

CHAPTER 9

DEFINITIONS

- 9.1 For purpose of FTP, unless context otherwise requires, the following words and expressions shall have the following meanings attached to them:-
- 9.2 "Accessory" or "Attachment" means a part, sub-assembly or assembly that contributes to efficiency or effectiveness of a piece of equipment without changing its basic functions.
- 9.3 "Act" means Foreign Trade (Development and Regulation) Act, 1992 (No.22 of 1992) [FT(D&R) Act].
- 9.4 "Actual User" means an actual user who may be either industrial or non-industrial.
- 9.5 "Actual User (Industrial)" means a person who utilises imported goods for manufacturing in his own industrial unit or manufacturing for his own use in another unit including a jobbing unit.
- 9.6 "Actual User (Non-Industrial)" means a person who utilises the imported goods for his own use in
any commercial establishment carrying on any business, trade or profession;
or
any laboratory, Scientific or Research and Development (R&D) institution, university or other educational institution or hospital; or
any service industry.
- 9.7 "AEZ" means Agricultural Export Zones notified by DGFT in Appendix 8 of HBP v1.
- 9.8 "Appeal" is an application filed under section 15 of the Act and includes such applications preferred by DGFT officials in government interest against decision by designated adjudicating / appellate authorities.
- 9.9 "Applicant" means person on whose behalf an application is made and shall, wherever context so requires, includes person signing the application.

- 9.9.1 "Authorisation" means a permission as included in Section 2 (g) of the Act to import or export as per provisions of FTP.
- 9.10 "BoA" means the Board of Approval as notified by DoC.
- 9.11 "BTP" means Biotechnology Park as notified by DGFT on recommendation of Department of Biotechnology.
- 9.12 ~~"Capital Goods" means any plant, machinery, equipment or accessories required for manufacture or production, either directly or indirectly, of goods or for rendering services, including those required for replacement, modernisation, technological upgradation or expansion. It also includes packaging machinery and equipment, refractories for initial lining, refrigeration equipment, power generating sets, machine tools, catalysts for initial charge, equipment and instruments for testing, research and development, quality and pollution control.~~
- ~~Capital goods may be for use in manufacturing, mining, agriculture, aquaculture, animal husbandry, floriculture, horticulture, pisciculture, poultry, sericulture and viticulture as well as for use in services sector.~~
- Capital Goods" means any plant, machinery, equipment or accessories required for manufacture or production, either directly or indirectly, of goods or for rendering services, including those required for replacement, modernisation, technological upgradation or expansion. It also includes packaging machinery and equipment, refractories for initial lining, refrigeration equipment, power generating sets, machine tools, catalysts for initial charge plus one subsequent charge, equipment and instruments for testing, research and development, quality and pollution control.
- Capital goods may be for use in manufacturing, mining, agriculture, aquaculture, animal husbandry, floriculture, horticulture, pisciculture, poultry, sericulture and viticulture as well as for use in services sector." (Amended vide Notification No-8 dated 26.7.2012)
- 9.13 "Competent Authority" means an authority competent to exercise any power or to discharge any duty or function under the Act or the Rules and Orders made thereunder or under FTP.
- 9.14 "Component" means one of the parts of a sub-assembly or assembly of which a manufactured product is made up and into which it may be resolved. A

component includes an accessory or attachment to another component.

