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

**Public Notice No. 45/2015-20**

New Delhi, Dated 13<sup>th</sup> January, 2022

**Subject:- Inclusion of Paragraph 2.79G in the Handbook of Procedures of the Foreign Trade Policy (FTP) 2015-20 to notify the procedure for General Authorisation for Export of Chemicals and related equipment (GAEC)**

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 to Handbook of Procedures (HBP) of FTP 2015-20 for inclusion of new entry at Paragraph 2.79G with immediate effect.

2. **After Sub Para 2.79F of the HBP of FTP 2015-2020**, a new entry shall be inserted as under:

**"2.79G - General Authorisation for Export of Chemicals and related equipment (GAEC) under SCOMET List**

**A. Procedure for grant of General Authorization for Export of Chemicals and related equipment (GAEC)**

- I. In respect of export/re-export of SCOMET items under the Categories / Sub Categories of 1C, 1D, 1E, 3D001 and 3D004 (excluding software and technology), the applicant exporter shall submit an application for GAEC through online SCOMET portal and attach information in proforma -ANF 20;
- II. The application would be reviewed/examined for the issuance of GAEC by Inter-Ministerial Working Group (IMWG) based on the submitted application and other supporting documents submitted by the applicant exporter in the prescribed proforma including;
  - a. Detailed description of the items that are intended to be exported under this authorization with relevant technical details / specifications, such as model, part number, etc. to be provided (as applicable); In case of first intended export of items under the above Categories / Sub Categories, details of the entire supply chain (buyer, consignee, end user, etc.) of an intended export is to be provided. In case of previous exports of items under the above Categories / Sub Categories having been carried out, details of past exports including the EUC is to be provided.
  - b. Undertaking on the letterhead of the firm duly signed and stamped by the authorized signatory stating the following:

- i. Any on-site inspection will be allowed by the applicant exporter, if required by the DGFT or authorized representatives of Government of India;
  - ii. The applicant exporter declares that the items that are intended to be exported shall not be used for any purpose other than the purpose(s) stated in the EUC and that such use shall not be changed nor the items modified or replicated without the prior consent of the Government of India.;
  - iii. The applicant exporter declares that subsequent to issue of export authorisation, if the licensee has been notified in writing by DGFT or if they know or has reason to believe that an item may be intended for military end use or has a potential risk of use in or diversion to weapons of mass destruction (WMD) or in their missile system, the exporter would not be eligible for GAEC for export of that/those item(s) and would apply separately to DGFT for a fresh authorization in terms of regular policy.
  - iv. Action will be taken against the exporter under FT (D & R) Act, 1992 for any mis-declaration.
- c. After issuance of GAEC authorization and before actual export, the applicant exporter must ensure the following:
- i. They shall notify the relevant government authorities in the online portal of DGFT, within 30 days of such export in the prescribed format [Aayat Niryat Form (ANF) - 20], along with the End-Use Certificate (EUC) in the prescribed proforma [Appendix 2S(ii)] and a copy of the bill of entry into the destination country within 30 days of delivery at destination point.
  - ii. They have an agreement or a purchase order, excerpt of contract from entity (consignee / end user) receiving the items which states that the export is for a permitted use / an end use as declared in the EUC before actual export;
  - iii. They possess documents include the name, contact number and email id of the authority signing the EUC before actual export.
  - iv. Additional details, if any sought by DGFT

**B. Post reporting for export / re-export of items under GAEC**

- a. The Indian exporter shall submit post-shipment details of each export/ re-export of SCOMET items under the above Categories/ sub-categories under GAEC, as mentioned above at II.c. (i) and within the timelines specified therein;
- b. Failure to do so may entail imposition of penalty and / or suspension/revocation of GAEC.



**C. Record Keeping**

The exporter will be required to keep records of all the export documents, in manual or electronic form, in terms of Para 2.73 (c) of HBP, for a period of 5 years from the date of GAEC issued by DGFT.

**D. General Conditions & Exclusions**

- a. GAEC would not be issued in case of items to be used to design, develop, acquire, manufacture, possess, transport, transfer and / or used for chemical, biological, nuclear weapons or for missiles capable of delivering weapons of mass destruction and their delivery system;
- b. GAEC would not be issued for countries or entities covered under UNSC embargo or sanctions list or on assessment of proliferation concerns, or national security and foreign policy considerations, etc.;
- c. IMWG shall reserve the right to deny issue of GAEC without assigning any reason(s).

**E. Validity**

- a. GAEC issued for export / re-export of SCOMET items under the above Categories / Sub Categories (excluding software and technology) shall be valid for a period of **five years** from the date of issue of GAEC subject to subsequent post reporting(s) on quarterly basis to be reported within 30 days from the last quarter;
- b. GAEC cannot be revalidated in terms of Paragraph 2.80 of HBP of FTP 2015-20.

**F. Suspension / Revocation**

GAEC issued shall be liable to be suspended / revoked by the DGFT on receipt of an adverse report on proliferation concern or for non-submission of mandatory post-shipment details / reports / documents within the prescribed timelines or for non-compliance with the conditions of the proposed policy.

**Effect of this Public Notice:**

Paragraph 2.79G has been added in the Handbook of Procedures (HBP) of FTP Foreign Trade Policy (FTP) 2015-20 to lay down the procedure for General Authorisation for Export of Chemicals and related equipments.

  
13/01/2022  
(Amit Yadav)

Director General of Foreign Trade  
Ex-officio Additional Secretary to the Government of India  
E-mail: [dgft@nic.in](mailto:dgft@nic.in)

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