

# INDIA'S EXPORT CONTROL SYSTEM

## SCOMET GUIDELINES AND PROCEDURES

1. Frequently asked questions
2. Guidelines for applicants
3. EUC format and Commonly made mistakes in the EUC
4. Contacts in DGFT

## Frequently asked questions

### 1. What is the meaning of SCOMET?

SCOMET is an acronym for Special Chemicals, Organisms, Materials, Equipment and Technologies.

### 2. What are dual-use goods and technologies?

Dual-use items are goods, software, technology, chemicals etc. which can be used for both civil and military applications. Such items require an authorization for exporting out of the country. India's list of items which need an export license is known as the SCOMET list.

### 3. Is export of SCOMET items regulated?

Yes, export of items in the SCOMET list is regulated as per India's Foreign Trade Policy. Export is either prohibited or is permitted under an authorization.

### 4. Where can I find the list of SCOMET items?

Appendix 3 of Schedule 2 of ITC (HS) Classification contains the control list of India which is also referred to as the SCOMET list. You can go to the DGFT website to see the complete list. The link for the same is:

In the list as appearing in Appendix 3 of Schedule 2 of ITC (HS) Classification, SCOMET items are listed under eight (8) categories as follows:

- Category 0: Nuclear material, nuclear-related other materials, equipment and technology.
- Category 1: Toxic chemical agents and other chemicals
- Category 2: Micro-organisms, toxins
- Category 3: Material, Materials Processing Equipment, and related technologies
- Category 4: Nuclear-related other equipment, assemblies and components; test and production equipment; and related technology, not controlled under Category 0
- Category 5: Aerospace systems, equipment including production and test equipment, related technology and specially designed components and accessories thereof.
- Category 6: (Reserved)
- Category 7: Electronics, computers, and information technology including information security.

Each category contains exhaustive listing of items covered under that category. Special conditions applicable to items under different categories are mentioned under each category.

Read the documents available at the following links:-

- [http://dgft.gov.in/Exim/2000/NOT/itc\(hs\)/Eschedule2.pdf](http://dgft.gov.in/Exim/2000/NOT/itc(hs)/Eschedule2.pdf)
- <http://dgft.gov.in/Exim/2000/NOT/NOT16/noti0516.pdf>
- <http://dgft.gov.in/Exim/2000/NOT/NOT13/not11613.pdf>
- <http://dgft.gov.in/Exim/2000/NOT/NOT13/not2613.htm>
- [http://dgft.gov.in/exim/2000/not/not12/not\\_annex3712.pdf](http://dgft.gov.in/exim/2000/not/not12/not_annex3712.pdf)

Relevant Notifications/Public Notices/Circulars for SCOMET are:–

Notifications/Pu blic Notices	Date	Subject	Link
Notification no. 19	4.8.2016	Import/export policy for Human Biological Samples for commercial purposes	<a href="http://dgft.gov.in/Exim/2000/NOT/NOT16/noti1916.pdf">http://dgft.gov.in/Exim/2000/NOT/NOT16/noti1916.pdf</a>
Notification no. 13	29.6.2016	Exports and Imports to Iran	<a href="http://dgft.gov.in/Exim/2000/NOT/NOT16/noti1316.pdf">http://dgft.gov.in/Exim/2000/NOT/NOT16/noti1316.pdf</a>
Public notice no. 19	29.6.2016	Exports and Imports to Iran	<a href="http://dgft.gov.in/Exim/2000/PN/PN16/pn1916.pdf">http://dgft.gov.in/Exim/2000/PN/PN16/pn1916.pdf</a>
Notification no. 5	29.4.2016	Updation of SCOMET list	<a href="http://dgft.gov.in/Exim/2000/NOT/NOT16/noti0516.pdf">http://dgft.gov.in/Exim/2000/NOT/NOT16/noti0516.pdf</a>
Public notice no. 60	03.2.2016	Export permission for 'Stock & Sale' purpose and for export of spare parts	<a href="http://dgft.gov.in/Exim/2000/PN/PN15/pn6016.pdf">http://dgft.gov.in/Exim/2000/PN/PN15/pn6016.pdf</a>
Notification no. 116	13.3.2015	Updation of SCOMET list	<a href="http://dgft.gov.in/Exim/2000/NOT/NOT13/not11613.pdf">http://dgft.gov.in/Exim/2000/NOT/NOT13/not11613.pdf</a>
Notification no. 115	13.3.2015	Export of Military Stores	<a href="http://dgft.gov.in/Exim/2000/NOT/NOT13/not11513.pdf">http://dgft.gov.in/Exim/2000/NOT/NOT13/not11513.pdf</a>
Notification no. 26	3.7.2013	Updation of SCOMET list	<a href="http://dgft.gov.in/Exim/2000/NOT/NOT13/not2613.htm">http://dgft.gov.in/Exim/2000/NOT/NOT13/not2613.htm</a>
Notification no. 37	14.3.2013	Updation of SCOMET list	<a href="http://dgft.gov.in/Exim/2000/NOT/NOT12/not3712.htm">http://dgft.gov.in/Exim/2000/NOT/NOT12/not3712.htm</a>

