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[Training Material for Departmental Use]

E-BOOK

On

Import of
Pneumatic Tyres
for Automotive Vehicles

Import of Pneumatic Tyres

Note:

1. In this E-book, attempts have been made to explain about **Import of Pneumatic Tyres for Automotive Vehicles (including used Tyres, Retreaded Tyres and Waste Tyres)**. It is expected that it will help departmental officers in their day to day work.
2. Though all efforts have been made to make this document error free, but it is possible that some errors might have crept into the document. If you notice any errors, the same may be brought to the notice to the NACEN, RTI, Kanpur on the Email addresses: rtinacenkanpur@yahoo.co.in or goyalcp@hotmail.com (Email address of ADG, RTI, NACEN, Kanpur). This may not be a perfect E-book. If you have any suggestion to improve this book, you are requested to forward the same to us.
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Sd/-

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Import of Pneumatic Tyres

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Abbreviations Used

ARAI:	Automotive Research Association of India
ATMA:	Automotive Tyre Manufacturers Association
BIS:	Bureau of Indian Standards (BIS)
CBU:	Completely Built Unit
CIRT:	Central Institute of Road Transport
CKD:	Completely Knocked Down Condition
CMVR, 1989:	Central Motor Vehicles Rules, 1989
DGCA:	Directorate General of Civil Aviation
DGFT:	Directorate General of Foreign Trade
DIPP:	Department of Industrial Policy and Promotion
EFC:	EXIM Facilitation Committee
FT (D &R) Act:	Foreign Trade (Development & Regulation) Act, 1992
ITC (HS):	Indian Trade Classification (Based on Harmonized System)
IRMRA:	Indian Rubber Manufacturers Research Association
OEM:	Original Equipment Manufacturers
PIC:	Prior Informed Consent
SIAM:	Society of Indian Automobile Manufacturers.
SKD:	Semi-Knocked Down Condition

1. Introduction

1.1 The Pneumatic Tyres and Tubes for Automotive Vehicles (Quality Control) Order 2009 has been issued by the Department of Industrial Policy and Promotion under Section 14 of the Bureau of Indian Standards Act, 1986 (63 of 1986) and has come into force with effect from 3.5.2011.

1.2 The Above said Quality Control Order prescribes quality standards for pneumatic tyres (which include pneumatic tubes) with the objective of ensuring safety of human lives and vehicles and also availability of quality products, whether domestic or imported, to the consumers. Adherence to the quality standards is indicated by a BIS Standard Mark. However, specified pneumatic tyres that are not domestically manufactured and are therefore imported by Original Equipment Manufacturers (OEMs) are exempt from this stipulation.

1.3 *Vide* OM dated 08.12.2014, the Department of Industrial Policy and Promotion, has notified total 612 (as issued on 8.12.2014) pneumatic tyres that are exempt from compulsory compliance requirement of having BIS Standards. The list is updated from time to time. The latest updated list can be downloaded from website of DIPP using the following link:-

http://www.dipp.nic.in/English/acts_rules/Notification/List_Tyres_612_16December2014.pdf

Categories Exempted from Compulsory Requirement of BIS Standards

1.4 The above said Quality Control Order does not apply in relation to Pneumatic Tyres for the following (Ref: Proviso to Clause 3(1) of the Quality Control Order)

- (a) Pneumatic tyres manufactured in India for exports;
- (b) Pneumatic tyres imported by Original Equipment Manufacturers (OEM) and/or their authorized companies for fitment on vehicles or after sales, meant for exports;

Note:

In both cases (a) and (b) above, exports may be either directly as individual components or as part of a vehicle completely built or in drive away chassis form or in Completely Knocked Down (CKD) or Semi-Knocked Down (SKD) condition. Also nothing in the said Order shall apply in relation to pneumatic tyres required for export, which conforms to any specification required by the foreign buyer.

