

Instruction No. 16/2022-Customs, F.No.401/48/2022-Cus-III, Dated, 21st July, 2022

Government of India

Ministry of Finance

Department of Revenue

(Central Board of Indirect Taxes & Customs)

To

All Principal Chief Commissioner/ Chief Commissioner of Customs/ Customs (Preventive).

All Principal Chief Commissioner/ Chief Commissioner of Central Excise & Customs.

All Principal Chief Commissioner of Customs/ Customs (Preventive), all under CBIC Pr. Director /Director General.

Subject:- Compendium of orders/ circulars/ guidelines issued from WPC Wing, DoT in regard to Import licensing requirement from WPC wing for import of wireless equipment -reg.

Madam/Sir,

Reference is invited to Compendium of Orders/ Circulars/ Guidelines issued from WPC Wing, Department of Telecommunications (DoT), Ministry of Communications issued vide F.No. R-11018/02/2017-PP dated 06.07.2022, in regard to Import licensing requirement from WPC Wing for import of wireless equipment (copy enclosed).

2. Further, DoT has issued a PIB release (Release ID: 1839030) w.r.t. Advisory to Public regarding proper use of signal jammer & booster/ repeater (link available at <https://www.pib.gov.in/PressReleaseDetailm.aspx?PRID=1839030>).

3. As requested by Wireless Planning & Coordination Wing, DoT, the above stated Compendium dated 06.07.2022 may be circulated to all formations under your respective jurisdictions for updated information & awareness.

4. The difficulties, if any, in the implementation of this Instruction may be brought to the notice of the Board.

5. Hindi version follows.

Encl: as above

Yours faithfully,

(Eric.C.Lalla mpuaia)

OSD (Customs Policy)

Government of India

Ministry of Communications

Department of Telecommunications

Wireless Planning and Coordination (WPC) Wing

Sanchar Bhawan, 20, Ashoka Road, New Delhi-01

File No. R-11018/02/2017-PP Date: 06/07/2022

Compendium of Orders/ Circulars/ Guidelines issued from WPC Wing, DoT in regard to Import licensing requirement from WPC Wing for import of wireless equipment:

1. Import Licence from WPC Wing, DoT

1.1. Under Notification No. 71 of 1953 issued under the Sea Custom Act 1878, a license is required from Ministry of Communications for import of any wireless transmitter/receiver/transceiver. (Copy of Notification No. 71 dated 25.09.1953 is attached as Annex-1)

1.2. In exercise of the power conferred under the above provision, WPC Wing, DoT grants import license for import of wireless equipments.

1.3. Certain exemptions/ relaxations have been given i.r.t. import licensing requirement from WPC Wing.

2. Relaxation and Simplification:

2.1. For license Exempted RF Devices (Equipment Type Approval):

Central government, by framing rules under the Indian Telegraph Act (ITA) 1885 and Indian Wireless Telegraphy Act (IWTA) 1933, allows license exempt use of certain frequency bands subject to compliance with the technical parameters mentioned in the respective notifications; however, equipment complying with such notifications need to be type approved and accordingly Equipment Type approval (ETA) certificate is issued to such compliant RF devices. The updated list of rules allowing such license-exempt use of frequency bands is available on DoT website (<https://dot.gov.in/sites/default/files/2022%2005%2031%20Subordinate%20Legn%20WPC.pdf?download=1>)

There are two categories of ETA certificate-

a) ETA under Self Declaration (SD-ETA)

b) Scrutiny based ETA

a) Self-Declaration ETA-

RF devices operating in the notified license exempted frequency bands and falling under 'FREE' category of DGFT Import Policy, are eligible for ETA under selfdeclaration. Further, for above classes of products, import licencing procedure is simplified and system generated import undertaking (through Saral Sanchar website- saralsanchar.gov.in) is sufficient document to allow import of such devices. The relevant OM No. ETA-WPC/Policy/2018-19 in this regard, namely, "ETA through self-declaration for certain categories of Wireless Equipment in license exempt bands" dated 26.02.2019 is attached as Annex-2). A sample Saral Sanchar generated Import Undertaking is attached as Annex-3. The guideline to obtain selfdeclaration ETA and import undertaking is available on the Saral Sanchar portal.

b) Scrutiny based ETA-

RF devices operating in notified licence exempted frequency Band and falling under 'Restricted' category of DGFT Import Policy, scrutiny-based ETA is applicable.

