

No. C3/11254/TC/2010

Transport Commissionerate, Kerala,
Trans Towers, Thiruvananthapuram
Dated 19.10.2010.

From

The Transport Commissioner,
Thiruvananthapuram

To

All Deputy Transport Commissioners,
Regional Transport Officers
& Joint Regional Transport Officers

Sir,

Sub: Motor Vehicles Department – Registration of Imported
Vehicles –direction issued – reg.

Ref: 1. Notification No. 56(RE-2008)/2004-09 dated
07.11.2008 of Ministry of Commerce and Industry.
2. Letter No. RT-11036/59/2000 – MVL(Pt) Dated
13.06.2007 and 17.06.2008 of Ministry of Shipping,
Road Transport & Highways.
3. Representation dated 13.10.2010 from
Sri: Jayakrishnan Krishna Menon, Kochi.

In connection with the registration of Imported Vehicles, so may complaints have been received in this office alleging that certain Regional Transport Officers have denied to register the imported Motor Vehicles violating the standing directions issued from this office. In this connection you are informed that Government of India, Ministry of Commerce and Industry in their notification dated 07.11.2008 vide reference 1st cited has ordered that the import of new vehicles having FOB value of US \$ 40,000 or more and engine capacity of more than 3000 CC for petrol run vehicle and more than 2500CC for diesel run vehicles by (a) Individuals, (b) Companies and firms or (C) OEMs [original equipment manufacturer who have manufacturing and service network

in India] are eligible for exemption from Rule 126 of the CMV Rules 1989 subject to the condition that they have to produce a type approval certificate from an international accredited agency notified by Director General of Foreign Trade. This was already clarified by Government of India, Ministry of Road Transport and Highways in their letter dated 13.06.2007 and 17.06.2008 vide reference 2nd cited. Hence you are once again requested to comply the direction issued by Government of India Ministry of Road Transport and Highways referred 2nd above. You are also requested to ensure that the fee prescribed for the Registration of imported Motor Vehicle as per Rule 81 of CMV Rules shall be collected for the registration of such vehicle. Copies of the imported Licensing notes 87 downloaded from the website and the notification issued by Director General of Foreign Trade and letter from Ministry of Road Transport and Highways are enclosed herewith for your information.

Yours faithfully,
Sd/-
Senior D T C (Taxation),
For Transport Commissioner.

Approved for issue,


Senior Superintendent.

Import Licensing notes 87

(1) (I) A second hand or used vehicle (including all the vehicles other than Railway or Tramway) for the purposes of this Chapter shall mean a vehicle that:-

- (a) has been sold, leased or loaned prior to importation into India; or
- (b) has been registered for use in any country according to the laws of that country, prior to importation into India;

(II). The import of second had or used vehicles shall be subject to the following conditions:-

(a) The second hand or used vehicle shall not be older than three years from the date of manufacture;

(b) The second hand or used vehicle shall :

(i) have right hand steering, and controls (applicable on vehicles other than two and three wheelers);

(ii) have a speedometer indicating the speed in Kilometers; and

(iii) have photometry of the headlamps to suit "keep left" traffic.

(c) In addition to the conditions specified in (a) and (b) above, the second hand or used vehicle shall conform to the provisions of the Motor Vehicle Act, 1988 and the rules made there under.

(d) Whoever being an importer or dealer in motor vehicles who imports or offers to import a second hand or used vehicle into India shall,

(i) at the time of importation, submit a certificate issued by a testing agency, which the Central Government may notify in this regard, that the second hand or used vehicle being imported into India has been tested immediately before shipment for export to India and the said vehicle conforms to all the regulations specified in the Motor Vehicles Act, 1988 of India and the rules made there under.

(ii) At the time of importation, submit a certificate issued by a testing agency, which the Central Government may notify in this regard, that the second hand or used vehicle being imported into India has been tested immediately before shipment for export to India and the said vehicle conforms to the original homologation certificate issued at the time of manufacture.

