

MINISTRY OF FINANCE

(Department of Revenue)

NOTIFICATION

New Delhi, the 1st April, 2014

No. 8/ 2014-Customs

G.S.R. 245(E).—In exercise of the powers conferred by sub-section (1) of Section 25 of the Customs Act, 1962 (52 of 1962), the Central Government, on being satisfied that it is necessary in the public interest so to do, hereby makes the following further amendments in the notification of the Government of India, in the Ministry of Finance (Department of Revenue), No. 96/2008-Customs, dated the 13th August, 2008, published in the Gazette of India, Extraordinary, *vide* number G.S.R. 590(E), dated the 13th August, 2008, namely :—

In the said notification,—

(a) in Appendix I, for the Table, the following Table shall be substituted, namely :—

“TABLE

S. No.	IIS Code	Description	Extent of tariff concession (percentage of applied rate of duty)
(1)	(2)	(3)	(4)
1	06031100	All goods	25%
2	06031200	All goods	25%
3	06031300	All goods	25%
4	06031400	All goods	25%
5	06031500	All goods	25%
6	06031900	All goods	25%
7	06039000	All goods	25%
8	07020000	All goods	25%
9	07131000	All goods	10%
10	08011100	All goods	14%
11	08021200	All goods	25%
12	08023100	All goods	25%
13	08023200	All goods	25%
14	08029000	Betel Nuts	60%
15	080450	All goods	15%
16	08051000	All goods	10%
17	08061000	All goods	10%
18	080620	All goods	10%
19	08131000	All goods	20%
20	081340	All goods	10%
21	090411	All goods	15%
22	09041200	All goods	15%
23	090421	All goods	15%
24	090422	All goods	15%
25	090611	All goods	15%
26	091011	All goods	15%
27	091012	All goods	15%
28	091030	All goods	15%

29	09109100	All goods	15%
30	091099	All goods	15%
31	15071000	All goods	50%
32	15111000	All goods	50%
33	151190	All Goods	50%
34	151491	All goods	50%
35	151550	All goods	50%
36	151590	All goods	50%
37	170113	All goods	50%
38	170114	All goods	50%
39	17019100	All goods	50%
40	170199	All goods	50%
41	18010000	All goods	29%
42	20091900	All goods	60%
43	20095000	All goods	60%
44	320649	All goods	50%
45	330119	All goods	50%
46	330300	All goods	60%
47	330610	All Goods	60%
48	33074100	All goods	60%
49	340119	All goods	50%
50	391590	All goods	50%
51	39173100	All goods	60%
52	39174000	All goods	50%
53	391810	All goods	50%
54	391890	All goods	50%
55	39191000	All goods	50%
56	391990	All goods	50%
57	392010	All goods	50%
58	392020	All goods	50%
59	392030	All goods	50%
60	392051	All goods	50%
61	392059	All goods	50%
62	392069	All goods	10%
63	392099	All goods	10%
64	39211100	All goods	50%
65	39211200	All goods	50%
66	392113	All goods	50%
67	392190	All goods	50%
68	392310	All goods	50%
69	39232100	All goods	50%
70	392329	All goods	50%
71	392330	All goods	50%
72	392350	All goods	50%
73	392390	All goods	50%

74	392490	All goods	50%
75	392610	All goods	50%
76	392620	All goods	50%
77	392690	All goods	50%
78	40012100	All goods	20%
79	40012200	All goods	20%
80	400129	All goods	20%
81	400700	All goods	50%
82	400821	All goods	50%
83	401699	All goods	14%
84	520100	All goods	50%
85	610329	All goods	60%
86	61044200	All goods	50%
87	61045200	All goods	50%
88	61046200	All goods	50%
89	610510	All goods	50%
90	61082100	All goods	60%
91	610990	All goods	50%
92	611030	All goods	50%
93	611190	All goods	60%
94	620339	All goods	60%
95	62034200	All goods	60%
96	620349	All goods	60%
97	62052000	All goods	50%
98	62053000	All goods	50%
99	620590	All goods	50%
100	62082200	All goods	50%
101	62105000	All goods	60%
102	62113200	All goods	60%
103	62121000	All goods	60%
104	640110	All goods	60%
105	640199	All goods	60%
106	64031910	All goods	50%
107	64031920	All goods	50%
108	640411	All goods	60%
109	64052000	All goods	60%
110	70132800	All goods	10%
111	850110	All goods	10%
112	850440	All goods	50%
113	85287100	Colour reception apparatus for television whether or not incorporating radio broadcast receivers or sound or video recording or reproducing apparatus (satellite receivers)	50%
114	852872	Colour reception apparatus for television whether or not incorporating radio broadcast receivers or sound or video recording or reproducing apparatus	50%";

