer, Consignee, End User Details Rec: 0 of 0

ECOM Ref. No. 12/34/567/89000/0078/4254 End User Details

Name *

Address

Flat/Plot/Block No. Street/Area/Locality

City * Country IND INDIA

Postal Code *

Telephone Details

Country Code Area Code Telephone No. *

Fax Details

End Product for which the item of export will be used by the end user

Purpose for which the End product will be utilized

Is end user an entity of Government or destination country? Y Yes

Manufacturing/Business/other activity of the end user

Add Update Delete Copy Clear Close

In the above screen all the details appearing in the Foreign Buyer, Consignee details screen are same except the ones that are marked in rectangle as shown in the above screen.

Exporter will enter the **End product** and **purpose of export** for which the item of export will be utilized. He has to select from the dropdown box that the end user is not an **entity of government of the destination country**. Exporter has to specify his **mode of activity** i.e. is he a manufacturer, business man or specify if others

Bank Details Screen

Click on the **Bank Details** button on master screen and fill in all the details.

BankDetailsDialog Rec: 0 of 0

ECOM Ref.No. 12/34/567/89000/0078/4254

Destination Country

Bank Name *

Bank Address

Flat/Plot/Block No. Street/Area/Locality

City * Postal Code *

Country AFG AFGHANISTAN * SWIFT Code *

IBAN *

In India

Bank Name *

Bank Address

Flat/Plot/Block No. Street/Area/Locality

City * State *

PIN Code * IFSC Code *

Add Update Delete Copy Clear Close

In this screen Exporter under the destination Country Bank address has to fill the **IBAN (International Bank Account Number)** and the **SWIFT Code** (Society for Worldwide Interbank Financial Telecommunication), is a unique identification code of the particular bank.

Again under the India Bank address heading exporter needs to give the **IFSC Code (Indian Financial System Code)**. All banks have their unique IFSC Codes.

(Please note: The fields marked in asterisk (*) are mandatory.)

Manufacture Details Screen

In this option he has to enter the **IEC code, Name** and his full **address**.



The screenshot shows a software window titled "ManufacturerDetailDialog Rec: 0 of 0". The window contains a form with the following fields and controls:

- Ecom Ref. No.:** A text box containing the value "12/34/567/89000/0078/4254".
- IEC Code:** An empty text box.
- Name:** An empty text box with a red asterisk (*) to its right, indicating it is mandatory.
- Address:** A section header in red text.
- Flat/Plot/Block No.:** An empty text box.
- Area/Street/Locality:** An empty text box.
- City:** An empty text box with a red asterisk (*) to its right.
- State:** An empty text box with a red asterisk (*) to its right.
- Country:** A dropdown menu with "IND" selected and "INDIA" visible in a smaller box to its right.
- PIN Code:** An empty text box with a red asterisk (*) to its right.
- Buttons:** A row of six buttons: "Add", "Update", "Delete", "Copy", "Clear", and "Close".

(In case he has to enter another record he will have to press clear button first then after doing the data entry will click the Add Button)

Declaration Screen

After filling all the details exporter will press the declaration button on the main screen where he will fill his **Name, Official Address** and the **Telephone details**. He will select the country from the dropdown box.

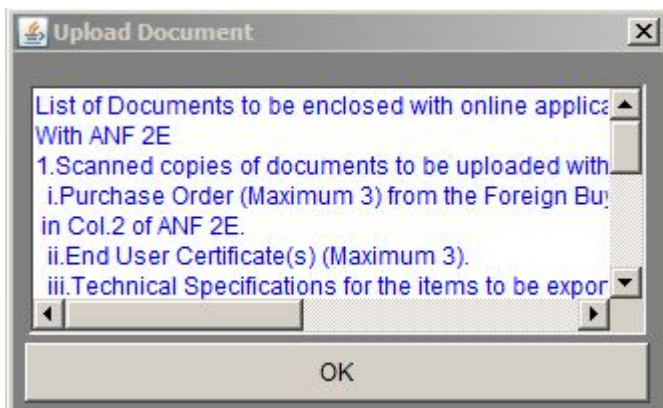
Upload Document Screen

The screenshot shows a window titled "DeclarationDialog" with the following fields and controls:

- ECOM Ref No.: 12/34/567/89000/0078/4254
- Name: [Empty text box]
- Designation: [Empty text box]
- Official Address**
 - Flat/Plot/BlockNo.: [Empty text box]
 - Street/Area/Locality: [Empty text box]
 - City/State: [Empty text box]
 - PIN Code: [Empty text box]
 - Country: AFG (selected), AFGHANISTAN (dropdown menu)
- Telephone**
 - Country Code: [Empty text box]
 - Area Code: [Empty text box]
 - Tel. No.: [Empty text box]
- Place: [Empty text box]
- Date: [Empty text box]

Buttons at the bottom: Add, Update, Delete, Copy, Clear, Close.

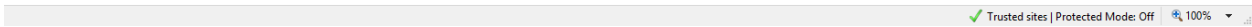
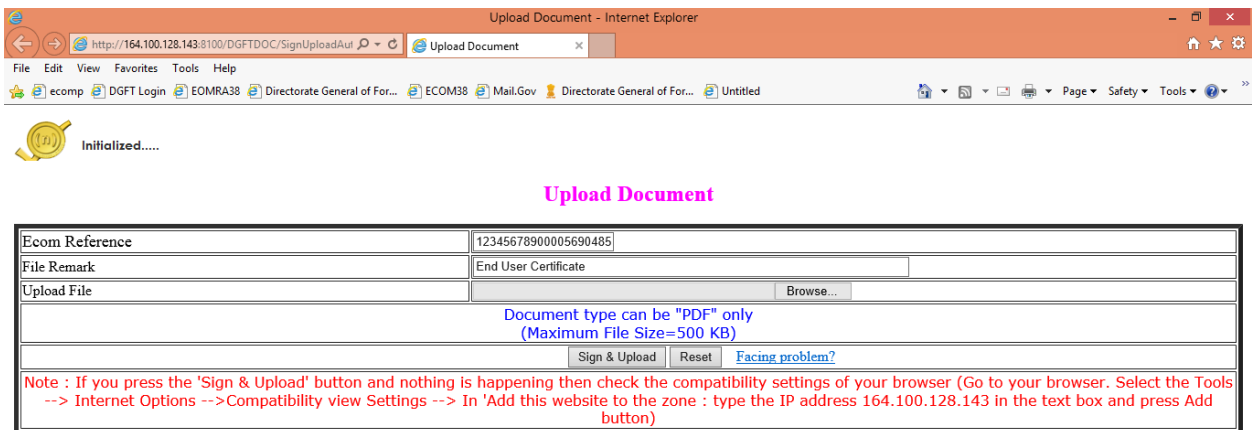
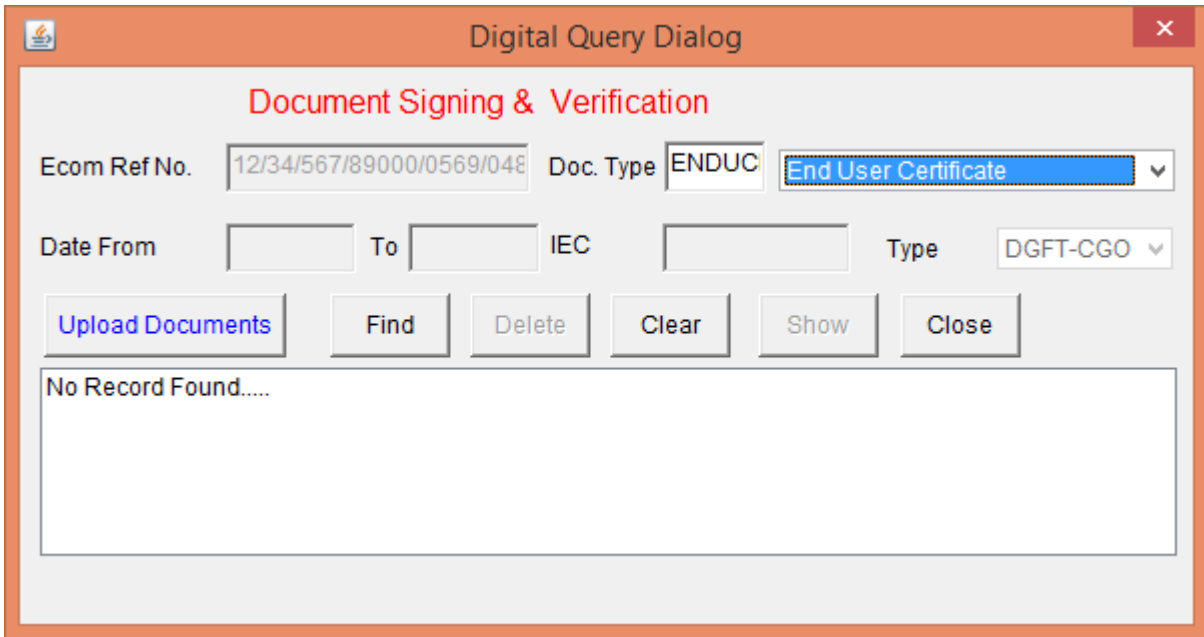
When the user will click on the **Upload Document** Button the following pop-up will appear. After reading this he will then click on **ok** button.