- 9.15 "Consumables" means any item, which participates in or is required for a manufacturing process, but does not necessarily form part of end-product. Items, which are substantially or totally consumed during a manufacturing process, will be deemed to be consumables.
- 9.16 "Consumer Goods" means any consumption goods, which can directly satisfy human needs without further processing and includes consumer durables and accessories thereof.
- 9.17 "Counter Trade" means any arrangement under which exports/imports from/to India are balanced either by direct imports/exports from importing/exporting country or through a third country under a Trade Agreement or otherwise.
Exports / Imports under Counter Trade may be carried out through Escrow Account, Buy Back arrangements, Barter trade or any similar arrangement. Balancing of exports and imports could wholly or partly be in cash, goods and/or services.
- 9.18 "Developer" means a person or body of persons, company, firm and such other private or government undertaking, who develops, builds, designs, organises, promotes, finances, operates, maintains or manages a part or whole of infrastructure and other facilities in SEZ as approved by Central Government
and also includes a co-developer.
- 9.19 "Development Commissioner" means Development Commissioner of SEZ.
- 9.20 "DFRC" means Duty Free Replenishment Certificate (as given in FTP 2004-09).
- 9.21 "Domestic Tariff Area (DTA)" means area within India which is outside SEZs and EOU/ EHTP/ STP/BTP.
- 9.22 "Drawback" in relation to any goods manufactured in India and exported, means rebate of duty chargeable on any imported material or excisable material used in manufacture of such goods in India. Goods include imported spares, if supplied with capital goods manufactured in India.
- 9.23 "EHTP" means Electronic Hardware Technology Park.

- 9.24 "EOU" means Export Oriented Unit for which an LOP has been issued by Development Commissioner.
- 9.25 "Excisable goods" means any goods produced or manufactured in India and subject to a duty of excise under Central Excise and Salt Act 1944 (1 of 1944).
- 9.26 "Exporter" means a person who exports or intends to export and holds an IEC number, unless otherwise specifically exempted.
- 9.27 "Export Obligation" means obligation to export product or products covered by Authorisation or permission in terms of quantity, value or both, as may be prescribed or specified by Regional or competent authority.
- 9.27.1 "FTP" means the Foreign Trade Policy which specifies policy for exports and imports under Section 5 of the Act.
- 9.28 "Group Company" means two or more enterprises which, directly or indirectly, are in a position to :-
(i) exercise twenty-six per cent, or more of voting rights in other enterprise;
or
(ii) appoint more than fifty percent, of members of board of directors in the other enterprise.
- For group companies to claim benefits or have their exports counted for benefits to be claimed by another member of group, the group company should have been in existence at least 2 years prior to date of application under any of export promotion schemes notified in FTP.
- 9.29 "HBP v1" means the Handbook of Procedures (Volume 1) containing the procedures (including Appendices & Aayat Niryat Forms), "HBP v2" means Handbook of Procedures (Volume 2) containing the SIONs; both published under provisions of paragraph 2.4 of FTP.
- 9.30 "Importer" means a person who imports or intends to import and holds an IEC number, unless otherwise specifically exempted.
- 9.31 "Infrastructure facilities" means industrial, commercial and social infrastructure or any other facility for development of SEZ as notified.

- 9.32 "ITC (HS)" means ITC (HS) Classifications of Export and Import Items.
- 9.33 "Jobbing" means processing or working upon of raw materials or semi-finished goods supplied to job worker, so as to complete a part of process resulting in manufacture or finishing of an article or any operation which is essential for aforesaid process.
- 9.34 "Licensing Year" means period beginning on the 1st April of a year and ending on 31st March of following year.
- 9.35 "Managed Hotel" means hotels managed by a three star or above hotel/ hotel chain under an operating management contract for a duration of at least three years between operating hotel/ hotel chain and hotel being managed. Management contract must necessarily cover the entire gamut of operations/ management of managed hotel.
- 9.36 "Manufacture" means to make, produce, fabricate, assemble, process or bring into existence, by hand or by machine, a new product having a distinctive name, character or use and shall include processes such as refrigeration, re-packing, polishing, labelling, Re-conditioning repair, remaking, refurbishing, testing, calibration, re-engineering.
- Manufacture, for the purpose of FTP, shall also include agriculture, aquaculture, animal husbandry, floriculture, horticulture, pisciculture, poultry, sericulture, viticulture and mining.
- 9.37 "Manufacturer Exporter" means a person who exports goods manufactured by him or intends to export such goods.
- 9.38 "MAI" means Market Access Initiative Scheme notified by Department of Commerce.
- 9.39 "Merchant Exporter" means a person engaged in trading activity and exporting or intending to export goods.
- 9.40 "NC" means the Norms Committee in the Directorate General of Foreign Trade, for recommending grant of Authorisations under Duty Exemption Scheme and for recommending Input Output norms and value addition norms to be notified by DGFT.