- (c) **Pneumatic tyres imported as part of Completely Built Unit (CBU)**, irrespective of the value of the CBU, so long as such pneumatic tyres meet the requirements of specified standard. In such cases self-declaration by CBU manufacturers in the vehicle manual to the effect that the tyres fitted in the vehicles meet the requirements of the BIS and they comply with the requirements under the Central Motor Vehicles Rules (CMVR), 1989, would suffice. If vehicles are already exempted by Director General of Foreign Trade (DGFT) notifications for homologation in India, self-declaration will not be required;
- (d) **Pneumatic Tyres imported or manufactured for research and development purposes;**
- (e) **Pneumatic tyres imported by Original Equipment Manufactures (OEM) for fitment on vehicles manufactured in India for domestic market (completely built or drive away chassis form).** In such cases, self-declaration by the OEM in the vehicle manual to the effect that tyres fitted in the vehicles meet the requirements of BIS and that they comply with the requirements under the Central Motor Vehicles Rules (CMVR), 1989, would suffice;
- (f) Pneumatic tyres not manufactured domestically and imported by Original Equipment Manufacturers (OEM) or manufacturers for selling in replacement market through their authorized dealers.

1.5 The following types of tyres are also not covered under the said Quality Control Order of 2009:

- (i) **Commercial Vehicle tyres**– Certain types of tyres identified by Speed Symbols corresponding to speed below 80 km/h marked with speed Symbols as A (A1 to A8), B, C, D or E.
- (ii) **Off The Road Tyres** – Certain types of tyres used for Off The Road (OTR) vehicles carrying Tyres Tread Code marking such as C (C1, C2), E (E1 to E4, E7), G(G1 to G4), L(L2 to L5, L3S to L5S), IND or NHS.
- (iii) **Run Flat Tyres** –Tyres marked RF or similar marking and carrying the Symbol
- (iv) **Collapsible Mini Tyres**

1.6 Other than the exempted pneumatic tyres (as mentioned in paragraphs 1.3, 1.4 and 1.5 above), no person is allowed by himself or through any person on his behalf, manufacture, import, store for sale, sell or distribute pneumatic tyres (which include pneumatic tubes) that do not conform to the specified standards and that do not bear the BIS Standard Mark.

Import of Second Hand Goods in General

1.7 Para 2.31 of the Foreign Trade Policy contains provisions for import of second hand goods. As per this provision, all second hand goods other than Capital goods are restricted for import and are only importable against authorization.

Import of Retreaded or Used Pneumatic Tyres

1.8 As per Foreign Trade Policy, retreaded or used Pneumatic Tyres falling under ITC (HS) codes 40121100, 40121200, 40121300, 40121910, 40121990, 40122010, 40122020 are “Restricted” for import. These imports are subject to Policy Condition 1 of Chapter 40 of ITC (HS), 2012 Schedule I (Imports).

1.9 The import Policy Condition I of Chapter 40 of the ITC (HS) of Schedule I, which relates to import of items (Retreaded tyres) covered under HS codes 4012 11 00, 4012 12 00, 4012 13 00, 4012 19 10, 4012 19 20, 4012 20 10, and 4012 20 90, provides as under:-

- (i) *Import of retreaded tyres for buses, lorries and earth moving equipment including bigger size vehicles and light commercial vehicles is permitted freely if the per tyre c.i.f value is US \$175 and above.*
- (ii) *Import of retreaded tyres for passenger automobile vehicles including two wheelers, three wheelers and personal type vehicles is permitted freely if the per tyre c.i.f. value is US \$ 25 and above.*

1.10 The import of used rubber tyres with one cut bead wire is free under ITC (HS) Code 40040000.

1.11 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

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from the Ministry of Environment and Forest as stipulated in the Hazardous Wastes (Management, Handling and Transboundary Movement) Rules 2008.

1.12. For tubes for Aircraft falling under CTH 40139010, Import is allowed freely without a licence. However in case import of second hand tubes, it is allowed subject to recommendation of Director General of Civil Aviation (DGCA).

Import of Used Tyre and Shredded Tyre Scrap

1.13 Import of Used Tyre and Shredded Tyre scrap is a restricted item and require NOC from Department of Industrial Policy& Promotion; and Ministry of Environment & Forest. Proposal for import or export of restricted items is considered periodically by EXIM Facilitation Committee of the Directorate General of Foreign Trade and decisions to allow or otherwise are taken with the approval of the concerned Ministry. Minutes of such meeting are available on the website of DGFT under heading “committee Cases” in public domain.

1.14 The waste pneumatic tyres, excluding those which do not lead to resource recovery, recycling, reclamation or direct reuse, are covered under Basel No.B3140 (Annexure IX of the Basel Convention). However, export of waste pneumatic tyres does not require prior informed consent (PIC) of the importing country. Such imports are subjected to provisions of Hazardous Wastes (Management, Handling and Transboundary Movement) Rules 2008.

