

**IMPORT LICENSING SYSTEM OF INDIA**

Replies by INDIA to the questions from the UNITED STATES

The following communication, dated 28 October 2010, is being circulated at the request of the delegation of India.

India thanks the United States for the questions on its Import Licensing System dated 6 November 2009 and circulated in document **G/LIC/Q/IND/11/Add.2**.

Questions for India on the Import Licensing Questionnaire

Question:

In its response contained in G/LIC/Q/IND/14, India states that the import license procedure for boric acid is automatic. However, later in the document, India indicates that the quantity that can be imported under the import license is based upon a recommendation of the Nodal Ministry and the quantity imported by the applicant during the preceding five years.

India appears to exercise discretion in granting the quantity that can be imported under the license. We would therefore appreciate clarification from India regarding how India considers this to be an automatic import license procedure.

Reply:

The approval for import permit is granted in all cases in which the applications conform to norms laid down. Any person, firm or institution can apply for import permit only if such person / entity is the end user.

Question:

We also continue to be concerned about the questions on the import license application that relate to the precise end-use of boric acid and the impact that the end-use requirement is having on the ability of intermediaries to sell non-insecticidal boric acid in India.

We therefore request that India explain in greater detail why this information is necessary. Additionally, how does the import license procedure ensure that the good is not being misused once imported into India?

Reply:

Importers of multi-insecticides for non-insecticidal use are required to obtain import permit based on the end use certificate. Such import permit is required to regulate the end use of insecticide. Since import permit is issued only to actual end user, a trader cannot legally import insecticide and sell it as he will not be able to obtain an import permit in absence of end use certificate.

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