5. Who gives license for Category 0 items in the SCOMET list?

Licensing authority for items in Category 0 in Appendix 3 to Schedule 2 of ITC (HS) is Department of Atomic Energy. Applicable guidelines are notified by the Department of Atomic Energy under Atomic Energy Act, 1962. For certain items in Category 0, formal assurances from the recipient State will include non-use in any nuclear explosive device. Authorizations for export of certain items in Category 0 will not be granted unless transfer is additionally under adequate physical protection and is covered by appropriate International Atomic Energy Agency (IAEA) safeguards, or any other mutually agreed controls on transferred items.

6. What are the guidelines for Nuclear Exports?

- Guidelines for Nuclear Transfers (Exports) are available at <http://www.dae.nic.in/?q=node/147>
- List of "Prescribed Substances, Prescribed Equipments and Technology" can be seen at [http://www.dae.nic.in/writereaddata/pres\\_subs\\_0516.pdf](http://www.dae.nic.in/writereaddata/pres_subs_0516.pdf)

6. How do I apply for an authorization to export SCOMET items?

Application for grant of Export Authorisation has to be made to DGFT through an online system. Please visit the DGFT website at <http://dgft.gov.in>. Firstly, you should read the detailed guidelines and get all the required documents before making the application.

7. What are the documents to be submitted for the application?

The following documents need to be uploaded online while making the application.

- (i) End Use-cum-End User Certificate(s)(EUC) from all the firms/entities involved in the supply chain of the product(s) (to be furnished on their letter head duly signed by the authorised signatory);
- (ii) Copy(ies) of Purchase Order(s) of firm(s) involved in the supply chain of the item/product;
- (iii) Aayat Niryat Form (ANF)-1 (Profile of Exporter);
- (iv) Elaborate technical specification relating to item of export;
- (v) Copy(ies) of supply contract/agreement {if documents are bulky only the relevant portion containing contract reference and parties to the contract and the portion indicating the item(s) to be supplied and quantity thereof not exceeding 10 pages shall be uploaded};
- (vi) Copy of DGFT authorization letter for the same product, if any in case of application for repeat orders;

Hard copy (Paper copy) of the following documents are required to be submitted to DGFT (HQ):

- (i) Original End Use-cum-End User Certificate (EUC);
- (ii) Copies of Bills of Entry into the destination country for items exported during the last one year.

8. What is the process to obtain the license?

You need to first make an application to DGFT, Headquarters for obtaining the approval for issuance of license. All applications for licence for export of SCOMET items are considered on case-by-case basis by an Inter-Ministerial Working Group (IMWG) in the DGFT under the Chairmanship of Additional Director General of Foreign Trade as per guidelines and criteria laid down in Para 2.49 of the Handbook of Procedure Vol. 1. Once the case is approved by the IMWG, permission letter is issued to the exporter for obtaining export authorization from the concerned Zonal/Regional office of the DGFT.

9. Is an authorization required even for export of SCOMET items for display or exhibition purposes?

- Yes, an authorization is required.
- Licences for export of items in this List for display or exhibition abroad are subject to a **condition of re-import within a period not exceeding six months.**
- Exporters are entitled to apply for an export licence for such items exhibited abroad if exhibitor intends to offer that item for sale during exhibition abroad. Such sale shall not take place without a valid licence.
- The export of items in SCOMET List (other than those under Category 0, 1 and 2) solely for purposes of display or exhibition shall not require any end-use or end-user certification.
- However, no export Authorisation for display or exhibition shall be issued for 'Technology' in any category.