(b) for Appendix II, the following shall be substituted, namely:—

“Appendix II

S. No.	HS Code	Description
(1)	(2)	(3)
1	02071300	All goods
2	02071400	All goods
3	040210	All goods
4	040229	Whole Milk Powder
5	04059010	All goods
6	04059020	All goods
7	04069000	All goods
8	070310	All goods
9	080132	All goods
10	080310	All goods
11	080390	All goods
12	08071900	All goods
13	08081000	All goods
14	080830	All goods
15	080840	All goods
16	090111	All goods
17	090210	All goods
18	090220	All goods
19	090230	All goods
20	090240	All goods
21	09051000	All goods
22	09052000	All goods
23	090831	All goods
24	090832	All goods
25	090921	All goods
26	09092200	All goods
27	090931	All goods
28	09093200	All goods
29	10011100	All goods
30	10011900	All goods
31	10019100	All goods
32	100199	All goods
33	10051000	All goods
34	100630	All goods
35	11010000	All goods
36	11031300	All goods
37	120241	All goods
38	120242	All goods
39	12030000	All goods
40	120400	All goods

41	120740	All goods
42	120799	All goods
43	14011000	All goods
44	22030000	All goods
45	22041000	All goods
46	220421	All goods
47	220429	All goods
48	22043000	All goods
49	22051000	All goods
50	22059000	All goods
51	22060000	All goods
52	220710	All goods
53	220820	All goods
54	220830	All goods
55	220840	All goods
56	220850	All goods
57	220860	All goods
58	220870	All goods
59	220890	All goods
60	230800	All goods
61	230620	All goods
62	230630	All goods
63	230650	All goods
64	230690	All goods
65	230790	All goods
66	240110	All goods
67	240120	All goods
68	24013000	All goods
69	240140	All goods
70	240120	All goods
71	240190	All goods
72	240311	All goods
73	240319	All goods
74	24039100	All goods
75	240399	All goods
76	25151100	All goods
77	251512	All goods
78	25221000	All goods
79	271019	All goods
80	350691	All goods
81	381220	All goods
82	46021100	All goods
83	46021200	All goods
84	482190	All goods

85	500300	All goods
86	722220	All goods
87	722240	All goods
88	722850	All goods
89	722860	All goods
90	722870	All goods
91	7403100	All goods
92	7403200	All goods
93	7403300	All goods
94	740400	All goods
95	740410	All goods
96	740511	All goods
97	740819	All goods

[F. No. 354/189/2005-TRU (Vol II)]

RAJ KUMAR DIGVIJAY, Under Secy.

Note :—The principal notification No. 96/2008-Customs, dated the 13th August, 2008 was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number G.S.R. 590(E), dated the 13th August, 2008 and last amended by notification No. 33/2013-Customs, dated the 19th June 2013 published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number G.S.R. 383(E), dated the 19th June, 2013.

MINISTRY OF FINANCE**(Department of Revenue)****(CENTRAL BOARD OF EXCISE AND CUSTOMS)****NOTIFICATION**

New Delhi, the 13th August, 2008

S.O. 2041(E).—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 Products under the Duty Free Tariff Preference Scheme for Least Developed Countries] Rules, 2008.

(2) These rules shall come into force from the date of their publication.

2. Determination of Origin.— No product shall be deemed to be originating in the beneficiary country unless the conditions specified in these rules are complied with in relation to such products, to the satisfaction of the Government Authority authorised by the exporting beneficiary country to issue the Certificate of Origin under the Duty Free Tariff Preference Scheme for Least Developed Countries (hereinafter referred to as the said Scheme).

3. Claim at the time of importation.— The importer of the product shall, at the time of importation,—

(a) make a claim that the products are the produce or manufacture of the beneficiary country from where they are imported and such products are eligible for tariff preferences, and

(b) produce the evidence specified in these rules.

4. Originating products.— Products, covered by the said scheme, imported into India from a beneficiary country, which are consigned directly within the meaning of rule 7, shall be eligible for tariff preferences if they conform to the following origin requirements namely:—

(a) products wholly produced or obtained in the exporting beneficiary country; or

(b) products not wholly produced or obtained in the exporting beneficiary country, provided it fulfils the conditions specified under rule 5.