1.15 Trainee officers often seek to know as to what should be done in cases where the importer in respect of any imported goods is not able to produce NOC from the Administrative ministry as provided in the law or if the goods imported are not complaint with the BIS standards which have been made mandatory for the goods imported. Our view is that if any mandatory standards have been prescribed for any imported commodity, then such imported goods cannot be allowed clearance into domestic market, even after imposing fine and penalty. Only option available to importer in such cases is to re-export the goods back to the supplier.

1.16 It may be noted that in case of pneumatic tyres for automotive vehicles, all such imported tyres are required to comply with the BIS prescribed in this regard by the DIPP except in specified categories, where this requirement has been relaxed. The BIS standards have been made mandatory for pneumatic tyres for ensuring public safety. Therefore, such imported pneumatic tyres, which are not compliant with BIS standards,

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cannot be cleared into domestic market and should be re-exported back to the supplier. Similarly, for import of waste tyre, the NOC from Ministry of Environment & Forest is must for view point of protection of our environment. If any importer of waste Tyres is unable to produce NOC or permission from MOE &F, then such consignment also cannot be allowed to be cleared.

Laboratories for Testing of Tyres In India

1.17 The BIS has identified following three laboratories to execute testing of the tyres for certification:-

- (i) Indian Rubber Manufacturers Research Association (IRMRA), Thane,
- (ii) Central Institute of Road Transport, Pune; and
- (iii) Automotive Research Association of India, Pune.

2. Relevant Legal Provisions at a Glance

S. No	Act/Rules/ Notification /order/ Instruction	Subject matter
1.	Pneumatic Tyres and Tubes for Automotive Vehicles (Quality Control) Order, 2009 issued by the Department of Industrial Policy and Promotion (w.e.f. 3.5.2011) <i>[notified vide notification number S.O. 2953(E) dated 19.11.2009 as amended and issued under Section 14 of the Bureau of Indian Standards Act, 1963]</i>	It prescribes quality standards for pneumatic tyres (which include pneumatic tubes) with the objective of ensuring safety of human lives and vehicles and also availability of quality products, whether domestic or imported, to the consumers.
2.0	Clarifications Issued by the DIPP	
2.1	OM dated 28.03.2011	It provides for embossing of tyres with distinctive serial code for R &D purpose and clarifies that such tyres are exempted from mandatory BIS Marking under Quality Control Order, 2009
2.2	OM dated 13.12.2011	It clarifies that certain specified types of tyres are out of purview of the Quality (Control) Order, 2009.
2.3	OM Dated 25.7.2013	It clarifies that tyres imported by domestic tyre manufacturing companies and Original Equipment Manufacturers (OEMs) for benchmarking, homologation, and calibration purposes are outside the purview of Quality Control order, 2009 for Pneumatic Tyres and Tubes for Automotive Vehicles.
3	Instructions Issued by the CBEC	
3.1	Instructions F.No. 528/109/2011-STO(TU), dated 29.11.2011	Implementation of the Pneumatic Tyres and Tubes for Automotive Vehicles (Quality Control) Order, 2009.

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3.2	Instructions F.No. 528/109/2011-STO(TU), dated 15.12.2011	Implementation of the Pneumatic Tyres and Tubes for Automotive Vehicles (Quality Control) Order, 2009.
3.3	Instructions F. No. 528/109/ 2011-STO(TU), dated 30.01.2012	Implementation of the Pneumatic Tyres and Tubes for Automotive Vehicles (Quality Control) Order 2009.
3.4	Instruction F.No. 528/109/2011-STO(TU), dated 12.07.2013	Clarification regarding applicability of the Pneumatic Tyres and Tubes for Automotive Vehicles (Quality Control) Order 2009 for Used Tyres.
4.0	ITC (HS): Ist Schedule: Chapter 40[Issued under FT (D &R) Act, 1992by the DGFT under the Ministry of Commerce and Industry]	It provides import policy relating to import of Pneumatic Tyres and Tubes. While new items are freely importable, used and retreaded Tyres are restricted for import.
5.0	Hazardous Wastes (Management, Handling and Transboundary Movement) Rules 2008	<p>The waste pneumatic tyres, excluding those which do not lead to resource recovery, recycling, reclamation or direct reuse, are covered under Basel No. B3140. Such imports are subjected to provisions of Hazardous Wastes (Management, Handling and Transboundary Movement) Rules 2008.</p> <p>For details about compulsory compliance requirements in respect of import of Hazardous Waste, e-book on import of Hazardous waste may be referred [<i>as and when it is uploaded</i>]</p>

