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Government of India
Ministry of Commerce & Industry
Department of Commerce
Directorate General of Foreign Trade
Udyog Bhawan

Public Notice No. 04/2015-20
New Delhi, Dated the 12 April, 2019

Subject:- Amendment in proforme of End Use Certificates [Appendix 2S(i), 2S(ii) and 2S(iii)] for grant of permission for export of items under SCOMET Control List.

In exercise of the powers conferred under Paragraph 1.03 of the Foreign Trade Policy(FTP) 2015-20, the Director General of Foreign Trade (DGFT) hereby makes amendments to the proforme for End Use Certificates (EUC) [Appendix 2S(i), 2S(ii) and 2S(iii)], notified vide Public Notice No. 04/2015-20 dated 24.04.2017 and No. 07/2015-20 dated 17.05.2017, under para 2.74 of the Handbook of Procedures (HBP) of the Foreign Trade Policy (FTP) 2015-20, with immediate effect.

2. The existing EUC proforme, namely, Appendix 2S(i), 2S(ii) and 2S(iii) prescribed under para 2.74 of the Handbook of Procedures (HBP) of the Foreign Trade Policy (FTP) 2015-20 are substituted with the **Annexed** proforme.

3. **The EUC proforme and their applicability to export authorisation for various categories of items under SCOMET Control List is illustrated as under:**

Appendix- 2S (i)	<ul style="list-style-type: none">➤ Required for export of items under SCOMET Category(ies) 2,3,4,5 & 8➤ Re-export 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 items under SCOMET Category 1(Chemicals, related software and technologies).➤ Re-export in case of stocked items under SCOMET Category 1
Appendix- 2S (iii)	<ul style="list-style-type: none">➤ Application for Stock and Sale* authorization (from Exporter to stockist, for all SCOMET Category(ies) except Category 1)

**Stock and Sale is not permitted for SCOMET Category 0, Category 3A4001, Category 6 and transfer of technology in any category*

4. The EUCs in prescribed proforme are to be filled by all the entities involved in the chain of supply e.g. foreign buyer / consignee / end user / intermediary(ies) on the letterhead of the respective entity, duly signed in ink and stamped by the authorised signatory of the company. In case of any additional sheet used alongwith the EUC, the same must be on the letterhead of the company and signed by the same person who signs the EUC.

5. **Effect of this Public Notice:**

The amendment in proforme of End Use Certificate will capture technical details of product, specific end use and complete contact details of the end user, thereby facilitating expeditious end use / end user verification by the Government agencies and grant of export authorisation for SCOMET items.



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[Issued from F.No.01/91/171/37/AM-10/EC(S)]

APPENDIX- 2 S (i)

END USE CUM END USER CERTIFICATE FOR EXPORT OF SCOMET ITEMS

(For SCOMET Categories 2,3,4,5 & 8 and re-export from Stockist to ultimate end user under Stock & Sale for all eligible categories other than Category 1 – chemicals)

[To be filled by all entities in the chain of supply e.g. foreign buyer / consignee / end user / intermediary(ies), if any on the letterhead of the respective entity, duly signed in ink by authorised signatory]

Note : [Please read carefully]

1. The word 'items' imply goods, software, technology
2. For Technology exports, value should be mentioned in Part 2
3. Please indicate full details of end use under declaration in Part 3(a)
4. Strike out, if any entry is not applicable
5. Any additional sheet must be on the letterhead of the company and signed by the same person who signs this form
6. For SCOMET Category 1 items, EUC proforma Appendix 2S(ii) and for Stock & Sale proforma Appendix 2S(iii) will apply

PART 1: DETAILS OF THE ENTITIES

- (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 (goods, software, technology)¹ will be finally used (if different from (g)) *

*Remarks: The items will be installed at the premises of the end-user or will be used only by the end-user.

