OFFICE OF THE COMMISSIONER OF CUSTOMS
AIR CARGO (EXPORT), NEW CUSTOM HOUSE, NEW DELHI – 110037

PUBLIC NOTICE NO. 14 /2016

Sub: Rationalization of procedures in handling exporters obligations under EPCG authorizations

Attention of all trade, importers and stake holders is invited to procedure regarding verification of EODC under EPCG authorizations.

2. It is informed that the CBEC has issued various Circular / Instructions with reference to rationalization of procedures in handling exporters obligations under EPCG authorizations. As a part of further rationalizing procedures and avoiding duplication of work based on feedback on outcomes of applying extant procedures, taking into account the conditions prescribed in the Foreign Trade Policy and Customs notifications, the Board reviewed certain aspects of the directions given to field formations in Circular No. 5/2010-Cus, Instruction No. 609/119/2010 DBK dated 18.01.2011 and Circular No. 14/2015-Cus insofar as they relate to EPCG scheme. The details are given in succeeding paragraphs.

3. In this regard, the CBEC vide instruction F.No. 605/71/2015-DBK dated 14.10.2016 has further rationalized the procedure in this regard.

3A. It is informed that at present the correctness of the installation certificates issued by Chartered Engineers are to be verified on random basis in at least 5% cases through the Central Excise Division. The Board has decided that this verification be restricted to 5% cases.

3B. It is informed that in the Circular of 2010, it was prescribed that first block E.O. (export obligation) should be verified in detail and if it has been found satisfactory then EODC issued at end of second block should be accepted without further verification. The Instruction of 2011 confirmed that this is to be implemented; however, for past cases where exporter had not come forward for first block verification but had submitted the EODC, the EODC may be accepted subject to random verification of at least 5% of EODCs issued in such past cases. It is further directed that the Customs check, in detail, at least 5% EODCs. In this connection, it was noted that not meeting the blockwise E.O. attracts composition fees or payment of duty with interest and this find
mention in HBP and is also referred in Customs notifications.

3C. On consultation, the DGFT has informed that the provisions of para 5.14 of HBP 2015-20 that provides "5.14(c)HBP: Where E.O. of the first block is not fulfilled in terms of the above proportions, except in cases where the E.O. prescribed for first block is extended by the Regional Authority subject to payment of composition fee of 2% on duty saved amount proportionate to unfulfilled portion of E.O. pertaining to the block, the Authorization holder shall, within 3 months from the expiry of the block, pay duties of customs (along with applicable interest as notified by DOR) proportionate to duty saved amount on total unfilled E.O. of the first block," and the similar provisions in previous FTP/HBP 2009-14 and 2004-09 are strictly followed by Regional Authorities before issuing EODC/redemption/closure letters; and also that cases of condoning / delay in fulfillment of block-wise E.O. are considered by Regional Authorities only when exporter has obtained relaxation in terms of DGFT's powers under the FTP. The DGFT has also advised its Regional Authorities to ensure that these provisions are strictly followed in respect of all unredeemed EPCG authorization issued during the FTP 2004-09, 2009-14 and 2015-20.

3D. It is informed that in the light of this, Board has decided that Customs authorities need not replicate the verification of export obligation of the first block that is being conducted by Regional Authorities and that the EODCs received under EPCG Scheme in terms of HBP 2004-09, 2009-14 and 2015-20 be normally accepted without further verification, except in 5% cases where they be verified in detail before acceptance.

4. The foregoing aspects remain subject to detailed verification of EODC when there is such a need suggested by specific intelligence. Further, if Regional Authorities endorse verification of shipping bills/other documents on an EODC, such verification shall be carried out.

Moreover, it remains mandatory to verify genuineness of non-EDI shipping bills / bills of export on which an EODC may be based.

5. The guidelines issued in the past on the subject shall be modified to the above extent. It should be noted that monitoring of progress of block-wise E.O. fulfillment is to continue and as clarified in Circular No. 14/2015-Cus the field formations can view the EPCG authorization-wise all India export details in EDI.

6. It is informed that the Joint/Additional Commissioner of Commissionerate to ensure transparent random selection criteria and selection for 5% check being made at least at their level and the relevant exporter being invariably informed, on the date of selection itself, via official email communication that its case is selected for detailed checks. Credibility and transparency may be brought into the Bond cancellation process
which may be made speedier. The exporter should not be asked to routinely produce information that can be sourced from the Customs EDI system.

7. Any difficulties in the implementation of the same may be brought to the notice of the undersigned.

(S.R. Baruah)
Commissioner of Customs,
Air Cargo Exports,
NCH, New Delhi

Dated: 5.12.16

C. No. VIII/12/ACE/Tech./50/2016

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As per list attached.