

ITC (HS), 2017
SCHEDULE 1 – IMPORT POLICY

GENERAL NOTES REGARDING IMPORT POLICY

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In terms of Paragraph 2.02 of the Foreign Trade Policy, all imported goods shall also be subject to domestic laws, acts, rules, orders, regulations, technical specifications, environmental and safety norms as applicable to domestically produced goods.

The following General Notes apply to imported goods.

1. Imports not involving remittance of Foreign Exchange:

Imports shall be allowed without an import license / authorization / permission from this Directorate to the following categories of importers, provided the imports do not involve any remittance of foreign exchange:

- (i) Import of goods by officials of the United Nations Organisation (<http://www.un.org/en>) and its specialised agencies who are exempt from payment of customs duty under the United Nations (Privileges and Immunities) Act, 1947 (This Act can be accessed from website of Ministry of External Affairs – www.mea.gov.in);
- (ii) Import under Baggage Rules (The Rules can be accessed from the website of Central Board of Excise and Customs – <http://www.cbec.gov.in/travellers.htm>) 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 (details can be accessed from the website of Indian Mountaineering Foundation – <http://www.indmount.org>), 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 Tribal Welfare (<http://tribal.nic.in/index.asp>) / Ministry of Social Justice & Empowerment (<http://socialjustice.nic.in/>) and Ministry of Home Affairs under Foreign Contribution Regulation Act (<http://mha.nic.in>), 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;

ITC (HS), 2017
SCHEDULE 1 – IMPORT POLICY

GENERAL NOTES REGARDING IMPORT POLICY

- (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) Humanitarian Aid:
 - (a) Goods received as free gifts by the Indian Red Cross Society (<http://www.indianredcross.org/>) 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 (the details can be accessed from the website of the Prime Minister of India - <http://pmindia.nic.in/pmfunds.php>) 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 Information and Broadcasting (<http://mib.nic.in/>) or Ministry of Tourism (<http://tourism.gov.in/>) on re-export basis.

2. Indian Quality Standards:

(A) Mandatory Indian Standards of Bureau of Indian Standards (BIS):

Quality of the products that are subject to mandatory Indian Standards, as applicable to domestic goods, shall be required to comply with quality specified for the product as per same Indian Standards. For compliance of this requirement, all manufactures/exporters of these products to India shall be required to obtain BIS license for using Standards mark on their product. The present list of 'Items under mandatory BIS certification' is given in Appendix – III of this Schedule. As and when BIS notifies the quality specifications for new product(s) as an Indian Standards, the said Indian Standard would deemed to be part of Appendix – III from the date of implementation of the said Indian Standards for the said product(s) and the import of that product(s) shall conform to that specified Indian Standard from the date of implementation as specified for the said product(s) by BIS. To see the up-to-date list, visit Bureau of Indian Standards' website link <<http://www.bis.org.in/cert/man.pdf>> or search on website of the Bureau - <<http://bis.org.in/>>.

ITC (HS), 2017
SCHEDULE 1 – IMPORT POLICY

GENERAL NOTES REGARDING IMPORT POLICY

Exemptions:

This condition shall not be applicable on imports of:

- (a) ‘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.
- (b) Cylinders and import of valves/valve fittings, provided the imports has been approved by Chief Controller of Explosives, Nagpur (for contacting this department - visit the website of Petroleum and Explosives Safety Organisation under the Department of Industrial Policy & Promotion: <http://peso.gov.in/contactus.aspx>).

(B) Air Emission and Noise Standards:

Import of Generator Sets will be subject to the air emission standards & noise standards of the Environment Protection Rules, 1986 (as amended from time to time).

Environment Protection Act, 1986 and Rules framed thereunder (as amended from time to time) can be accessed from the website of the Ministry of Environment & Forests: <http://envfor.nic.in>

3. Plant Quarantine (Regulation of Import into India) Order, 2003:

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, Ministry of Agriculture & Farmers Welfare, as per conditions of Plant Quarantine (Regulation of Import into India) Order, 2003 (as amended from time to time). This Order can be accessed from the website:- <http://agricoop.nic.in/pfs.htm> or at <http://plantquarantineindia.nic.in/pqispub/pdf/files/pqorder2015.pdf> . 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,

- (i) The type of pests etc. known to be associated with the particular product in the exporting country;
- (ii) The organisms already established in India; and
- (iii) The potential impact of such organisms on India’s international trade.