3. Important Websites for Reference and further Research

- (i) Website of the Department of Industrial Policy and Promotion (www.dipp.nic.in) for downloading the Pneumatic Tyres and Tubes for Automotive Vehicles (Quality Control) Order 2009, and other notifications relating to import of Pneumatic Tyres and Tubes for Automotive Vehicles.
- (ii) Website of the Central Board of Excise and Customs (www.cbec.gov.in) for downloading provisions of Customs Act, 1962 and instructions issued by CBEC relating to import of Pneumatic Tyres and Tubes for Automotive Vehicles.
- (iii) Website of the Directorate General of Foreign Trade (www.dgft.gov.in) for provisions of Foreign Trade (Development & Regulation) Act, 1992; Foreign Trade Policy; ITC (HS) relating to Chapter 40, inter alia, dealing with import of Pneumatic Tyres and Tubes; Minutes of EXIM Facilitation Committee meeting; notification/circulars/Public Notices issued by DGFT.
- (iv) Website of the National Academy of Customs, Central Excise and Narcotics, Kanpur (www.nacenkampur.gov.in) for downloading free learning resources in the form of e-books on various topics of Customs, Central Excise and Narcotics.

4. Text of Relevant Order/Notifications/Clarifications/ Instructions

4.1 Text of Pneumatic Tyres and Tubes for Automotive Vehicles (Quality Control) Order, 2009 [Issued by the DIPP on 19.11.2009]

In exercise of the powers conferred by section 14 of the Bureau of Indian Standards Act, 1986 (63 of 1986), the Central Government after consulting the Bureau of Indian Standards, hereby makes the following Order, namely:-

1. Short Title and commencement:-

- (i) This Order may be called the Pneumatic Tyres and Tubes for Automotive Vehicles (Quality Control) Order, 2009.
- (ii) It shall come into force immediately on completion of 540 days of its publication in the Official Gazette.

2. Definitions:- In this Order, unless the context otherwise requires:-

- (a) "Act" means the Bureau of Indian Standards Act, 1986 (63 of 1986);
- (b) "Appropriate Authority" means an officer not below the rank of an Under Secretary in the Department of Industrial Policy and Promotion (DIPP) or an Under Secretary in the Ministry of Road Transport and Highways, Government of India or an officer not below the rank of a General Manager, District Industries Centre of a State or Union Territory or appropriate officer nominated by Director General, Bureau of Indian Standards.
- (c) "Bureau" means the Bureau of Indian Standards;
- (d) "Pneumatic Tyres and Tubes For Automotive Vehicles" mean the items specified in column (2) of the Schedule;
- (e) "Pneumatic Tyres" includes "Pneumatic tubes" also;
- (f) "Schedule" means the Schedule annexed to this Order;
- (g) "dealer" in relation to Pneumatic Tyres means a person who, or a firm or other legal entity which carries on, directly or otherwise the business of buying, selling, supplying or distributing Pneumatic Tyres for Automotive Vehicles, whether in cash or for deferred payment or for commission, remuneration of other valuable consideration;
- (h) "manufacturer" in relation to Pneumatic Tyres for Automotive Vehicles, means a person who, or a firm or other legal entity which, produces, makes or manufactures Pneumatic Tyres for Automotive Vehicles and includes a person who, or a firm or legal entity which, claims such Pneumatic Tyres for Automotive Vehicles to be produced, made or manufactured by any such person or firm or legal entity, as the case may be;
- (i) "Original Equipment Manufacturer (OEM)" in relation to Automotive Vehicles, means a person who, or a firm or any other legal entity which, produces, makes or manufactures Automotive Vehicles and includes a person who, or a firm or any other legal entity which, claims such Automotive Vehicles to be produced, made or manufactured by any such person or firm or any other legal entity as the case may be;
- (j) "Specified Standard" means the Indian Standards as specified in the corresponding entry in column(3) of the Schedule;

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- (k) “State Government”, includes a Union Territory Administration also;
- (l) “Standard Mark” means the Bureau of Indian Standards Certification Mark specified by the Bureau to represent a particular Indian Standard;
- (m) “Importer” means a person, a firm or any other legal entity that imports pneumatic tyres or causes its imports from a foreign country into customs territory of India;
- (n) “Exporter” means a person, a firm or any other legal entity that exports pneumatic tyres from India to any other country;
- (o) All other words and expression used but not defined in this order shall have the meanings respectively assigned to them in the Act.

