

Instruction No.07/2022-Customs

F.No. 401/35/2022-Cus-III
Government of India
Ministry of Finance
Department of Revenue
(Central Board of Indirect Taxes & Customs)

North Block, New Delhi
Dated, 31st May, 2022

To

All Principal Chief Commissioners/ Chief Commissioner of Customs
All Principal Chief Commissioners/ Chief Commissioner of Customs
(Preventive)
All Principal Chief Commissioners/ Chief Commissioner of CGST &
Customs
All Principal Director Generals /Director Generals under CBIC
All Principal Commissioners / Commissioners of Customs

**Subject: - Regulation regarding export of raw, white and refined sugar
under OGL in the current sugar seasons 2021-22 (Oct-Sept.) -reg**

Madam/Sir,

Reference is invited to DGFT Notification No. 10/2015-20 dated 24.05.2022 (copy enclosed) regarding amendment in the export policy of sugar (Raw, Refined and White Sugar) placing them under restricted category from 01.06.2022. Thus, Export of sugar (Raw, Refined and White Sugar) will be allowed, only upon production of specific permission by Department of Food and Public Distribution (DFPD) from 01.06.2022. It also provides for certain exceptions and transitional provisions.

2. Further, the procedure for issue of such permission has been outlined in the letter issued vide F.No.1-1/(2002)-SP-I dated 24.05.2022 (copy enclosed) from Directorate of Sugar and Vegetable Oils, DFPD, to all exporters of sugar as well as to all the sugar mills involved in the dispatch of sugar for export/deemed export through the letter vide F. No. 1-1/(2002)-SP-I dated 24.05.2022 (copy enclosed). It is also mentioned that, Export Release Orders (EROs) issued would be placed on the DFPD website.

3. Attention is also drawn to the non-applicability of this restriction to certain category of goods listed in the para 2 of the DGFT notification dated 24.05.2022 and to waiver of the EROs in case of certain scenarios provided in the para 3 of the letter by Directorate of Sugar dated 24.05.2022.

Contd.2/-

4. It is requested that all concerned in your jurisdiction may be sensitized regarding the above-mentioned amendment in export policy of Sugar (Raw, Refined and White Sugar).
5. The difficulties, if any, in the implementation of this Instruction may be brought to the notice of the Board.
6. Hindi version follows.

Encl: as above

Yours faithfully,

Kevin
31/05/2022

(Kevin Boban)

Officer on Special Duty (Cus-III)

Government of India
Ministry of Commerce & Industry
Department of Commerce
Directorate General of Foreign Trade
Udyog Bhawan, New Delhi

Notification No. 10/2015-20

Dated: 24th May, 2022

Subject: - Amendment in Export Policy of sugar.

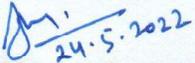
S.O. (E) In order to maintain domestic availability and price stability of sugar, Central Government in exercise of powers conferred by Section 3 read with Section 5 of the Foreign Trade (Development & Regulation) Act, 1992 (No. 22 of 1992), as amended, read with Para 1.02 and 2.01 of the Foreign Trade Policy, 2015-20, hereby amends export policy of sugar under S.No.93 of Chapter 17 of ITC (HS), Schedule – II as under:

S.No	ITC (HS) Code	Description	Existing Policy	Revised Policy	Policy condition
93	1701 14 90 1701 99 90	Sugar (Raw Sugar, Refined Sugar and White Sugar)	Free	Restricted	(i) With effect from 1st June, 2022 upto 31st October, 2022 or until further orders, whichever is earlier, export of sugar is allowed only with specific permission from Directorate of Sugar, Department of Food and Public Distribution (DFPD), Ministry of Consumer Affairs, Food & Public Distribution. (ii) Detailed procedure for issue of necessary permissions for export of sugar will be notified separately by Department of Food and Public Distribution (DFPD).

2. This restriction is not applicable to Sugar being exported to EU and USA under CXL and TRQ quota as per prescribed procedure in the respective Public Notices.

3. Effect of this Notification:

Export of Sugar (Raw, Refined and White sugar) is placed under 'Restricted' category from 1st June, 2022 onwards (except fixed quantity of sugar being exported under CXL and TRQ quota to EU and USA). Export after 01.06.2022 will be allowed on production of specific permission (as per the procedure to be notified separately by DFPD) from Directorate of Sugar, Department of Food and Public Distribution (DFPD), Ministry of Consumer Affairs, Food & Public Distribution.