ITC (HS), 2017
SCHEDULE 1 – IMPORT POLICY

GENERAL NOTES REGARDING IMPORT POLICY

4. Food Safety & Standards Act, 2006:

This Act, and rules framed thereunder (as amended from time to time), can be accessed from the website of the Food Safety and Standards Authority of India: www.fssai.gov.in or <http://www.mohfw.nic.in/index1.php?sublinkid=2543&level=3&lid=1969&lang=1>

(A) Quality and Packaging requirements:

Import of all such edible/food products including tea, domestic sale and manufacture of which are governed by Food Safety & Standards Act, 2006 and rules thereunder, shall also be subject to the conditions laid down in the aforesaid Act and rules framed thereunder. 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.

(B) Shelf Life:

Import of all such edible /food products, domestic sale and manufacture of which are governed by Food Safety & Standards (Import) Regulation, 2017 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 or three months before expiry, whichever is less at the time of import. 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.

However, this condition of 60% shelf life or *three months before expiry* stipulated above is not applicable to re-import for export purpose under para 2.46 of Foreign Trade Policy (2015-20). Re-import for export purpose will be subject to following conditions:

- i. Re-imported edible/food products to meet stipulated phytosanitary conditions;
- ii. Importers to give an undertaking to Customs that re-imported goods will not be sold in the domestic market;
- iii. On re-export importers to submit a certificate to such effect to the Customs

(C) Meat and Meat Products including Poultry products:

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 Food Safety & Standards Act, 2006 and rules thereunder. All manufacturers of meat/poultry products exporting their goods to India shall be required to meet the sanitary and hygienic requirements as stipulated under the aforementioned Act and rules framed thereunder. The imported product shall also comply with the specified packaging, labeling and quality standards as laid down therein. Compliance of these conditions is to be ensured before allowing customs clearance of the consignment.

ITC (HS), 2017
SCHEDULE 1 – IMPORT POLICY

GENERAL NOTES REGARDING IMPORT POLICY

5. Packaged Products:

All such packaged products, which are subject to provisions of the Legal Metrology (Packaged Commodities) Rules, 2011(as amended from time to time) when produced/ packed/ sold in domestic market, shall be subject to compliance of all the provisions of the said rules, when imported into India (These rules can be accessed from the website of the Department of Consumer Affairs, Ministry of Food and Consumer Affairs - <http://fcamin.nic.in> or <http://consumeraffairs.nic.in/forms/contentpage.aspx?lid=639>). 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.
- (f) Consumer Care details, etc.

6. Genetically Modified Food, Feed, Genetically Modified Organism (GMOs) and Living Modified Organisms (LMOs):

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 framed thereunder (Environment Protection Act, 1986 and Rules framed thereunder can be accessed from the website of the Ministry of Environment & Forests: <http://envfor.nic.in>).

ITC (HS), 2017
SCHEDULE 1 – IMPORT POLICY

GENERAL NOTES REGARDING IMPORT POLICY

- (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), set up by the Ministry of Environment & Forests (the details of GEAC can be accessed from the website link of the Ministry: http://www.envfor.nic.in/divisions/csurv/geac/geac_home.html).
- (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 (as amended from time to time).

The Genetic Engineering Approval Committee (GEAC) 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, above conditions will not apply to the import of said Soyabean Oil till further orders.

[Reference - Notification No 69 (RE-2007) / 2004-2009 dated 27.12.2007]

7. Meat and Poultry Products:

(A) Beef and Products containing Beef:

Beef, in any form, and products containing beef in any form are ‘Prohibited’ for imports. Accordingly, 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*.

