**Certificate examination in International Trade Finance**

**RBI and FEDAI Notifications during the period**

**1st January 2020 to 30th June 2020**

**Merchanting Trade Transactions (MTT) – Revised Guidelines**

RBI/2019-20/152 A.P. (DIR Series) Circular No.20 January 23, 2020

To

All Category – I Authorised Dealer Banks

Attention of Authorised Dealer Category-I banks (AD banks) is invited to A.P. (DIR Series) Circular No.115 dated March 28, 2014 containing directions relating to merchanting trade transactions.

2. With a view to further facilitate merchanting trade transactions, the existing guidelines have been reviewed and the revised guidelines as under, are being issued in supersession of the A.P. (DIR Series) Circular ibid:

1. For a trade to be classified as merchanting trade, goods acquired shall not enter the Domestic Tariff Area.
2. Considering that in some cases, the goods acquired may require certain specific processing/ value-addition, the state of goods so acquired may be allowed transformation subject to the AD bank being satisfied with the documentary evidence and bonafides of the transaction.
3. The MTT shall be undertaken for the goods that are permitted for exports / imports under the prevailing Foreign Trade Policy (FTP) of India as on the date of shipment. All rules, regulations and directions applicable to exports (except Export Declaration Form) and imports (except Bill of Entry) shall be complied with for the export leg and import leg respectively.
4. AD bank shall satisfy itself with the bonafides of the transactions. Further, KYC and AML guidelines shall be scrupulously adhered to by the AD bank while handling such transactions.
5. The entire merchanting trade is to be routed through the same AD bank. The AD bank shall verify the documents like invoice, packing list, transport documents and insurance documents (if originals are not available, Non-negotiable copies duly authenticated by the bank handling documents may be taken) and satisfy itself about the genuineness of the trade. The AD bank may, if satisfied, rely on online verification of Bill of Lading/ Airway Bill on the website of International Maritime Bureau or Airline web check facilities. However, the AD bank shall ensure that the requisite details are made available /retrievable at the time of Inspection/Audit/investigation of the transactions.
6. The entire MTT shall be completed within an overall period of nine months and there shall not be any outlay of foreign exchange beyond four months. The commencement date of merchanting trade shall be the date of shipment / export leg receipt or import leg payment, whichever is first. The completion date shall be the date of shipment / export leg receipt or import leg payment, whichever is the last.
7. Short-term credit either by way of suppliers' credit or buyers' credit may be extended for MTT to the extent not backed by advance remittance for the export leg, including the discounting of export leg LC by the AD bank, as in the case of import transactions. However, Letter of Undertaking (LoU)/ Letter of Comfort (LoC) shall not be issued for supplier’s/ buyer’s credit.
8. Any receipts for the export leg, prior to the payment for import leg, may be parked either in Exchange Earners Foreign Currency (EEFC) account or in an interest-bearing INR account till the import leg liability arises. It shall be strictly earmarked/ lien-marked for the payment of import leg and the liability of the import leg, as soon as it arises, shall be extinguished out of these funds without any delay. If such receipts are kept in interest-bearing INR account, hedging thereof may be allowed by the AD bank at the request of its customer, as per extant regulations. No fund/non-fund-based facilities shall be extended against these balances.
9. In case of discounting of export leg LC where payment for import leg is still to be made (even if partially), the proceeds shall be utilized in the manner prescribed at point no. 2 (viii) above.
10. Payment for import leg may also be allowed to be made out of the balances in EEFC account of the merchant trader.
11. Merchanting traders may be allowed to make advance payment for the import leg on demand made by the overseas supplier. In case where inward remittance from the overseas buyer is not received before the outward remittance to the overseas supplier, AD bank may handle such transactions based on its commercial judgement. It may, however, be ensured that any such advance payment for an import leg beyond USD 500,000/- per transaction, shall be made against Bank Guarantee / an unconditional, irrevocable standby Letter of Credit from an international bank of repute. Overall prudential limits on allowing such advance payments by a customer may be fixed by the AD bank.
12. Letter of Credit to the supplier for the import leg is permitted against confirmed export order, keeping in view the foreign exchange outlay of four months and completion of the MTT within nine months and subject to compliance with the instructions issued by Department of Banking Regulation on “Guarantees and Co-acceptances”, as amended from time to time.
13. AD bank shall ensure one-to-one matching in case of each MTT and report defaults in any leg by the traders to the concerned Regional Office of the Reserve Bank, on half yearly basis in the format as annexed, within 15 days from the close of each half year, i.e. June and December;
14. Merchant traders with outstanding of 5% or more of their annual export earnings shall be liable for caution listing.