Explanation: For the purposes this rule, the products wholly produced or obtained in the exporting beneficiary country means,-

- (a) Raw or mineral products including mineral fuels, lubricants and related materials as well as mineral or metal ores extracted from its territory;
- (b) plant and plant products, including agriculture, vegetable and forestry products grown or harvested there;
- (c) live animals born and raised there;
- (d) products obtained from animals referred to in clause (c) above;
- (e) products obtained by hunting, trapping, fishing or aquaculture conducted there;
- (f) products of sea fishing and other marine products taken from outside its Territorial Waters and Exclusive Economic Zone by vessels registered and flying the flag of the beneficiary country ;
- (g) products processed and/or made on board its factory ships exclusively from products referred to in clause (f) above;
- (h) scrap and waste derived from manufacturing or processing operations conducted there and fit only for disposal or for the recovery of raw materials;
- (i) used articles collected there which can no longer perform their original purpose nor are capable of being restored or repaired and which are fit only for disposal or for the recovery of parts or raw materials;
- (j) products taken from the seabed, subsoil or ocean floor thereof beyond its territory, provided the beneficiary country has the rights to exploit that sea bed, subsoil or ocean floor thereof in accordance with the provisions of the United Nations Convention on the Law of the Sea;
- (k) products produced there exclusively from the products referred to in clauses (a) to (j) above.

5. Products not wholly produced or obtained.- For the purposes of rule 4 and subject to the provisions of rule 6, products not wholly produced or obtained shall be considered as originating in the exporting beneficiary country if they fulfil the following conditions:-

- (i) The total value of the non-originating materials, parts, or produce used in the manufacture of the export product does not exceed 70 per cent. of the Free on Board (FOB) value of the product so produced or obtained (i.e. the local value added content in the beneficiary country is at least 30 per cent.);
- (ii) the product so produced or obtained is classified in a Heading, (at 4-digit level of the Harmonised System) which is different from those in

- which all the non-originating materials used in its manufacture are classified (Change in Tariff Heading Rule); and
- (ii) the final process of manufacture is performed within the territory of the exporting beneficiary country.

Explanation: (a) For the purposes of calculating the "local value added content", the following formula shall be applied:-

Local Value Added Content (X %) =

$$\frac{\text{Free on Board (FOB) Price} - \text{Value of non-originating materials}}{\text{Free on Board (FOB) Price}} \times 100$$

(In order for a product to qualify as originating X ≥ 30 %)

- (b) The value of the non-originating materials, parts, or produce or materials of undetermined origin shall be:
- (i) the Cost Insurance and Freight (CIF) value, at the time of importation of the materials, parts, or produce where this can be proven; or
- (ii) the earliest ascertainable price paid for the materials, parts or produce of undetermined origin in the territory of the beneficiary where the working or processing takes place.
- (c) If in the manufacturing of the final export product, the originating material from India is used as input, the value of such input shall be included in the calculation of the local value added content as it would be deemed to be originating in the exporting beneficiary country.

6. Insufficient Operations.- The following operations shall in any event be considered insufficient working or processing to confer the originating status-

- (a) operations to ensure the preservation of products in good condition during transport and storage (such as drying, freezing, keeping in brine, ventilation, spreading out, chilling, placing in salt, sulphur dioxide or other aqueous solutions, removal of damaged parts, and like operations);
- (b) simple operations consisting of removal of dust, sifting or screening, sorting, classifying, matching (including the making-up of sets of articles), washing, painting, cutting;
- (c) changes of packing and breaking up and assembly of consignments;
- (d) simple cutting, slicing and repacking or placing in bottles, flasks, bags, boxes, fixing on cards or boards, and all other simple packing operations;

- (e) affixing of marks, labels or other like distinguishing signs on products or their packaging;
- (f) simple mixing of products whether or not of different kinds, where one or more components of the mixture do not meet the conditions laid down in these rules to enable them to be considered as originating products;
- (g) simple assembly of parts of products to constitute a complete product and or disassembly of products into parts and/or packing thereof;
- (h) slaughter of animals;
- (i) mere dilution or mixing of products with water or another substance that does not materially alter the characteristics of the products so obtained; and
- (j) a combination of two or more operations referred to in paragraphs (a) to (i).

7. **Direct consignment.**- A product, in respect of which tariff preference is claimed, shall be considered as directly consigned from the exporting beneficiary country,-

- (a) if it has been transported without passing through the territory of any other country;
- (b) The product, whose transport involves transit through one or more intermediate countries with or without trans-shipment or temporary storage in such countries ;

Provided that,-

- (i) their transit entry is justified for geographical reasons or by considerations related exclusively to transport requirements;
- (ii) the products have not entered into trade or consumption there;
- (iii) the products have not undergone any operation other than unloading and reloading or any operation required to keep them in good condition; and
- (iv) the products have remained under the customs control in the country of transit.