(B) Sanitary Import Permit:

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

ITC (HS), 2017
SCHEDULE 1 – IMPORT POLICY

GENERAL NOTES REGARDING IMPORT POLICY

animal origin shall be subject to a sanitary import permit to be issued by Department of Animal Husbandry, Dairying and Fisheries Government of India, as per Section 3A of Live-stock Importation Act, 1898, as incorporated by Live Stock Importation (Amendment) Act, 2001 (Act No. 28 of 2001, 29th August, 2001), or as amended from time to time.

8. Environmental Related:

Environment Protection Act, 1986 and Rules framed thereunder can be accessed from the website of the Ministry of Environment & Forests: - <http://envfor.nic.in>)

(A) Ozone Depleting Substances:

Import of products, equipments containing Ozone Depleting Substances (ODS) will be subject to Rule 10 of the Ozone Depleting Substances (Regulation and Control) Rules, 2000 (as amended from time to time). Details can be accessed from website of Ministry of Environment Forest & Climate Change <http://envfor.nic.in/legis/ods/odsrcr.html> or <http://www.ozonecell.com/viewsection.jsp?lang=0&id=0,164,173,623> . 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 an import license (applicable for import of items that are ‘Restricted’ for imports in ITC (HS) – Schedule 1 - Import Policy issued by the DGFT.

(B) Hazardous Wastes:

Imports of Hazardous Waste shall also be subject to the provisions of Chapter III of the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016, (These rules can be accessed from the website of Ministry of Environment and Forests - <http://envfor.nic.in>). Accordingly, hazardous waste (including substances containing or contaminated with such hazardous wastes) as specified in Schedule VI of Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 shall be ‘Prohibited’ for imports, notwithstanding anything contained in this ITC (HS).

(C) Waste oil/sludge – MARPOL Protocol:

Clearance of waste oil/sludge derived from the normal course of a ship’s operation and covered by the MARPOL Protocol (can be accessed from the website of International Maritime Organisation - <http://www.imo.org>) will be allowed without a license only to those persons who are registered with the Ministry of Environment and Forests (<http://envfor.nic.in>) (or the Central Pollution Control Board (<http://cpcb.nic.in>), as the case may be) for re-processing waste. Such waste oil/sludge will conform to the definition in Hazardous Wastes (Management, Handling and Transboundary Movement) Rules, 2008.

ITC (HS), 2017
SCHEDULE 1 – IMPORT POLICY

GENERAL NOTES REGARDING IMPORT POLICY

(D) Hazardous Chemicals:

Import of Hazardous Chemicals shall also be subject to the provisions of the Manufacture, Storage and Import of Hazardous Chemicals Rules, 1989 (made under the Environment (Protection) Act, 1986). (These rules can be accessed from the website of Ministry of Environment and Forests - <http://envfor.nic.in>).

9. Live-Stock & Live-Stock Products:

(A) Whale Shark (*Rhincodon typus*) & Parts and Products of this species:

Whale shark (*Rhincodon typus*) and parts and products of this species shall be 'Restricted' for Imports.

(B) Prohibition on Imports due to Avian Influenza:

The import of poultry and poultry products into India shall be regulated as per S.O. 2337(E) dated 8th July, 2016, as amended from time to time, issued by the Department of Animal Husbandry, Dairying and Fisheries under Section 3 and 3A of the Livestock Importation Act, 1898.

10. Textile and Textile Articles Containing Hazardous Dyes:

- 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 pre-shipment certificate from a textile testing laboratory accredited to the National Accreditation Agency of the Country of Origin. The details of Accredited Agencies are available in: <http://ilac.org/signatory-search/?q=all>
- II. 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
 - (i) Textiles Committee of Ministry of Textiles (<http://textilescommittee.nic.in/>) and its various testing facilities,

ITC (HS), 2017
SCHEDULE 1 – IMPORT POLICY

GENERAL NOTES REGARDING IMPORT POLICY

- (ii) Central Silk Technological Research Institute (CSRTI) (located at Bengaluru, Karnataka) and Eco Testing Laboratory Central Silk Technological Research Institute (located at Bhagalpur, Bihar, and Varanasi Uttar Pradesh); of the Central Silk Board (the details can be accessed from the website of the Central Silk Board: <http://csb.gov.in>). 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.
- III. However, the above procedure at 2. I and II, regarding testing of Textiles and Textile Articles for presence of Azo Dyes, will not be applicable for imports originating from the countries as listed in Appendix-2X of Appendices and Aayat Niryat Forms of FTP 2015-20, where the use of Azo Dyes in Textiles and Textile Articles is banned.

