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June 22, 2022

Shri Santosh Kumar Sarangi, IAS  
Director General  
Directorate General of Foreign Trade

**Subject:** MAIT comments on General Authorisation for Export after Repair in India (GAER)

Respected Sir,

Greetings from **MAIT**, India's apex Industry body empowering IT, Telecom & Electronics Hardware Sector!

Please refer to the document circulated by DGFT on "Draft Policy on General Authorisation for Export after Repair (GAER) for Public/industry comments, following are the comments from the industry on the same:

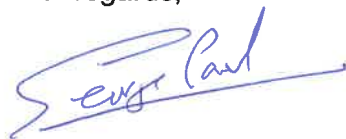
Clause as per Public Notice	Comments/Clarification Sought
Point 2, " <b>D. General Authorisation for Export after Repair in India (GAER)</b> " A. Export of imported SCOMET items to the same entity abroad after repair in India will be allowed on the basis of a onetime General authorization for Export after Repair in India (GAER) subject to post reporting on quarterly basis issued by DGFT, subject to the following conditions:	Request to specify by which date the report has to be submitted after end of each quarter.
Sub Para b. The items are to be exported to the same entity and location abroad from which the item(s) has/have been imported;	Pleas clarify that sub para (b) will be governed by sub para e.
Sub Para c. The exporter is required to register and obtain General Authorisation for export after repair only once during the validity period.	Duration of validity may kindly be clarified.
Sub Para c. Subsequent export/re-export is subject to post reporting;	Frequency of post re reporting may be amplified
Sub Para d. The exporter is required to provide Bill of Entry for the imported items while applying for GAER for the first shipment	Our members have requested for bulk license with overall quantity and values as limiting factors. The application will not have details of part numbers/description of goods for which SCOMET licenses are required. Hence, to comply with requirement of submission of Bill of Entry will not be feasible
Sub Para e. General Authorisation for export after repair shall be valid for a period of one year from the date of issue of General authorization subject to subsequent post reporting(s) within 30 days from the date of such export;	Please clarify that Para 9.11 of existing HBP will be available to these transactions

<p><b>Heading B. Documents Required for GAER</b>  <b>Point 1. Proof of import of the items(s):</b></p> <p>a. Export License (if applicable) issued by the foreign country for original import of the items to India;</p> <p>b. Documentary proof and/or self declaration that the item exempted from license requirement or place under no license requirement for India.</p> <p>c. Bill of Entry (first time)</p>	<p>It is difficult to comply with requirements of sub paras (a) and (c) for bulk licenses without part numbers/descriptions of individual items.</p>
<p><b>Point 3. An Undertaking from the Indian exporter;</b>  Sub para a. Details of imported items to be exported after repair alongwith their SCOMET Category/Sub-category number(s), quantity, item description and ECCN of foreign country;</p>	<p>Item description, quantity and ECCN of foreign country cannot be provided in application for bulk licenses</p>
<p>Sub para b. That item(s) are being exported to the same entity from which it was originally imported for repair and return purpose.</p>	<p>Read with sub para 2(e) above</p>
<p>Sub Para e. That Bill of Entry of subsequent re-exports and any other information are sought by DGFT on quarterly basis</p>	<p>The date by which report has to be submitted after end of each quarter may be amplified</p>
<p><b>C. Post reporting for re-export of items/software/technology under GAER</b>  Sub para i. The Indian exporter shall submit post-shipment details of each transfer/consignment of exports of SCOMET items/software/technology under GAER to the SCOMET Division of DGFT (Hqrs), New Delhi, via E-mail (scomet-dgft@nic.in) or a procedure as prescribed by DGFT, within 30 days of such export</p>	<p>Preferable to standardize all reports to quarterly basis</p>
<p>Sub para ii. The post-shipment details shall include submission of bill of entry</p>	<p>Is it Bill of Entry or Shipping Bill?</p>
<p>Sub para ii. Valid export license copy within the timelines mentioned above</p>	<p>Report to be standardized to quarterly basis</p>
<p>Sub Para iii. Failure to do so many entail imposition of penalty and / or suspension/revocation of GAER and action as per FTDR Act</p>	<p>Please quantify the financial implications</p>
<p><b>D. Validity</b>  Sub Para a. GAER issued for export of imported SCOMET items after repair shall be valid for a period of 1 year from the date of issue of GAER subject to subsequent post reporting(s) within 30 days from such export;</p>	<p>Please clarify that Para 9.11 of existing HBP will be available to these transactions</p>

We sincerely hope that above comments will be addressed by your good office.

Look forward to hearing from you.

With regards,



George Paul  
CEO

CC: Shri Nitish Suri, Jt. DGFT, Directorate General of Foreign Trade