After clicking on the ok button on the previous pop-up, a new box will open and the exporter will have to check on items he/she wants to upload.

After this Exporter will click on the **Upload Document** button where he/she can see the uploaded document in the list.

In all the online Licensing applications there is a **Attachment of Documents Button** on the main dialog of any Licensing module. On selecting this button following dialog will appear



Click the **Upload Documents Button** as on the left side of the above dialog when the **Document/File Sign and Upload dialog** will appear on a new page.


 — Government of India —
MINISTRY OF COMMERCE & INDUSTRY
Directorate General of Foreign Trade
Electronic Filing of Applications


Document / File Sign And Upload

Ecom Ref:

File:

Subject:

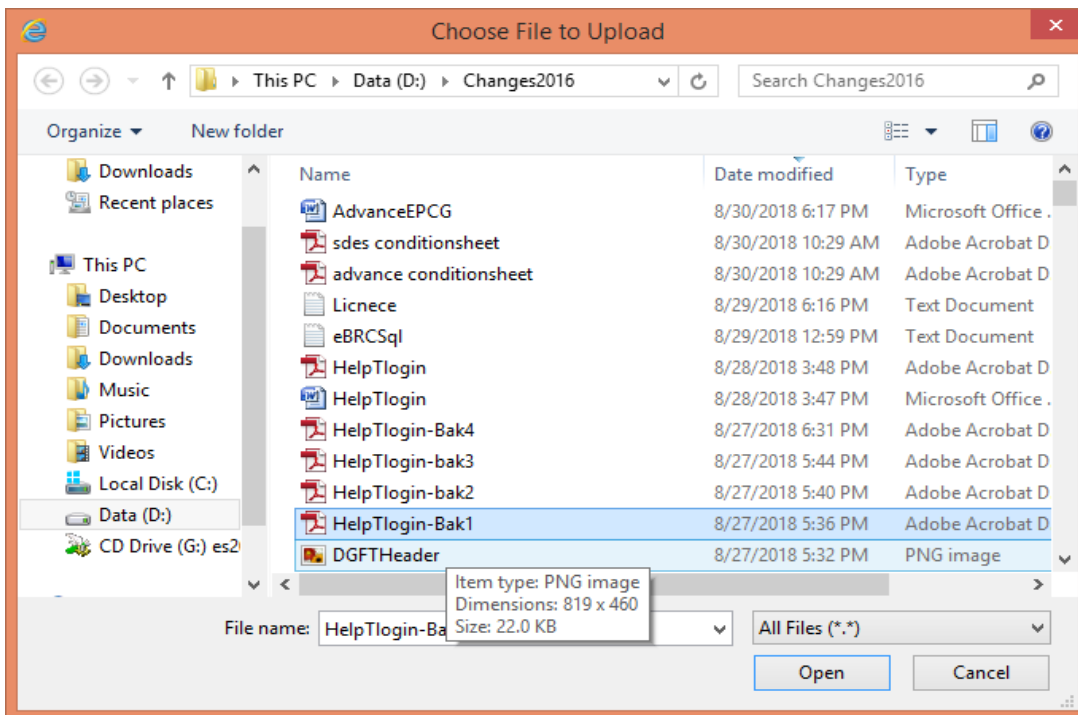
(Maximum File Size = 500 KB)

Select the **Browse Button** as on the right hand side

Browse Button

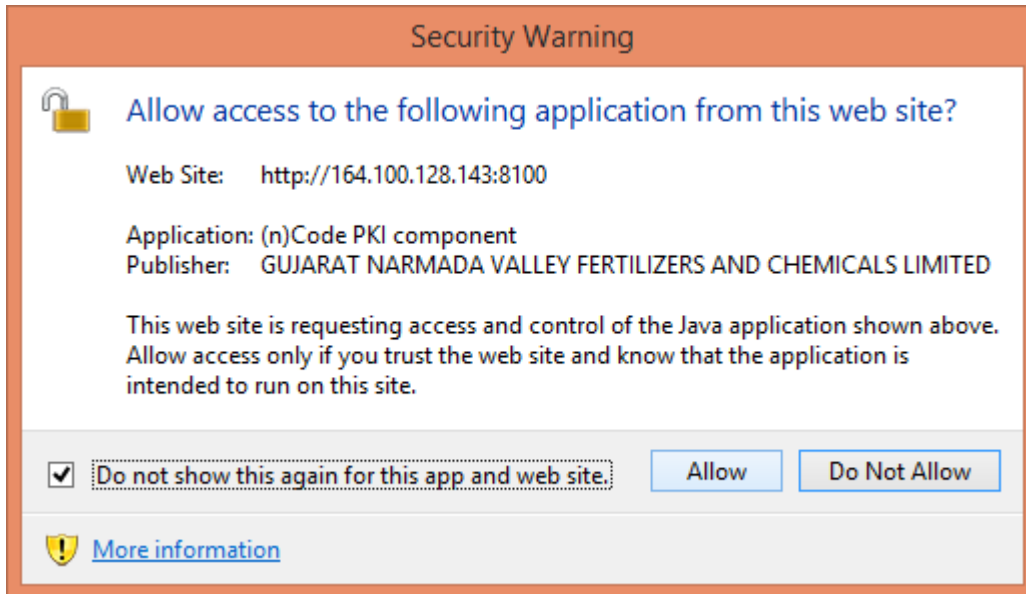
When you click the browse button the Choose dialog will appear as



Select the required file that you have to attach and press the **Open button**.