10. Do I need a license to supply SCOMET Items from DTA to SEZ?

- ✓ No export authorisation is required for supply of SCOMET items from DTA to SEZ. However, all supplies of SCOMET items from DTA to SEZ will be reported to the Development Commissioner of the respective SEZ by the supplier.
- ✓ Export authorisation is, however, required if the SCOMET items are to be physically exported outside the country from SEZ i.e. to another country (Refer Rule 26 of the SEZ Rules, 2006).

11. Do I need an authorization to supply SCOMET Items from SEZ to any other country?

Export permission is required if the SCOMET items are to be physically exported outside the country from SEZ i.e. to another country (Refer Rule 26 of the SEZ Rules, 2006).  
(Inserted vide Notification No.93(RE-2010)/2009-14 dated 6.1.2012)

12. What is the procedure for Applications for entering into an arrangement or understanding for Site Visits, On-site Verification and Access to Records / Documentation?

An application shall be made in ANF 2P to DGFT (Hqrs.), New Delhi along with documents prescribed therein. These applications shall be considered by an Inter-Ministerial Working Group (IMWG) in DGFT (Hqrs.) for grant of approval.

13. Do I need an authorization for repeat orders of same product?

Applications for grant of authorisations for repeat orders for export of SCOMET items shall be considered by IMWG on automatic basis. However, only the applications submitted within two years from the date of approval by IMWG of the original SCOMET authorisation will be eligible for repeat authorisation.

It is also subject to other conditions i.e All of the following should be the same i.e. (a) the product along with the technical specification (b) the exporter (c) the foreign buyer (d) the consignee or the intermediaries, if any (e) the end user (f) the end use and (g) the country of destination.

Moreover, the permitted quantity against repeat export authorisations shall not be more than two times of the quantity in original authorisation, subject to the annual manufacturing capacity of the end user in respect of the relevant product, as certified by the end user.

14. What are the restrictions on export of chemicals as per SCOMET list?

- Export of Category 1A chemical is prohibited.
- Export of chemicals listed in Category 1B is permitted only to States party to the Chemical Weapons Convention after obtaining an authorization from DGFT. The list of State Parties to the Chemicals Weapons Convention (CWC) and countries which are not State Parties is available on the OPCW website <http://www.opcw.org>.
- Export of Chemicals as specified below is allowed to State Parties to the CWC without an export licence subject to the condition that the exporter shall notify within 30 days of export to the National Authority, Chemicals Weapons Convention, Cabinet Secretariat; the Ministry of External Affairs (D&ISA); the Department of Chemicals & Petro-chemicals, and the DGFT of such exports in the prescribed format (Aayat Niryat Form ) along with the End-Use Certificate and submit to the DGFT a copy of the bill of entry into the destination State Party within 30 days of delivery. Export of chemicals as specified below to states not party to the Chemical Weapons Convention shall continue to be restricted and will be allowed only against an export licence, and in that case also exporters shall submit to the DGFT a copy of the bill of entry into the destination country within 30 days of export.

15. Can I get an advance authorization where the export item is a SCOMET item?

Yes. As per para 4.27 of the HBP 2015-20, the export of SCOMET items shall not be permitted against an Authorisation until and unless the requisite SCOMET Authorisation is obtained by the applicant.

16. Can I get export permission for “stock and sale” purpose?

Yes, but Export shall be permitted only from the principal company/the wholly owned subsidiary in India to their subsidiaries/principal company/warehouse abroad on the basis of an EUC from the latter for ‘stock & sale’ purposes, when considered appropriate from the point of view of security and other critical consideration.

Please go through Public notice no. 60 dated 03.2.2016 regarding “Export permission for ‘Stock & Sale’ purpose”. The link is <http://dgft.gov.in/Exim/2000/PN/PN15/pn6016.pdf>

17. What is the requirement for export for spare parts for SCOMET items?

Request for export permission for spare parts covered under SCOMET may be considered by IMWG along with the application for the main item/ equipment. Applicant may indicate the requirement of spares after judicious and reasonable assessment thereof, and provide the justification for the same.

