

Issuance of Customs Tariff Second Amendment Rules, 2021

[Notification No. 83/2021-Customs \(N.T.\)](#) and [Notification No. 84/2021-Customs \(N.T.\)](#), dated 27.10.2021

The Central Board of Indirect Taxes and Customs (CBIC) vide captioned notifications has issued the Customs Tariff (Identification, Assessment and Collection of Countervailing Duty on Subsidized Articles and for Determination of Injury) Second Amendment Rules, 2021 ("Countervailing Duty on Subsidized Articles Rules") and Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Second Amendment Rules, 2021 ("Anti-dumping Duty on Dumped Articles Rules").

Vide the above-mentioned notifications, following new rules have been inserted –

Countervailing Duty (CVD) on Subsidized Articles Rules	Anti-dumping Duty (ADD) on Dumped Articles Rules	Rule Description
Rule 25	Rule 29	Anti-absorption review
Rule 26	Rule 30	Initiation of investigation to determine absorption
Rule 27	Rule 31	Determination of Absorption

According to the above rules, if the export price of an article from the exporting country or countries decreases post imposition of the CVD or ADD in India without any significant change in resale price of such article in India when imported from such exporting country or countries, the duties levied may be considered to be absorbed.

The designated authority may, after conducting review, recommend modification in the form or basis of the CVD/ADD, or the quantum of CVD/ADD, or both, after reassessing the subsidy margin and injury margin and appropriate changes or adjustments in previously determined

benefit from subsidy and injury, if necessary, in accordance with the provisions of rule.

Clarity on export policy of SCOMET items for exports from DTA

[Public Notice No.32/2015-2020 dated 29.10.2021](#)

DGFT has amended para 2.76 of Handbook of Procedures ('HBP') of Foreign Trade Policy ('FTP') 2015-20 to bring out more clarity on export policy of Special Chemicals, Organisms, Materials, Equipment and Technologies (SCOMET) items for supplies/exports from Domestic tariff area (DTA) to Special Economic Zones (SEZ) / Export Oriented Units (EOU) and outside the country. The para reads as under:

"2.76 Supply of SCOMET Items from DTA to SEZ/EOU and outside the country

No export authorization is required for supply of SCOMET items from DTA to SEZ/EOU. Export Authorisation is, however, required if the SCOMET items are to be physically exported outside the country from SEZ/EOU, i.e., to another country (Refer Rule 26 of the SEZ Rules, 2006). All supplies of SCOMET items from DTA to SEZ /EOU will be reported to the Development Commissioner (DC) of the respective SEZ/EOU by the supplier in the prescribed proforma [Annexure 1 to Appendix-3 to Schedule 2 of ITC (HS) Classifications of Export and Import Items] within one week of the supplies getting effected. An annual report of such supplies from DTA to SEZ/EOU shall be reported to SCOMET Section, DGFT (Hqrs), Udyog Bhavan, New Delhi- 110011 by the DC of the respective SEZ/EOU in the prescribed proforma [Annexure 2 to Appendix-3 to Schedule 2 of ITC (HS) Classifications of Export and Import Items] by 15th May of every financial year, in respect of supplies effected from DTA to SEZ/EOU during the preceding financial year."

Change in agency permitted to import diamonds for certification/ grading & re-export

[Trade Notification No.42/2015-2020 dated 08.11.2021](#)

The Central Government vide captioned notification has named "De Beers India Private Ltd, Surat, Gujarat, India" as an agency permitted to import diamonds for the purpose of certification/grading & re-exports in place of "International Institute of Diamond Grading & Research India Pvt. Ltd., Surat, Gujarat, India".

Re-Constitution of Committee for RoDTEP (Remission of Duties and Taxes on Export Products)

[Trade Notice No.23/2021-22 dated 09.11.2021](#)

CBIC Drawback division has constituted a committee for:

- Determination of RoDTEP rates for AA/EOU/SEZ exports and
- To give supplementary report/ recommendations on issues relating to errors or anomalies with respect to the RoDTEP schedule of rates notified in the appendix 4R

CBIC has also requested Export Promotion Councils and Trade Industry Associations to submit their representations in this regard, in a defined format. The relevant documents are appended with this Trade Notice.