3. Prohibition regarding manufacture, sale, distribution etc:-

(1) No person shall by himself or through any person on his behalf, manufacture, import, store for sale, sell or distribute Pneumatic Tyres which do not conform to the Specified Standard and which do not bear the Standard Mark of the Bureau on obtaining Certification marks licence;

Provided that nothing in this order shall apply in relation to Pneumatic Tyres for the following:

- (a) Pneumatic tyres manufactured in India for exports;
- (b) Pneumatic tyres imported by Original Equipment Manufacturers (OEM) and/or their authorized companies for fitment on vehicles or after sales, meant for exports;

Note:

- (1) In both cases, exports may be either directly as individual components or as part of vehicle completely built or in drive away chassis form or in Completely Knocked Down (CKD) or Semi-Knocked Down (SKD) condition.
 - (2) Provided that nothing in this Order shall apply in relation to export of pneumatic tyres required for export, which conforms to any specification required by the foreign buyer.
- (c) Pneumatic tyres imported as part of Completely Built Unit (CBU), irrespective of the value of the CBU, so long as such pneumatic tyres meet the requirements of specified standard. In such cases self-declaration by CBU manufacturers in the vehicle manual to the effect that the tyres fitted in the vehicles meet the requirements of the BIS and they comply with the requirements under the Central Motor Vehicles Rules (CMVR), 1989, would suffice. If vehicles are already exempted by Director General of Foreign Trade (DGFT) notifications for homologation in India, self-declaration will not be required;
 - (d) Pneumatic Tyres imported or manufactured for research and development purposes;
 - (e) Pneumatic tyres imported by Original Equipment Manufactures (OEM) for fitment on vehicles manufactured in India for domestic market (completely built or drive away chassis form). In such cases, self-declaration by the OEM in the vehicle manual to the effect that tyres fitted in the vehicles meet the requirements of BIS and that they comply with the requirements under the Central Motor Vehicles Rules (CMVR), 1989, would suffice;
 - (f) Pneumatic tyres not manufactured domestically and imported by Original Equipment Manufacturers (OEM) for selling in replacement market through their authorized dealers.

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The list of pneumatic tyres not manufactured domestically and imported would be finalized by a Committee chaired by an officer of the Directorate General of Foreign Trade (DGFT). The Committee will have members from Department of Industrial Policy and Promotion, Ministry of Shipping, Ministry of Road Transport and Highways, Central Institute of Road Transport (CIRT), Automotive Research Association of India (ARAI), Automotive Tyre Manufacturers Association (ATMA), Society of Indian Automobile Manufacturers (SIAM) and Bureau of Indian Standards (BIS). The Committee will also review this list of tyres every three months and make suitable recommendations.

4. **Obligation for Certification:-**

- (1) All manufacturer of Pneumatic Tyres and Tubes shall make an application to the Bureau for obtaining licence within 45 days of the issue of this Order, for use of the Standard Mark if not already obtained.
- (2) The grant of licence by the Bureau for use of the Standard Mark shall be as per provisions of the Act and the rules and regulations made there under.
- (3) When any person by himself or through any other person on his behalf proposes to manufacture Pneumatic Tyres, he shall commence production only after obtaining a valid licence from the Bureau for the use of Standard Mark.
- (4) Information relating to expiry or cancellation of any licence by the Bureau for Pneumatic Tyres shall be intimated to the appropriate authority and displayed on BIS website.

5. **Power to call for information etc: -**

The Appropriate Authority may, with a view to secure compliance with this Order:

- (1) require any person engaged in the manufacture, import, storage for sale, sell or distribution of Pneumatic Tyres to give such information as it deems necessary to the manufacture, import, storage for sale, sell or distribution of Pneumatic Tyres or require any such person to furnish to it samples of such Pneumatic Tyres;
- (2) inspect or cause to be inspected any books or other documents or Pneumatic Tyres for Automotive Vehicles kept by or belonging to or in possession or under the control of any person engaged in the manufacture, import, storage for sale, sell or distribution of such Pneumatic Tyres;

6. **Testing of samples:-**

Samples of Pneumatic Tyres bearing the Standard Mark or without standard mark imported by the OEM and with self-declared conformation and drawn by the Appropriate Authority for ascertaining whether they are of the Specified Standard, shall be tested in the laboratory approved by the Bureau or Appropriate Authority.

