

WORLD TRADE ORGANIZATION

G/LIC/Q/IND/14
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Committee on Import Licensing

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IMPORT LICENSING SYSTEM OF INDIA

Replies by INDIA to the questions from the UNITED STATES

The following communication, dated 29 April 2009, is being circulated at the request of the delegation of India.

India thanks United States for the questions on its Import Licensing System dated 27 October, 2008 and circulated in document G/LIC/Q/IND/11/Add.1.

Questions for India on the Import Licensing Questionnaire

Question:

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.

Reply:

Information pertaining to the import requirements for non-insecticidal boric acid is available on the websites of the Secretariat of CIB & RC (www.cibrc.nic.in) and the Department of Agriculture and Co-operation (www.agricoop.nic.in)

Question:

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?

Reply:

The import licensing procedure is automatic as per Article 2 of the Agreement on Import Licensing Procedures.

Question:

If the import license is automatic, what is its administrative purpose?

Reply:

The stipulated procedure ensures that the insecticide being imported is not misused.

Question:

If the import license is non-automatic, what is the measure being implemented through the licensing procedure?

Reply:

Not applicable

Question:

When asked whether domestic producers of non-insecticidal boric acid are subject to any similar requirement, 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 procedures 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?

Reply:

The domestic producers have to maintain equivalent measures such as an elaborate production and sales record.

Question:

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?

Reply

Each of the agencies adopts its own criteria for granting no-objection certificate. The CIB & RC has devised a proforma to ensure that the insecticide imported is really for intended use. The quantity for import is decided based on the recommendation of the Nodal Ministry and the quantity imported/consumed by the applicant during preceding five years.

Question:

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

Reply:

The application proforma for obtaining import permit for import of Boric acid for non-insecticidal purposes is available in the minutes of 259th meeting of the Registration Committee under “News & Updates” on the website of the Secretariat of CIB & RC (www.cibrc.nic.in).

Question:

Can India provide a copy of 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?

Reply:

The illustrative list of Authorities of the Ministries/Departments authorised for issuance of end-use certificate is given in the Department of Agriculture and Cooperation’s letter no. 17-2/2004-PP I dated 4 May, 2006. Moreover end-use certificates of the District Industries Centres of the State Governments/State Directors of Industries are also accepted by the competent authority. The details are available on the Department of Agriculture and Cooperation’s website (www.agricoop.nic.in).

Question:

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?

Reply:

Any of the authorised agencies can issue end-use certificate as per the prescribed end-use.
