Policy Circular No. 52 (RE-08)/2004-2009 Dated: 06.1. 2009

To

All Regional Authorities;
All Commissioners of Customs;
Trade & Industry

Subject: Requirement of NOC before clearance of Ozone Depleting Substance (ODS) against Advance Authorizations.

India is a party to the Montreal Protocol and Vienna Convention for the Protection of the Ozone Layer and committed to phase out Ozone Depleting Substances (ODS) in India. As per policy decision taken by the Ministry of Environment & Forests (MoEF) in 1997, import of ODS is restricted in India. Accordingly, the Import Policy for the item is ‘restricted’ and subject to condition of Import Licensing Note No.1 mentioned at the end of Chapter 29 of ITC(HS) Classification of Export and Import Items.

2. Further, under Advance Authorization Scheme, restricted items are allowed to be imported for export production, unless otherwise stipulated.

3. It has been noticed that Advance Authorizations are being issued by Regional Authorities for ODS such as CFCs etc. as one of the inputs under SION or under self-declared cases (under para 4.7 of HBP v.1). The matter has been examined in the light of restrictions on import of ODS and it has been decided that separate NOC from DGFT would be required for import of ODS items under Advance Authorization Scheme whether under SION or Annual Advance Authorization or under para 4.7 of HBP, v.1. Request for ‘NOC’ will be considered by the concerned Norms Committee in DGFT Headquarter, in consultation with Ministry of Environment & Forests. Import of ODS as one of the inputs against Advance Authorizations would be allowed by the Customs authority subject to production of a ‘No Objection Certificate’ for the same issued by DGFT, New Delhi.

4. Imports of ODS under Advance Authorisation Scheme shall be subject to the condition that the entire quantity of ODS will be exported out of the country along with manufactured export product
and no part of it will be utilized in the DTA for domestic consumption. Further, no import of ODS shall be allowed from the year 2010 even against the valid advance authorization. RA shall make a specific endorsement to this effect at the time of issuance of Advance Authorisation.

5. Import of ODS under DFIA would not be allowed.

This issues with the approval of Competent Authority.

Sd/-
(Tapan Mazumder)
Jt. Director General of Foreign Trade
Tele: 011-2306 1050
E-mail:-tmazumder@nic.in

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