(iii) On arrival at the Indian port but before clearance for home consumption, submit the vehicle for testing by the Vehicle Research and Development Establishment, Ahmednagar of the Ministry of Defence of the Government of India or Automotive research Association of India, Pune or Central Farm Machinery Training and Testing Institute, Budni, Madhya Pradesh for tractors, and such other agencies as may be specified by the Central Government, for granting a certificate by that agency as to the compliance of the provisions of the Motor Vehicles Act, 1988 and any rules made thereunder.

Second hand
Vehicle

(iv) Import of these vehicles shall be allowed only through the customs port at Mumbai.

(e) The second hand or used vehicles imported into India should have a minimum roadworthiness for a period of 5 years from the date of importation into India with assurance for providing service facilities within the country during the five year period. For this purpose, the importer shall, at the time of importation, submit a declaration indicating the period of roadworthiness in respect of every individual vehicle being imported, supported by a certificate issued by any of the testing agencies, which the Central Government may notify in this regard."

(2) (I) A new imported vehicle (including all the vehicles other than Railway or Tramway) for the purposes of this Chapter shall mean a vehicle that :-

(a) has not been manufactured/assembled in India; and

(b) has not been sold, leased or loaned prior to importation into India; or

(c) has not been registered for use in any country according to the laws of that country, prior to importation into India.

(II) The import of new vehicles shall be subject to the following conditions:

a. The new vehicle shall-

(i) have a speedometer indicating the speed in Kilometers per hour;

(ii) have right hand steering, and controls (applicable on vehicles other than two and three wheelers);

(iii) have photometry of the headlamps to suit "keep-left" traffic; and

(iv) be imported from the country of manufacture.

Amended
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(i) Import of new vehicles having an FOB value of US \$ 40,000 or more and engine capacity of more than 3000cc for petrol run vehicle and more than 2500cc for diesel run vehicles, as allowed under Import Licensing Note No. 7 under Chapter 87, shall be exempted from policy provision of Import Licensing Note No. 2(II)(a)(iv) under Chapter 87 which stipulates that vehicle shall be imported from the country of manufacture.

(Above (i) vide NTF. NO. 74/2008, DT. 30/12/2008)

b. In addition to the conditions specified in (a) above, the new vehicle shall conform to the provisions of the Motor Vehicles Act, 1988 and the rules made thereunder, as applicable, on the date of import.

c. Whoever being an importer or dealer in motor vehicles who imports or offers to import a new vehicle into India shall,

(i) at the time of importation, have valid certificate of compliance as per the provisions of rule 126 of Central Motor Vehicle Rules (CMVR), 1989, for the vehicle model being imported, issued by any of the testing agencies, specified in the said

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Sl. No. 7

31 MAR 2008
New Vehicle

rule;

(ii) be responsible for all the provisions assigned to the manufacturer as per Rules 122 & 138 of CMVR, 1989 and for issuing Form 22, as per provisions of CMVR, 1989; and

(iii) give an undertaking in writing that the proof of compliance to conformity of production as per rule 126A of CMVR shall be submitted within six months of the imports. In case of failure to do so, no further import of new vehicle of that model shall be allowed thereafter.

d. The import of new vehicles shall be permitted only through the Customs port at Nhava Sheva, Kolkata, Chennai, Cochin, ICD-Tughlakabad and Delhi Air Cargo, Mumbai Port.

(Above (d) has been amended vide NTF. NO. 74/2003, DT. 30/12/2008)

[OLD-

d. The import of new vehicles shall be permitted only through the Customs port at Nhava Sheva, Kolkata, Chennai, ICD-Tughlakabad and Delhi Air Cargo, Mumbai Port.]

(e) The above mentioned provisions will not apply to the import of new vehicles :

- (i) For the purpose of certification as per para (c) (i) above;
- (ii) For the purpose of defence requirement.

(f) The above mentioned provisions will also not apply to the import of new vehicles for R & D purpose by vehicle manufacturers and auto component manufacturers. However, the vehicles imported by both these categories for R & D will not be registered under the CMVR Rules in the country and will not ply on Indian roads. The customs will make necessary endorsement at the time of clearance of these vehicles.

