Circular No. 07/2014-Customs

F. No. 450/23/2014-Cus-IV
Government of India
Ministry of Finance
Department of Revenue
(Central Board of Excise and Customs)

New Delhi, dated 07th March, 2014

All Chief Commissioner of Customs/ Customs (Preventive)
All Chief Commissioner of Customs and Central Excise
All Commissioners of Customs / Customs (Preventive)
All Commissioners of Customs and Central Excise

Sir/ Madam,

Subject:- Import of Pesticides -Common Order dated 05.09.2013 passed by Hon'ble Gujarat High Court in various Civil Applications -regarding.

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Attention is invited to the Common order dated 05.09.2013 passed by Hon'ble Gujarat High Court in Special Civil Application no. 7928 of 2011 with Civil Application No. 8064 of 2013, and connected issues. The main contention in the said case is that the imports of formulation is being allowed without any technical grade verification and are granted exemption without registering its technical grade material whereas the indigenous manufacturers are required to undergo rigorous testing for the purpose of formulations well as well as technical grade in the Insecticide Act, 1968.

2. The Court passed the order dated 05.09.2013, *inter alia*, stating that even in case of import of formulations its technical grade/material will be tested and actual physical sample of such technical grade of each consignment when it is imported will have to be provided by the importer which will be subjected to all the rigours of the tests applicable to the indigenous manufacturer like the examination of chemical composition, test with regard to bio efficacy and human safety as well as its probable effect on the soil and human life.

3. The matter has been examined in consultation with Department of Agriculture and Cooperation, Ministry of Agriculture. Accordingly, Board desires that direction of Hon'ble High Court of Gujarat should be strictly complied with by the field formations. The Commissioner of Customs concerned should ensure that in case of import of formulations, samples of its technical grade/material is tested. For this purpose actual physical sample of such technical grade of each consignment has to be provided by the importer which will be subjected to all tests applicable to the indigenous manufacturer such as the examination of chemical composition, test with regard to bio efficacy and human safety as well as its probable effect on the soil and human life.

4. Any difficulty in implementation of these directives should be brought to the notice of the Plant Protection Advisor, Directorate of Plant Protection Quarantine and Storage, NH-IV, Faridabad-121001.

5. Suitable Public Notice may be issued for guidance of the trade.

Yours faithfully

Internal circulation as usual.

(R.P.Singh)
Director (Customs)

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