3. The merchanting traders shall be genuine traders of goods and not mere financial intermediaries. Confirmed orders must be received by them from the overseas buyers. AD banks shall satisfy themselves about the capabilities of the merchanting trader to perform the obligations under the order. The merchanting trade shall result in profit which shall be determined by subtracting import payments and related expenses from export proceeds for the specific MTT.

4. Write-off of unrealized amount of export leg:

i. AD bank may write-off the unrealized amount of export leg, without any ceiling, on the request made by the Merchanting trader, in the following circumstances:

1. The MTT buyer has been declared insolvent and a certificate from the official liquidator specifying that there is no possibility of recovery of export proceeds has been produced.
2. The goods exported have been auctioned or destroyed by the Port / Customs / Health authorities in the importing country and a certificate to that effect has been produced.
3. The unrealized amount of the export leg represents the balance due in a case settled through the intervention of the Indian Embassy, Foreign Chamber of Commerce or similar Organization;

provided, the MTT is in adherence to all other provisions except the delays in timelines (either for outlay or completion period of MTT or both) attributed to reasons mentioned at a, b and c above.

ii. In addition to above, write-off as at (i) shall be subject to following conditions:

1. AD bank shall satisfy itself with the bonafides of the transactions and ensure that there are no KYC/AML concerns.
2. The transaction shall not be under investigation under FEMA by any of the investigating agency/ies.
3. The counterparty to the merchant trader is not from a country or jurisdiction in the updated FATF Public Statement on High Risk & Non-Co-operative Jurisdictions on which FATF has called for counter measures.

5. Third party payments for export and import legs of the MTT are not allowed.

6. Agency commission is not allowed in MTTs. However, AD banks may allow payment of agency commission up to a reasonable extent by way of outward remittance under exceptional circumstances, subject to the following conditions:

1. MTT has been completed in all respects.
2. The payment of agency commission shall not result in the MTT ending into a loss.
3. The Merchanting trader shall make a specific request to the AD bank in this regard.

7. AD bank may approach Regional Office (RO) concerned of the Reserve Bank for regularization of the MTT for deviation, if any, from the prescribed guidelines and the MTT shall be closed only after receiving approval from the RO concerned of the Reserve Bank.

8. Reporting for merchanting trade transactions under FETERS shall be done on gross basis, against the undermentioned codes:

|  |  |  |
| --- | --- | --- |
| **Trade** | **Purpose Code under FETERS** | **Description** |
| Export | P0108 | Goods sold under merchanting /receipt against export leg of merchanting trade |
| Import | S0108 | Goods acquired under merchanting /payment against import leg of merchanting trade |

9. AD banks shall bring the contents of this circular to the notice of their constituents concerned for strict compliance.

10. The directions contained in this circular have been issued under sections 10(4) and 11(1) of the Foreign Exchange Management Act (FEMA), 1999 (42 of 1999) and are without prejudice to permissions / approvals, if any, required under any other law.

**Foreign Exchange Management (Manner of Receipt and Payment) (Second Amendment) Regulations, 2020**

Notification No. FEMA 14(R)/(2)/2020-RB March 04, 2020

In exercise of the powers conferred by Section 47 of the Foreign Exchange Management Act, 1999 (42 of 1999), the Reserve Bank of India makes the following amendments in the Foreign Exchange Management (Manner of Receipt and Payment) Regulations, 2016 [Notification No. FEMA 14(R)/2016- RB dated May 02, 2016] (hereinafter referred to as 'the Principal Regulations'), namely:

1. Short title and commencement: -

1. These Regulations may be called the Foreign Exchange Management (Manner of Receipt and Payment) (Second Amendment) Regulations, 2020.
2. They shall come into force from the date of their publication in the official Gazette.