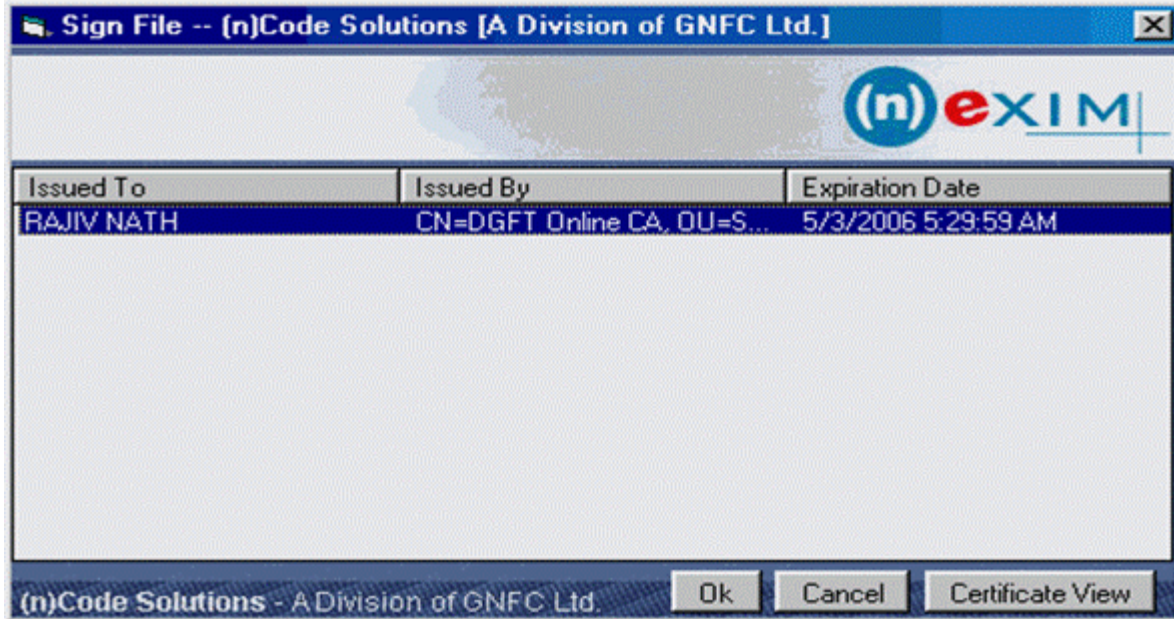
The path of the file will automatically appear as given from your local system in the File text box. Enter the subject name in the subject text box option.

(Please Note :The maximum size of the file to be attached should be note more than 500KB)



In this screen always select allow option

Select the **Document Sign Button** at the bottom of the **Document/File Sign and Upload dialog** at the when following **Sign File dialog** will box will appear as follows:

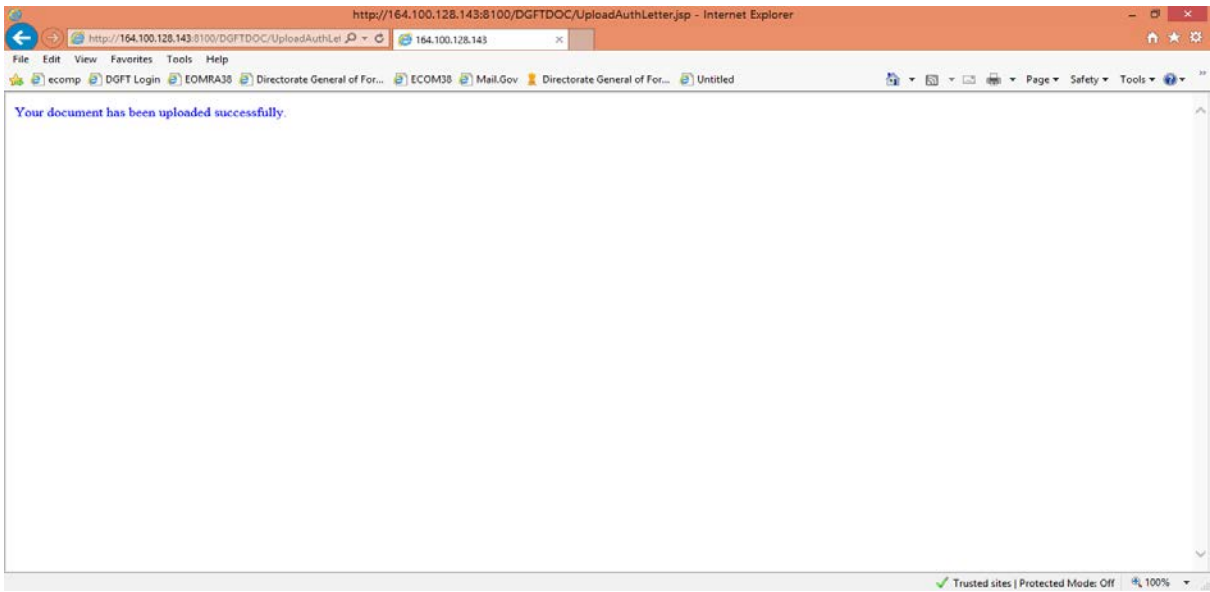
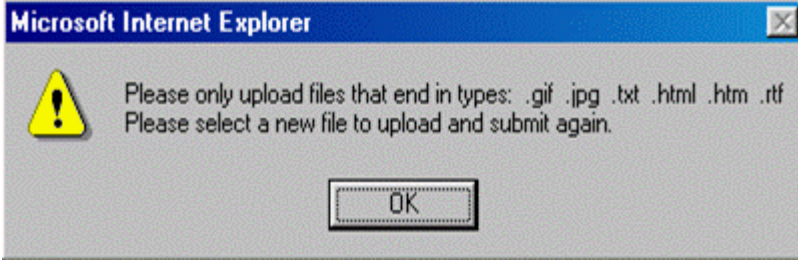


When you Click the **OK Button** the following dialog with the status will appear as follows.

File Upload Status	
Ecom Ref. No.:	05/88/065/15300/0078/1038
Document Attacher:	HINDUSTAN
Document Staus:	Successfully Signed
Document Uploading Status :	Successful
Do You Want to Sign Another Docuements ?	
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Commonly made mistakes in filing Online SCOMET applications

Mistakes in the End User Certificates (EUC)

- a) EUC must be in the format provided by DGFT as per Appendix 2S(i), 2S(ii) or 2S(iii), as applicable
- b) EUC must be on the letter head of the entity giving it and duly ink signed and stamped by authorized signatory.
- c) All entities in the supply chain including the buyer, consignee, ultimate end user and any other intermediaries need to give the EUC
- d) The reference of the supply chain with which each entity is dealing should be mentioned. For eg: The EUC submitted by the consignee should mention which end-user would it send it to and what is the end-use. Also, if the consignee is sending it to someone else, the complete linkage till the end-user should be clearly mentioned.
- e) All items should be clearly mentioned in the EUC along with their end-use.
- f) End User Certificates from Foreign Buyer, Consignee and End User must reflect the logical flow of items.
- g) The purchase order number and the date should be indicated
- h) In case of repeat order, the existence of capacity of the end-user should be mentioned in the EUC.
- i) In case, foreign buyer, consignee, end user are different entities, it is suggested that a Flow Chart may be attached alongwith online application for clarity of flow of items from Indian Exporter to the ultimate end user indicating proper referencing of Purchase Order No. & date and date of End User Certificate against each entity.

