

CUSTOMS TARIFF (DETERMINATION OF ORIGIN OF THE U.A.R. AND YUGOSLAVIA) RULES, 1976

Notification No. 353-Cus., dated 2-8-1976.

In exercise of the powers conferred by sub-section (1) of section 5 of the Customs Tariff Act, 1975 (51 of 1975), the Central Government hereby makes the following rules, namely:-

1. Short title and commencement. -

(1) These rules may be called the Customs Tariff (Determination of Origin of the United Arab Republic and Yugoslavia) Rules, 1976.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Application. -

These rules shall apply to articles consigned from the United Arab Republic and Yugoslavia.

3. Definitions. -

In these rules, unless the context otherwise requires.

(a) "Participating States" means the parties participating in the Trade Expansion and Economic Co-operation Agreement concluded with India on the 23rd December, 1967;

(b) "Rules of Origin of Goods", in relation to an article, means the conditions of origin set out in Annexure II appended to the Trade Expansion and Economic Co-operation Agreement concluded on the 23rd December, 1967, and set out in the Schedule to these rules;

(c) "Special Tariff Concession", in relation to an article, means the exemption granted by the notification of the Government of India in the Department of Revenue and Banking, No. 341-Customs, dated the 2nd August, 1976 in force for the time being, from the payment of duty of customs;

(d) words and expressions used in these rules and not defined but defined in the Customs Act, 1962 (52 of 1962), shall have the meanings, respectively, assigned to them in that Act.

4. Determination of origin. -

No article shall be deemed to be the produce or manufacture of a Participating State unless the proper officer of Customs is satisfied that the conditions specified in the rules of origin of goods are complied with in relation to such article.

5. Claim at the time of importation. -

The owner of the article shall,

- (a) make a claim at the time of importation that the article is the produce or manufacture of a Participating State and is eligible for Special Tariff Concession; and
- (b) produce the evidence prescribed in the Schedule to these rules.

6. Imports by post. -

No claim that an article imported by post is eligible for Special Tariff Concession shall be considered by the proper officer of Customs, unless at the time of arrival in India such article is covered by a declaration as to the country of origin entered in the customs declaration form or (in the absence of such a form) on the wrapper of the package.

THE SCHEDULE

[See Rules 3(b) and 5]

Rules of Origin of Goods

1. For purposes of Rule 2, the cost of production ("factory or works cost") to the manufacturer at the factory or works shall include also the cost of containers and other forms of interior packing ordinarily sold with the article when it is sold in retail or wholesale and the cost of exterior packing but shall not include any other taxes, charges or expenses incurred subsequent to its manufacture.

2. An article imported into India from a Participating State shall be eligible to Special Tariff Concession subject to the following :

(a) in the case of articles specified in Schedule A to these rules, that they have been wholly produced or grown within the area of the exporting Participating State; and

(b) in the case of all other articles :

(i) that they have been wholly manufactured within the territory of the exporting Participating State, or

(ii) that they have been partially manufactured and the final process of manufacture has been performed within such territory:

Provided that in both (i) and (ii) above the expenditure on material produced and labour performed within the territory of the exporting Participating State in the manufacture of the article is not less than fifty per cent of the factory or works cost of the article in its finished state.

Explanation. - "Expenditure on material" means the cost to the manufacturer of the material at the factory or works, including containers.

3. Any one or more of the following operations or processes shall not by themselves, constitute the final process of manufacture :

- (a) packing. (e) splitting into lots.
- (b) mixing. (f) sorting and grading.
- (c) bottling. (g) marking.
- (d) labelling. (h) putting up into sets.

4. In determining the place of production or consignment of marine products taken from the sea or goods produced therefrom at sea, such products shall be regarded as having been consigned from the territory of a Participating State if they were taken or produced in a vessel chartered by, or belonging to, a Participating State and have been brought direct to the exporting Participating State.

5. When determining the origin of goods, "expenditure on material" incurred in the exporting Participating State shall include *inter alia* expenses incurred in respect of energy, fuel, plant, machinery or tools in the manufacture or production of goods within the exporting Participating State and materials used in the maintenance of such plant and machinery, and tools.

6. (1) Each unit of article in a consignment shall be considered separately.

(2) For purposes of clause (1) of this rule -

- (a) tools, parts and accessories which are imported with an article, and the price of which is included in that of the article or for which no separate charge is made, shall be considered as forming a whole with the article, provided that they constitute the standard equipment customarily included in the sale of articles of that kind;
- (b) in cases not within sub-clause (a), goods shall be treated as a single unit if they are so treated for purposes of assessing customs duties.

(3) An unassembled or disassembled article which is imported in more than one consignment because it is not feasible for transport or production reasons to import it in a single consignment shall, if the importer so requests, be treated as one article if they are so treated for purposes of assessing customs duty.

7. (1) A claim that goods shall be accepted as eligible to Special Tariff Concession in customs duties shall be supported by an appropriate certificate of origin given by a Governmental authority or an authorised body nominated by the exporting Participating State and notified to the Government of India.

(2) The forms of certification shall be as prescribed in Schedule B to these rules.

8. (1) When it is considered necessary that an enquiry should be made pertaining to any consignment or certificate of origin, the Government of India may make a request to the competent authority of the exporting Participating State. Upon receipt of a request in this behalf the competent authority shall, after verification of the evidence, furnish information to the Government of India. Information obtained in this respect shall be treated as confidential.

(2) Certificates of an authorised body may not be accepted in case it is shown to have repeatedly issued certificates not in accordance with the provisions of these Rules. Such action shall not, however, be taken without adequate prior notification to the exporting Participating States of the grounds of dissatisfaction.

9. These rules shall be reviewed annually from the commencement of their operation and be open to such modification as may be agreed upon by the Government of India and Participating States.

SCHEDULE A

Serial No.	Heading No. of the First Schedule to the Customs Tariff Act, 1975	Description of products
(1)	(2)	(3)
1	25.01/32	Natural calcium phosphate.
2	25.01/32	Gypsum (raw).
3	25.01/32	Natural steatite, including natural steatite not further worked than roughly spilt, roughly squared (1) Talc (2) Others
4	27.14/16	Bitumen and asphalt, natural bituminous shale, asphaltic rock and tar sands (1) Bitumen (2) Asphalt (3) Bituminous shale and tar sands (4) Asphaltic rock

SCHEDULE B

Form of certification of origin of goods eligible for Special Tariff Concessions

(To be given by a Governmental authority or an authorised body nominated by the exporting Participating State and to be written, typed or printed in the English language on invoices of goods.)

I. In the case of articles included in Schedule A to these rules, certification shall be as follows:

"Having been authorised in accordance with Rule 7(1) of the "Rules of Origin of Goods", the undersigned certifies that the goods described in this invoice have been wholly grown or produced within Yugoslavia / U.A.R.

Place:

Date:

Signature and seal"

II. In the case of articles other than those specified in Schedule A to these rules, namely, wholly or partially manufactured articles

"Having been authorised in accordance with Rule 7(1) of the "Rules of Origin of Goods" the undersigned certifies that:

(1) The articles described in this invoice have been partially/wholly manufactured in Yugoslavia/U.A.R.

(2) The expenditure incurred on all materials produced and labour performed within Yugoslavia/U.A.R. is not less than fifty per cent of the factory or works cost of the articles in its finished state.

(3) The final process of manufacture of each and every article has been performed within Yugoslavia/U.A.R., in accordance with the requirements of Rules 2 and 3 of the "Rules of Origin of Goods".

Place

Date

Seal"

Signature and