(Please refer clarification - that the above mentioned condition is applicable only for use as a passenger vehicle. For the limited purpose of carrying out endurance test, evaluation test and for other testing purposes, the vehicle may be registered as provided for in the CMVR Rules. vide POLICY CIR NO. 06/2006, DT. 18/05/2006)

(g) In case the country of manufacture is a land locked country and the shipment takes place from another country, the vehicles would be deemed to have been exported from the country of manufacture provided there are supporting documents to track the vehicles from the country of manufacture to the Port of Larding and from there, to the Port of Destination.

(Above para 2(II) (e) to (g) has been amended vide NTF. NO. 02/2006, DT. 07/04/2006)

[OLD-

e. The provisions of this notification will not apply to the imports of new vehicles-

- (i) for the purpose of certification as per para c (i) above;

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Attachment

(ii) for the purpose of defence requirements; and

for the purpose of R&D by vehicle manufacturers.]

(3) (I) The conditions at sl. Nos. 1 & 2 above shall not be applicable on import of passenger cars/jeeps/multi utility vehicles etc. on payment of full Customs duty by the following categories of importers:

(a) Individuals coming to India for permanent settlement after two years continuous stay abroad provided the car has been in the possession of the individual for a period of minimum one year abroad.

(b) Resident Indians presented with a car as an award in any international event/match/competition;

(c) Legal heirs/successors of deceased relatives residing abroad;

(d) Physically handicapped persons;

(e) Companies incorporated in India having foreign equity participation;

(f) Branches/offices of foreign firms;

(g) Charitable/Missionary/Religious institutions registered as per the law relating to the registration of the societies or trusts or otherwise approved by the Central or State Government, subject to the condition that the importer is an established institution and is functioning for the common benefit of the community, and subject further to production of necessary clearance under the Foreign Contribution (Regulation) Act, 1976.

(h) Honorary Consuls of foreign countries on the recommendations of the Ministry of External Affairs, Government of India.

(i) Journalists/Correspondents of foreign news agencies having accreditation certificate with the Press Information Bureau, Ministry of Information and Broadcasting, Govt. of India.

However, these imports shall be subject to the condition that, the vehicle should have right hand steering and controls (applicable on vehicles other than two and three wheelers).

(II) All the above categories shall be entitled to import only one vehicle except categories (e) and (f), which shall be entitled to import maximum of three vehicles. Persons in category (d) shall be entitled to import only specially designed vehicles suitable for use by handicapped. All such imports shall carry a "NO SALE" condition of two years which shall be endorsed by the Customs authorities on the passport/registration documents at the time of import and by the Regional Transport Authorities when such vehicles are presented for registration in India. The DGFT may, however, permit relaxation of these conditions or imports by any other category not listed above in special circumstances.

(III) All bonds/ bank guarantees executed by importers of cars/two wheelers etc. prior to 31.03.97, where the vehicle has not been transferred, shall be deemed to

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condition
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have been discharged with effect from 31.03.2000 (from the date of issuance of public notice no. 3(RE-2000)/97-02.

(4) The import of vehicles (as classified under this chapter) by Foreign Diplomats and Other Privileged Persons in this category, who are exempt from payment of customs duty, shall be exempt from the conditions specified at Sl. No. 1 & 2 above. However, such imported vehicles cannot be sold in India except to another diplomat or privileged person and are compulsorily required to be re-exported.

(5) The import of vehicles namely, Digital Satellite News Gathering Vans (DSNG van)/ Outdoor Broadcasting Vans (OB Van), as classified in this Chapter, fitted with equipments for telecasting shall be exempted from the conditions specified at Sl. No. 1 & 2 above. However, these imports shall be subject to the condition that the vehicle should have right hand steering and controls (applicable on vehicles other than two and three wheelers).

(6) The import of vehicles namely, ATVs (All Terrain Vehicles) which are specifically designed for off-the-road sports, recreation and some farm usage and do not require registration under provisions of the CMVR, shall be exempted from the conditions mentioned at Sl. No. 1 and 2 above.