2. In the Principal Regulations,

(i) in sub-Regulation 1 (A) of Regulation 3, the following shall be substituted, namely:

“Members of Asian Clearing Union (ACU)”

(ii) in sub-Clause (a) of Clause (i) of sub-Regulation (1)(A) of Regulation 3, the following shall be substituted, namely:

“Receipt for export of eligible goods and services by debit to the ACU Dollar account and / or ACU Euro account and / or ACU Japnese Yen account in India of a bank of the member country in which the other party to the transaction is resident or by credit to the ACU Dollar account and / or ACU Euro Account and / or ACU Japnese Yen account of the authorized dealer maintained with the correspondent bank in that member country;”

(iii) in sub-regulation 1(A) of Regulation 5, the following shall be substituted, namely:

“Members of Asian Clearing Union (ACU)”

(iv) in sub-Clause (a) of Clause (i) of sub-Regulation (1)(A) of Regulation 5, the following shall be substituted, namely:

“Payment for import of eligible goods and services by credit to ACU Dollar account and / or ACU Euro account and / or ACU Japnese Yen account in India of a bank of the member country in which the other party to the transaction is resident or by debit to the ACU Dollar account and / or ACU Euro account and / or ACU Japnese Yen account of the authorized dealer maintained with the correspondent bank in that member country:”

**Settlement system under Asian Clearing Union (ACU) Mechanism**

RBI/2019-20/177 A. P. (DIR Series) Circular No. 22 March 17, 2020

To,

All Authorised Dealer Category - I Banks

The Board of Directors of ACU have decided to permit Japanese Yen for settling payments among the ACU member countries. Accordingly, clause (a) and (b) of Article IV of the General Provisions of Agreement establishing the Asian Clearing Union have been revised and the Asian Monetary Unit is now denominated as "ACU Dollar", “ACU Euro” and “ACU Yen” which shall be equivalent in value to one US Dollar, one Euro and one Japanese Yen respectively.

2. Attention of Authorised Dealer Category - I banks (AD banks) is invited to Regulations 3 and 5 of Notification No. FEMA 14(R)/2016-RB [Foreign Exchange Management (Manner of Receipt and Payment) Regulations, 2016] dated May 02, 2016 and the necessary amendments reflecting the above, which have been notified in the Gazette of India on March 06, 2020.

3. In order to facilitate transactions / settlements, effective March 06, 2020, participants in the Asian Clearing Union will have the option to settle their transactions either in ACU Dollar or ACU Euro or in ACU Japanese Yen.

4. Further, AD banks are allowed to open and maintain ACU Dollar, ACU Euro and ACU Japanese Yen accounts with their correspondent banks in other participating countries. All eligible payments are required to be settled by the concerned banks through these accounts.

5. The amended Memorandum of Procedure for Channelling Transactions through Asian Clearing Union (ACU) [Memorandum ACM] is enclosed.

6. Notwithstanding the above, it may be noted that as per circular RBI/2015-16/441 A.P. (DIR Series) Circular No. 81 dated June 30, 2016, operations in ‘ACU Euro’ has been temporarily suspended with effect from July 01, 2016.

7. AD banks may bring the contents of this circular to the notice of their constituents concerned.

8. The directions contained in this circular has been issued under sections 10(4) and 11(1) of the Foreign Exchange Management Act (FEMA), 1999 (42 of 1999) and is without prejudice to permissions / approvals, if any, required under any other law.

**Foreign Exchange Management (Export of Goods and Services) (Amendment) Regulations, 2020**

Notification No. FEMA 23(R)/(3)/2020-RB March 31, 2020

In exercise of the powers conferred by clause (a) of sub-section (1), sub-section (3) of section 7 and clause (b) of sub-section (2) of section 47 of the Foreign Exchange Management Act, 1999 (42 of 1999), the Reserve Bank of India makes the following amendments in the Foreign Exchange Management (Export of Goods & Services) Regulations, 2015 [Notification No. FEMA 23(R)/2015-RB dated January 12, 2016] (hereinafter referred to as 'the Principal Regulations'), namely:

1. Short title and commencement: -

These Regulations may be called the Foreign Exchange Management (Export of Goods and Services) (Amendment) Regulations, 2020.

2. In the Principal Regulations, in regulation 9, in sub-regulation (1) and sub-regulation (2)(a), for the words “nine months”, the words “nine months or within such period as may be specified by the Reserve Bank, in consultation with the Government, from time to time” shall be substituted. Similarly, in sub-regulation (1) (a), for the words “fifteen months”, the words “fifteen months or within such period as may be specified by the Reserve Bank, in consultation with the Government, from time to time “shall be substituted.