Subsequent to obtaining scrutiny-based ETA, separate import license from WPC Wing is required to import such 'restricted' devices. At present, Scrutiny based ETA and subsequent import license can be obtained from the concerned Regional Licensing Office (RLO) of WPC Wing. A sample of such Import License from WPC Wing is attached as Annex-4. Online facility to obtain the above is currently under development.

c) Exemption from ETA of certain product-

RF devices operating in the notified license exempted frequency bands and to be used for testing, prototype, pre-launching purposes have been exempted from the requirement of ETA vide O.M. No. ETA-WPC/Policy/2018-19 dated 26.02.2019 (copy attached as Annex-5). However, applicant has to submit an undertaking in the prescribed format (Annex-5) to the customs. The facility to generate import undertaking online is currently under development.

2.2. For license-band RF devices: -

Generally, an 'operating' license issued under the Indian Telegraph Act, 1885 is required to establish, maintain and work any wireless equipment in India. However, for 'Dealers' of wireless equipment, a Dealer Possession License (DPL) is required which is issued under the Indian Wireless Telegraphy Act, 1933. Certain frequency bands are also allowed for license-exempt use, as stated in Para 2.1 above.

There are more than 20 categories of 'Wireless operating license' issued by WPC Wing or its Regional Licensing Offices. For import of RF equipment covered under such licenses a separate import license from the concerned RLO is required. A sample import license is attached as Annex-6. Currently such import license is issued by the concerned RLO of WPC Wing and online facility for this is under development.

2.2.1 Relaxation provided to Original Equipment Manufacturer (OEM) of Telecom Equipment: -

Vide O.M. No. R-11018/06/2019-PP dated 26.07.2019, Original equipment manufacturers of telecom equipment in Domestic Tariff Area have been allowed to import telecom equipment without an import license from WPC Wing. However, such importer has to submit an undertaking to the Customs Authorities in the prescribed format. The relevant OM is attached as Annex -7. The facility to generate import undertaking online is currently under development.

2.2.2 . Simplification of procedure of import by Telecom Service Providers (TSPs)-

Import licencing procedure for the TSPs has been made on self-declaration basis (vide O.M. No. R-11017/02/2021-PP dated 21.10.2021- attached as Annex-8) and Import certificate is automatically downloadable from the SARAL Sanchar portal, based on the declaration by the concerned TSP. Such import certificate is QR based certificate, the genuineness of which can be verified by scanning the QR code. A sample Import certificate for the TSPs is attached as Annex-9.

2.3. Simplification of import procedure for the licensees under the categories of Experimental & Technology Trial, Manufacturing & Testing & Demonstration-

For the following categories of licenses issued under the provision of O.M. R-14016/01/2019-NT(Pt.) dated 23.07.2019 (attached as Annex-10), the import permission is in-built within the respective operating license. No separate Import License/ permission is required for import of the specified products for this purpose in the respective licenses.

- (i) Experimental (non-radiating) indoors;
- (ii) Experimental (radiating) indoors & outdoors;
- (iii) Technology Trials (Radiating): The special case of 5G;
- (iv) Technology Trials (Radiating): (other than 5G Trials);
- (v) Manufacturing & Testing license;
- (vi) Demo indoor (non-radiating/ very low power radiating);
- (vii) Demonstration (outdoor radiating) for finished products;

2.4. Non-requirement of Import license for standalone Antenna and other RF accessories-

As already stated, import license from WPC Wing is required only for RF transmitter/ receiver I transceiver; No import license I NOC is required from WPC wing for import of any standalone RF antenna I other RF accessories such as cables connector, battery etc.; however, for import of RF Amplifier import licence from WPC Wing is required.

Similarly, if the product is not a Radio Frequency (RF) device, such as audio transmitter, optical fiber equipment etc., question of WPC Import license/ NOC does not arise.

(Ashim Dutta)

Dy. Wireless Adviser