PART 2: ITEMS (goods, software, technology)

Description of the item(s) (e.g. Name of Model, Class, Type, Serial Number for goods and technical details in case of technology transfer)	Quantity/Weight /Value ²	SCOMET Category and sub category	Purchase order No. & Date / Contract Number, date of issue and validity

PART 3: DECLARATION

- a) The item(s) indicated in PART 2 will be used as capital equipment/ component / raw material / other³ _____ (select one) for use as (indicate full details of end use): _____
- b) The item(s) indicated in PART 2 are being processed or incorporated into another product (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.
- d) The items are for end-use of bona-fide customers in one or more of the following countries, either in their current state or after incorporation and the items will not be re-exported or sold for export without following the export control regulations of the said country of end-use: _____ (names of countries);

¹ For definition of software and technology refer to the glossary of SCOMET Appendix-III. Also refer to the general technology note and general software note and the general information security note of SCOMET Appendix-III

² For Technology exports, value should be mentioned (if applicable) in Part 2

³ Please indicate the use

- e) Post shipment verification of the items at end users site 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;
- f) The end-user shall not himself, or through another, cause the items, or replicas, or derivatives thereof to be re-exported / transhipped/ 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/policy.
- g) The items listed at Part 2 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 if it is known or suspected that they are intended or likely to be used for such purposes.
- h) It is also certified 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.

PART 4: SPECIFIC DETAILS OF AUTHORIZED SIGNATORY (mandatory):

- a. Name (in capital letters only): _____
- b. Designation: _____
- c. Complete office address (with room No. area, city, district, state, country) : _____
- d. Pin/Zip/Postal Code : _____
- e. Telephone number (with ISD code): _____ or _____
- f. Mobile No. : _____ Alternate mobile number (if any): _____
- g. Fax No with ISD Code. : _____(if any)
- h. Primary Email: _____ Alternate email: _____

Specific details of alternate contact person authorized for the purpose (optional):

Same as (a) to (h) above

Signature (authorised signatory): _____

Official seal / stamp:

Date of issue:

Validity date (specify the period, if any):

Explanatory note for export of software and technology:

1. For export of software and technology in Part 2, a letter of explanation detailing the following be provided alongwith EUC (letter to be signed by the same person who signs the EUC):
 - The exact project location where the technology will be used;
 - The type of technology to be exported or re-exported;
 - The technology value addition such as upgrade/update, support, specific customisation of software
 - The form in which the export or re-export will be made;
 - The uses for which the data will be employed.
2. If the technology value addition is carried out by the Indian exporter, then the following additional details are required to be provided by the Indian exporter on its letter head alongwith application:

An explanation of the process, product, specification (catalogue), size and output capacity of all items to be produced with the technology, if applicable, or other description that delineates, defines, and limits the data to be transmitted (the "technical scope"); and the availability abroad of comparable foreign technology.

APPENDIX- 2 S (ii)

END USE CUM END USER CERTIFICATE IN CASE OF EXPORT OF SCOEMT CATEGORY 1 ITEMS (For SCOMET_Category 1 (chemicals) only and re-export from Stockist to ultimate end user under Stock & Sale for Category 1)

[To be filled by all entities in the chain of supply e.g. foreign buyer / consignee / end user / intermediary(ies), if any on the letterhead of the respective entity, duly signed in ink by authorised signatory]

Note : [Please read carefully]

1. The word 'items' imply chemicals and related software and technology
2. Please indicate Purity/Concentration, IUPAC Name, CAS number & ITC(HS) code in Part 2(a)
3. Please indicate full details of end use under declaration in Part 3(a)
4. Strike out, if any entry is not applicable
5. Any additional sheet must be on the letterhead of the company and signed by the same person who signs this form
6. For SCOMET Categories, other than Category 1, EUC proforma Appendix 2S(i) and for Stock & Sale proforma Appendix 2S(iii) will apply

PART 1: DETAILS OF THE ENTITIES

- (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 (goods, software, technology)¹ will be finally used (if different from (g)) *

*Remarks: The items will be installed at the premises of the end-user or will be used only by the end-user.

PART 2: ITEMS (goods, software, technology)

Description of the item(s) (e.g. name of chemical, Purity/Concentration, IUPAC Name & CAS number for goods and technical details in case of technology transfer)	Quantity /Weight /Value ²	SCOMET Category and sub category	Purchase order number and date/ Contract Number, date of issue and validity

PART 3: DECLARATION

- a) The item(s) indicated in PART 2 will be used :
 - (i) as a raw material for manufacture of _____ which will be ultimately used as _____ **or /and (in case of goods)**
 - (ii) for manufacturing of _____ **(in case of technology)**
- b) The item(s) indicated in PART 2 are being processed or incorporated into another product (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;
- d) Post shipment verification of the items at end users site shall be allowed if required by the Government of India, as may be applicable;

¹ for definition of software and technology refer to the glossary of SCOMET Appendix-III. Also refer to the general technology note and general software note and the general information security note of SCOMET Appendix-III

² For Technology exports, value should be mentioned (if applicable) in Part 2

- e) 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/policy;
- f) 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);
- g) It is also certified 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.