18. Is there is a validity period of the license? Can it be extended?

Yes, there is a validity period of the license. It can be extended for six months at a time and maximum upto 12 months through revalidation by DGFT regional office on the approval of DGFT Headquarters.

19. Do I need a license for Export of Military Stores?

Yes, a No Objection Certificate (NOC) from Department of Defence Production is required for Export of Military Stores.

Check out the list here:- <http://dgft.gov.in/Exim/2000/NOT/NOT13/not11513.pdf>

20. Where can I find the Standard Operating Procedure (SOP) for issue of No Objection Certificate (NOC) for Export of Military Stores?

Please check the link:

<http://ddpmod.gov.in/sites/default/files/Standard%20Operating%20Procedure.pdf>

21. Where can I find the detailed guidelines for filling up the online application?

The guidelines can be read on page 6 of this document. The details on how to use and navigate through the software are also available on the DGFT website.

22. What are the relevant Notifications/Public Notices/Circulars for SCOMET?

Notifications/Pu blic Notices	Date	Subject	Link
Notification no. 19	4.8.2016	Import/export policy for Human Biological Samples for commercial purposes	<a href="http://dgft.gov.in/Exim/2000/NOT/NOT16/noti1916.pdf">http://dgft.gov.in/Exim/2000/NOT/NOT16/noti1916.pdf</a>
Notification no. 13	29.6.2016	Exports and Imports to Iran	<a href="http://dgft.gov.in/Exim/2000/NOT/NOT16/noti1316.pdf">http://dgft.gov.in/Exim/2000/NOT/NOT16/noti1316.pdf</a>
Public notice no. 19	29.6.2016	Exports and Imports to Iran	<a href="http://dgft.gov.in/Exim/2000/PN/PN16/pn1916.pdf">http://dgft.gov.in/Exim/2000/PN/PN16/pn1916.pdf</a>
Notification no. 5	29.4.2016	Updation of SCOMET list	<a href="http://dgft.gov.in/Exim/2000/NOT/NOT16/noti0516.pdf">http://dgft.gov.in/Exim/2000/NOT/NOT16/noti0516.pdf</a>
Public notice no. 60	03.2.2016	Export permission for	<a href="http://dgft.gov.in/Exim/2000/PN/PN">http://dgft.gov.in/Exim/2000/PN/PN</a>

		'Stock & Sale' purpose and for export of spare parts	<a href="#">15/pn6016.pdf</a>
Notification no. 116	13.3.2015	Updation of SCOMET list	<a href="http://dgft.gov.in/Exim/2000/NOT/NOT13/not11613.pdf">http://dgft.gov.in/Exim/2000/NOT/NOT13/not11613.pdf</a>
Notification no. 115	13.3.2015	Export of Military Stores	<a href="http://dgft.gov.in/Exim/2000/NOT/NOT13/not11513.pdf">http://dgft.gov.in/Exim/2000/NOT/NOT13/not11513.pdf</a>
Notification no. 26	3.7.2013	Updation of SCOMET list	<a href="http://dgft.gov.in/Exim/2000/NOT/NOT13/not2613.htm">http://dgft.gov.in/Exim/2000/NOT/NOT13/not2613.htm</a>
Notification no. 37	14.3.2013	Updation of SCOMET list	<a href="http://dgft.gov.in/Exim/2000/NOT/NOT12/not3712.htm">http://dgft.gov.in/Exim/2000/NOT/NOT12/not3712.htm</a>

23. What are the penalties for exporting SCOMET items without an authorization?

Section 14E of the Foreign Trade (Development & Regulations) Amendment Act, 2010 delineates the offences and penalties:-

*14E. Offences and penalties.—*

*(1) In case of a contravention relating to specified goods, services or technologies, the penalty shall be in accordance with the provisions of the Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Act, 2005 (21 of 2005).*

*(2) Where any person contravenes or attempts to contravene or abets, any of the provision(s) of this Chapter in relation to import or export of any specified goods or services or technology, he shall, without prejudice to any penalty which may be imposed on him, be punishable with imprisonment for a term stipulated in the Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Act, 2005 (21 of 2005).*

*(3) No court shall take cognizance of any offence punishable under this Chapter without the previous sanction of the Central Government or any officer authorised in this behalf by the Central Government by general or special order.]*

**In addition, Section 8 of the FTDR Act specifies suspension or cancellation of IE Code of the person who imports or exports specified goods services or technology in contravention of any provision of the Act or any rule or orders made thereunder.**

24. What are the penalties specified in the WMD Act, 2005?

Sections 14 to 22 are relevant for understanding penalties and offences under the WMD Act, 2005. They can be briefly summarized as follows. For the legal version, see the WMD Act, 2005.