(7) Import of new vehicles having an FOB value of US \$ 40,000 or more and engine capacity of more than 3000cc for petrol run vehicle and more than 2500cc for diesel run vehicles by (a) Individuals, (b) Companies and firms or (c) OEMs (Original Equipment Manufacturers - who have manufacturing and service network in India) will be exempt from the conditions at Sl. No. (2) (II) (c) above. However, at the time of Customs clearance, a Type Approval Certificate / COP of an international accredited agency from the country of origin or an EC Type Approval Certificate / Certificate of COP, of an accredited agency from any member state of EU, including a notarized English translation thereof, shall be furnished. This Type Approval shall stipulate that the vehicle to be imported complies with all the ECE Regulations for the complete vehicle. The accredited agencies have been notified vide Policy Circular No. 26 dated 9.2.2004.

(Above Note (7) has been amended vide NTF. NO. 56/2008, DT. 07/11/2008)

[OLD-

(7) Import of new vehicles having an FOB value of US \$ 40,000 or more and engine capacity of more than 3000cc for petrol run vehicle and more than 2500cc for diesel run vehicles by (a) Individuals, (b) Companies and firms importing under the EPCG Scheme and (c) OEMs (Original Equipment Manufacturers- who have manufacturing and service network in India) will be exempt from the conditions at Sl. No. (2) (II) (c) above. However, at the time of Customs clearance, a Type Approval Certificate / COP of an international accredited agency from the country of origin, including a notarized English translation thereof, shall be furnished. This Type Approval shall stipulate that the vehicle to be imported complies with all the ECE Regulations for the complete vehicle. The accredited agencies have been notified vide Policy Circular No. 26 dated 9.2.2004.]

(8) Import of new and second hand vehicles (not older than three years from the date of manufacture) shall be exempt from the condition at Sl. No. 2(II) (c) above only for jebbing and subsequent re-export in terms of Customs Notification No.

32/97 CUS (N.T.) dated 01.4.1997.

(Please refer POLICY CIR NO. 10/2004-09, DT. 30/11/2004 for Import of new vehicles with Left Hand Steering and Controls for R & D purpose- Clarification regarding Import Policy)

(9) Import of new motorcycles with engine capacity of 800 cc or more, by all categories of importers, including: (a) Individuals; (b) Companies and firm; or (c) OEMs (Original Equipment Manufacturers- who have manufacturing and service network in India) will be exempt from the conditions at Sl.No. (2) (II) (c) above. However, at the time of Customs clearance, an EC Type Approval Certificate / Certificate of COP, of an accredited agency from any member state of EU, including a notarized English translation thereof, shall be furnished. This Type Approval shall stipulate that the vehicle to be imported meets the technical requirements of all relevant separate directives, as last amended and as listed in EU Directive 2002/24/EC. Such imported motorcycles shall meet the EURO III emission norms as defined in EU Directive 2003/77/EC.

(Above Note No. (9) has been amended vide NTF. NO. 62/2007, DT. 12/12/2007)

[OLD-

(9) Import of new motorcycles with engine capacity of 800cc or more, by (a) Individuals (b) Companies and firms and (c) OEMs (Original Equipment Manufacturers- who have manufacturing and service network in India) will be exempt from the conditions at Sl. No. (2) (II) (c) above. However, at the time of Customs clearance, a Type Approval Certificate / COP of an international accredited agency from the country of origin, including a notarized English translation thereof, shall be furnished. This Type Approval shall stipulate that the vehicle to be imported complies with all the ECE Regulations for the complete vehicle. Such imported motorcycles shall meet the EURO III emission norms.]