3. In Regulation 9 (1)(b), for the words “period of nine months or fifteen months, as the case may be”, the words “said period” shall be substituted.

4. In proviso to Regulation 9 (2)(a), for the words “period of nine months”, the words “said period” shall be substituted.

**Export of Goods and Services- Realisation and Repatriation of Export Proceeds-Relaxation**

RBI/2019-20/206 A. P. (DIR Series) Circular No. 27 April 01, 2020

To,

All Authorised Dealer Category – I Banks

The Government of India as well as the Reserve Bank has been receiving representations from Exporters Trade bodies to extend the period of realisation of export proceeds in view of the outbreak of pandemic COVID- 19. It has, therefore, been decided, in consultation with Government of India, to increase the present period of realization and repatriation to India of the amount representing the full export value of goods or software or services exported, from nine months to fifteen months from the date of export, for the exports made up to or on July 31, 2020.

2. The provisions in regard to period of realization and repatriation to India of the full export value of goods exported to warehouses established outside India remain unchanged.

3. AD Category - I banks may please bring the contents of this Circular to the notice of their constituents concerned.

4. The directions contained in circular have been issued under Section 10(4) and 11(1) of Foreign Exchange Management Act, 1999 (42 of 1999) and without prejudice to permissions / approvals, if any, required under any other law.

**Interest Equalisation Scheme on Pre and Post Shipment Rupee Export Credit- Extension**

RBI/2019-20/231 DOR.Dir.BC.No.69/04.02.001/2019-20 May 13, 2020

All Scheduled Commercial Banks (excluding RRBs)/ Small Finance Banks, Primary (Urban) Cooperative Banks/ and EXIM Bank

Please refer to the operational instructions for the captioned Scheme contained in RBI circular on Interest Equalisation Scheme on Pre and Post Shipment Rupee Export Credit issued vide DBR.Dir.BC.No.62/04.02.001/2015-16 dated December 4, 2015; DCBR.CO.SCB.Cir.No.1/13.05.000/2015-16 dated February 11, 2016, DBR.Dir.BC.No.09/04.02.001/2018-19 dated November 29, 2018 and DBR.Dir.BC.No.22/04.02.001/2018-19 dated January 11, 2019.

2. In this connection, Government of India has approved the extension of Interest Equalization Scheme for pre and post shipment Rupee export credit, with same scope and coverage, for one more year i.e. upto March 31, 2021. The extension shall take effect from April 01, 2020 and end on March 31, 2021 covering a period of one year.

3. Consequently, the extant operational instructions issued by the RBI under the captioned Scheme shall continue to remain in force upto March 31, 2021.

**Risk Management and Inter-bank Dealings – Hedging of Foreign Exchange Risk-Date of Implementation**

RBI/2019-20/232 A.P.(DIR Series) Circular No.31 May 18, 2020

To

Authorised Dealers Category – I

A reference is invited to the Directions on Hedging of Foreign Exchange Risk issued vide A.P. (DIR Series) Circular No. 29 dated April 7, 2020. The Directions were to come into effect from June 1, 2020.

2. Based on the requests received from market participants and in the context of the difficulties arising from the outbreak of novel coronavirus disease (COVID-19), it has been decided that the Directions will now come into effect from September 1, 2020.

3. Directions on the participation of Banks in Offshore Non-deliverable Rupee Derivative Markets issued vide A.P. (DIR Series) Circular No. 23 dated March 27, 2020 will come into effect from June 1, 2020, as hitherto.

4. The Directions contained in this circular have been issued under Sections 10(4) and 11(1) of the Foreign Exchange Management Act, 1999 (42 of 1999) and are without prejudice to permissions/ approvals, if any, required under any other law.

**Import of goods and services- Extension of time limits for Settlement of import payment**

RBI/2019-20/242 A.P. (DIR Series) Circular No.33 May 22, 2020

To

All Category - I Authorised Dealer Banks

Please refer to para 5 of Statement on Developmental and Regulatory Policies issued today. In this connection the attention of Authorised Dealer Category -I banks is invited to para B.5.1 (i) of the ‘Master Direction on Import of Goods and Services’ dated January 01, 2016 (as amended from time to time), in terms of which remittances against normal imports (i.e. excluding import of gold/diamonds and precious stones/ jewellery) should be completed not later than six months from the date of shipment, except in cases where amounts are withheld towards guarantee of performance etc.