24.5.2022

(Santosh Kumar Sarangi)

Director General of Foreign Trade

Ex-Officio Additional Secretary, Govt. of India

E-mail: dgft@nic.in

(Issued from File No. 01/91/180/879/AM08/EC/Vol.8/E-20749)

F.No. 1-1/(2022)-SP-I
Government of India
Ministry of Consumer Affairs, Food & Public Distribution
Department of Food & Public Distribution
Directorate of Sugar and Vegetable Oils

Krishi Bhawan, New Delhi
Dated the 21st May, 2022

To

The CEO/MD/GM

All Exporters of Sugar (raw, white and refined sugar).

Subject: Regulation regarding export of raw, white and refined sugar under OGL in the current sugar season 2021-22 (Oct-Sept).

Madam/Sir,

Please refer Directorate General of Foreign Trade (DGFT), Ministry of Commerce Notification No. 10/2015-20 dated 24.05.2022 (copy enclosed) regarding amendment in export policy of Government of India in respect to sugar.

2. In order to implement the notification mentioned above and in exercise of powers conferred by Section 3 of the Essential Commodities Act, 1955 (10 of 1955) read with clause 4 and 5 of the Sugar (Control) Order, 1966, in order to ensure that stock position of sugar is in reasonable limit to meet domestic consumption demand for the current sugar season, it has been decided to monitor sugar export and regulate for a maximum quantity of 100 Lakh MT of export of sugar during the current sugar season i.e. 2021-22. In sugar seasons 2017-18, 2018-19, 2019-20 and 2020-21, about 6.2 LMT, 38 LMT, 59.60 LMT and 70 LMT of sugar respectively was exported. Contracts for export of about 90 LMT have been signed in current sugar season 2021-22 out of which approx. 82 LMT sugar has been dispatched by sugar mills for export and about 79 LMT of sugar have been exported. **Export of sugar in current sugar season 2021-22 is the historically highest.** Therefore, it has been decided that with effect from 01st June 2022, Export Release Orders (EROs) will be issued to exporters for exporting sugar from the country, with a view to ensure adequate availability of sugar within the country as well.

3. However, sugar exports upto 31st May 2022 will be allowed. Further, in case of exports through Bulk or Break-Bulk vessels, if the shipping bill is filed and vessels have



already berthed or arrived and anchored in Indian ports and their Rotation No. has been allocated as on 31 May 2022, such vessel shall continue to proceed for the loading and export of sugar without any approval or release order.

4. For sugar export from 01st June 2022 to 31st October 2022, Export Release Orders (EROs) will be issued to exporters on receiving application through a transparent method and these orders would be placed on DFPD website.

5. The following are the guidelines/procedure for applying/obtaining Export Release Order (ERO) from the Directorate of Sugar:

- (i) The application for EROs will be made by the exporter in the National Single Window System (NSWS) portal. The steps for applying for Export Release Order (ERO) from the Directorate of Sugar through NSWS portal is attached as Annexure I. The application may be sent in prescribed format (Annexure II) through email also at sugarexports-fpd@gov.in.
- (ii) The list of documents required to be submitted while applying for export release order are as below:
 - a. Contract/sale-purchase agreement with foreign buyer for export.
 - b. Current Status of exports under the contract mentioned above.
 - c. Irrevocable Letter of Credit (LC) (if any), duly verified by the Indian Bank with message transmission date and the details of commodity, quantity and value of export with date of shipment.
 - d. Foreign exchange booking letter (if any) against the contract issued by a scheduled commercial bank in India with details of commodity, quantity and value of export with date of shipment.
 - e. In case of advance payment made by the foreign buyer, certificate from the bank about the contract details of commodity, quantity and value of export with date of shipment for which advance payment has been made.
- (iii) Incomplete applications or applications with missing documents will be rejected.
- (iv) No request for change in ERO will be entertained.
- (v) The validity of EROs issued shall be upto the date of Let Export Order (LEO) under the contract agreement or 90 days whichever is earlier. Non-



implementation of ERO or non-export of sugar under ERO within LEO date will be viewed seriously and such exporters may be penalized under the Essential Commodities Act 1955 or the Sugar Control Order 1966.

- (vi) The sugar mills/refinery which export refined sugar by way of value addition to raw sugar obtained as input from the domestic sugar manufacturer through OGL shall be considered to have exported domestically manufactured sugar. In this regard, the raw/white sugar manufacturer, and the sugar refinery for that purpose shall enter into bi- partite/tripartite agreement.

6. Any breach of the above conditions for export by an exporter, would invite blacklisting of exporter and would disqualify them from further participation in OGL export besides inviting other action under the Essential Commodities Act, 1955 and the Sugar Control Order 1966.

