

1A: GENERAL NOTES REGARDING IMPORT POLICY

- 1a. Imports of Hazardous Waste into India shall be subject to the provisions of Hazardous Wastes (Management and Handling) Amendment Rules, 1989.

Notwithstanding anything contained in ITC(HS) Classifications of Export and Import Items, 2004-09, import of hazardous waste or substances containing or contaminated with such hazardous wastes as specified in Schedule 8 of Hazardous Wastes (Management and Handling) Amendment Rules, 1989 shall be prohibited.

- 1b. Import of Hazardous Chemicals permitted without a licence in accordance with the provisions of the Manufacture, Storage and Import of Hazardous Chemicals Rules 1989 (made under the Environment (Protection) Act, 1986). Besides other conditions mentioned in the Rules, the importer shall, before 30 days but not later than the date of import, furnish the details specified in Rule 18 to the Authority specified in Schedule 5 of the said Rules.

- 1c. Clearance of waste oil/sludge derived from the normal course of a ship's operation and covered by the MARPOL Protocol will be allowed without a license only to those persons who are registered with the Ministry of Environment and Forests or the Central Pollution Control Board, as the case may be, for re-processing waste. Such waste oil/sludge will conform to the definition in schedule 3 of the Hazardous Waste (Management and Handling) Amendment rules, 1989.

2. Subject to compliance with the provisions of any other law for the time being in force, imports may also be made without a licence by the categories of importers specified below, provided the imports do not involve foreign exchange remittances:

- (i) Import of goods by officials of the United Nations Organisation and its specialised agencies who are exempt from payment of customs duty under the United Nations (Privileges and Immunities) Act, 1947;

- (ii) Import under Baggage Rules of used professional equipment, instruments or apparatus by professionals and doctors returning to India for permanent settlement;
- (iii) Goods imported as baggage by the members of foreign mountaineering expedition teams, subject to the condition of export of such items except items consumed;
- (iv) Paintings and other display articles required for competitions or exhibitions, subject to the condition of export of such items except consumables;
- (v) Food-stuffs, medicines, clothing and blankets received by any charitable organisation registered with Ministry of Welfare and Ministry of Home Affairs under Foreign Contribution Regulation Act, as a gift from any philanthropic organisation or person abroad, for free distribution either by itself or other charitable organisations to the poor and needy without any distinction of caste, creed or colour;
- (vi) Import of food parcels(except alcohol and tobacco) by foreign citizens, ordinarily residing in India, subject to a limit of Rs. 1,00,000 per year for their own use;
- (vii) (a) Goods received as free gifts by the Indian Red Cross Society from abroad provided such goods are exempt from customs duty;
- (b) Relief supplies and packages received as gifts through a Government agency or any other approved agency covered by an agreement entered into by the Government of India with a foreign Government provided they are exempt from customs duty;
- (c) Articles donated to the National Defence Fund or to the Government of India for use of the Defence personnel and wool/woollen fabrics and woolen apparels donated to the Indian Red Cross Society provided the same are exempt from Customs duty;
- (viii) Equipment and raw films imported by foreign TV companies coming to India on visits sponsored by the Ministry of External Affairs/ Ministry of

3. Import of Beef in any form and import of products containing beef in any form is prohibited.
4. All consignments of edible oils and processed food products, imported in bulk, shall carry a declaration from the concerned exporter on the shipping documents that the consignment does not contain beef in any form. All consignments of edible products, imported in consumer packs, shall carry a declaration on the label of the package that the product does not contain beef in any form.
5. All such packaged products, which are subject to provisions of the Standards of Weights and Measures (Packaged Commodities) Rules, 1977 when produced/ packed/ sold in domestic market, shall be subject to compliance of all the provisions of the said rules, when imported into India. The compliance of these shall be ensured before the import consignment of such commodities is cleared by Customs for home consumption. All prepackaged commodities, imported into India, shall in particular carry the following declarations:
 - (a) Name and address of the importer;
 - (b) Generic or common name of the commodity packed;
 - (c) Net quantity in terms of standard unit of weights and measures. If the net quantity in the imported package is given in any other unit, its equivalent in terms of standard units shall be declared by the importer;
 - (d) Month and year of packing in which the commodity is manufactured or packed or imported;
 - (e) Maximum retail sale price at which the commodity in packaged form may be sold to the ultimate consumer. This price shall include all taxes local or otherwise, freight, transport charges, commission payable to dealers, and all charges towards advertising, delivery, packing, forwarding and the like, as the case may be.
6. Import of all the products as per Appendix III to Schedule I of the ITC (HS) Classifications of Export and Import Items, 1997-2002, shall be subject to compliance of the mandatory Indian Quality Standards as mentioned in column 2 of the said

Annexure, which are also applicable to domestic goods. For compliance of this requirement, all manufactures/ exporters of these products to India, shall be required to register themselves with Bureau of Indian Standards(BIS).