8. **Treatment of packing.**-

- (i) The packages and packing materials or cases or containers for retail sale, when classified together with the packaged products, according to General rule 5 of the rules for interpretation of the Harmonised System, shall not be taken into account for considering whether packages and packing materials or cases or containers fulfil the criterion corresponding to a change of tariff classification of the said products.
- (ii) If the product is subject to an ad-valorem percentage criterion, the value of the packages and packing materials or cases or container for retail sale shall be

taken into account in its origin assessment, in case they are treated as being one for customs purposes with the products in question.

- (iii) The containers and packing materials exclusively used for the transport of a product shall not be taken into account for determining the origin of any products.

9. Certificate of Origin.- Products eligible for preferential concessions shall be supported by a Certificate of Origin as per the format in Annexure-A, issued by a Government authority designated by the exporting beneficiary country and presented to the Customs authorities in accordance with the Procedures as set out in Annexure-B.

[F.No. 467/43/2006-Cus. V]

ASEEM KUMAR, Under Secy.

Annexure-A

CERTIFICATE OF ORIGIN

1. Goods consigned from (Exporters' Business Name, Address, Country)		Reference No.			
		Duty Free Tariff Preference Scheme for Least Developed Countries (Combined declaration and certificate)			
		Issued in..... (Country)			
		(See notes overleaf)			
2. Goods consigned to (Consignee's Name, Address, Country)		4. For Official use			
3. Means of transport and route (as far as known)					
5. Harmonised System (HS) Code	6. Marks and numbers of packages	7. Number and kind of packages: description of goods	8. Origin criterion (see Notes overleaf)	9. Gross weight or other quantity	10. Number and date of invoice

<p>11. Declaration by the Exporter The undersigned hereby declares that the above details and statements are correct; That all the goods were produced in</p> <p>..... (Country)</p> <p>and that they comply with the origin requirements specified for those goods in Duty Free Tariff Preference Scheme for Least Developed Countries .</p> <p>..... (Importing Country)</p> <p>..... Place and date, signature of the authorised signatory</p>	<p>12. Certificate:</p> <p>It is hereby certified, on the basis of control carried out, that the declaration by the exporter is correct.</p> <p>..... Place and date, signature and stamp of certifying authority.</p>
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NOTE

I. To qualify for preference, products must:

- (a) fall within a description of products eligible for concessions in India under this Scheme.
- (b) comply with Rules of Origin for the Duty Free Tariff Preference Scheme for Least Developed Countries. Each product in a consignment must be originating separately in its own right; and
- (c) comply with the consignment conditions specified in the Rules of Origin for the Duty Free Tariff Preference Scheme for Least Developed Countries .

II. Entries to be made in Box 8.- (a) Preference products must be wholly produced or obtained in the exporting beneficiary country in accordance with rule 4 of the Rules of Origin for the Duty Free Tariff Preference Scheme for Least Developed Countries, or where not wholly produced or obtained in the exporting beneficiary country they must be eligible under rule 5.

(b) For products wholly produced or obtained - enter the letter 'A' in box 8.

(c) For products not wholly produced or obtained - enter the letter 'B' in box 8 for products, which meet the origin criterion according to rule 5. Entry of letter 'B' would be followed by the percentage of Local Value Added Content, as calculated under rule 5: (example B(--) per cent).

Annexure-B**PROCEDURE FOR ISSUANCE AND PRESENTATION OF CERTIFICATE OF ORIGIN UNDER THE DUTY FREE TARIFF PREFERENCE SCHEME FOR LEAST DEVELOPED COUNTRIES**

For the purpose of implementing the Rules of Origin for the Duty Free Tariff Preference Scheme for Least Developed Countries, the under-mentioned procedure on the issuance and presentation of the Certificate of Origin and other related administrative matters shall be followed:

Authorities

1. The certificate of origin issued by the Government authorities designated by the Government of the exporting Beneficiary country (hereinafter referred as "Issuing Authority") would only be accepted.

Issuance of Certificate of Origin

2. The certificate of origin shall be on A4 size paper, completed in English and in conformity to the specimen as shown in Annexure - 'A'.

