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Government of India
Ministry of Commerce and Industry
Department of Commerce
Directorate General of Foreign Trade

Public Notice No. 19/2023
New Delhi, Dated the 23rd June 2023

Subject:- Amendments in Category 5B of the Appendix 3 (SCOMET LIST) to Handbook of Procedures 2023.

In exercise of the powers conferred under Paragraph 1.03 and 2.01 of the Foreign Trade Policy, 2023, as amended from time to time, the Director General of Foreign Trade, hereby makes amendments in Chapter 10 of Hand Book of Procedures 2023 by adding a new Para 10.16(A), with reference to Notification No. 14 dated 23.06.2023, as under :

Para 10.16(A) - Procedure for grant of General Authorization for Export of Drones (GAED)

A. Policy & Eligibility: SCOMET authorization will not be required, for export and/or re-export of Unmanned Aerial Vehicles **including drones, remotely piloted air vehicles and autonomous programmable vehicles specified at 5B(a)(ii), and not covered under SCOMET Categories/sub-categories 5B(a)(i) & 5B(b), 6A010, 8A912, and capable of range equal to or less than 25 km and delivering a payload of not more than 25 kgs (excluding the software and technology of these items)**, subject to the following conditions:

- I. The applicant exporter shall submit an application for getting a onetime license under GAED through online SCOMET portal and attach information in proforma-ANF 10G;
- II. The application would be reviewed/examined for the issuance of GAED by Inter-Ministerial Working Group (IMWG) based on the submitted application and other supporting documents submitted by the applicant exporter in the prescribed Performa including:
 - a. Detailed description of the items that are intended to be exported under this authorization with relevant technical details / specifications; including payloads such as model, part number, other parameters of the drones such as Payload capacity, Altitude, Range, Endurance, Speed, Communication type (Encrypted or Unencrypted, GPRS or satellite based), Accuracy, etc. to be provided (as applicable);
 - b. The list of countries where the export is expected to be done under GAED is to be provided by the applicant at the time of submission of application.
 - c. The EUCs in prescribed Performa [Appendix 10 J (i)] are to be filled by all the entities involved in the chain of supply e.g. foreign buyer / consignee / end user / intermediary (ies) on the letterhead of the respective entity, duly signed in ink and stamped by the authorised signatory of the company. In case of any additional sheet

used along with the EUC, the same must be on the letterhead of the company and signed by the same person who signs the EUC.

- d. 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 delivery of their missile system, the exporter would not be eligible for GAED 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.
- e. Certified / Approved Internal Compliance Programme (ICP) or demonstrating compliance to the ICP of the foreign parent company or ICP certified by the Compliance Manager of the company or certified by any Government agency such as Authorized Economic Operator (AEO) scheme etc.
- f. After issuance of GAED 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, on quarterly basis of such export in the prescribed format [Aayat Niryat Form (ANF) – 10G], along with the End-Use Certificate (EUC) in the prescribed proforma [Appendix 10 J (i)] and a copy of the bill of entry into the destination country.
 - 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. The submitting documents by exporter must 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 GAED

- a. The Indian exporter shall submit post-shipment details of each export/ re-export of SCOMET items under the above Categories/ sub-categories under GAED for 3 years, 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 GAED.

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 10.18 of HBP, for a period of 5 years from the date of GAED issued by DGFT.

D. General Conditions & Exclusions

- a. GAED would not be issued in case of items to be used to design, develop, acquire, manufacture, possess, transport, transfer and / or used for military applications, explosives, chemical, biological, nuclear weapons or for missiles capable of delivering weapons of mass destruction and their delivery system;
- b. GAED 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. In case of inclusion of new countries or amendment to the existing list of countries where the export is expected to be done under GAED, the applicant exporter will obtain prior permission of DGFT with relevant details;
- d. IMWG shall reserve the right to deny issue of GAED without assigning any reason(s).

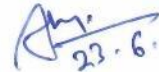
E. Validity

- a. GAED issued for export / re-export of SCOMET items under the above Categories / Sub Categories shall be valid for a period of **Three years** from the date of issue of GAED subject to subsequent post reporting(s) on quarterly basis to be reported within 30 days from the last quarter;
- b. GAED cannot be revalidated in terms of Paragraph 10.20 of HBP 2023.

F. Suspension / Revocation

GAED 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 : The procedure for grant of General Authorization for Export of Drones (GAED) for export of drones/UAVs under the Category 5B, along with the new Aayat Niryat Form (ANF) 10G for applying under GAED is notified.


23.6.2023

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