However, M/s MMTC Limited/ M/s Tamil Nadu Cements Corporation Ltd. (TANCEM)/ M/s Puducherry Agro Service and Industries Corporation Ltd. (PASIC) shall be permitted to import cement without standard mark from such foreign manufacturers who have applied for registration with Bureau of Indian Standards (BIS) and their applications have been recorded by BIS. The exemption from standard mark available to MMTC/ TANCEM/ PASIC shall be applicable for 150 days from the date of recording of their respective applications or till the grant of regular licence by BIS, whichever is earlier. Imports by M/s. MMTC Limited/ M/s Tamil Nadu Cements Corporation Ltd. (TANCEM)/ M/s Puducherry Agro Service and Industries Corporation Ltd. (PASIC) shall be further subject to following two conditions:

- a) The company will ensure conformity of imported cement to the specified BIS standards;

and

- b) The company shall also ensure a special marking on each bag of such imported cement.

The foreign manufacturers intending to export cement to India under above exemption are required to make application to Department of Industrial Policy & Promotion, Government of India, for grant of exemption from standard mark under proviso to Section 3 of Cement (Quality Control) Order, 2003.

Alternatively certification of the products under mandatory quality Indian standards will be permitted under the BIS Product Certification Scheme for Indian importers provided all the following conditions are met:

- a) Items are required for captive consumption,
- b) Items are required on continuous basis and
- c) Items are procured from pre-identified sources.

Provided that in so far as import of Cement is concerned, the conditions a) and b) above shall remain suspended till 31.03.2008 and condition c) would read as:

- c) Items are procured from pre-identified sources, which have been given a license to use ISI Mark in accordance with Foreign Manufacturers' Certification Scheme of BIS.

The Indian Importers would have to apply to BIS for seeking a licence for each of the notified product he intends to import. BIS would record the application after satisfying itself that all the above conditions are met and that the applicant importer has installed the test facilities. Based on the recording of application, the Customs can clear the consignment, which will be tested by the BIS and a licence issued if the product conforms to the relevant Indian standard. The importer would use the material only after grant of licence for the first lot so imported and for the subsequent imports, after testing the product for conformance to Indian Standard.

The conditions of Paragraph 6 above shall not be applicable on imports of gifts where the recipient of a gift is a charitable, religious or an educational institution registered under a law relating to the registration of societies or trusts or otherwise approved by the Central or a State Government and the gift sought to be imported has been exempted from payment of customs duty by the Ministry of Finance.

Notwithstanding anything contained in the Appendix III to the Schedule 1 of ITC (HS) Classifications of Export and Import Items, 2002-2007, import of cylinders and import of valves/valve fittings will be exempted from the conditions at paragraph 6 above. However, this exemption shall be applicable only on such cylinders, import of which has been approved by Chief Controller of Explosives, Nagpur.

7. Import of meat and poultry products will be subject to the compliance of conditions regarding manufacture, slaughter, packing, labeling and quality conditions as laid down in Meat Food Products Order, 1973. All manufacturers of meat/poultry products exporting their goods to India shall be required to meet the sanitary and hygienic requirements as stipulated under Schedule-II of the aforementioned Order. The

imported product shall also comply with the specified packaging, labeling and quality standards as laid down in Schedule-IV of the Order. Compliance of these conditions is to be ensured before allowing customs clearance of the consignment.