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7. Power to issue directions to manufacturers and dealers:-

The Appropriate Authority may issue such directions to manufacturers and dealers consistent with the provisions of the Act or this Order, as may be necessary for carrying out the purposes of this Order.

8. Compliance of directions: -

Every person engaged in the manufacture, import, storage for sale, sell or distribution of any Pneumatic Tyre to whom any direction is issued under this Order shall comply with such directions.

9. Obligation to furnish information:-

No manufacturer or dealer or importer shall, with intent to evade the provisions of this Order, refuse to give any information lawfully demanded from him under clause 5 or conceal, destroy, mutilate or deface any books or document or any Pneumatic Tyre kept by, or in the possession or control of such person.

Schedule (See clause 2e)

Sl. No.	Item	Indian Standard
(1)	(2)	(3)
1	Automotive vehicles – Pneumatic tyres for two and three-wheeled motor vehicles - Specification	IS 15627
2	Automotive vehicles – Pneumatic tyres for passenger car vehicles – Diagonal and radial ply – Specification	IS 15633
3	Automotive vehicles–Pneumatic tyres for commercial vehicles – Diagonal and radial ply – Specification	IS 15636
4	Automotive vehicles – Tubes For Pneumatic Tyres - Specification	IS 13098

Note: The principal notification was issued in the Gazette of India (Extraordinary) vide number S.O. 2953(E) dated the 19th November, 2009 and subsequently amended vide number S.O. 1057 (E), dated 11.05.2010, S.O 2758 (E), dated 09.11.2010; S.O. 2200 (E), dated 01.09.2014.

The above said notification may be downloaded from Website of Departmental of Industrial Policy and Promotion using the following link:

http://dipp.nic.in/English/acts_rules/Notification/notification.aspx

4.2 Text of Clarifications issued by the DIPP

4.2.1. Office Memorandum dated 28.3.2011 (Issued by DIPP from F. No. 16(72)/2005-LR)
Subject: Pneumatic Tyres and Tubes for Automotive Vehicles Quality (Control) Order, 2009 dated 19.11.2009.

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The undersigned is directed to refer Quality (Control) Order, 2009 for Pneumatic Tyres and Tubes for Automotive Vehicles which was notified vide Notification dated 19.11.2009 and to say that as per Provisions under Clause 3 (d) of the said Order, pneumatic tyres imported or manufactured for Research & Development (R&D) purposes are exempted from Bureau of Indian Standards (BIS) marking. In order to facilitate easy identification of R&D tyres out of each tyre size, it has been decided in consultation with Bureau of Indian Standards (BIS) that first 150 tyres or number of tyres required by the manufacturers for R&D purposes, whichever is less, in each tyre size may be embossed with a distinctive serial code (i.e. RD-1... to RD-150) for Research & Development purpose and the same will be exempted from mandatory BIS marking under the said Quality (Control) Order.

4.2.2. Office Memorandum dated 13.12.2011 (Issued by DIPP from File No: 16(7)/2006-LA)

Subject: Quality (Control) Order 2.00S for Pneumatic tyres and Tubes for Automotive Vehicles - clarifications regarding.

The undersigned is directed to say that a Quality (Control) Order, 2009 for Pneumatic Tyres and Tubes for Automotive Vehicles was notified by this Department on 19.11.2009. The said Order has now come into effect w.e.f. 13.05.2011. The provisions contained in the said Quality (Control) Order, except the requisite exemptions provided under Clauses 3 (a) to 3(f) are applicable to such pneumatic tyres and tubes for which BIS standards as contained in the Schedule to the Quality (Control) Order, 2009 have been prescribed. It is further clarified that the following types of tyres are not covered under the said Quality (Control) Order, 2009 :-

- (i) **Commercial Vehicle Tyres** - Certain types of tyres identified by Speed Symbols corresponding to speed below 80 km/h marked with Speed Symbols as A (A1 to A8), B, C, D or E.
- (ii) **Off The Road Tyres** - The specific type of tyres used for Off The Road (OTR) vehicles carrying Tyre Tread Code marking such as C(C1, C2), E(E1 to E4, E7), G(G1 to G 4), L(L2 to L5, L3S to L5S), IND or NHS.
- (iii) **Run Flat Tyres** - Tyres marked RF or simile, marking and carrying the Symbol.
- (iv) **Collapsible Mini Tyres**