- Offences and penalties.-Any person who contravenes, or attempts to contravene or abets, the provisions of section 8 or section 10 of the WMD Act, shall be punishable with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life, and shall also be liable to fine.
- Punishment for aiding non-State actor or terrorist.- Any person who, with intent to aid any non-State actor or terrorist, contravenes the provisions of section 9 of this Act, shall be punishable with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life, and shall also be liable to fine.
- Punishment for unauthorized export:-
  - Any person who knowingly contravenes, abets or attempts to contravene, the provisions of subsection (4) of section 13 of this Act, shall be punishable

with fine which shall not be less than three lakh rupees and which may extend to twenty lakh rupees.

- If any person is again convicted of the same offence under subsection (1), then he shall be punishable for the second and every subsequent offence with imprisonment for a term which shall not be less than six months but which may extend to five years and shall also be liable to fine.
- Punishment for violation of other provisions of the Act.-
  - Where any person contravenes, or abets or attempts to contravene, any provision of this Act other than the provisions under sections 8, 9, 10 and 13(4) of this Act, he shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to five years and shall also be liable to fine.
  - For the second and every subsequent offence with imprisonment for a term which shall not be less than one year but which may extend to seven years and shall also be liable to fine.
- Penalty for using false or making forged documents, etc. Punishable with fine which shall not be less than five lakh rupees or five times the value of the materials, equipment, technology or services, whichever is more.
- Punishment for offences with respect to which no provision has been made. Punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

25. In the case of offences by a company, who is liable?

Section 20 of the WMD Act, 2005 clarifies this. It says that where an offence has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly. For the legal version, see WMD Act, 2005

26. What are catch-all controls?

Section 14C of the FTDR Act, 1992 as amended deal with Catch-all controls. It says that no person shall export any material, equipment or technology knowing that such material, equipment or technology is intended to be used in the design or manufacture of a biological weapon, chemical weapon, nuclear weapon or other nuclear explosive device, or in their missile delivery systems.

27. What is the meaning of Technology?

Para 2(m) of the Foreign Trade (Development & Regulations) Amendment Act, 2010 defines technology as follows:-

*(m) "Technology" means any information (including information embodied in software), other than information in the public domain, that is capable of being used in—*

- (i) the development, production or use of any goods or software;*
- (ii) the development of, or the carrying out of, an industrial or commercial activity or the provision of service of any kind.*

*Explanation.—For the purpose of this clause—*

*(a) when technology is described wholly or partly by reference to the uses to which it (or the goods to which it relates) may be put, it shall include services which are provided*



*or used, or which are capable of being used in the development, production or use of such technology or goods;*

(b) *“public domain” shall have the same meaning as assigned to it in clause (i) of section 4 of the Weapons of Mass Destruction and their Delivery System (Prohibition of Unlawful Activities) Act, 2005 (21 of 2005).]*

Note:- Clause (i) of section 4 of WMD Act, 2005 defines Public Domain as

"Public domain" means domain that has no restrictions upon dissemination of information within or from it; the existence of any legal rights to intellectual property in that information does not remove such information from being in public domain;"

## **28. Is there a prohibition on transfer of Technology related to SCOMET items?**

Section 13(2) and 13(3) of the WMD Act, 2005 provide restrictions on transfer of technology. Section 13(2) clarifies that any transfer of technology of an item whose export is prohibited under this Act or any other relevant Act relating to relevant activity shall be prohibited. Note that it talks about “transfer of technology” and not “export of technology”. Section 13(3) specifies that when any technology is notified under this Act or any other relevant Act, as being subject to transfer controls, the transfer of such technology shall be restricted to the extent notified thereunder.

