



सीमा शुल्क (निवारक) के आयुक्त का कार्यालय
OFFICE OF THE COMMISSIONER OF CUSTOMS (PREVENTIVE)
55-17-3 , सी -14 , 2 तल , औद्योगिक एस्टेट, ऑटो नगर , विजयवाड़ा – 520 007
55-17-3, C-14, 2nd Floor, Industrial Estate, Autonagar, Vijayawada – 520007
फोन: 0866-2551261 फैक्स: 0866-2551156
Phone : 0866-2551261 Fax : 0866-2551156

C.No. VIII/09/01/2017-Cus.Tech

Date:25.09.2017

PUBLIC NOTICE No. 33/2017-Cus.

Subject: The Customs and Central Excise Duties Drawback Rules, 2017 and all Industry Rates (AIRs) of Drawback related changes – regarding.

Attention of all the Importers, Exporters, Customs Brokers, Steamer Agents Custodians/Customs Cargo Service Providers, Trade Associations/Chamer of Commerce, Members of the RAC/PGC and the public is invited to CBEC's Circular No. 38/2017-Customs, dated 22.09.2017 on the Customs and Central Excise Duties Drawack Rules, 2017 and All industry Rates (AIRs) of Drawack and the related changes:

2. The Central Government has notified the Customs and Central Excise Duties Drawback Rules, 2017 (hereinafter referred to as Drawback Rules 2017) vide Notification No. 88/2017-Customs (N.T.) dated 21.9.2017 to replace the Customs, Central Excise Duties and Service Tax Drawback Rules, 1995. These Rules takes effect from 1.10.2017. The Central Government has also revised All Industry Rates (AIRs) of Drawback vide Notification No. 89/2017-Customs (N.T.) dated 21.9.2017 which come into force on 1.10.2017. The notifications may be downloaded from Board's website and carefully perused for details.

Some of the important changes in the Rules and AIR Schedule notification are highlighted below:

(a) Definition of Drawback has been amended to provide for drawback of Customs and Central Excise duties excluding integrated tax leviable under sub-section (7) and compensation cess leviable under sub-section (9) respectively of section 3 of the Customs Tariff Act, 1975 chargeable on any imported materials or excisable materials used in the manufacture of goods exported;

(b) References to input services and Service Tax have been omitted;

(c) As drawback is limited to incidence of duties of Customs on inputs used and remnant Central Excise Duty on specified petroleum products used for generation of captive power for manufacture or processing of export goods, only general AIRs under column (4) with caps under column (5) have been provided in the Schedule. For claiming these general AIRs, the relevant tariff item have to be suffixed with suffix 'B' e.g. for export of goods covered under tariff item 640609, the drawback serial no. should be declared as 640609B;

(d) The Composite rates of Drawback are being discontinued w.e.f. 1.10.2017. Hence, the composite rates and Notes and Conditions pertaining to CENVAT credit, rebate of Central Excise duty, etc. stand omitted. Thus, the declaration required to be given by an exporter for claiming composite rate of drawback w.e.f. 1.7.2017 as per Circular no. 32/2017-Customs dated 27.7.2017 is no longer required w.e.f. 1.10.2017;

(e) In case of AIR claim against tariff item numbers 711301, 711302 and 711401, the requirement of declaration by exporter as per Circular no. 30/2016-Customs dated 24.6.2016 is no longer required w.e.f. 1.10.2017;

(f) The notification also specifies the alternative AIRs on garment exports (items covered under Chapter 61 and 62) made against the Special Advance Authorization (para 4.04A of FTP 2015- 20) in discharge of export obligations in terms of Notification No. 45/2016-Customs dated 13.8.2016. These AIRs are provided in 'Table' in the said notification. For claiming these alternative AIRs, the relevant tariff item has to be suffixed with suffix 'D' instead of the usual suffix 'B';

(g) Para 3 of the Notification no. 89/2017-Customs (N.T.) dated 21.9.2017 specifies the amount for payment as provisional drawback by proper officer of Customs in terms of sub-rule (3) of Rule 7 of the Drawback Rules, 2017. This is equivalent to the AIR corresponding to the export goods, if applicable, and subject to the same conditions as applicable to a claim for that component. The amount paid as provisional drawback under the above dispensation shall be taken into account by the Customs to authorize further provisional drawback, where necessary;

(h) For fixation of Brand Rate, Circular no. 23/2017-Customs dated 30.6.2017 may be referred. The brand rate facilitation would continue and there should be no delay by Customs formations in finalizing applications for fixation of brand rate;

(i) Where in respect of export product, NIL rate or no rate of drawback is provided in AIR Schedule, an application for fixation of Brand Rate under Rule 7 of the Drawback

Rules, 2017 shall not be admissible. In such situation, application for fixation of Brand Rate may be filed under Rule 6 of the Drawback Rules, 2017;

(j) In terms of Rule 20 of the Drawback Rules, 2017, brand rates of drawback already fixed will not apply for exports with Let export date 1.10.2017 onwards. Thus, exporters will be required to apply fresh for fixation of Brand Rate under Rule 6 or Rule 7 for such exports.

3. With trade facilitation in view, tenure of the Drawback Committee constituted by the Central Government has been extended to 31.12.2017 to expeditiously look into issues arising from the changes made. Accordingly, exporters may immediately come forward with representations with supporting data and documents, if any, for higher rates than rates provided.

4. Difficulties, if any, in following the above instructions may please be brought to the notice of the undersigned.


(SUDHA KOKA)
COMMISSIONER

To

1. Importers, Exporter and Customs Brokers of Customs Preventive Commissionerate, Vijayawada (Through the Joint Commissioner of Customs, Krishnapatnam/ Kakinada, Customs House and Asst./Deputy Commissioner of Customs, ICD, marripalem, Guntur.
2. Copy submitted to the Chief Commissioner of Customs & Central Tax, Visakhapatnam Zone, G. S.T. Bhavan, Port area, Visakhapatnam for information

Copy to :

1. The Commissioner of Central Excise & Central Tax Guntur Commissionerate / Visakhapatnam Commissionerate / Tirupati Commissionerate with a request to circulate the same to all concerned.
2. The Joint Commissioner of Customs, Kakinada Customs House/ Krishnapatnam Customs House.
3. The Assistant / Deputy Commissioner of Customs, ICD, Marripalem, Guntur.
4. The Assistant/Deputy Commissioner of Customs, Customs Preventive Divisions, Ongole, Kakinada and Visakhapatnam.
- ✓ 5. Copy to Computer Section, CPC, Hqrs. Office, Vijayawada to upload into website.
6. Copy to Notice Board.