- 9.41 "NFE" means Net Foreign Exchange.
- 9.42 "Notification" means a notification published in Official Gazette.
- 9.43 "Order" means an Order made by Central Government under the Act.
- 9.44 "Part" means an element of a sub-assembly or assembly not normally useful by itself, and not amenable to further disassembly for maintenance purposes. A part may be a component, spare or an accessory.
- 9.45 "Person" includes an individual, firm, society, company, corporation or any other legal person including the DGFT officials.
- 9.46 "Policy" means FTP 2009-2014 as amended from time to time.
- 9.47 "Prescribed" means prescribed under the Act or the Rules or Orders made thereunder or under FTP.
- 9.48 "Public Notice" means a notice published under provisions of paragraph 2.4 of FTP.
- 9.49 "Raw material" means:
basic materials which are needed for manufacture of goods, but which are still in a raw, natural, unrefined or unmanufactured state; and
for a manufacturer, any materials or goods which are required for his manufacturing process, whether they have actually been previously manufactured or are processed or are still in a raw or natural state.
- 9.49.1 "Regional Authority" means authority competent to grant an Authorisation under the Act / Order.
- 9.50 "Registration-Cum-Membership Certificate" (RCMC) means certificate of registration and membership granted by an Export Promotion Council / Commodity Board / Development Authority or other competent authority as prescribed in FTP or HBP v1.
- 9.51 "Rules" means Rules made by Central Government under Section 19 of the Act.
- 9.52 "Services" include all tradable services covered under General Agreement on

Trade in Services (GATS) and earning free foreign exchange.

- 9.53 "Service Provider" means a person providing
- (i) Supply of a 'service' from India to any other country;
 - (ii) Supply of a 'service' from India to service consumer of any other country in India;
 - (iii) Supply of a 'service' from India through commercial or physical presence in territory of any other country.
 - (iv) Supply of a 'service' in India relating to exports paid in free foreign exchange or in Indian Rupees which are otherwise considered as having being paid for in free foreign exchange by RBI.
- 9.54 "SEZ" means Special Economic Zone notified by Ministry of Commerce & Industry, Department of Commerce.
- 9.55 "Ships" mean all types of vessels used for sea borne trade or coastal trade, and shall include second hand vessels.
- 9.56 "SION" means Standard Input Output Norms notified by DGFT in HBP v2 / approved by Board of Approval.
- 9.57 "Spares" means a part or a sub-assembly or assembly for substitution, that is ready to replace an identical or similar part or sub-assembly or assembly. Spares include a component or an accessory.
- 9.58 "Specified" means specified by or under the provisions of this Policy through Notification / Public Notice.
- 9.59 "Status holder" means an exporter recognized as Export House / Trading House / Star Trading House / Premier Trading House by DGFT / Development Commissioner.
- 9.59.1 "Stores" means goods for use in a vessel or aircraft and includes fuel and spares and other articles of equipment, whether or not for immediate fitting.
- 9.60 "STP" means Software Technology Park
- 9.61 "Supporting Manufacturer" means any person who manufactures any product or part/accessories/components of that product. Name of supporting manufacturer as well as the exporter must be endorsed on export documents.

- 9.62 "Third-party exports" means exports made by an exporter or manufacturer on behalf of another exporter(s). In such cases, export documents such as shipping bills shall indicate name of both manufacturing exporter/manufacturer and third party exporter(s). BRC, GR declaration, export order and invoice should be in the name of third party exporter.
- 9.63 "Transaction Value" is as defined in Customs Valuation Rules of Department of Revenue.
- 9.64 "Wild Animal" means any wild animal as defined in Section 2(36) of Wildlife (Protection) Act, 1972.