

## **FAQs on Export of Munitions List Items notified under Category 6 of SCOMET**

**Q.1 Whether export of Munitions List Items is permitted? If yes, what is the procedure?**

**A.1** Export of Munitions List Items is permitted under a “Authorization” issued by the Department of Defence Production, Ministry of Defence as notified by DGFT vide Policy Circular No. 5/2015-2020 dated 24.05.2017, as reflected in the Export Policy in Table “A” S. No. 5(d) of Schedule 2 of ITC (HS) Classification of Export & Import items.

Applications are to be made in original in prescribed format available at <http://ddpmod.gov.in> and submitted to DDP on line. The description of the item intended for export should also be provided.

Applications should be accompanied by an End User Certificate (EUC), in original, as per format available at the website mentioned above. The EUC is to be signed/stamped by government of end user/ultimate end user country/State or the designated officer of the importing company, as the case may be.

**Q.2 What is the reason for revision of SOP?**

**A.2** SCOMET Category 6 titled ‘Munitions List’ that was hitherto ‘Reserved’ has been populated. The Military Stores list notified Vide Notification No. (115(RE-2013/2009-2014) dated 13<sup>th</sup> March 2015 stands rescinded. Therefore, to synchronise SOP with the SCOMET list, SOP has been revised.

**Q.3 What are the items that were earlier included in Category 6 of SCOMET?**

**A.3** The Category 6 of SCOMET was reserved for munitions list and hence, there were no items earlier included in Category 6 of SCOMET.

**Q.4 Are there any exception in Category 6 of SCOMET where DDP is not the licensing authority?**

**A.4** Yes, for items in category 6A007 (Chemicals or Biological Toxic Agents) and Category 6A008 (Energetic Materials and related substances), DGFT will be the licensing authority apart from certain exemptions mentioned under Commodity by Identification Note (CIN).

**Q.5 What are exceptions related to MoD's jurisdiction in CIN?**

**A.5** The exceptions under CIN related to MoD's jurisdiction are as follows :

- If items are prima facie, classifiable under two or more headings, the heading which provides the most specific description shall be preferred to heading providing a more general description. The end-use of the item would be a relevant criteria in determining the classification and
- Nuclear Power Generating Equipments or Propulsion Equipments including "Nuclear Reactors" and specially designed for military use & components, therefore, specially designed or modified for military use AND Simulators specially designed for military "Nuclear Reactors covered under Category 6A017 will be classified under the relevant description in Category 0.

**Q.6 Is there any difference between No Objection Certificate and Authorization for export of Munitions list items?**

**A.6** No, 'authorization' for export of Munitions list items is same as NOC for export of military stores. Procedure for issue of authorization is also similar to issue of NOC.

**Q.7 Is there any requirement to maintain records of export of Munitions List items?**

**A.7** The Exporter is required to maintain records (manual or electronics form) for a period of five years from the date of export. Para 3 of Public Notice No. 4/2015-20 dated 24/05/2016 is relevant in this regard.

**Q.8 What are the documents which are required to be kept in record for 05 years?**

**A.8** All documents submitted while making an application, correspondence with the buyer/consignee/end user or MoD, relevant contract documents, relevant book of accounts, relevant financial records, shipping documents including shipping bills, bill of entry and bill of lading etc.

**Q.9 Can I appeal against the denial of authorization and if yes, who is the competent authority to examine the appeal?**

**A.9** In case an Authorization for Munitions list items is denied/refused by the Ministry of Defence, the applicant company can make an appeal against the denial within 30 days to MoD. Such requests shall be examined as per the provisions of SOP.

**Q.10 Can an Exporter hire the services of broker/brokering firm to facilitate the export of Munitions list items?**

**A.10** Brokering is prohibited in terms of provisions of the Foreign Trade Development and Regulation Act 1992 as amended and the Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Act 2005.

**Q.11 What are the penal provisions for violation of conditions mentioned in an Authorization for export of munitions list items?**

**A.11** The relevant penal provisions shall be attracted for any wrongdoing, submission of incorrect information & forged/fraudulent documents, which may warrant cancellation of IE Code, financial penalties as well as criminal prosecution as per the extant provisions of FTDR Act, 1992 as amended Act, 1962, Customs Act, 1962 and any other Act as may be applicable.

**Q.12 What are ITC(HS) Codes?**

**A.12** ITC(HS) Code or better known as Indian Trade Classification (Harmonized System) Code was adopted in India for import-export purposes. Indian Customs uses an eight digit ITC(HS) Code to suit the national trade requirement.

**Q.13 How do I find ITC(HS) Code for my product?**

**A.13** The ITC(HS) Codes are available on the DGFT's website ([www.dgft.gov.in](http://www.dgft.gov.in)).

**Q.14 Are there any fees for obtaining Authorization for export of Munitions List Items?**

**A.14** No, there is no fee for obtaining Authorization for export of Munitions List Items.

**Q.15 Is Importer-Exporter Code (IEC) mandatory for export of Munitions List Items?**

**A.15** Yes, IEC is mandatory. Without IEC, company could not be registered with the DDP.

**Q.16 Where can I get the format of application form for Authorization and the EUC?**

**A.16** The format of application form and the EUC are prescribed in the Appendix III and Appendix IV(a) or IV(b) respectively of SOP available on the web site of Department of Defence Production.

**Q.17 What are the conditions for issue of Authorization in cases of exhibition, testing & evaluation and participation in tender abroad?**

**A.17** Please refer to Parts C, D & E of SOP which are available on the website of the department (<http://ddpmod.gov.in>).

**Q.18 Whether there is any provision for Transfer of Technology/Software specially designed for military end use for issue of authorization from Ministry of Defence?**

**A.18** The provisions notified under SOP at Para 6.5 i.e., Part (f) is relevant in this regard.

**Q.19 Why the requirement of End User Certificate (EUC), from the Government concerned, is mandatory?**

**A.19** EUC is mandatory only in case of items which fall under Part (A) and Part (B) of the SoP. The purpose of obtaining End User Certificate is to establish the complete chain of transmission of exported product unit it reaches the ultimate end user with a view to ensure that the item exported has been used for the specific purpose for which Authorization was requested and that the item has not been diverted, sold or transferred to any third party whatsoever.

**Q.20 What is the validity period of Authorization?**

**A.20** In case of general export, Authorization is valid for a period of two years (from the date of issue) or completion of order, whichever is earlier. If Authorization is issued for testing and evaluation purpose, the validity of Authorization is for one year. Authorization issued for tender participation and exhibition purpose is valid for 06 months only. The authorization for Transfer of Technology/Software shall be valid for 02 years from the date of issue of approval or the date of completion of contract/order, whichever is earlier. However, the same can be extended from time to time based on the requirement and merit.

**Q.21 What if the original EUC is not in English Language?**

**A.21** In case the EUC is not in English Language, its translated version, duly certified by notary public/Embassy/Mission of India abroad, should be provided.

**Q.22 What is the time period for issue of Authorization?**

**A.22** An application for Authorization will be approved/rejected normally by the Department within 04 weeks for Appendix-II items from the date of receipt of the complete on-line application along with uploaded copy of EUC/requisite documents. For export of items other than Appendix II of SOP, the time period is two weeks (another two weeks if consultation with any of the stakeholders required. However, Authorization will be issued only after receiving the original EUC.

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