PART 4: SPECIFIC DETAILS OF AUTHORIZED SIGNATORY (mandatory):

- a. Name (in capital letters only): _____
- b. Designation: _____
- c. Complete office address (with room No. area, city, district, state, country) : _____
- d. Pin/Zip/Postal Code : _____
- e. Telephone number (with ISD code): _____ or _____
- f. Mobile No. : _____ Alternate mobile number (if any): _____
- g. Fax No with ISD Code. : _____ (if any)
- h. Primary Email: _____ Alternate email: _____

Specific details of alternate contact person authorized for the purpose (optional):

Same as (a) to (h) above

Signature (authorised signatory): _____

Official seal / stamp:

Date of issue:

Validity date (specify the period, if any):

PART 5 – CERTIFICATION ON BEHALF OF THE RECEIPT STATE IF NOT PARTY TO CWC³ [To be filled by the concerned Government Department / authorised agency of state (country)]

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 of issue** _____
(signature of official government representative)

Name (in capital letters only): _____ **Designation** _____

Government Department/Ministry stamp

Name of Organization & Contact details (Tele / Fax No (with ISD code) and Email : _____

³ For list of states (countries) not party to the Chemical Weapons Convention(CWC), please refer to OPCW website (presently Egypt, North Korea (DPRK), and South Sudan have not signed to CWC. Israel has signed but not ratified to the convention)

APPENDIX- 2 S(iii)

END USE CUM END USER CERTIFICATE FOR EXPORT OF SCOMET ITEMS FOR STOCK & SALE PURPOSE [for export from Indian exporter to stockist abroad]

[To be filled by all entities in the chain of supply e.g. foreign buyer / consignee / end user / intermediary, if any on the letterhead of the respective entity, duly signed in ink by authorised signatory]

Note : [Please read carefully]

1. Stock and Sale is not permitted for SCOMET Category 0, Category 3A4001, Category 6 and transfer of technology in any category
2. Please indicate full details of end use under declaration in Part 3(a)
3. Strike out, if any entry is not applicable
4. Any additional sheet must be on the letterhead of the company and signed by the same person who signs this form
5. Other than Stock and Sale purposes, EUC proforma Appendix 2S(i) or Appendix 2S(ii), as applicable, will apply

PART 1: DETAILS OF THE ENTITIES

- (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) List of countries to which goods are to be transferred on receipt of orders:

*Remarks: The goods will be stocked at the premises of the Stockist and shall not be re-transferred / sold without the consent of the Government of India, unless specifically exempted in the export authorization /policy.

PART 2: ITEMS

Description of the item(s) (e.g. Name of Model, Class, Type, Serial Number for goods or Purity/Concentration, IUPAC Name & CAS number for chemicals)	Quantity /Weight	SCOMET Category and sub category	Purchase order number and date / Contract Number, date of issue and validity

PART 3: DECLARATION

- a) The item(s) indicated in PART 2 will be used as capital equipment/ component / raw material / other¹ _____(select one) for use as (indicate full details of end use):

- b) 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.
- c) Post shipment verification of the items at end users site shall be allowed if required by the Government of India, as may be applicable.

¹ Please indicate the use

- d) 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 unless specifically exempted in the export authorization/policy.
- e) I/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 unless specifically exempted in the export authorization/policy. 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.
- f) 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.
- g) 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.

PART 4: SPECIFIC DETAILS OF AUTHORIZED SIGNATORY (mandatory):

- a. Name (in capital letters only): _____
- b. Designation: _____
- c. Complete office address (with room No. area, city, district, state, country) : _____
- d. Pin/Zip/Postal Code : _____
- e. Telephone number (with ISD code): _____ or _____
- f. Mobile No. : _____ Alternate mobile number (if any): _____
- g. Fax No with ISD Code. : _____ (if any)
- h. Primary Email: _____ Alternate email: _____

Specific details of alternate contact person authorized for the purpose (optional):

Same as (a) to (h) above

Signature (authorised signatory): _____

Official seal / stamp of the entity:

Date of issue:

Validity date (specify the period, if any):