2. In view of the disruptions due to outbreak of COVID- 19 pandemic, it has been decided to extend the time period for completion of remittances against such normal imports (except in cases where amounts are withheld towards guarantee of performance etc.) from six months to twelve months from the date of shipment for such imports made on or before July 31, 2020.

3. AD banks may bring the contents of this circular to the notice of their constituents concerned.

4. The directions contained in this circular have been issued under Section 10 (4) and Section 11 (1) of the Foreign Exchange Management Act (FEMA), 1999 (42 of 1999) and are without prejudice to permissions / approvals, if any, required under any other law.

**Pre-shipment and Post-shipment Export Credit – Extension of Period of Advance**

RBI/2019-20/246 DOR.DIR.BC.No.73/04.02.002/2019-20 May 23, 2020

All Scheduled Commercial Banks (excluding RRBs)/ All Primary Urban Co-operative Banks/All Small Finance Banks

Please refer to the Master Circular on ‘Rupee / Foreign Currency Export Credit and Customer Service to Exporters’ issued vide DBR.No.DIR.BC.14/04.02.002/2015-16 dated July 1, 2015 and other associated circulars on the subject.

2. In view of the outbreak of Covid-19 pandemic, the exporters have been facing genuine difficulties such as delay / postponement of orders, delay in realisation of bills, etc. In this regard, RBI has already permitted the period of realisation and repatriation of the export proceeds to India to be increased from nine months to 15 months from the date of export in respect of exports made upto July 31, 2020. In line with this relaxation, it has been decided to increase the maximum permissible period of pre-shipment and post-shipment export credit sanctioned by banks from one year to 15 months, for disbursements made upto July 31, 2020.

Date 23rd January 2020

All Members of FEDAI

Dear Sir/Madam,

The Managing Committee in its meeting dated 21st January 2020 approved following amendment to FEDAI Rules No.1

|  |  |
| --- | --- |
| EXISTING RULE | REVISED RULE |
| **Rule No.1.1**The exchange trading hours for INR/FCY transactions in Inter-bank forex market in India would be from 9.00 a.m. to 5.00 p.m. No customer transaction for INR/FCY should be undertaken by the Authorised Dealers after 4.30 p.m. on all working days. | The normal market hours for FCY/INR transactions in Inter-bank forex market as well as client transactions in India would be from 9.00 a.m. to 5.00 p.m. IST on all working days |
| **Rule No.1.2**A) Cut-off time limit stated above for Interbank/Customers is not applicable for cross currency transactions.(B) Cut-off time limit stated above in Rule 1.1, is not applicable to FCY/INR transaction for individual person (including joint account or proprietary firm). Any transaction undertaken beyond the market hours prescribed under Rule 1.1, bank must ensure that:i. Charges including exchange rate for conversion be confirmed from customer prior to undertaking the transaction ii. NOOP Limit is maintained all the times. In terms of paragraph 7.1 of Internal Control Guidelines on Foreign Exchange Business of Reserve Bank of India (February 2011), Authorised Dealers are permitted to undertake cross currency transactions during extended hours, provided the Managements lay down the policy for extended dealing hours. | (A) Authorised dealers may undertake customer (persons resident in India and persons resident outside India) and inter-bank transactions on all working days beyond normal market hours.(B) Transactions with persons resident outside India, through their foreign branches and subsidiaries may also be undertaken on all working days beyond normal market hours.(C) However, value Cash transactions may be undertaken only upto 5.00 pm IST, except in case of individual person (including joint account or proprietary firm)(D) Transactions, including value cash transactions, for individual persons (including joint account or proprietary firm) can be undertaken even on Saturdays, Sundays and holidays as per banks internal policy.(E) Any transaction undertaken beyond the market hours prescribed under Rule 1.1, bank must ensure that:NOOP Limit is maintained all the times. [including transactions executed from EOD to 9.00 am IST (market opening time) next working day]Spot date Roll over for FCY/INR transactions will take place at 12.00 midnight IST |

Member banks are requested to make a note of the above amendments and be guided accordingly.