3. The certificate of origin shall comprise of one original and three copies of the following colours:

Original -blue
Duplicate -white
Triplicate -white
Quadruplicate -white

4. Each certificate of origin shall bear a reference number separately given by each place or office of issuance.

5. The Issuing Authority while retaining the duplicate copy shall provide the original copy and remaining two copies to the exporter. The original copy together with the triplicate shall be forwarded by the exporter to the importer for submission of the original copy to the Customs Authority at the port or place of importation. The triplicate shall be retained by the importer and the quadruplicate shall be retained by the exporter.

Implementation of the provisions

6. The certificate of origin issued by the Issuing authority in the exporting country shall indicate the relevant rules and applicable criteria in Box 8.

7. Neither erasures nor superimpositions shall be allowed on the certificates of origin. Any alteration shall be made by striking out the erroneous materials and making any addition required. Such alterations shall be approved by an official authorized to sign the certificate of origin and certified by the Issuing authority. Unused spaces shall be crossed out to prevent any subsequent addition.

8. The certificate of origin shall be issued by the relevant Issuing Authority of the exporting country at the time of exportation, or within 3 working days from the date of shipment, whenever the products to be exported can be considered originating in that country within the meaning of the rules of origin for the Scheme.

9. In exceptional cases where a certificate of origin has not been issued at the time of exportation or within 3 working days from the date of shipment due to involuntary errors or omissions or other valid causes, the certificate of origin may be issued retroactively but no longer than 45 days from the date of shipment, bearing the word "Issued Retroactively"

10. In the event of theft, loss or destruction of a certificate of origin, the exporter may apply in writing to the Issuing Authority which issued it for a certified true copy of the original and triplicate to be made on the basis of the export documents in their possession bearing the endorsement of the word "CERTIFIED TRUE COPY" (in lieu of the original certificate) in Box 12 of the certificate of origin. This copy shall bear the date of the original Certificate of origin. The certified true copy of a certificate of origin shall be issued within the validity period of the original Certificate of origin and on the condition that the exporter provides to the relevant Issuing Authority the quadruplicate copy. The validity of certified true copy of the certificate of origin would be the same as that of the original certificate so issued.

Presentation at the time of Importation

11. The original certificate of origin shall be submitted to the Customs Authorities at the time of lodging the import entry for the products concerned.

12. The following time limit for the presentation of the certificate be observed:

- a) The validity of the certificate of origin shall be twelve months from the date of its issuance.
- b) Certificate of origin must be submitted to the Customs Authority within the validity period.

13. Where the certificate of origin is submitted after the expiration of the validity of the certificate of origin, such certificate is still to be accepted when failure to observe the time limit results from *force majeure* or other valid reasons beyond the control of the exporter.

14. In all cases, the relevant Customs Authority in India may accept such certificate of origin provided that the products have been imported before the expiry of the validity of the certificate of origin.

15. The discovery of minor discrepancies between the statements made in the certificate of origin and those made in the documents submitted to the Customs Authority of India for the purpose of carrying out the formalities for clearance of import, the products shall not *ipso facto* invalidate the certificate of origin, if it does in fact correspond to the said products.

16. In cases where the Certificate of Origin is rejected by the Custom Authorities in India, the original Certificate of Origin shall be returned to the issuing authority within a reasonable period but not exceeding two (2) months. The grounds for denial of preferential tariff treatment shall be duly notified to the importer and the Issuing Authority.

Verification

17. The Customs Authorities of India may request a retroactive check at random and/or when it has reasonable doubt as to the authenticity of the document or as to the accuracy of the information regarding the true origin of the product in question or of certain parts thereof through designated nodal authority as per the procedure laid down under the said Duty Free Tariff Preference Scheme.

Special Cases

18. When destination of all or parts of all or parts of the products exported to specified port is changed, before or after their arrival in India, the following rules shall be observed:

- a) If the products have already been submitted to the Customs Authority in the specified importing port, the certificate of origin shall by a written application of the importer, be endorsed to this effect for all or parts of products by the said Authority and the original returned to the importer.
- b) If the changing of destination occurs during transportation to India as specified in the certificate of origin, the exporter shall apply in writing concerned Customs Authority, accompanied with the issued certificate of origin, for the new destination.

19. For the purpose of implementing the provisions of rule 7 of the Rules of Origin, the following shall be produced to the customs authority of India at the time of importation:

- a) a through Bill of Lading issued in the exporting country;
- b) a certificate of origin issued by the Issuing Authority of the exporting beneficiary country;
- c) a copy of the original commercial invoice in respect of the product; and
- d) supporting documents in evidence that other requirements of rule 7 have been complied with.