8. Import of all such edible/food products including tea, domestic sale and manufacture of which are governed by Prevention of Food Adulteration Act, 1954, shall be subject to all the conditions laid down in the aforesaid Act. Import of all these products will have to comply with the quality and packaging requirements as laid down in the Act. Compliance of these conditions is to be ensured before allowing customs clearance of the consignment.
9. Import of all primary agricultural products will be subject to a Bio Security & Sanitary-Phyto Sanitary import permit, to be issued by Department of Agriculture and Co-operation, as per conditions of Plants, Fruits and Seeds (Regulation of Import into India) Order, 1989. The permit will be based on Import Risk Analysis of the product, to be conducted on scientific principles, in accordance with the WTO Agreement on the Application of Sanitary and Phyto-Sanitary measures. The Import Risk Analysis will be conducted based on various scientific principles, including inter alia,
 - (a) the type of pests etc. known to be associated with the particular product in the exporting country;
 - (b) the organisms already established in India; and
 - (c) the potential impact of such organisms on India's international trade.
10. Irrespective of the Policy indicated against the Exim code nos. 090220 40 and 090240 60 in column 3 of ITC(HS) Classifications of Export and Import Items, 1997-2002, the import of these items will be subject to the conditions of the provisions of the Tea Waste (Control) Order, 1959 as amended from time to time. Import of tea waste is to be allowed only to the licence holders under the afore mentioned Order issued by Tea Board.
11. (i) Import of textile and textile articles is permitted subject to the condition that they shall not contain any of the hazardous dyes whose handling, production, carriage or use is prohibited by the Government of India under the provisions of

clause (d) of subsection (2) of section 6 of the Environment (Protection) Act, 1986 (29 of 1986) read with the relevant rule(s) framed thereunder. For this purpose, the import consignments shall be accompanied by a preshipment certificate from a textile testing laboratory accredited to the National Accreditation Agency of the Country of Origin. In cases where such certificates are not available, the consignment will be cleared after getting a sample of the imported consignment tested & certified from any of the agencies indicated in Public Notice No. 12 (RE-2001)/1997-2002 dated 3rd May, 2001. The sampling will be based on the following parameters:

- a) At least 25% of samples are drawn for testing instead of 100%.
 - b) While drawing the samples, it will be ensured by Customs that majority samples are drawn from consignments originating from countries where there is no legal prohibition on the use of harmful hazardous Dyes.
 - c) The test report will be valid for a period of six months in cases where the textile/textile articles of the same specification/quality are imported and the importer, supplier and the country of origin are the same.
- (ii) Import of all woolen textiles and woolen blended textiles will be governed by Notification No.CER (18)/99-CLB dated 7th March, 1988 read with the Textile (Development & Regulation) Order, 2001 and the Essential Commodities Act, 1955. Imports will, therefore, be subject to the following conditions:-
- (a) All imports of woolen textiles & woolen blended fabrics will display markings or selvedge description indicating the composition of fibre blends. For this purpose, all consignments will be accompanied by a pre-shipment inspection certificate from a textile testing laboratory accredited to the National Accreditation Agency of the Country of Origin certifying the composition of the woolen textile & blends. Consignment not accompanied by a pre-shipment inspection certificate, will be allowed to be cleared after getting the sample of the imported consignment tested & certified from

rd May, 2001.

- (b) Imports will also be accompanied by a certificate of origin.
 - (c) Imports will also be accompanied by a certificate from the brand owners certifying the genuineness of the product & markings thereon as also the authority to use their brand names.
12. Import of alcoholic beverages as classified under Chapter 22 of ITC(HS) Classifications of Export and Import Items, 1997-2002, shall be subject to compliance of various mandatory requirements as stipulated by various State Governments.
 13. Import of all such edible /food products , domestic sale and manufacture of which are governed by Prevention of Food Adulteration Act , 1954 shall also be subject to the condition that, at the time of importation, the products are having a valid shelf life of not less than 60% of its original shelf life. Shelf life of the product is to be calculated, based on the declaration given on the label of the product, regarding its date of manufacture and the due date for expiry.
 14. Import of Meat and Meat Products of all kinds including fresh, chilled and frozen meat, tissue or organs of poultry, pig, sheep, goat; egg and egg powder; milk and milk products; bovine, ovine and caprine embryos, ova or semen; and pet food products of animal origin shall be subject to a sanitary import permit to be issued by Department of Animal Husbandry and Dairying, Government of India, as per Section 3A of Live-stock Importation Act, 1898,as incorporated by Live Stock Importation (Amendment) Ordinance,2001 dated 05.07.2001 and as notified on 07.07.2001, as amended.
 15. Import of Whale shark (*Rhincodon typus*) and parts and products of this species shall be restricted.
 16. Import into India of the following live-stock and live-stock products shall be prohibited from all countries, in view of notifiable Avian Influenza (both Highly Pathogenic notifiable Avian Influenza and Low Pathogenic notifiable Avian Influenza) :

- (i) domestic and wild birds (excluding poultry and captive birds);
- (ii) unprocessed meat and meat products from Avian species including wild birds (except poultry);
- (iii) semen of domestic and wild birds (except semen of poultry).