Yours faithfully,



(Sangeet)

Director (Sugar)
Ph-011-2383760

Copy to:

1. Chairman, CBIC, Department of Revenue
2. DGFT, Ministry of Commerce
3. Ministry of Shipping (for circulation to all port authorities)
4. Principal Secretary (Cane/Sugar) of State Governments
5. State Cane Commissioners
6. ISMA / NFCSF/ AISTA/ISEC

Steps for applying for Export Release Order (EROs) from the Directorate of Sugar through National Single Window System (NSWS) portal.

1. The exporter is required to first register themselves on the NSWS portal i.e. <https://www.nsws.gov.in> under the head **"Investor Login"**.
2. As and when an investor registers on the portal; an email will be sent for verification of their account on the portal.
3. After verification of the account from the registered email; the investor has to add the form i.e. **"Applying for Export Release Order (EROs) from the Directorate of Sugar"**.
4. Thereafter, the chosen form will be visible in the dashboard of the investor.
5. Thereafter, prior to filling the application form for the Export Release Order; investor is also required to fill the Common Registration Form (CRF) in which basic details related to the organization will be asked i.e. Entity Identification Number, Company Registration Details, Postal Address Details, Authorized Signatory Details, Factory / Site Location, Product / Services Offered, etc.
6. Once, an investor fills the CRF form, an auto generated message will be sent on the registered mobile number stating that "You have successfully submitted CRF".
7. After which investor can fill the application form for applying for applying for Export Release Order (EROs).



PROFORMA APPLICATION FOR EXPORT RELEASE ORDER FOR SUGAR
(Sugar season 2021-22)

Date: _____

Applicant Details

IEC Name	IEC Number	Branch Code	Address	Pincode	District	State	Email	Mobile Number	Jurisdiction RA Office

Export Item Details

Sl. No.	ITC(HS) Code	ITC(HS) Code Description	Technical Specifications				Quantity	UOM	Foreign Currency	FOB Value (INR)	FOB Value (FC)	FOB Value (USD)
			Raw	White	Refined	Total						
Total FOB Value (USD) :												
Total FOB Value (INR) :												
Total FOB Value (FC) :												

Foreign Buyer Details

Sl.No.	Name	Postal Address	Phone No.	Contract Ref No.	Contract Date	Mode of Payment
1						

Attachment Details:

Contract/Sale Agreement	Letter of Credit with Bank Letter	OR Foreign Exchange Booking Letter from Bank for the Contract	



Declaration / Undertaking

I / We hereby declare that:

1. The particulars and the statements made in this application are true and correct to the best of my/our knowledge and belief and nothing has been concealed or held there from. I/We fully understand that any information furnished in the application if found incorrect or false will render me/us liable for any penal action or other consequences as may be prescribed in law or otherwise warranted.
2. I/We hereby certify that: the entity for whom the application has been made have not been penalized under any of the following Acts (as amended from time to time): The Customs Act, 1962, The Central Excise Act 1944, Foreign Trade (Development & Regulation) Act 1992, as amended, and The Foreign Exchange Management Act, 1999, The Conservation of Foreign Exchange, Prevention of Smuggling Activities Act, 1974 Weapons of Mass Destruction & their Delivery Systems (Prohibition of Unlawful Activities) Act, 2005.
3. I am authorised to verify and sign this declaration on behalf of the Sugar Mill.

(Signature of Authorised Signatory)
Name of the Signatory with Sugar Mill Name



Government of India
Ministry of Commerce & Industry
Department of Commerce
Directorate General of Foreign Trade
Udyog Bhawan, New Delhi

Notification No. 10/2015-20

Dated: 24th May, 2022

Subject: - Amendment in Export Policy of sugar.

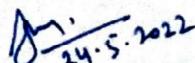
S.O. (E) In order to maintain domestic availability and price stability of sugar, Central Government in exercise of powers conferred by Section 3 read with Section 5 of the Foreign Trade (Development & Regulation) Act, 1992 (No. 22 of 1992), as amended, read with Para 1.02 and 2.01 of the Foreign Trade Policy, 2015-20, hereby amends export policy of sugar under S.No.93 of Chapter 17 of ITC (HS), Schedule – II as under:

S.No	ITC (HS) Code	Description	Existing Policy	Revised Policy	Policy condition
93	1701 14 90 1701 99 90	Sugar (Raw Sugar, Refined Sugar and White Sugar)	Free	Restricted	(i) With effect from 1st June, 2022 upto 31st October, 2022 or until further orders, whichever is earlier, export of sugar is allowed only with specific permission from Directorate of Sugar, Department of Food and Public Distribution (DFPD), Ministry of Consumer Affairs, Food & Public Distribution. (ii) Detailed procedure for issue of necessary permissions for export of sugar will be notified separately by Department of Food and Public Distribution (DFPD).