(Above Note No. (9) has been added vide NTF. NO. 59/2006, DT. 13/04/2007)

NOTIFICATION NO. 74/2008, DT. 30/12/2008

Amendment in Import policy for new vehicles under Chapter 87

S.O. (E) In exercise of powers conferred by section 5 of the Foreign Trade (Development and Regulation) Act, 1992 read with paragraph 2.1 of the Foreign Trade Policy, 2004-09, the Central Government hereby amends the Schedule-I (Imports) to the ITC(HS) Classifications of Export and Import Items, 2004-09 as under:

1. The existing import policy for new vehicles, as laid down under Chapter 87 shall be amended to be read as under:

"(i) Import of new vehicles having an FOB value of US \$ 40,000 or more and engine capacity of more than 3000cc for petrol run vehicle and more than 2500cc for diesel run vehicles, as allowed under Import Licensing Note No. 7 under Chapter 87, shall be exempted from policy provision of Import Licensing Note No. 2(II)(a)(iv) under Chapter 87 which stipulates that vehicle shall be imported from the country of

manufacture.

(ii) The Import Licensing Note No. 2(II)(d) shall be amended to be read as under:

The import of new vehicles shall be permitted only through the Customs port at Nhava Sheva, Kolkata, Chennai, Cochin, ICD-Tughlakabad and Delhi Air Cargo, Mumbai Port."

2. This issues in public interest.

Sd/-

(R.S.Gujral)
Director General of Foreign Trade and
Ex-officio Additional Secretary to the Government of India

(Issued from File No. 01/89/180/29/AM09/PC-2(A))

POLICY CIR NO. 06/2006, DT. 18/05/2006

Clarification regarding import of car for R & D purpose

Attention is invited to Notification No. 2 dated 7.4.2006 by which vehicle manufactures and auto component manufacturers were allowed to import vehicles for R & D purposes. One of the conditions for such imports was that the vehicle will not be registered under the CMVR Rules in the country and will not ply on Indian roads.

It is hereby clarified that the above mentioned condition is applicable only for use as a passenger vehicle. For the limited purpose of carrying out endurance test, evaluation test and for other testing purposes, the vehicle may be registered as provided for in the CMVR Rules.

This issues with the approval of the competent authority.

(Pratima Dikshit)
Joint Director General of Foreign Trade

(F.No. 01/93/180/1483/Am03/PC-I(A))

Enclosure - 2

3

TO BE PUBLISHED IN THE GAZETTE OF INDIA EXTRAORDINARY
PART-II, SECTION-3, SUB SECTION (ii)

GOVERNMENT OF INDIA
MINISTRY OF COMMERCE & INDUSTRY
DEPARTMENT OF COMMERCE

NOTIFICATION No. 56 (RE-2008)/2004-09
NEW DELHI: Dated: 7th November, 2008

S.O.(E) In exercise of powers conferred by section 5 of the Foreign Trade (Development and Regulation) Act, 1992 read with paragraph 2.1 of the Foreign Trade Policy, 2004-09, the Central Government hereby amends the Schedule-I (Imports) to the ITC(HS) Classifications of Export and Import Items, 2004-09 as under:

1. The existing Import Licensing Note (7) of Chapter 87 shall be amended to be read as under:

“(7) Import of new vehicles having an FOB value of US \$ 40,000 or more and engine capacity of more than 3000cc for petrol run vehicle and more than 2500cc for diesel run vehicles by (a) Individuals, (b) Companies and firms or (c) OEMs (Original Equipment Manufacturers - who have manufacturing and service network in India) will be exempt from the conditions at Sl. No. (2) (II) (c) above. However, at the time of Customs clearance, a Type Approval Certificate / COP of an international accredited agency from the country of origin or an EC Type Approval Certificate / Certificate of COP, of an accredited agency from any member state of EU, including a notarized English translation thereof, shall be furnished. This Type Approval shall stipulate that the vehicle to be imported complies with all the ECE Regulations for the complete vehicle. The accredited agencies have been notified vide Policy Circular No. 26 dated 9.2.2004.”