Further, the Central Government also prohibits the import into India from the countries reporting notifiable Avian Influenza (both Highly Pathogenic notifiable Avian Influenza and Low Pathogenic notifiable Avian Influenza), the following live-stock and live-stock products, namely:

- (a) Live poultry and captive birds;
- (b) day old chicks, ducks, turkey and other newly hatched Avian species;
- (c) unprocessed meat and meat products from Avian species including wild birds;
- (d) hatching eggs;
- (e) egg and egg products (except Specific Pathogen Free eggs);
- (f) unprocessed feathers;
- (g) live pig;
- (h) pathological material and biological products from birds;
- (i) product of animal origin (from birds) intended for use in animal feeding or for agricultural or industrial use;
- (j) semen of poultry.

Provided that the prohibition shall not be applicable on the import of processed pet food containing ingredients of meat and meat products from avian species, pig and product of animal origin (from birds) intended for use in animal feeding.

Provided further that the prohibition shall also not be applicable to the import of pathological materials and biological products for diagnostic and research purpose on specific request.

Provided also further that the import of processed poultry meat shall be allowed after satisfactory conformity assessment of the exporting country.

17. Import of products, equipments containing Ozone Depleting Substances (ODS) will be subject to Rule 10 of the Ozone Depleting Substances Rules, 2000. In terms of this Rule no person shall import or cause to import any product specified in Column (2) of Schedule VII which was made with or contain Ozone Depleting Substances specified in Column (3), unless he obtains a license issued by the Directorate General of Foreign Trade.
18. Import of Genetically Modified Food, Feed, Genetically Modified Organism (GMOs) and Living Modified Organisms (LMOs) will be subject to the following conditions :
 - (a) The import of GMOs / LMOs for the purpose of (i) R & D; (ii) Food; (iii) Feed; (iv) Processing in Bulk and (v) For Environment release will be governed by the provisions of the Environment Protection Act, 1986 and Rules 1989.
 - (b) The import of any Food, Feed, raw or processed or any ingredient of food, food additives or any food product that contains GM material and is being used either for Industrial production, Environmental release, or field application will be allowed only with the approval of the Genetic Engineering Approval Committee (GEAC).
 - (c) Institutes / Companies who wish to import Genetically Modified material for R & D purposes will submit their proposal to the Review Committee for Genetic Modification (RCGM) under the Department of Bio-Technology. In case the Companies / Institutes use these Genetically Modified material for commercial purposes, approval of GEAC is also required.
 - (d) At the time of import all consignments containing products which have been subjected to Genetic Modification will carry a declaration stating that the product is Genetically Modified. In case a consignment does not carry such a declaration and is later found to contain Genetically Modified material, the importer is liable to penal action under the Foreign Trade (Development and Regulation) Act, 1992.

The Genetic Engineering Approval Committee (GEAC), set up by the Ministry of Environment & Forests has accorded 'one time approval' for import of GM Soyabean oil (crude de-gummed/ refined

form) derived from Round-up-Ready Soybean for the purpose of consumption after refining. Therefore, Condition No. 18 of Chapter 1A (General Notes Regarding Import Policy) notified vide Notification No.2 (RE-2006)/2004-2009 dated 7.4.2006 will not apply to the import of said Soyabean Oil till further orders. [Notification No. 69 dated 27.12.2007]

19. Import of any form of metallic waste and scrap will be subject to the provisions of Para 2.32 of the Hand Book of Procedures (Vol-I), 2004-09.
20. Import of generator sets will be subject to the air emission standards & noise standards of the Environment Protection Rules, 1986 notified vide the following Notifications:
 - (i) GSR 448(E) dated 12.7.2004.
 - (ii) GSR 628(E) dated 30.8.2001.
 - (iii) GSR 682(E) dated 5.10.1999.
21. Import of cigarette or any other tobacco product shall be subject to the provisions contained in the "Cigarettes and other Tobacco Products (Packaging and Labelling) Amendment Rules, 2009", as notified by the Ministry of Health & Family Welfare.