2. This restriction is not applicable to Sugar being exported to EU and USA under CXL and TRQ quota as per prescribed procedure in the respective Public Notices.

3. Effect of this Notification:

Export of Sugar (Raw, Refined and White sugar) is placed under 'Restricted' category from 1st June, 2022 onwards (except fixed quantity of sugar being exported under CXL and TRQ quota to EU and USA). Export after 01.06.2022 will be allowed on production of specific permission (as per the procedure to be notified separately by DFPD) from Directorate of Sugar, Department of Food and Public Distribution (DFPD), Ministry of Consumer Affairs, Food & Public Distribution.


(Santosh Kumar Sarangi)

Director General of Foreign Trade
Ex-Officio Additional Secretary, Govt. of India

E-mail: dgft@nic.in

(Issued from File No. 01/91/180/879/AM08/EC/Vol.8/E-20749)



F. No. 1-1/(2022)-SP-I
Government of India
Ministry of Consumer Affairs, Food & Public Distribution
Department of Food & Public Distribution
Directorate of Sugar and Vegetable Oils

Krishi Bhawan, New Delhi
Dated the 24th May, 2022

To
The CEO/MD/GM
(All Sugar Mills)

Subject: Regulations regarding export of raw, white and refined sugar under Open General License (OGL) in the current sugar season 2021-22 (Oct-Sept).

Madam/Sir,

Please refer Directorate General of Foreign Trade (DGFT), Ministry of Commerce Notification No. 10/2015-20 dated 24.05.2022 (copy enclosed) regarding amendment in the export policy of Government of India in respect to sugar.

2. In order to implement the above notification to maintain domestic availability and price stability of sugar, in exercise of powers conferred by Section 3 of the Essential Commodities Act, 1955 (10 of 1955) read with clause 4 and 5 of the Sugar (Control) Order, 1966, it has been decided that with effect from 01st June 2022, sugar mills will take approval of Directorate of Sugar, Department of Food and Public Distribution before making any dispatch of sugar for export. With a view to ensure adequate availability of sugar within the country, it has been decided to monitor sugar export and regulate for a maximum quantity of 100 Lakh MT of export of sugar during the current 'Sugar Season' i.e. 2021-22. In sugar seasons 2017-18, 2018-19, 2019-20 and 2020-21, about 6.2 LMT, 38 LMT, 59.60 LMT and 70 LMT of sugar respectively was exported. Contracts for export of about 90 LMT have been signed in current sugar season 2021-22 out of which approx. 82 LMT sugar has been dispatched by sugar mills for export and about 78 LMT of sugar have been exported. Export of sugar in current sugar season 2021-22 is the historically highest.

3. All sugar mills will online submit the details of dispatch of sugar for export in P-II Portal of the Directorate on daily basis. A consolidated report on dispatches of sugar for export as on 31.05.2022 in this regard will also be submitted by 01 June 2022 on sugarexports-fpd@gov.in or cdsugar.fpd@nic.in. In case of non-submission of these



details by any sugar mill, their applications for Export Release Orders may not be considered.

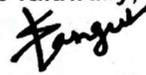
4. W.e.f. 01 June 2022, each sugar mill needs to apply for approval for dispatch of sugar for export/deemed exports. Application for this purpose will be made by sugar mill in prescribed format and the same will be processed through a transparent process and these orders would be placed on DFPD website.
5. The following are the guidelines/procedure for applying for Export Release Order (ERO) from the Directorate of Sugar:
 - a. The application for ERO will be made by the sugar mill in the National Single Window System (NSWS) portal. The steps for applying for Export Release Order (ERO) from the Directorate of Sugar through NSWS portal is enclosed as Annexure I. The application may be sent in prescribed format through email also.
 - b. Sugar mills will submit the application in proforma attached (Annexure II) with relevant documents as under:
 - i. Contract/sale-purchase agreement with exporter
OR
Direct contract/sale-purchase agreement with foreign buyer for export.
 - ii. Current Status of exports under the contract mentioned above.
 - c. Incomplete applications will be rejected and the interested applicants need to submit fresh applications in such cases.
 - d. No request for change in approvals will be entertained.
 - e. The dispatches need to be made within 30 days of issue of approval.
 - f. The quantity approved would be over and above the monthly release allotments meant for domestic sale, duly circulated by Directorate of Sugar before beginning of each month, i.e. no part of monthly quota for domestic sale can be dispatched by sugar mills for export.
 - g. The sugar mills/refinery which export refined sugar by way of value addition to raw sugar/low quality white sugar obtained as input from the domestic sugar manufacturer through OGL shall be considered to have exported domestically manufactured sugar. In this regard, the raw/white sugar manufacturer, and the sugar refinery for that purpose shall enter into bi- partite/tripartite agreement.



