

Clarification regarding applicability of the Pneumatic Tyres and Tubes for Automotive Vehicles (Quality Control) Order 2009 for used tyres

GOVERNMENT OF INDIA

MINISTRY OF FINANCE
(DEPARTMENT OF REVENUE)
Central Board of Excise & Customs
Tariff Unit
229A, North Block, New Delhi
Customs Instruction, Dated the 12th July 2013

To
All Chief Commissioners of Customs/Customs (Prev.),
All Commissioners of Customs/Customs (Prev.),
All Chief Commissioners Customs & Central Excise,
All Commissioners of Customs & Central Excise,
All Directors General under CBEC.

Sir / Madam,

Subject: Clarification regarding applicability of the Pneumatic Tyres and Tubes for Automotive Vehicles (Quality Control) Order 2009 for used tyres –regarding.

Reference has been received regarding applicability of the Pneumatic Tyres and Tubes for Automotive Vehicles (Quality Control) Order 2009 in case of old and used pneumatic tyres and tubes for automotive vehicles, requirement of consent from the Ministry of Environment and Forest, and the date of applicability of the said Quality Order for imported goods. This issue was examined by Board in consultation with the Department of Industry & Policy & Promotion (DIPP), and Directorate General of Foreign Trade, Ministry of Commerce & Industry. The Pneumatic Tyres and Tubes for Automotive Vehicles (Quality Control) Order 2009, is applicable to newly manufactured tyres and tubes and old and used tyres are not covered under this order. With the implementation of the Quality (Control) Order, 2009 for Pneumatic Tyres and Tubes for Automotive Vehicles with effect from 13.05.2011, no such tyres can be imported in the country without BIS marking (except certain exemptions provided in the Order).

Doubts have also been raised whether the order of the honourable Delhi High Court in a matter pertaining to Automobile Tyre Manufacturers Association (ATMA) versus Union of India and others (W.P. (C) 4098/2011 dated 06.07.2011) regarding no-BIS marked tyres manufactured prior to 13.05.2011 will apply to imports or not. It is clarified that the observations made by honourable Delhi High Court in its Order dated 06.07.2011 in W.P. (C) 4098/2011 dated 06.07.2011 would be applicable only to domestic manufacturers and tyre dealers in respect of such stock of tyres manufactured prior to 13.05.2011, and not to imports of tyres.

As per Foreign Trade Policy, retreaded or used Pneumatic Tyres under ITC (HS) codes 40121100, 40121200, 40121300, 40121910, 40121990, 40122010, 40122020 is "Restricted". These imports are subject to Policy Condition 1 of Chapter 40 of ITC (HS), 2012 Schedule I (Imports). However, import of used rubber tyres with one cut bead wire is free under TIC (HS) code 40040000.

In view of the aforesaid, it is clarified that imports of retreaded or used tyres are allowed subject to compliance of the provisions of the Foreign Trade Policy, and the requirement of consent / permission from the Ministry of Environment and Forest as stipulated in the Hazardous Wastes (Management, Handling and Transboundary Movement) Rules 2008.

Suitable instructions in the matter may be issued to field formations for strict compliance and pending cases if any, may be decided accordingly.

Yours faithfully,
(Subodh Singh)
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Internal Circulation: As usual.