Accordingly, the above tyres are exempt from the provisions of the said Quality (Control) Order, 2009:

4.2.3 Office Memorandum dated 25.07.2013 (Issued by the DIPP from F. No. 16(12)12012-LR)

Subject: Exemption of Tyres imported by Domestic Tyre manufacturing companies and Original Equipment Manufacturers (OEMs) for benchmarking, homologation and calibration purposes from the purview of Quality (Control) Order, 2009 for Pneumatic Tyres and Tubes for Automotive Vehicles.

The undersigned is directed to say that an issue regarding import of certain quantity of tyres by the tyre manufacturing companies for benchmarking purposes was under consideration. The matter was

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considered in the inter-Ministerial meeting on 29.05.2013 under the Chairmanship of Additional DGFT and it has been decided to allow import of 150 (No.) of tyres of each size (without BIS marking) for benchmarking, homologation and calibration purposes by the domestic tyre manufacturers and Original Equipment Manufacturers (OEMs) under Clause 3(d) of the Quality Control Order, 2009 with the following stipulations:-

- (i) The quantity of tyres imported by the tyre manufacturers and OEMs for benchmarking, homologation and calibration purposes should not exceed 150 tyres of each size.
 - (ii) Only domestic tyre manufacturing companies and OEMs would be entitled to import such tyres for benchmarking, homologation and calibration purposes and they would keep proper entries in their records, and
 - (iii) Domestic tyre manufacturers and OEMs have to give a clear undertaking to the custom authorities that such imported tyres will be used exclusively for benchmarking, homologation and calibration purposes and would not be sold in the market to other consumers.
2. The aforesaid quantity of 150 tyres of each size will be exempted from mandatory BIS marking under the Quality (Control) Order, 2009 for Pneumatic Tyres and Tubes for Automotive Vehicles.

4.3 Text of Instructions issued by CBEC

4.3.1. Instruction F.No. 528/109/2011-STO (TU), dated 29.11.2011

Subject: Implementation of The Pneumatic Tyres and Tubes for Automotive Vehicles (Quality Control) Order, 2009 – reg.

Board has received representations on the implementation of the Pneumatic Tyres and Tubes for Automotive Vehicles (Quality Control) Order 2009, which has been issued by Ministry of Commerce and Industry under Section 14 of the Bureau of Indian Standards Act, 1986 and has come into force w.e.f. 13.05.2011, in respect of Pneumatic Tyres.

2. The said Order prescribes quality standards for pneumatic tyres (which include pneumatic tubes) with the objective of ensuring safety of human lives and vehicles and also availability of quality products, whether domestic or imported, to the consumers. Adherence to the quality standards is indicated by a BIS Standard Mark. However, specified pneumatic tyres that are not domestically manufactured and are therefore imported by Original Equipment Manufacturers (OEMs) are exempt from this stipulation. Accordingly, the Department of Industrial Policy and Promotion, has vide OMs dated 13.05.2011 and 08.09.2011 identified total 316 pneumatic tyres that are exempt. This list is available at <http://www.dipp.nic.in>. Hence, other than these exempted pneumatic tyres no person shall by himself or through any person on his behalf, manufacture, import, store for sale, sell or distribute pneumatic tyres (which include pneumatic tubes) that do not conform to the specified standards and that do not bear the BIS Standard Mark.

3. Accordingly, the Board desires that the field formations may verify BIS Standard Mark to ensure before clearance that imported pneumatic tyres (which include pneumatic tubes) adhere to the specified standard in terms of the Pneumatic Tyres and Tubes for Automotive Vehicle (Quality Control) Order, 2009.

4. These instructions may be brought to the notice of all the concerned officers by issuing suitable Standing orders / instructions / Public Notices.

4.3.2: Instructions F. No. 528/109/2011-STO (TU), dated 15.12.2011.

Subject: Implementation of The Pneumatic Tyres and Tubes for Automotive Vehicles (Quality Control) Order, 2009 – reg.

