

IMPORT LICENSING SYSTEM OF INDIA

Questions to INDIA from the UNITED STATES

Addendum

The following communication, dated 22 October 2008, is being circulated at the request of the delegation of the United States.

The United States thanks India for its replies, circulated in document G/LIC/Q/IND/12. We have reviewed its responses and have additional comments and follow up-questions.

We are pleased to see that the ITC (HS) Classification of Export and Import Items is available online, as indicated by India.

India has also indicated that the ITC (HS) provides product specific import restrictions. While we have been able to determine which products require import licenses based on this document, it does not appear to provide all of the information required by the WTO Agreement on Import Licensing Procedures. As a result, the United States is concerned that India may not have fully notified the entire scope of its import licensing procedures.

For example, in looking up the import requirements for non-insecticidal boric acid, the document merely states, "Import of Boric Acid for non-insecticidal purposes will be subject to an import permit issued by the Central Insecticide Board & Registration Committee under the Ministry of Agriculture." Aside from this one statement, we have not been able to find any additional information about this procedure.

Article 5.2 of the WTO Agreement requires Members to include specific information in their notifications. We would therefore appreciate if India could provide us the following specific information on the import licensing procedures for non-insecticidal boric acid (HS code 2810), as required by the Agreement:

- Is the import license for non-insecticidal boric acid automatic or non-automatic, according to the definitions contained in Articles 2 and 3 of the WTO Agreement on Import Licensing Procedures?
- If the import license is automatic, what is its administrative purpose?
- If the import license is non-automatic, what is the measure being implemented through the licensing procedure?

When asked whether domestic producers of non-insecticidal boric acid are subject to any similar requirements, India stated that they are subject to the "rigorous requirement of obtaining registration before the CIB&RC." Why are the procedures so different for importers? Do domestic producers have to declare the specific end-use and quantity of each sale, as is required of importers in order to obtain an import license for non-insecticidal boric acid?

What criteria does each ministry apply in determining whether to grant a no-objection certificate? What criteria does the CIB&RC then use to determine whether to grant an import license?

Could India please provide additional information regarding what information the "application proforma" requires for an import license for non-insecticidal boric acid?

Can India provide a copy of the Department of Agriculture's exhaustive list of government agencies that can issue end-use certificates, or indicate for us where to locate this exhaustive list of agencies? In addition, what criteria does the GOI apply in determining which agency should issue the end-use certificate for a particular end-use? Can multiple agencies be responsible for issuing certificates for the same end-use? May an end user request an end-use certificate from any one of these agencies?