11. Woolen Textiles and Woolen Blended textiles:

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 (can be accessed from the website of the Ministry of Textiles:- www.texmin.nic.in/orders/odr_tdro_2001.pdf) and the Essential Commodities Act, 1955 can be accessed from the website of the Ministry of Consumer Affairs, Food and Public Distribution:- <http://fcamin.nic.in>).

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 any of the agencies
 - (i) Textiles Committee of Ministry of Textiles (<http://textilescommittee.nic.in/>) and its various testing facilities,

ITC (HS), 2017
SCHEDULE 1 – IMPORT POLICY

GENERAL NOTES REGARDING IMPORT POLICY

- (ii) Central Silk Technological Research Institute (CSRTI) (located at Bangluru, Karnataka) and Eco Testing Laboratory Central Silk Technological Research Institute (located at Bhagalpur, Bihar, and Varanasi Uttar Pradesh); of the Central Silk Board (the details can be accessed from the website of the Central Silk Board: <http://csb.gov.in>).
- (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. Alcoholic Beverages:

Import of alcoholic beverages as classified under Chapter 22 of this Schedule shall be subject to compliance of various mandatory requirements as stipulated by various State Governments.

13. Cigarettes or any other Tobacco product:

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, 2017 (as amended from time to time) as notified by the Ministry of Health & Family Welfare (the details can be accessed from the website of the Ministry of Health & Family Welfare: www.mohfw.nic.in)

14. Second Hand Goods:

Unless otherwise provided for in this Schedule, the import of Second Hand goods shall be governed by the provisions contained in Para 2.31 of the Foreign Trade Policy (2015-20). and Para 2.58 of the Handbook of Procedures(2015-20).

15. Metallic Waste & Scrap:

Import of any form of metallic waste and scrap will be subject to the provisions of paragraph 2.54 of the Handbook of Procedures (2015-20).

16. Multichannel GSM/CDMA receivers, transmitters and trans-receivers:

ITC (HS), 2017
SCHEDULE 1 – IMPORT POLICY

GENERAL NOTES REGARDING IMPORT POLICY

Multichannel GSM/CDMA receivers, transmitters and trans-receivers capable of receiving or transmitting or both in two or more frequencies simultaneously, shall be “Restricted” for imports.

17. Human biological samples

The import of human biological samples by the Indian diagnostic laboratories / Indian Clinical Research Centres for lab analysis / R & D testing or export of these materials to foreign laboratories should be permitted by Customs authorities at the port of entry / exit without prior approvals (import license / export permit) from any other Government agency, provided the concerned Indian company / agency submits an undertaking that they are following and will follow all the applicable rules, regulations & procedures for safe transfer and disposal of the biological samples being imported / exported as per the related norms / regulations set by WHO* / DGFT** [SCOMET items in Export Policy of ITC (HS), 2012, Schedule – 2 (Export Policy)] / Ministry of Environment, Forests and Climate Change***, Government of India, to the Customs authorities at the port of entry / exit along with the details of such samples”.

*(i)http://apps.who.int/iris/bitstream/10665/149288/1/WHO_HSE_GCR_2015.2_eng.pdf?ua=1)

(ii) <http://www.who.int/csr/resources/publications/biosafety/en/Biosafety7.pdf>

** <http://dgft.gov.in/exim/2000/scomet/scomet2011.pdf>

*** (i) <http://envfor.nic.in/legis/env/env1.html>

(ii)<http://envfor.nic.in/legis/hsm/hsm3.html>