Transfer of technology may take place through either or both of the following modes of transfer, namely:-

- a) by a person or from a place within India to a person or place outside India;
- b) by a person or from a place outside India to a person, or a place, which is also outside India (but only where the transfer is by, or within the control of, person, who is a citizen of India, or any person who is a resident in India).

## **29. What are the restrictions on transfer of technology to foreign nationals?**

Transfer of any controlled technology is not allowed from

- a) by a person or from a place within India to a person or place outside India;
- b) by a person or from a place outside India to a person, or a place, which is also outside India. (but only where the transfer is by, or within the control of, person, who is a citizen of India, or any person who is a resident in India).

Hence, transfer of controlled technology to foreign nationals is barred by any person who is a citizen of India, or any person who is a resident in India even if it happens outside India.

## GUIDELINES FOR FILLING ONLINE APPLICATION

### 1. The following documents are to be uploaded along with online application to enable electronic processing of such applications:

- (i) End Use-cum-End User Certificate(s)(EUC) from all the firm/entities involved in the supply chain of the product(s) (to be furnished on their letter head(s) duly signed by the authorised signatory);
- (ii) Copy(ies) of Purchase Order(s) of firm(s) involved in the supply chain of the item/product;
- (iii) Aayat Niryat Form (ANF)-1 (profile of Exporter);
- (iv) Elaborate technical specification relating to item of export;
- (v) Copy(ies) of supply contract/agreement {if documents are bulky only the relevant portion containing contract reference and parties to the contract and the portion indicating the item(s) to be supplied and quantity thereof not exceeding 10 pages shall be uploaded};
- (vi) Copy of DGFT authorization letter for the same product, if any in case of repeat application;

### 2. Hard copy of the following documents are required to be submitted to DGFT (HQ):

- (i) Original End Use-cum-End User Certificate (EUC);
- (ii) Copies of Bills of Entry into the destination country for items exported during the last one year.

### 3. End User Certificate

Original End User certificate (in the prescribed format **Appendix 2S** on letter head of all entities in the chain of supply viz. the foreign buyer, the end user and intermediaries/consignee (if they are different from the foreign buyer and end user) indicating complete details of the export product, end product, end purpose for which the item of export will be used by end user and complete address and telephone no. of end user must be furnished along with original application. End User Certificate from the following must also be submitted:

- (i) The Foreign Buyer, if different from the End User.
- (ii) The Consignee, if different from the Foreign Buyer & End User.
- (iii) Other intermediary/ies, if any.
- (iv) End User Certificates from Foreign Buyer, Consignee and End User must reflect the logical flow of items.
- (v) Each EUC must mention details of items (including technical specifications) as in Col. 2 of the application (ANF 20), duly matching with the same as in Purchase Order.
- (vi) 1(one) original End Use-cum-End User Certificate covering the entire item(s) applied for, only from each of the entities in supply chain i.e., Foreign Buyer, Consignee/intermediary(ies) and End User is to be filed.

### 4. Bills of Entry(BEs)

- (i) Bills of Entry(BEs) into the destination country for items exported during the last one year as per information in column No. 3 of the application. In Col. 3 details of exports are to be given for last 3 years. However, BEs for the last 1 year only are to be submitted.
- (ii) BEs as above are to be submitted with the 1<sup>st</sup> application of the financial year only. From the 2<sup>nd</sup> application onwards, the exporter shall make a reference in the

forwarding letter that the BEs have been submitted with the 1<sup>st</sup> application giving DGFT's File No. of 1<sup>st</sup> application. Copy of the forwarding letter of 1<sup>st</sup> application to be attached with every subsequent application.