Mistakes in filling Application form

- a) The details in column 3 i.e details of exports of SCOMET items in past 3 years are incompletely filled or not filled.
- b) In column 4, in section(iii) mention the destination of the consignee while in section (iv) mention the country of the final end-user.
- c) In column 6, the details in 6A, 6B and 6C all need to be filled even if they are the same i.e. buyer, consignee and end-user are the same. In case the item is not being supplied directly from the consignee to the end-user, all such entities need to be mentioned in column 6C.
- d) Against column 6A, 6B & 6C, complete address should be given.
- e) In case of repeat order applications, in column 8 all the details need to be filled clearly.
- f) Sometimes Technical specifications mentioned are too generic and do not have requisite details. Please provide detailed technical specifications.
- g) Details of export items given in the online application (ANF 2E), End User Certificates and Purchase Orders must match completely.

Minutes of Inter-Ministerial Working Group(IMWG)

The Inter-Ministerial Working Group (IMWG) meets every month, under the Chairmanship of the Additional DGFT (in-charge of export), to decide on the applications on case to case basis as per the guidelines and criteria laid down in Para 2.74 of the Hand Book of Procedures (HBP). The decisions of IMWG are uploaded on the website of DGFT on monthly basis.

The minutes of IMWG meetings can be seen on the DGFT website at weblink : <http://dgft.gov.in/act-rules/IMWG-Meeting-for-SCOMET-items> [Home Page of DGFT website →Quick Links → Minutes of the Meetings of various Committees in DGFT → IMWG Meeting for SCOMET items (Sl. No. 17) → Year-wise /Month-wise Minutes of IMWG meeting].

In order to facilitate exporters, Live status of SCOMET applications are also available on the DGFT website at weblink : <https://docs.google.com/spreadsheets/d/1b7JozJfTMTMPpnm-nvSdKffHLVaBJOB02Sp8O2Mx9Fw/edit#gid=886260032> [Home Page of DGFT website →Export Facilitation →Restricted Licences' Application Status → SCOMET Export License

Frequently asked questions (FAQs)

1. What is the meaning of SCOMET?

SCOMET is an acronym for Special Chemicals, Organisms, Materials, Equipment and Technologies.

2. What are dual-use goods and technologies?

Dual-use items are goods, software, technology, chemicals etc. which can be used for both civil and military applications. Such items require an authorization for exporting out of the country. India's list of items which need an export license is known as the SCOMET list.

3. Is export of SCOMET items regulated?

Yes, export of items in the SCOMET list is regulated as per India's Foreign Trade Policy. Export is either prohibited or is permitted under an export authorization from DGFT, DDP or DAE.

4. Where can I find the list of SCOMET items?

Appendix 3 of Schedule 2 of ITC (HS) Classification contains the control list of India which is also referred to as the SCOMET list. You can go to the DGFT website to see the complete list.

In the list as appearing in Appendix 3 of Schedule 2 of ITC (HS) Classification, SCOMET items are listed under eight (8) categories as follows:

SCOMET Category	SCOMET items	Licensing Jurisdiction
0	Nuclear materials, nuclear-related other materials, equipment and technology	Department of Atomic Energy(DAE)
1	Toxic chemical agents and other chemicals	DGFT
2	Micro-organisms, Toxins	DGFT
3	Materials, Materials Processing Equipment and related Technologies	DGFT
4	Nuclear-related other equipment and technology, not controlled under Category '0'	DGFT
5	Aerospace systems, equipment, including production and test equipment, and related technology	DGFT

6 (NEW)	Munitions List	Deptt. of Defence Production (DDP)/ Ministry of Defense
7 (NEW)	Reserved	DGFT
8 (NEW)	Special Materials And Related Equipment, Material Processing, Electronics, Computers, Telecommunications, Information Security, Sensors And Lasers, Navigation And Avionics, Marine, Aerospace And Propulsion.	DGFT

Each category contains exhaustive listing of items covered under that category. Special conditions applicable to items under different categories are mentioned under each category.

5. What is the purpose of Notification No. 5 dated 24th April 2017 issued by DGFT?

DGFT has amended SCOMET from time to time in order to implement India's international commitments and obligations in the field of non-proliferation while simultaneously ensuring that trade facilitation is accorded the highest priority.

This notification to update SCOMET is part of India's continuing obligations as a member of the Missile Technology Control Regime (MTCR) and as an adherent to the Nuclear Suppliers Group (NSG) Guidelines. Importantly, a significant number of changes to SCOMET have been carried out to adopt the regulations and lists of the Wassenaar Arrangement and the Australia Group, two multilateral export control regimes that India wishes to join.

6. When do these changes came into effect?

The changes brought through DGFT Notification No. 05 dated 24.04.2017 came into effect on 1 May 2017. Please note that the entire SCOMET list has been re-issued and all previous notifications in this regard stand rescinded.

7. What about export orders in the pipeline?

Any exports made on or after 1 May 2017 were subject to the new regulations and export is subject to authorization from the concerned licensing authority.

8. How will industry benefit by the adoption of these additional regulations?

Government and industry have a responsibility to ensure that Indian exports are not accessed by proliferators, terrorist groups and non-state actors. Any export that inadvertently lands up in the wrong hands may have

implications for our national security and affect Brand India. These regulations are an important step to address such concerns.

Further, global supply chains are increasingly interconnected. India's trading partners would like to be assured that India's regulations are in line with the highest standards. Adoption of these regulations is expected to act as an enabler for a greater role for Indian industry in global supply chains for high technology and value added items and strategic sector items.

9. What is the licensing jurisdiction of DGFT in the SCOMET list?

Export of items specified in Categories 1, 2, 3, 4, 5 and 8 of the SCOMET list may be permitted against an authorization issued by the DGFT.

10. Who gives license for Category 0 items in the SCOMET list?

Licensing authority for items in Category 0 in Appendix 3 to Schedule 2 of ITC (HS) is Department of Atomic Energy. Applicable guidelines are notified by the Department of Atomic Energy under Atomic Energy Act, 1962. For certain items in Category 0, formal assurances from the recipient State will include non-use in any nuclear explosive device. Authorizations for export of certain items in Category 0 will not be granted unless transfer is additionally under adequate physical protection and is covered by appropriate International Atomic Energy Agency (IAEA) safeguards, or any other mutually agreed controls on transferred items.

Export of items specified under the Note 2 of the 'Commodity Identification Note' of the SCOMET list would also be permitted against an authorization granted by the Department of Atomic Energy.

