

IMPORT LICENSING SYSTEM OF INDIA

Questions to INDIA from the UNITED STATES

1. In one of its responses to a previous U.S. question regarding the ability of traders to apply for an import permit for boric acid (G/LIC/Q/IND/12), India stated, "Any person who can furnish the complete information as required in the application pro forma can apply for a grant of import permit." In response to subsequent questions (G/LIC/Q/IND/16), India states, "Any person, firm or institution can apply for import permit *only if such person/entity is the end user*" and "import permit is issued only to an actual end user." Please explain the current requirements as to who may be permitted to apply for an import license and provide where such requirements are set out in Indian law or regulation. Please also provide the Indian law or regulation that sets out the most up-to-date procedures required for importation of boric acid, including, if possible, an Internet address where such law or regulation may be located.
2. The United States has previously requested an exhaustive list of Government of India agencies that can issue end-use certificates, but India's response referred only to an illustrative list (G/LIC/Q/IND/14). Could India please provide an exhaustive list and explain how an importer or end-user would know precisely from *which* entity it should seek an end-use certificate (e.g., in the case of boric acid imported for non-insecticidal uses)?
3. The United States has previously requested India's assistance in understanding why the information requested on the import license application is necessary, and how India's procedure ensures that the boric acid being imported is not being misused. While India's response clarified and reiterated the need for an end use certificate (G/LIC/Q/IND/16), it was still not clear exactly how India import licensing procedures achieve its objective of avoiding misuse of boric acid and why the information India requests on the import license application advances that objective. We would appreciate a fuller explanation in this respect.
4. India noted that domestic manufacturers and traders must register before the Central Insecticides Board and Registration Committee (G/LIC/Q/IND/12) and that domestic producers must maintain production and sales records (G/LIC/Q/IND/12). What specific actions are required for domestic producers and traders to fulfill these requirements, where are these requirements set out in Indian law, and how does India enforce them?
5. The United States understands that a 2007 circular from the Central Board of Excise & Customs (CBEC) definitively established that boric acid would be classified under heading 3808 only when imported as a pesticide for insecticidal use and that in all other circumstances boric acid would be classified under heading 2810. Heading 3808 covers insecticides, whereas heading 2810 covers oxides of boron.
6. The United States understands that on June 22, 2011, the CBEC issued instructions (F.No.401/101/2011-Cus.III) that items that are listed in Schedule B of the Insecticides Act of 1968 but are "intended for purposes other than preventing, destroying, repelling or mitigating any insects,

rodents, fungi, weeds and other forms of plant or animal life not useful to human beings" are exempted from the "requirement of registration / import permit from CIB & RC." However, the CBEC instructions "clarified that the import of Boric Acid would continue to be governed by the specific instructions on the items that are currently in force." Please clarify what the specific instructions are that non-insecticidal boric acid is required to meet.

7. Given the 2007 classification decision, recognizing that imports under heading 2810 are *not* insecticides, and the 2011 instructions, why are boric acid imports under heading 2810 required to be licensed by the Central Insecticides Board?