2. This issues in public interest.

Sd/-
(R.S.Gujral)
Director General of Foreign Trade and
Ex-officio Additional Secretary to the Government of India

(Issued from File No. 01/89/180/29/AM09/PC-2(A))

TO BE PUBLISHED IN THE GAZETTE OF INDIA EXTRAORDINARY
PART-II, SECTION-3, SUB SECTION (ii)

GOVERNMENT OF INDIA
MINISTRY OF COMMERCE & INDUSTRY
DEPARTMENT OF COMMERCE

NOTIFICATION No. 62 (RE-2007)/2004-09

NEW DELHI: Dated: 12th December, 2007

S.O. (E) In exercise of powers conferred by section 5 of the Foreign Trade (Development and Regulation) Act, 1992 read with paragraph 2.1 of the Foreign Trade Policy, 2004-09, the Central Government hereby amends the Notification No.59 (RE-2005)/2004-09 dated 13th April, 2007 in respect of Import Licensing Notes (9) of Chapter-87, Schedule-I (Imports) to the ITC(HS) Classifications of Export and Import Items, 2004-09 as under:

1. "Import of new motorcycles with engine capacity of 800 cc or more, by all categories of importers, including: (a) Individuals; (b) Companies and firm; or (c) OEMs (Original Equipment Manufacturers- who have manufacturing and service network in India) will be exempt from the conditions at Sl. No. (2) (II) (c) above. However, at the time of Customs clearance, an EC Type Approval Certificate / Certificate of COP, of an accredited agency from any member state of EU, including a notarized English translation thereof, shall be furnished. This Type Approval shall stipulate that the vehicle to be imported meets the technical requirements of all relevant separate directives, as last amended and as listed in EU Directive 2002/24/EC. Such imported motorcycles shall meet the EURO III emission norms as defined in EU Directive 2003/77/EC."

2. This issues in public interest.

Sd./-
(R.S.Gujral)
Director General of Foreign Trade and
Ex-officio Additional Secretary to the Government of India

(Issued from File No. 01/93/180/1483/AM03/PC-(A))

Government of India
Ministry of Shipping, Road Transport & Highways
(Department of Road Transport & Highways)

No.RT-11036/59/2000-MVL (Pt)

Transport Bhavan,
No.1, Parliament Street,
New Delhi-110001,
Dated 17th June, 2008.

To

The Principal Secretary (Transport) / Transport Commissioner of
All State Governments / Union Territories

Subject: Registration of certain models of imported cars in the country

Sir / Madam,

Of and on this Department has been receiving representations from various manufacturers of motor vehicles who have imported certain models as Completely Built Unit (CBU) in the country that these are not being registered by the registering authorities in the states on the plea that under rule 126 of the CMVR, 1989, an importer of motor vehicle is also required to obtain type approval certificate from any of the authorized testing agencies in the country.

(2) The manufactures have contented that the Import Licencing Note to chapter 87 of ITC(HS) Classification (Para 7), issued by DGFT exempts the cars having petrol engine capacity of above 3000 cc and diesel engine having capacity of above 2500 cc and having FOB value of above US \$ 40,000/-, imported by individuals / Companies and firms under EPCG scheme / OEMs having service network from the requirement of homologation under Rule 126 of CMVR, 1989 subject to the condition that the importer should produce a type approval certificate of an international accredited agency (notified by DGFT) from the country of origin. The type approval certificate should stipulate that the vehicle complies with all the ECE regulations for the complete vehicle. They have confirmed that they meet the above conditions and the vehicles imported in the country have been type approved by the country of origin as notified by DGFT.

(3) It is also clarified that the provisions made under rule 126 of Central Motor Vehicles Rules 1989, regarding homologation of imported vehicles holds good in respect of all the vehicles except the categories exempted by DGFT. In all such cases the vehicles would need to be registered on the strength of a type approval certificate of an international accredited agency (notified by DGFT) from the country of origin.

(4) Necessary action to register the vehicles may, therefore, be taken after ensuring that such vehicles meet the conditions stipulated in Para 2 above.

Yours faithfully,
Sd/-

(Anand Prakash)

Director (Road Transport)

Tele fax-23719097.

Endt No. C3/16193/TC/2008 dated 06. 09.2008

Copy communicated to all Deputy Transport Commissioners, Regional Transport Officers and Joint Regional Transport Officers for information and necessary action.

For Transport Commissioner

RR