However, if sugar procured under Advanced Authorisation Scheme (AAS), permission of Directorate of Sugar may not be required for re-exporting the refined sugar.

6. Any breach of the above conditions by a sugar mill, would invite strict action under the Essential Commodities Act, 1955 and the Sugar Control Order 1966.

Yours faithfully,



(Sangeet)

Director (Sugar)

Ph-011-23383760

Copy to:

1. Chairman, CBIC, Department of Revenue
2. DGFT, Ministry of Commerce
3. Ministry of Shipping (For circulation to all ports)
4. Principal Secretary (Cane/Sugar) of State Governments
5. State Cane Commissioners
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Steps for applying for Export Release Order (EROs) from the Directorate of Sugar through National Single Window System (NSWS) portal.

1. The exporter is required to first register themselves on the NSWS portal i.e. <https://www.nsws.gov.in> under the head **"Investor Login"**.
2. As and when an investor registers on the portal; an email will be sent for verification of their account on the portal.
3. After verification of the account from the registered email; the investor has to add the form i.e. **"Applying for Export Release Order (EROs) from the Directorate of Sugar"**.
4. Thereafter, the chosen form will be visible in the dashboard of the investor.
5. Thereafter, prior to filling the application form for the Export Release Order; investor is also required to fill the Common Registration Form (CRF) in which basic details related to the organization will be asked i.e. Entity Identification Number, Company Registration Details, Postal Address Details, Authorized Signatory Details, Factory / Site Location, Product / Services Offered, etc.
6. Once, an investor fills the CRF form, an auto generated message will be sent on the registered mobile number stating that "You have successfully submitted CRF".
7. After which investor can fill the application form for applying for applying for Export Release Order (EROs).



Annexure II

**PROFORMA APPLICATION FOR EXPORT RELEASE
ORDER FOR SUGAR**
(Sugar season 2021-22)

Date: _____

Sugar Mill Details:

Plant Code	Short Name	Sugar Mill Name	Address

Sugar Stock Details:

Sugar Stock as on date of application	Sugar Stock as on last day of previous month	Sugar Dispatched in current month for export	Sugar Quantity applied for dispatch for export

Exporter/Importer Details:

IEC Name/Exporter Details	IEC Number of Exporter	Foreign Buyer Name	Country of Destination	Contract Date

Details of Export Contract:

Technical Specifications	Contracted Quantity of sugar	Quantity Already Exported as on date of application	Quantity applied for under this Application	(Qty in MT)
				Date of shipment
Raw				
White				
Refined				
Other Sugar, if any				
Total				

Declaration / Undertaking

I / We hereby declare that:

1. The particulars and the statements made in this application are true and correct to the best of my/our knowledge and belief and nothing has been concealed or held there from. I/We fully understand that any information furnished in the application if



found incorrect or false will render me/us liable for any penal action or other consequences as may be prescribed in law or otherwise warranted.

2. I/We hereby certify that: the entity for whom the application has been made have not been penalized under any of the following Acts (as amended from time to time): The Customs Act, 1962, The Central Excise Act 1944, Foreign Trade (Development & Regulation) Act 1992, as amended, and The Foreign Exchange Management Act, 1999, The Conservation of Foreign Exchange, Prevention of Smuggling Activities Act, 1974 Weapons of Mass Destruction & their Delivery Systems (Prohibition of Unlawful Activities) Act, 2005.
3. I am authorised to verify and sign this declaration on behalf of the Sugar Mill.

(Signature of Authorised Signatory)
Name of the Signatory with Sugar Mill Name

A handwritten signature in black ink, consisting of a stylized character resembling a '7' or 'L' with a horizontal stroke at the bottom.

Government of India
Ministry of Commerce & Industry
Department of Commerce
Directorate General of Foreign Trade
Udyog Bhawan, New Delhi

Notification No. 10/2015-20
Dated: 24th May, 2022

Subject: - Amendment in Export Policy of sugar.

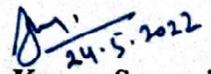
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(Santosh Kumar Sarangi)

Director General of Foreign Trade
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