**SPL No 2/BV/2020 19th March 2020**

All Members of FEDAI

Dear Sir/Madam,

**Sub - Novel Coronavirus (COVID 19) – Temporary relaxations in Forex regulations**

The spread of Novel Coronavirus has brought about an unprecedented global crisis. To combat this unprecedented situation many of the business entities have implemented a number of measures including moving to a remote work environment or where ever possible operating from home and are facing difficulties in fulfilling some of the regulatory requirements while managing the Foreign Exchange Risk. To provide some relief to the corporate in their forex risk management, based on FEDAI’s recommendation, RBI has permitted following relaxations.

**1) Submission of underlying documents - Current Fx hedging guidelines**

Quote ‘while details of the underlying have to be recorded at the time of booking the contract, in the view of logistic issues, a maximum period of 15 days may be allowed for production of the documents. If the documents are not submitted by the customer within 15 days, the contract may be cancelled, and the exchange gain, if any, should not be passed on to the customer’. Unquote.

In the present circumstances it may be difficult for corporates to adhere to the requirement of 15-day period and submission of certified true copies (hard copies) of the underlying documents.

**Relaxation**–Considering the difficulty faced by corporate AD Banks may allow time of upto 60 days or date of maturity of contract whichever is earlier, for production of underlying documents by corporates. This would be applicable for the contracts booked between February 15, 2020 to April 15, 2020. This period may be reviewed/extended based on evolving situation.

Online submission of documents evidencing exposure instead of physical production of documents, subject to due diligence by AD Banks on the authenticity of underlying documents, is permitted. This would be applicable for the contracts booked between February 15, 2020 to April 15, 2020. AD Banks shall ensure that all documents are obtained once normalcy is restored.

**2) FEDAI Rules** - Presently FEDAI Rule No. 6.4 (iv) requires that if a customer desires to cancel the contract he must advise the bank accordingly before or latest on the date of maturity of the contract. If there are no instructions from the customer, banks shall cancel the overdue contract within 3 working days after the maturity date. However, when a contract is cancelled after the maturity date, the customer shall not be entitled to the exchange difference, if any, in his favour, since the contract is cancelled on account of his default. He shall, however, be liable to pay the exchange difference, against him.

**Relaxation–**The FEDAI Rule No. 6.4 (iv) is being put in abeyance, AD Banks may permit the corporate to take delivery of the overdue contract or cancel the contract and pass the gains if any, during the period (upto 3 days post maturity). This relaxation would be applicable to all the live contracts (as on date) and the prospective contracts maturing till April 15,2020.

**3)Submission of Documents** -Submission of all monthly/ quarterly returns related to forex hedging is also being kept in abeyance till April 30, 2020 and the same may be submitted with delay thereafter.

Member banks are requested to take note of the same.

**SPL-09/COVID19 Relaxations/2020**

11th June 2020

To

All Member Banks

**Novel Coronavirus COVID-19 – Temporary Relaxations in forex regulations – Extension**

Dear Sir/ Madam,

We request reference to our Special Circulars No.SPL-02/BV/2020 dated 19th March 2020,

No.SPL-04/COVID19 Relaxations/2020 dated 15th April 2020 and SPL-08/COVID19

Relaxations/2020 dated 19th May 2020.

In the light of opening up of economy in phased manner starting with Unlock 1.0, the situation was reviewed and it has been decided to continue the relaxations, with some modifications, for the period starting from 1st June 2020 to 30th June 2020.

**1) Submission of underlying documents**

**Relaxation –**

Considering the difficulties faced by corporates AD Banks may allow time of upto 30 days or

date of maturity of contract whichever is earlier, for physical production of underlying

documents by corporates.

AD Banks should ensure online submission of documents within 15 days of booking of the

contract.

**2) FEDAI Rule No.6.4 (iv)**

**Relaxation** –The FEDAI Rule No. 6.4 (iv) is being put in abeyance, AD Banks may permit the

corporate to take delivery of the overdue contract or cancel the contract and pass the gains if

any, during the period (upto 3 days post maturity as per banks internal policy).

Banks are advised to be cautious while extending these relaxations. All attempts should be made to restrict extending these relaxations in areas/to clients where lockdown restrictions have been relaxed/normalcy is getting restored.

Member banks are requested to be guided accordingly