11. What are the guidelines for Nuclear Exports?

- Guidelines for Nuclear Transfers (Exports) are available at <http://www.dae.nic.in/?q=node/147>
- List of "Prescribed Substances, Prescribed Equipments and Technology" can be seen at http://www.dae.nic.in/writereaddata/pres_subs_0516.pdf

12. What is the new category 6 of SCOMET list?

SCOMET Category 6 titled 'Munitions List' that was hitherto 'Reserved' has been populated. The Military Stores list notified vide Notification No. 115(RE-2013/2009-2014 dated 13th March 2015 stands rescinded. It

13. Who is the licensing authority for 'Munitions List' i.e. Category 6 items in the SCOMET list?

Export of items specified in Category 6 of SCOMET list (Munitions List), (except those covered under Note 2 and 3 of Commodity Identification Note of the SCOMET list) is governed by the extant Standard Operating Procedure issued by the Department of Defence Production in the Ministry of Defence. Unless prohibited, export may be permitted against an authorization issued by the Department of Defence Production.

14. What is the new category 8 of SCOMET?

The new Category 8 of SCOMET is titled 'Special Materials And Related Equipment, Material Processing, Electronics, Computers, Telecommunications, Information Security, Sensors And Lasers, Navigation And Avionics, Marine, Aerospace And Propulsion'. It has been populated with Wassenaar Arrangement(WA) Dual use list items to harmonize India's export control list with the WA.

15. How do I know whether my item now falls in the ambit of the amended SCOMET?

(1) Trade and industry members are requested to go through the updated SCOMET list available on the website of DGF, which has been prepared on the basis of Notification No. 5 dated 24th April

2017 and subsequent notifications issued time to time in particular the following:

- Categories IC, 1D, 3D, 5D, 6 and 8 of SCOMET and the exemptions and exclusions set out for relevant items;
- Commodity Identification Note of SCOMET (for arriving at the proper classification and licensing jurisdiction)

SCOMET Glossary (for the definitions of terms)

(2) Please contact DGFT/DDP to seek any clarification whether your item falls in the SCOMET list.

(3) Industry associations such as FICCI, CII and ASSOCHAM were made aware of the Implications of the changes to Category 6 and 8. These associations as well as others are being requested to inform their members about the changes to the regulations.

(4) FICCI/MEA/DGFT/DDP jointly held a National Workshop For Industry Awareness on Wassenaar Arrangement on March 15, 2017 in New Delhi. DGFT in coordination with the relevant Government Departments plans to conduct industry outreach awareness events in the coming months to update the stakeholders.

16. What were the specific facilitation measures announced in April 2017?

- (1) The time for processing SCOMET applications is being brought down further from 45 days to 30 days. (Please refer to para 2.82 of the Handbook of Procedures, as amended vide Public Notice No. 4 dated 24th April 2017)
- (2) For chemicals covered in the new Category 1D, prior authorisation will not be required if the export is to forty-one notified countries. (Please refer to Category 1D of SCOMET)

17. What are the changes brought in the SCOMET list vide Notification no. 5 dated 24.4.2017?

SCOMET Categories in which amendments have been made are as follows:-

- a. SCOMET Category 6 titled 'Munitions List' that was hitherto 'Reserved' has been populated. The Military Stores list notified vide Notification No. 115(RE-2013/2009-2014 dated 13th March 2015 stands rescinded.
- b. A new SCOMET Category 8 titled 'Special Materials and Related Equipment, Material Processing, Electronics, Computers, Telecommunications, Information Security, Sensors and Lasers, Navigation and Avionics, Marine, Aerospace and Propulsion' has been added.
- c. In SCOMET Category 1B and 1C, amendments have been made. SCOMET Category 1D titled 'Other Chemicals' has been added.
- d. SCOMET Category 2 has been substituted with amended and new entries.
- e. SCOMET Categories 3D001 to 3D005 have been substituted by entries 3D001 to 3D015.
- f. Categories 3A201, 3A303, 3A309, 4A003, 4A007, 4A017, 4B006, 5A102, 5A205 have been substituted with amended and new entries.
- g. SCOMET Category 7C has been deleted.

18. What are new additions in SOCMET list?

New Additions in SCOMET list are:

- a. SCOMET Category 6 titled 'Munitions List' that was hitherto 'Reserved' has been populated.
- b. A new SCOMET Category 8 titled 'Special Materials and Related Equipment, Material Processing, Electronics, Computers, Telecommunications, Information Security, Sensors and Lasers, Navigation and Avionics, Marine, Aerospace and Propulsion' has been added.
- c. Glossary has been substituted and Acronyms have been added.

2. A Commodity Identification Note, General Notes, General Technology Note, General Software Note and General Information Security Note have been added.

Changes in Category 1

a) In SCOMET category 1C, SCOMET 5-digit alpha numeric classification from 1C001 to 1C017 has been inserted. A residual entry 1B037 named 'Others' has been inserted.

b) In SCOMET category 1C, SCOMET 5-digit alpha numeric classification from 1C001 to 1C017 has been inserted.

In the guidelines for category 1C, the condition for export of 1C chemicals to states not party to the Chemical Weapons Convention has been clarified as follows:-

Export of chemicals listed in Category 1C to the countries other than those specified in Table 1 (Australia Group countries) shall be allowed only against an export authorisation. The exporter shall submit to the DGFT a copy of the bill of entry into the destination country within 30 days of delivery. **Further, applications for export of chemicals in this category to countries not Party to the Chemical Weapons Convention (CWC) shall be submitted along with a Government signed End-Use Certificate (EUC)..**

(c) After sub-category 1C, a new sub-category '1D' has been inserted with the description 'Other chemicals'.

1D Export of chemicals in this category is allowed to countries specified in Table 1 without an export licence subject to the condition that the exporter shall notify the Department of Chemicals & Petro-chemicals, Ministry of External Affairs (D&ISA) and the DGFT within 30 days of such export in the prescribed format (Aayat Niryat Form) along with the End-Use Certificate and submit to the DGFT a copy of the bill of entry into the destination country within 30 days of delivery.

Export of chemicals in this category to other countries shall be restricted and will be allowed only against an export licence, and in that case the exporter shall submit to the DGFT a copy of the bill of entry into the destination country within 30 days of delivery.

Table 1

Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Republic of Korea, Latvia, Lithuania, Luxembourg, Malta, Mexico, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom, United States.
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Technical note to Category 1: Chemicals are listed by name, Chemical Abstract Service (CAS) number and CWC Schedule (where applicable). Chemicals of the same structural formula (e.g., hydrates) are controlled regardless of name or CAS number. CAS numbers are shown to assist in identifying whether a particular chemical or mixture is controlled, irrespective of nomenclature. However, CAS numbers cannot be used as unique identifiers in all situations because some forms of the listed chemical have different CAS numbers, and mixtures containing a listed chemical may also have different CAS numbers

19. Where can I find a consolidated list of changes brought in the SCOMET list through Notification No. 5 dated 24.4.2017 and subsequent notifications issued in this regard?

Updated Consolidated List of SCOMET is available on the website of DGFT in SCOMET Page. It lists in detail all the changes that have been brought vide the said notifications.

20. Do I need to refer to old DGFT notifications regarding the SCOMET list?

No. All the earlier notifications, prior to 24TH April, 2017, related to the SCOMET list have been superceded by Notification no. 5 dated 24.4.2017. The revised Appendix 3 containing the SCOMET list has been re-issued.