**5. While filling ANF 20 in the online application, care should be taken to ensure the following:-**

- (i) Category of the items proposed to be exported as per Appendix 3 of ITC (HS) Classifications of Export and Import Items should be clearly mentioned.
- (ii) Port of discharge and route must be clearly defined. Route/mode of transport cannot be changed after export licence has been issued.
- (iii) Against column 6A, 6B & 6C, complete address should be given.
- (iv) All columns must be filled correctly and completely.
- (v) Details of the item(s) given in ANF 20, End User Certificate(s) and Purchase Order(s) must match completely.
- (vi) If a third party or contractor is involved, details of Contract or Agreement between the Foreign Buyer and End User with third party must be submitted, along with copy of contract or agreement.
- (vii) IEC must not be in Denied Entity List

**6. Guidelines for online filing of Application for Export of SCOMET Items**

A detailed step by step guide for filling the online SCOMET application is available on the DGFT website (dgft.gov.in) under the '**Help**' option which can be accessed as follows:-

1. Go to DGFT website. On the LHS menu, click on 'Help'.
2. Click on option 'Licensing Schemes' and then 'SCOMET Help'. Screen by screen help will open.
3. Go through this entire guide before proceeding to fill in the application.

Link: <http://dgft.gov.in/ecommerce/scomet/scomet%20help.htm>

On the DGFT website, application form ANF 2E is available under the icon 'ECOM Application' and can be accessed as follows:

- Click on 'ECOM Application'.
- Sign in with IEC and Digital signature. Click on 'SCOMET'.
- Main screen 'SCOMET' will open.
- Click on option 'File'. Click on option 'Create'.
- ANF 2E will open. Fill in the information as directed

While filling the online application, following need to be kept in mind:-

- i. All columns must be filled correctly and completely. No column is to be left blank. If information is not applicable, 'Not Applicable' may be filled in the space provided.
- ii. Where FOB value has to be filled, if the export does not have a commercial value, '00.00' may be filled.
- iii. Drop down lists have been provided wherever possible. Where no drop down list has been provided, requisite details must be filled in correctly in the space provided.

A check list for 'Uploaded documents' has been provided at the end of the application. Please tick whichever document has been uploaded.

**'Master' screen:**

(v) Port of Loading/Shipment must be selected from the drop-down list provided. Correct port must be selected. No change of route/mode of transport will be allowed after export licence has been issued. Port of discharge must be filled in the space provided (No drop-down menu provided for this).

(vi) FOB in Rupees and in relevant currency need not be filled in the 'Master' screen. This detail in 'Master' screen will get automatically populated once the same is filled in the 'Item of Export' screen.

(vii) Fill in details in all columns on this screen. Then click on buttons/options given on the right side of this screen. Relevant screens will open. Proceed to fill each one.

**'Item of Export' screen:**

(viii) SCOMET Categories have been provided as a drop-down list. Correct category must be selected. SCOMET item number must be filled in correctly in the space provided.

(ix) Space has been provided to fill in the details of maximum of six (6) items of export. If items are more than six (6), details must be uploaded as extra sheet in the same format as on the screen.

**'Previous Export' screen:**

(x) For Previous Exports, drop-down menu for year has been provided. Select the respective year and fill in details.

**'Foreign Buyer/Consignee/End-User' screen:**

(xi) A drop down list has been provided for Foreign Buyer/Consignee/End-User. Choose each one from the drop-down list and fill details of each separately.

(xii) Complete address should be given in respect of the Foreign Buyer, the Consignee and the End User.

**'Bank Details' screen:**

(xiii) Filling 'Bank details' is mandatory. For applications where the consignment has no commercial value (e.g. blood samples etc.) 'Not Applicable' must be filled in all columns under 'Bank Details'.

(xiv) Giving details of IBAN, SWIFT Code and IFSC Code is mandatory. If IBAN is not used in the country to which item is to be exported i.e. IBAN is not available, this may be mentioned. For example, if items are to be exported to South Korea and IBAN is not used in that country 'IBAN not used in South Korea' must be filled.

## Commonly made mistakes in the applications

### Mistakes in the EUC

- a) EUC must be in the format provided by DGFT as per Appendix 2S
- b) EUC must be on the letter head of the entity giving it and duly stamped by authorized signatory.
- c) All entities in the supply chain including the buyer, consignee and any other intermediaries need to give the EUC
- d) The reference of the supply chain with which each entity is dealing should be mentioned. For eg: The EUC submitted by the consignee should mention which end-user would it send it to and what is the end-use. Also, if the consignee is sending it to someone else, the complete linkage till the end-user should be clearly mentioned.
- e) All items should be clearly mentioned in the EUC along with their end-use.
- f) End User Certificates from Foreign Buyer, Consignee and End User must reflect the logical flow of items.
- g) The purchase order number and the date should be indicated
- h)** In case of repeat order, the existence of capacity of the end-user should be mentioned in the EUC.

