F.No. 428/4/95-Cus IV

Circular No. 5/99-Cus IV
dated 18/2/1999

Government of India,
Ministry of Finance
(Department of Revenue)
Central Board of Excise & Customs, New Delhi

Subject: Clearance of goods imported by United Nations and its Agencies for execution of the projects financed by them - regarding

I am directed to refer to Notification No. 84/97-Cus dated 11th November, 1997 which exempts goods impored into India by the United Nations or an International Organisation for execution of the projects financed by these agencies from the duty of customs, Additional Customs Duty and special custom duty. Some difficulties have been expressed by project authorities under different Ministries and representatives of UNICEF regarding issuance of certificate by Deputy Secretary for the purpose of availment of benefit under above mentioned notification. For the purpose of above mentioned notification it is therefore clarified that:-

(I) The certificate that the said goods are required for the execution of the project and the said project is approved by the Government of India etc. can be issued by the Deputy Secretary of any Ministry in the Government of India which is coordinating the said project in the said Ministry. It case of the agencies like UNICEF where the different projects are undertaken by them are different projects are coordinated by more than one Ministry like Department of Economic Affairs, Department of Women and Child Development, Department of Education or Department of Youth Affairs and Sports, etc. the certificate by the Deputy Secretary of the respective Ministry would be considered adequate for the purpose of the notification.

(II) The certificate issued by the Executive Head of the project implementing authority like UNICEF on the above lines and countersigned by an officer not below the rank of Deputy Secretary of the concerned Ministry to Government of India should also be accepted as fulfillment of the conditions of the notification.

(III) The international agency sometimes procure the goods from local factories for further manufacture and export of the same to neighbouring countries like Nepal, Bhutan, Bangladesh and Pakistan, such goods are cleared under Notification No, 108/95-CX as amended by Notification No. 4/99 dated 11.2.99. The goods under the said notification are to be cleared duty free only after the certificates are issue as provided in the said notification. In case the goods are meant for export after further manufacturing, the said goods can be cleared even though the project is not being executed in India if such a certificate, as prescribed in the notification, is issued by any of the Ministries of the Government of India.

Sd/-
(Rajendra Singh)
Under Secretary to the Government of India