21. What are the specific changes with regard to defence exports?

- 1) The list of Military Stores (Notification No. 115(RE-2013/2009-2014 dated 13th March 2015) has been rescinded. Please refer now to Category 6 of SCOMET (Munitions List) for the items that would now be under export regulations with effect from 1 May 2017.
- 2) Department of Defence Production (DDP) would continue to be the licensing authority for Category 6 items, subject to some exceptions.
- 3) DDP would be issuing a revised Standard Operating Procedure to clarify the implications

22. What are the specific changes with regard to chemicals?

- (1) Export of chemicals specified in Category 1C to a country that is not a State Party to the Chemical Weapons Convention would now require a Government signed End-Use Certificate. This requirement is in keeping with India's commitments under the said Convention.
- (2) Twenty-five chemicals have been notified under a new Category 1D. However, export of these chemicals to the forty one countries that are members of the Australia Group would not require a prior authorisation.
- (3) Notification no. 56(RE-2013)/2009-14 dated 12.12.2013 has been rescinded since the three chemicals covered in the notification are now included in Category 1D.

23. There appear to be many changes with regard to the IT sector. Is it true that the IT sector will be affected?

At first glance, it may appear that there are many new regulations for the IT sector. But if you go through the provisions carefully, it may be noted that:

(a) A General Technology Note, General Software Technology Note and General "Information Security" has been added to Appendix-3 of SCOMET List. This list is a useful guide on inclusions and exclusions.

(b) Software and Technology in the public domain is excluded from the purview of regulations.

(c) There are specific exemptions and exclusions set forth in Category 8 of SCOMET.

DGFT is planning specific industry outreach for the IT sector. All concerns of the IT sector would be addressed.

24. How do I apply for an authorization to export SCOMET items?

Application for grant of Export Authorisation has to be made to DGFT through an online system. Please visit the DGFT website at <http://dgft.gov.in>. Firstly, you should read the detailed guidelines and get all the required documents before making the application.

25. Can an exporter whose Importer Exporter Code (IEC) has been placed under Denied Entity List (DEL) apply for export of SCOMET item?

No. IEC must not be in Denied Entity List(DEL).

26. What are the documents to be submitted for the application for SCOMET Authorization?

The following documents need to be uploaded online while making the application.

(i) End Use-cum-End User Certificate(s)(EUC) from all the firms/entities involved in the supply chain of the product(s) (to be furnished on their letter head duly ink signed and stamped by the authorised signatory);

(ii) Copy(ies) of Purchase Order(s) of firm(s) involved in the supply chain of the item/product;

(iii) In case of no Purchase Order, copy of contract agreement may be provided;

(iv) Aayat Niryat Form (ANF)-1 (Profile of Exporter);

(v) Elaborate technical specification relating to item of export;

(vi) Copy(ies) of supply contract/agreement {if documents are bulky only the

- relevant portion containing contract reference and parties to the contract and the portion indicating the item(s) to be supplied and quantity thereof not exceeding 10 pages shall be uploaded);
- (vii) Copy of DGFT authorization letter for the same product, if any in case of application for repeat orders;

Hard copy (Paper copy) of the following documents are required to be submitted to DGFT (HQ):

- (i) Original End Use-cum-End User Certificate (EUC);
- (ii) Copies of Bills of Entry into the destination country for items exported during the last one year.

27. Is there a specified format for the End Use-cum-End User Certificate (EUC)?

Depending on the kind of product and the authorization, please use specific format provided in the Handbook of Procedures.

EUCs and their applicability :

Appendix- 2S (i)	<ul style="list-style-type: none"> ➤ Required for export of SCOMET items in Categories 2,3,4,5 & 8 ➤ Re-export/re-transfer in case of stocked items other than Category 1 (From Stockist to ultimate end user)
Appendix- 2S (ii)	<ul style="list-style-type: none"> ➤ Required for export of SCOMET items in Category 1 (Chemicals). ➤ Re-export/re-transfer of stocked items by the Stockist to the final end-user for Category 1 items
Appendix- 2S (iii)	<ul style="list-style-type: none"> ➤ Application for Stock and Sale authorization for export of all SCOMET items (from Exporter to stockist)

28. What is the process to obtain export authorisation / license?

You need to first make an application to DGFT, Headquarters for obtaining the approval for issuance of license. All applications for licence for export of SCOMET items are considered on case-by-case basis by an Inter-Ministerial Working Group (IMWG) in the DGFT under the Chairmanship of Additional Director General of Foreign Trade as per guidelines and criteria laid down in Para 2.49 of the Handbook of Procedure Vol. 1. Once the case is approved by the IMWG, the SCOMET Cell of DGFT issues export authorizations centrally and send it to the exporters / applicants through Speed Post.

29. Is an export authorization required even for export of SCOMET items for display or exhibition purposes?

- Yes, an export authorization is required.
- Licences for export of items in this List for display or exhibition abroad are subject to a condition of re-import within a period not exceeding six months, unless exempted by specific order.
- Exporters are entitled to apply for an export licence for such items exhibited abroad if exhibitor intends to offer that item for sale during exhibition abroad. Such sale shall not take place without a valid licence.
- The export of items in SCOMET List (other than those under Category 0, 1 and 2) solely for purposes of display or exhibition shall not require any end-use or end-user certification.
- However, no export Authorisation for display or exhibition shall be issued for 'Technology' in any category.

30. Do I need a license to supply SCOMET Items from DTA to SEZ?

- No export authorisation is required for supply of SCOMET items from DTA to SEZ. However, all supplies of SCOMET items from DTA to SEZ will be reported to the Development Commissioner of the respective SEZ by the supplier.
- Export authorisation is, however, required if the SCOMET items are to be physically exported outside the country from SEZ i.e. to another country (Refer Rule 26 of the SEZ Rules, 2006).

31. Do I need an authorization to supply SCOMET Items from SEZ to any other country?

Export permission is required if the SCOMET items are to be physically exported outside the country from SEZ i.e. to another country (Refer Rule 26 of the SEZ Rules, 2006). (Inserted vide Notification No.93(RE-2010)/2009-14 dated 6.1.2012)

32. What is the procedure for Applications for entering into an arrangement or understanding for Site Visits, On-site Verification and Access to Records / Documentation?

An application shall be made in ANF 2P to DGFT (Hqrs.), New Delhi along with documents prescribed therein. These applications shall be considered by an Inter-Ministerial Working Group (IMWG) in DGFT (Hqrs.) for grant of approval.

32. Do I need an authorization for repeat orders of same product?

Applications for grant of authorisations for repeat orders for export of SCOMET items shall be considered by IMWG on automatic basis. However, only the applications submitted within two years from the date of approval by IMWG of the original SCOMET authorisation will be eligible for repeat authorisation. It is also subject to other conditions laid down under Para 2.79 of HBP (Please refer Public notice No. 20 date 12.07.2018)

33. What are the restrictions on export of chemicals as per SCOMET list?

- Export of Category 1A chemical is prohibited.
- Export of chemicals listed in Category 1B is permitted only to States party to the Chemical Weapons Convention after obtaining an authorization from DGFT. The list of State Parties to the Chemicals Weapons Convention (CWC) and countries which are not State Parties is available on the OPCW website <http://www.opcw.org>.
- Export of chemicals listed in 1C below is allowed to the countries specified in Table 1 (43 Australia Group countries) without an export authorisation subject to the condition that the exporter shall notify the National Authority, Chemicals Weapons Convention (NACWC), Cabinet Secretariat, Department of Chemicals & Petro-Chemicals, Disarmament & International Security Affairs (D&ISA) Division of Ministry of External Affairs and Directorate General of Foreign Trade (DGFT), within 30 days of such export, in the prescribed format [Aayat Niryat Form (ANF) - 2O] along with the End-Use Certificate (EUC) in the prescribed proforma [Appendix 2S(ii)] and also submit to the DGFT a copy of the bill of entry into the destination country within 30 days of delivery.