### Mistakes in filling Application form

- a) The details in column 3 i.e details of exports of SCOMET items in past 3 years are incompletely filled or not filled.
- b) In column 4, in section(iii) mention the destination of the consignee while in section (iv) mention the country of the final end-user.
- c) In column 6, the details in 6A, 6B and 6C all need to be filled even if they are the same i.e. buyer, consignee and end-user are the same. In case the item is not being supplied directly from the consignee to the end-user, all such entities need to be mentioned in column 6C.
- d) Against column 6A, 6B & 6C, complete address should be given.
- e) In case of repeat order applications, in column 8 all the details need to be filled clearly.
- f) Sometimes Technical specifications mentioned are too generic and do not have requisite details. Please provide detailed technical specifications.
- g) Details of export items given in the online application (ANF 2E), End User Certificates and Purchase Orders must match completely.

## **End-Use and End-User Certificate Format as per Appendix 2S**

### **APPENDIX- 2 S**

#### **END USE CUM END USER CERTIFICATE IN CASE OF EXPORT OF SCOMET ITEMS**

[TO BE SUBMITTED BY ALL ENTITIES IN THE CHAIN OF SUPPLY VIZ. THE FOREIGN BUYER, THE END USER & INTERMEDIARIES/CONSIGNEE (IF THEY ARE DIFFERENT FROM THE FOREIGN BUYER AND END USER). THIS CERTIFICATE SHALL BE ISSUED ON THE LETTERHEAD OF RESPECTIVE ENTITY

I /We (name)\_\_\_\_\_ (name & address of the foreign buyer/end user/intermediary(ies)/consignee(s) certify that we are importing (name of the SCOMET item)\_\_\_\_\_ from (name and address of the exporter)\_\_\_\_\_/ through\_\_\_\_\_ (name & address of the intermediary/consignee) against Purchase Order No/Contract No.\_\_\_\_\_ dated\_\_\_\_\_ as capital equipment/ component / raw material / other use (specify)\_\_\_\_\_ for the manufacture of (end product)\_\_\_\_\_ which will be used for (state specific use)\*\_\_\_\_\_.

(\* if more than one use then enclose self certified list)

I/we further certify that the items 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. And further, if required, post installation verification shall be allowed.

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 (name of the country)\_\_\_\_\_ or outside it.

I/We also certify that the above items imported by us shall not be used for any purpose that relate to the development of Weapons of Mass Destruction.

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.

Place:

Signature of end-user / authorised signatory  
of the end-user with stamp and seal

Date:

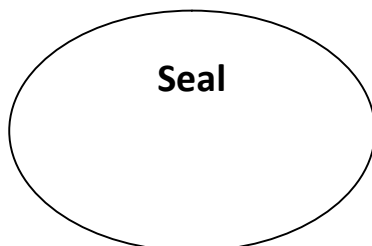
Name:\_\_\_\_\_

Designation:\_\_\_\_\_

Address :\_\_\_\_\_

Tel. (STD Code)-\_\_\_\_\_

E-mail:\_\_\_\_\_



## Contact Information:

Exporters wishing to apply for licence for export of SCOMET items are advised to go through the provisions of Foreign Trade Policy as detailed above. However, in case of any further information/clarification please contact:

Shri Arunoday Goswami  
Joint Director General of Foreign Trade,  
Directorate General of Foreign Trade,  
Room No. 110B, H-Wing, Udyog Bhawan,  
New Delhi-110011  
Phone: (011) 23063419  
E-mail – [arunoday.goswami@nic.in](mailto:arunoday.goswami@nic.in)

Shri Gagandeep Singh  
Deputy Director General of Foreign Trade,  
Directorate General of Foreign Trade,  
Room No. 301, H-Wing, Udyog Bhawan,  
New Delhi-110011  
Phone: (011) 23061562, Extn. 222  
E-mail – [s.gagandeep@nic.in](mailto:s.gagandeep@nic.in)

You can also email queries to [scomet-dgft@nic.in](mailto:scomet-dgft@nic.in)