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

Public Notice No. 50/2015-20
New Delhi, Dated the 27 December, 2019

Subject:- Amendment in Paragraph 2.79 D in the HBP of the FTP 2015-20 to notify the procedure for export of SCOMET items for demo/display/exhibition/tenders/RFP/RFQ/NIT purposes.

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 amendment in Paragraph 2.79D of Handbook of Procedures (HBP) of FTP 2015-20, with immediate effect.

2. The procedure for export of SCOMET items for demo/display/exhibition /tenders/RFP/RFQ/NIT under Paragraph 2.79D, as notified vide **Public Notice No. 34/2015-20 dated 04.09.2018, is substituted** as under:

"Para 2.79D Issue of export authorizations for demo/display/exhibition/tenders/RFP/ RFQ/ NIT of SCOMET items

(A) Authorization for export of indigenous/imported SCOMET item(s) for demo/display/exhibition /tender/ RFP/RFQ/NIT abroad

Authorizations for export of items in SCOMET List (other than those under Category 0, 1, 2 and 6 or 'Technology' or 'Software' in any category) solely for purposes of (a) Demo (b) Display (c) Exhibition (d) Tenders/RFP/RFQ/NIT shall be considered by Chairman IMWG, on the following conditions:

- (a) Such cases would be considered purely on temporary export basis for a specified time period;
- (b) No end user certificate would be insisted upon in such cases;
- (c) There shall not be any commercial transaction in the form of selling/buying/renting/leasing;
- (d) The number of item(s) should be commensurate with the nature of export items and the purpose for which the application is being made;
- (e) There shall not be any exchange/disclosure of information which could lead to transfer of technology;
- (f) No export authorisation would be granted for UNSC sanctioned destinations or countries/entities of high risk, as assessed by the IMWG, from time to time;

(g) The application is accompanied with the following additional documents (depending on whichever is applicable):

(i) Proof of event (Demo/Display/ Exhibition/ Tenders/RFP/RFQ/NIT)

Invitation letter / Advertisement/Notice for RFP/RFQ/NIT or any other document to authenticate (i) the event or purpose of participation (ii) schedule (in case dates not decided, probable time period) (iii) specific location of event [venue, city, country etc.];

(ii) Proof of participation :

Documents confirming participation of applicant in the event (demo/display/exhibition/ tender/RFP/RFQ/NIT);

(iii) An undertaking from the applicant firm:

An Undertaking on the letter head of the firm duly signed and stamped by the authorized signatory stating:

- a. Purpose of export, details of invitee alongwith schedule and specific location of event;
- b. Details of items to be exported for Demo/Display/Exhibition /tender/ RFP/RFQ/NIT alongwith their SCOMET Category /Sub-category number(s), quantity and item description.
- c. that the exported items will be in the custody of the exporter during the entire period of export;
- d. that the exported items shall be brought back to India within 90 days after the event gets over or within the extended time, as allowed by DGFT;
- e. that the Bill of Entry confirming the return back of the exported items to India shall be submitted to DGFT.

(h) Applications for grant of authorizations shall be approved by Chairman, IMWG after verifying the credentials of the event/organizer.

(B) Authorization for export of imported SCOMET items after participation in demo/display/exhibition /tenders/ RFP/RFQ/NIT in India

Application for grant of authorization for export of imported SCOMET items to the entity from which it has been originally imported or to its OEM (including agency authorized by OEM), after Demo/Display/Exhibition/tender/RFP/RFQ/NIT, shall be considered by Chairman IMWG, on the following conditions:

- a) The SCOMET item(s) were imported in India for the purpose of demo/display/exhibition /tender/ RFP/RFQ/NIT under a contract agreement between Indian exporter and supplier/OEM(including agency authorized by OEM);

- b) The export should only be to the entity from which the item(s) has/have been imported or to the OEM (including agency authorized by OEM);
- c) No details on 'End Use' and 'End Use Certificate' would be required;
- d) No export authorisation would be granted for UNSC sanctioned destinations or countries/entities of high risk, as assessed by the IMWG, from time to time;
- e) The application is accompanied with the following additional documents (depending on whichever is applicable/appropriate):

i. Proof of import of the item(s):

- a. Bill of entry containing details of the items being exported after completion of Demo/Display/Exhibition /tender/ RFP/RFQ/NIT;
- b. Export License (if applicable) issued by the foreign country for original import of the items to India;

ii. Proof of event/participation (Exhibition/ Demo/Display/ Tenders/RFP/ RFQ/NIT)

Invitation letter / Advertisement/Notice for RFP/RFQ/NIT or any other document to authenticate (i) the event or purpose of participation (ii) schedule (iii) specific location of event [venue, city etc.] iv) Documents confirming participation of applicant in the event (exhibition/ display/ demo/tender/RFP/RFQ/NIT)

iii. An Undertaking from the applicant firm;

An Undertaking on the letter head of the firm duly signed and stamped by the authorized signatory stating:

- a. Purpose of import of item in India, invitee alongwith schedule and specific location of event;
- b. Details of imported items to be exported after Demo/Display/Exhibition tenders/ RFP/RFQ/NIT alongwith their SCOMET Category /Sub-category number(s), quantity, item description and ECCN of foreign country;
- c. That item (s) are being exported to the entity from which it was originally imported or to the OEM (including agency authorized by OEM) (whichever is applicable) for Demo/Display/Exhibition/ tenders/ RFP/RFQ/NIT;
- d. That there has been no change in the specifications of the item(s) after import;
- e. That the Demo/Display/Exhibition tenders/ RFP/RFQ/NIT items (whichever is applicable) is allowed under the conditions of import or contractual agreement;
- f. That the export of the imported item(s) is allowed under the conditions of import or contractual agreement between Indian exporter and entity abroad /OEM (including agency authorized by OEM).

- f) Applications for grant of authorizations for export to the entity from which it was originally imported or to the OEM (including agency authorized by OEM) shall be approved by Chairman IMWG, without any consultation with IMWG members. However, in cases of export to an entity other than the original supplier or OEM (including agency authorized by OEM), approval will be granted by Chairman, IMWG after verification of the credentials of the foreign entity to which the item(s) are to be exported.
3. All such authorizations shall be brought before IMWG in its subsequent meeting for confirmation of approval, on ex-post facto basis.

Note:-

- RFP refers to Request for Proposal
- RFQ refers to Request for Quotation
- NIT refers to Notice Inviting Tender

4. Effect of this Public Notice:

Paragraph 2.79D of Handbook of Procedures of FTP 2015-20 has been amended to lay down the procedure for export of SCOMET item(s) imported for demo/display/exhibition/tenders/RFP/RFQ/NIT purposes in the country. In addition, the undertaking by an applicant firm seeking authorisation for export of indigenous/imported SCOMET item(s) for demo/display/exhibition etc. abroad [Para 2.79D(A)] has also been modified including provision of bringing back item(s) within 90 days after the event.



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