Export of chemicals listed in Category 1C to the countries other than those specified in Table 1 shall be allowed only against an export authorisation. The exporter shall submit to the DGFT a copy of the bill of entry into the destination country within 30 days of delivery. **Further, applications for export of chemicals in this category to countries not Party to the Chemical Weapons Convention (CWC) shall be submitted along with a Government signed End-Use-Certificate (EUC).**

- The sub-category 1D of SCOMET titled 'Other Chemicals' contains 25 AG controlled chemical precursors.
 - o Export of chemicals in this category is allowed to countries specified in Table 1 (given in category 1D) without an export licence subject to the condition that the exporter shall notify within 30 days to specified departments
 - o Export of chemicals in this category to other countries shall be restricted and will be allowed only against an export licence, and in

that case the exporter shall submit to the DGFT a copy of the bill of entry into the destination country within 30 days of delivery.

- o Countries in Table 1 include Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Republic of Korea, Latvia, Lithuania, Luxembourg, Malta, Mexico, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom, United States.
- Notification no. 56(RE-2013)/2009-14 dated 12.12.2013 has been rescinded since the three chemicals covered in the notification are now included in Category 1D.

34. Can I get an advance authorization where the export item is a SCOMET item?

No. As per para 4.27 of the HBP 2015-20, the export of SCOMET items shall not be permitted against an Authorisation until and unless the requisite SCOMET Authorisation is obtained by the applicant.

35. Can I get export permission for “stock and sale” purpose?

Yes, but Export shall be permitted only from the principal company/the wholly owned subsidiary in India to their subsidiaries/principal company/warehouse abroad on the basis of an EUC from the latter for ‘stock & sale’ purposes, when considered appropriate from the point of view of security and other critical consideration.

Please go through Public notice no. 60 dated 03.2.2016 regarding “Export permission for ‘Stock & Sale’ purpose”. The link is <http://dgft.gov.in/sites/default/files/pn6016.pdf>

36. What is the requirement for export for spare parts for SCOMET items?

Request for export permission for spare parts covered under SCOMET may be considered by IMWG along with the application for the main item/equipment. Applicant may indicate the requirement of spares after judicious and reasonable assessment thereof, and provide the justification for the same.

37. Is there is a validity period of the license? Can it be extended?

Yes, SCOMET license are val.id for a period of 24 months. It can be extended for six months at a time and maximum upto 12 months through revalidation by Regional Office of DGFT.

38. Where can I find the Standard Operating Procedure (SOP) for issue of Authorization for 'Munitions List' items in SCOMET category 6?

The SOP for the 'Munitions List' items in SCOMET category 6 are available on the website of Department of Defence <http://ddpmod.gov.in/>.

39. What is the provision regarding maintenance of records for a SCOMET authorization holder?

Every SCOMET authorisation holder shall maintain the specified records in manual or electronic form for a period of 5 years. Please refer to para 2.73(c) of the Handbook of Procedures as amended vide Public Notice No. 4 dated 24th April 2017.

40. Where can I find the detailed guidelines for filling up the online application?

The guidelines are available on SCOMET page under heading captioned "How to file online applications". The details on how to use and navigate through the software are also available on the DGFT website.

41. What are the penalties for exporting SCOMET items without an authorization?

Section 14E of the Foreign Trade (Development & Regulations) Amendment Act, 2010 delineates the offences and penalties:-

14E. Offences and penalties.—

(1) In case of a contravention relating to specified goods, services or technologies, the penalty shall be in accordance with the provisions of the Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Act, 2005 (21 of 2005).

(2) Where any person contravenes or attempts to contravene or abets, any of the provision(s) of this Chapter in relation to import or export of any specified goods or services or technology, he shall, without prejudice to any penalty which may be imposed on him, be punishable with imprisonment for a term stipulated in the Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Act, 2005 (21 of 2005).

(3) No court shall take cognizance of any offence punishable under this

Chapter without the previous sanction of the Central Government or any officer authorised in this behalf by the Central Government by general or special order.]

In addition, Section 8 of the FTDR Act specifies suspension or cancellation of IE Code of the person who imports or exports specified goods services or technology in contravention of any provision of the Act or any rule or orders made there under.

42. What are the penalties specified in the WMD Act, 2005?

Sections 14 to 22 are relevant for understanding penalties and offences under the WMD Act, 2005. They can be briefly summarized as follows. For the legal version, see the WMD Act, 2005.

Offences and penalties.-Any person who contravenes, or attempts to contravene or abets, the provisions of section 8 or section 10 of the WMD Act, shall be punishable with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life, and shall also be liable to fine.

Punishment for aiding non-State actor or terrorist.- Any person who, with intent to aid any non-State actor or terrorist, contravenes the provisions of section 9 of this Act, shall be punishable with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life, and shall also be liable to fine.

Punishment for unauthorized export:-

Any person who knowingly contravenes, abets or attempts to contravene, the provisions of subsection (4) of section 13 of this Act, shall be punishable with fine which shall not be less than three lakh rupees and which may extend to twenty lakh rupees.

If any person is again convicted of the same offence under subsection (1), then he shall be punishable for the second and every subsequent offence with imprisonment for a term which shall not be less than six months but which may extend to five years and shall also be liable to fine.

Punishment for violation of other provisions of the Act.-

o Where any person contravenes, or abets or attempts to contravene, any provision of this Act other than the provisions

under sections 8, 9, 10 and 13(4) of this Act, he shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to five years and shall also be liable to fine.

- o For the second and every subsequent offence with imprisonment for a term which shall not be less than one year but which may extend to seven years and shall also be liable to fine.

- Penalty for using false or making forged documents, etc. Punishable with fine which shall not be less than five lakh rupees or five times the value of the materials, equipment, technology or services, whichever is more.
- Punishment for offences with respect to which no provision has been made. Punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

43. In the case of offences by a company, who is liable?

Section 20 of the WMD Act, 2005 clarifies this. It says that where an offence has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly. For the legal version, see WMD Act, 2005

44. What are catch-all controls?

Why has Government introduced regulations for non-SCOMET items?

Section 14C of the FTDR Act, 1992 as amended deal with Catch-all controls. It says that no person shall export any material, equipment or technology knowing that such material, equipment or technology is intended to be used in the design or manufacture of a biological weapon, chemical weapon, nuclear weapon or other nuclear explosive device, or in their missile delivery systems.

Para 2.72(b) of the Handbook of Procedures, as amended provides that an export can be regulated "If the exporter has been notified in writing by DGFT or he knows or has reason to believe that an item not covered in the SCOMET list has a potential risk of use in or diversion to weapons of mass destruction (WMD) or in their missile system or military end use (including by

terrorists and non-state actors), the export of such an item may be denied or permitted subject to the grant of a license, as per the procedure provided for SCOMET items in Paragraph 2.73.