Attention is invited to CBEC instructions F.No.528/109/2011–STO (TU) dated 29.11.2011, on the issue of the implementation of the Pneumatic Tyres and Tubes for Automotive Vehicles (Quality Control) Order, 2009. Representations have been received in the Board seeking clarification on applicability of exemption under sub-clause 3(a) to (e) of the said Order. As such, in continuation to the above mentioned Instructions, it is further clarified that in addition to the exemption under sub - clause 3(f) of the said Order which currently applies to total 316 pneumatic tyres, the tyres covered under sub-clause 3(a) to (e) are also exempted. These exemptions are as follows:

- (a) Pneumatic tyres manufactured in India for exports;
- (b) Pneumatic tyres imported by Original Equipment Manufacturers (OEM) and / or their authorized companies for fitment on vehicles or after sales, meant for exports;

Note:

In both cases (a) and (b) above, exports may be either directly as individual components or as part of a vehicle completely built or in drive away chassis form or in Completely Knocked Down (CKD) or Semi-Knocked Down (SKD) condition. Also nothing in the said Order shall apply in relation to pneumatic tyres required for export, which conforms to any specification required by the foreign buyer.

(c) Pneumatic tyres imported as part of Completely Built Unit (CBU), irrespective of the value of the CBU, so long as such pneumatic tyres meet the requirements of specified standard. In such cases self-declaration by CBU manufacturers in the vehicles manual to the effect that the tyres fitted in the vehicles meet the requirements of the BIS and they comply with the requirements under the Central Motor Vehicles Rules (CMVR), 1989, would suffice. If vehicles are already exempted by Director General of Foreign Trade (DGFT) notifications for homologation in India, self-declaration will not be required;

- (d) Pneumatic tyres imported or manufactured for research and development purposes;

(e) Pneumatic tyres imported by Original Equipment Manufacturers (OEM) for fitment on vehicles manufactured in India for domestic market (completely built or drive away chassis form). In such cases, self-declaration by the OEM in the vehicles manual to the effect that tyres fitted in the vehicles meet the requirements of BIS and that they comply with the requirements under the Central Motor Vehicles Rules (CMVR), 1989, would suffice;

2. As such, other than exempted pneumatic tyres, as provided under sub-clause 3 (a) to (f) of the Pneumatic Tyres and Tubes for Automotive Vehicles (Quality Control) Order, 2009, no person shall by himself or through any person on his behalf, import, store for sale, sell or distribute imported pneumatic tyres (which include pneumatic tubes) that do not conform to the specified standards and that do not bear the BIS Standard Mark.

4.3.3: Instruction F. No. 528/109/2011-STO (TU), dated 30.01.2012

Subject: Implementation of The Pneumatic Tyres and Tubes for Automotive Vehicles (Quality Control) Order 2009 – reg.

Attention is invited to CBEC instructions F.No.528/109/2011 – STO (TU) dated 29.11.2011, and 15.12.2011 on the issue of the implementation of the Pneumatic Tyres and Tubes for Automotive Vehicles (Quality Control) Order, 2009. Further reference has been received in the Board from Department of Industrial Policy and Promotion (DIPP), Ministry of Commerce, clarifying that certain Commercial vehicles, Off the Road, Run flat and Collapsible types of tyres are not covered under the said Quality (Control) Order, 2009 (copy enclosed).

2. As such, in continuation to the above mentioned Instructions, it is clarified that in addition to pneumatic tyres covered by Clauses 3(a) to (f) of the Quality Control Order, 2009, the following types of tyres are also not covered under the said Order:

- (i) **Commercial Vehicle tyres** – Certain types of tyres identified by Speed Symbols corresponding to speed below 80 km/h marked with speed Symbols as A (A1 to A8), B, C, D or E.
- (ii) **Off The Road Tyres** – Certain types of tyres used for Off The Road (OTR) vehicles carrying Tyres Tread Code marking such as C (C1, C2), E (E1 to E4, E7), G(G1 to G4), L(L2 to L5, L3S to L5S), IND or NHS.
- (iii) **Run Flat Tyres** – Tyres marked RF or similar marking and carrying the Symbol
- (iv) **Collapsible Mini Tyres**

3. Thus, other than exempted pneumatic tyres, no person shall by himself or through any person on his behalf, import, store for sale, sell or distribute imported pneumatic tyres (which include pneumatic tubes) that do not conform to the specified standards and that do not bear the BIS Standard Mark.

4.3.4 Instruction F.No. 528/109/2011-STO (TU), dated 12.07.2013

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.**

2. 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).

3. 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.**

4. 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.

5. 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.**

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