De-Activation of IECs not updated on the DGFT

All IECs which have not been updated after 01.01.2014 shall be de-activated with effect from 06.12.2021. The list of de-activated IECs may be seen at <https://www.dgft.gov.in/CP/?opt=LIEC>.

The IECs so de-activated, would have the opportunity for automatic re-activation as and when the IEC holder updates their details on the portal.

Electronic filing of Registration Cum Membership Certificate (RCMC)/ Registration Certificate (RC)

[Trade Notice No.27/2021-2022 dated 30.11.2021](#)

DGFT has announced a new online common digital platform for issuance of RCMC/ RC. It would be single point of access for all exporters/importers and issuing agencies. Applications for RCMC/ RC may be submitted through the common digital platform w.e.f. 06.12.2021.

For further guidance on registration & application submission process, the help manual & FAQs may be accessed via clicking on Learn>>Application Help & FAQs.

DGFT notifies annual SCOMET update 2021

[Notification No.47/2015-2020 dated 20.12.2021](#)

DGFT has amended Appendix-3 (SCOMET items) to Schedule-2 of ITC (HS) which refers to classification of Export & Import items, 2018.

The updated Appendix-3 has been uploaded on the web-portal of DGFT under the heading 'Regulatory Updates'.

This notification shall come into effect from 19.01.2022.

Issuance of New (Seventh) Edition of Harmonized System (HS) Nomenclature HS 2022

[DOF No. 524/11/2021-STO\(TU\) dated 20.12.2021](#)

The new (Seventh) edition of Harmonized System (HS) Nomenclature HS 2022 shall come into force from 01.01.2022. This edition has introduced significant changes to the HS with a total of 351 amendments at the 6-digit level, covering a wide range of goods moving across borders. Guidance document on correlation of codes can be accessed under the head –

"Manuals" under tab "Customs" on CBIC website.

Extension of last date for submitting application for scrip-based FTP schemes

[Notification No.48/2015-2020 dated 31.12.2021](#)

The Central Government vide said notification has amended the para 3.13A of FTP 2015-20 to extend the last date of submitting applications under MEIS, SEIS, ROSCTL, ROSL and 2% additional ad hoc incentive (under para 3.25 of FTP) till 31.01.2022. The new late cut rates have been defined for applications submitted up to 31.01.2022.

No further applications would be allowed to be submitted after 31.01.2022. Late cut provisions shall also not be available for submitting claims at a later date.

DGFT provides option to file manual/physical applications for Export Obligation Discharge Certificate (EODC) /closure under Advance Authorisation Scheme (AA)

[Trade Notice No.28/2021-2022 dated 31.12.2021](#)

In view of difficulties expressed by Advance Authorization (AA) holders and also to ease process of filing of applications for closure of Advance authorizations, the DGFT has decided to give an option to file manual/physical EODC applications for all AA holders, which have been issued prior to 01.12.2020.

In case where EODC/closure issued manually in earlier periods is not reflecting correctly in online system, option is given to exporter to upload copy of the closure letter/ redemption letter against the said Authorisation not later than 31.03.2022. In the absence of updated online status, the Regional Authority may take necessary action, as deemed fit for non-fulfilment of export obligation.

KEY TAKE AWAY

- DGFT has announced a new online common digital platform for issuance of RCMC/ RC
- DGFT notifies annual SCOMET update 2021
- The New (Seventh) Edition of Harmonized System (HS) Nomenclature HS 2022 is effective from 01.01.2022
- Last date for submitting application for scrip-based FTP schemes has been extended till 31.01.2022
- DGFT has provided option to file manual/physical applications for EODC /closure under AA



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