Note: "Military use" shall mean incorporation into items listed in SCOMET Categories 6 or for the use, development, or production of military items listed in these categories."

The basis for this provision exists in the FTDR Act 1992 and the WMD Act 2005. It is a widely accepted international best practice that is in line with Government's non-proliferation policy of ensuring that India's exports do not inadvertently land up in the wrong hands for illicit use.

45. What is the meaning of Technology?

Para 2(m) of the Foreign Trade (Development & Regulations) Amendment Act, 2010 defines technology as follows:-

(m) "Technology" means any information (including information embodied in software), other than information in the public domain, that is capable of being used in—

- (i) the development, production or use of any goods or software;
- (ii) the development of, or the carrying out of, an industrial or commercial activity or the provision of service of any kind.

Explanation.—For the purpose of this clause—

- (a) when technology is described wholly or partly by reference to the uses to which it (or the goods to which it relates) may be put, it shall include services which are provided or used, or which are capable of being used in the development, production or use of such technology or goods;
- (b) "public domain" shall have the same meaning as assigned to it in clause (i) of section 4 of the Weapons of Mass Destruction and their Delivery System (Prohibition of Unlawful Activities) Act, 2005 (21 of 2005).]

Note:- Clause (i) of section 4 of WMD Act, 2005 defines Public Domain as

"Public domain" means domain that has no restrictions upon dissemination of information within or from it; the existence of any legal rights to intellectual property in that information does not remove such information from being in public domain;"

46. Is there a prohibition on transfer of Technology related to SCOMET items?

Section 13(2) and 13(3) of the WMD Act, 2005 provide restrictions on transfer of technology. Section 13(2) clarifies that any transfer of technology of an item whose export is prohibited under this Act or any other relevant Act relating to relevant activity shall be prohibited. Note that it talks about “transfer of technology” and not “export of technology”. Section 13(3) specifies that when any technology is notified under this Act or any other relevant Act, as being subject to transfer controls, the transfer of such technology shall be restricted to the extent notified thereunder.

Transfer of technology may take place through either or both of the following modes of transfer, namely:-

- a) by a person or from a place within India to a person or place outside India;
- b) by a person or from a place outside India to a person, or a place, which is also outside India (but only where the transfer is by, or within the control of, person, who is a citizen of India, or any person who is a resident in India).

47. What are the restrictions on transfer of technology to foreign nationals?

Transfer of any controlled technology is not allowed:

- a) by a person or from a place within India to a person or place outside India;
- b) by a person or from a place outside India to a person, or a place, which is also outside India. (but only where the transfer is by, or within the control of, person, who is a citizen of India, or any person who is a resident in India).

Hence, transfer of controlled technology to foreign nationals is barred by any person who is a citizen of India, or any person who is a resident in India even if it happens outside India.

CONTACT Information

Exporters wishing to apply for licence for export of SCOMET items with DGFT are advised to go through the provisions detailed above. However, in case of any further information/clarification please contact:

For Technical Support :

Helpdesk of DGFT
Helpline No. 1800111550
Email: dgftedi@nic.in

For SCOMET Policy / Procedure related information/clarification or any other important issues:

Shri Nikunj Srivastava

Additional Director General of Foreign Trade,
Directorate General of Foreign Trade,
Room No. 9, H-Wing, Udyog Bhawan, New Delhi-110011
Phone: (011) 23063466 Ext 210
E-mail: nikunj.srivastava@nic.in, adgpers.dgft@nic.in

Shri Arunoday Goswami

Joint Director General of Foreign Directorate
General of Foreign Trade,
Room No. 101, H-Wing, Udyog Bhawan, New Delhi-110011
Phone: (011) 23063419
E-mail: arunoday.goswami@nic.in

Shri Sanjay Kumar Tiwari

Deputy Director General of Foreign Directorate
General of Foreign Trade,
Room No. 306, H-Wing, Udyog Bhawan, New Delhi-110011
Phone: (011) 23061562, Extn. 388
E-mail: sanjay.kt@nic.in

Shri Ratan Kumar Biswakarma

Foreign Trade Development Officer Directorate
General of Foreign Trade,
Room No. 410, H-Wing, Udyog Bhawan, New Delhi-110011
Phone: (011) 23061562, Extn. 271
E-mail: scomet-dgft@nic.in

For obtaining whereabouts of online/offline SCOMET application :

The applicant are advised to first go through the Minutes of the IMWG meetings (updated on monthly basis) or Live status of SCOMET applications available on the website of DGFT before approaching any of the authorities mentioned above.

Contact details of other licensing authorities of SCOMET items :

For Defence (Cat. 6, Munitions) related issues :

Under Secretary
EPC Cell,
Department of Defence Production,
Ministry of Defence
South Block NewDelhi
Tele No. (011)-23018976
Email : usepc@ddpmod.gov.in

For Nuclear (Cat. 0) related issues :

Head
Safety and Security Studies Division
Nuclear Controls and Planning Wing
Department of Atomic Energy
CSM Marg
Mumbai – 400 001
Email : headsssd@dae.gov.in

Other important and useful information for exporters

AG awareness raising guidelines for SCOMET Items

SCOMET-related Awareness Raising Guidelines of the Australia Group (For Use of Indian Industry Exporting SCOMET 3D Items namely Biomaterial Manufacturing and Handling Equipment and Facilities and Related Technology and Software)

1. Equipment and technology (not specified elsewhere in SCOMET Category 3D on biomaterial manufacturing and handling equipment and facilities and related technology and Software) for the encapsulation of live pathogenic micro-organisms, viruses and toxins, with a typical mean product particle size of 10 µm or less.
2. Fermenters of less than 20 litre capacity with special emphasis on aggregate orders or designs for use in combined systems.
3. Conventional or turbulent air-flow clean-air rooms and self-contained fan-HEPA filter units that may be used for P3 or P4 (BL3, BL4, L3, L4) containment facilities.

AG Warning list for SCOMET Items

(for use of Indian exporters exporting SCOMET Category 2A and 2B items)

Bacteria

1. Clostridium tetani[2]
2. Legionella pneumophila
3. Yersinia pseudotuberculosis
4. Other strains of Clostridium species that produce botulinum neurotoxin[3]

Fungi

1. Fusarium langsethiae
2. Fusarium sporotrichioides

[1] Biological agents are controlled when they are an isolated live culture of a pathogen agent, or a preparation of a toxin agent which has been isolated or extracted from any source, or material including living material which has been deliberately inoculated or contaminated with the agent. Isolated live cultures of a pathogen agent include live cultures in dormant form or in dried preparations, whether the agent is natural, enhanced or modified.

An agent is covered by this list **except** when it is in the form of a vaccine. A vaccine is a medicinal product in a pharmaceutical formulation licensed by, or having marketing or clinical trial authorisation from, the regulatory authorities of either the country of manufacture or of use, which is intended to stimulate a protective immunological response in humans or animals in order to prevent disease in those to whom or to which it is administered.

[2] It is recognized that this organism is ubiquitous, but, as it has been acquired in the past as part of biological warfare programs, it is worthy of special caution.

[3] It is the intended to add to the control list strains of species of Clostridium identified as producing botulinum neurotoxin.