

**INDIA – IMPORT RESTRICTIONS MAINTAINED UNDER
THE EXPORT AND IMPORT POLICY 2002-2007**

Request for Consultations by the European Communities

The following communication, dated 23 December 2002, from the Permanent Delegation of the European Commission to the Permanent Mission of India and to the Chairman of the Dispute Settlement Body, is circulated in accordance with Article 4.4 of the DSU.

On behalf of the European Communities, I hereby request consultations with India pursuant to Article 4 of the Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU), Article XXII of the General Agreement on Tariffs and Trade 1994 (GATT 1994), Article 19 of the Agreement on Agriculture, Article 6 of the Agreement on Import Licensing Procedures, Article 11 of the Agreement on Sanitary and Phytosanitary Measures and Article 14 of the Agreement on Technical Barriers to Trade, on the import restrictions maintained by India under its Export and Import Policy, 2002-2007.

The European Communities considers that these import restrictions may constitute an infringement of, in particular but not necessarily exclusively, the following WTO provisions:

- Articles III, X and XI of GATT 1994;
- Article 4.2 of the Agreement on Agriculture;
- Articles 1, 2 and 3 of the Agreement on Import Licensing Procedures;
- Articles 2, 3, 5, 7 and 8 of the Agreement on Sanitary and Phytosanitary Measures;
- Article 2 of the Agreement on Technical Barriers to Trade,

and may not be justified under Articles XX or XXI of GATT 1994.

While reserving its right to revert in the consultations to any product subject to restrictions as detailed in India's EXIM Policy 2002-2007, the European Communities requests clarification of, and the justification for, the import restrictions concerning the list of products attached to this request.

I look forward to receiving your reply to the EC's request, and to setting a mutually convenient date for these consultations.

**INDIA – ITEMS SUBJECT TO RESTRICTION
OF CONCERN TO THE EC
(AS OF DECEMBER 2002)**

| 2002 HS Code | Product Description | QR symbol | Justification as per WTO notification |
|---------------------|---|------------------|--|
| 010110.00 | Live Horses, pure-bred breeding animals | NAL | A-XX(b) |
| 010110.10 | Live Horses | NAL | A-XX(b) |
| 010310.00 | Live swine, pure-bred breeding animals | NAL | A-XX(b) |
| 010511.00 | Fowls of the species Gallus Domesticus, weighing not more than 185g other than grandparent stock | NAL | A-XX(b) |
| 010512.00 | Live turkeys, weighing not more than 185g, other than grandparent stock | NAL | A-XX(b) |
| 010519.00 | Other | NAL | A-XX(b) |
| 040700.10 | Birds eggs of the species Gallus Domesticus and ducks, for hatching | NAL | A-XX(b) |
| 040700.20 | Of the species Gallus and ducks other than for hatching | NAL | A-XX(b) |
| 040700.90 | Other | NAL | A-XX(b) |
| 050400.10 | Guts of cattle for natural food casings | P/NAL | Products of species protected under the Wild Life Protection Act, 1972, are prohibited. Other products are restricted A-XX(b) |
| 050400.20 | Guts of sheep and goats for natural food casings as also guts of other animals for natural food casings | P/NAL | Products of species protected under the Wild Life Protection Act, 1972, are prohibited. Other products are restricted A-XX(b) |
| 050400.39 | Other guts, other than for natural food casings | P/NAL | Products of species protected under the Wild Life Protection Act, 1972, are prohibited. Other products are restricted A-XX(b) |
| 050400.49 | Other bladders and stomachs | P/NAL | Products of species protected under the Wild Life Protection Act, 1972, are prohibited. Other products are restricted A-XX(b) |
| 051110.10 | Bovine Semen | P/NAL | Products of species protected under the Wild Life Protection Act, 1972, are prohibited. Other products are restricted A-XX(b) |
| 051199.19 | Other sinews and tendons | P/NAL | Products of species protected under the Wild Life Protection Act, 1972, are prohibited. Other products are restricted A-XX(b) |
| 051199.99 | Other | P/NAL | Products of species protected under the Wild Life Protection Act, 1972, are prohibited. Other products are restricted A-XX(b) |

| 2002 HS Code | Product Description | QR symbol | Justification as per WTO notification |
|--------------|--|-----------|---------------------------------------|
| 060220.10 | Edible fruit or nut trees, grafted or not | NAL | P-XX(b) |
| 070110.00 | Potatoes, fresh or chilled seed | AL | P-XX(b) |
| 070190.00 | Potatoes, fresh or chilled other | NAL | P-XX(b) |
| 070320.30 | Garlic, fresh or chilled | NAL | P-XX(b) |
| 091099.11 | Celery seed | NAL | P-XX(b) |
| 091099.12 | Fenugreek seed | NAL | P-XX(b) |
| 121140.00 | Poppy straw | NAL | H-XX(b) |
| 121190.32 | Psyllium husk | NAL | H-XX(b) |
| 121190.13 | Psyllium seed | NAL | H-XX(b) |
| 121190.60 | Vinca Rosea herbs | NAL | H-XX(b) |
| 230110.10 | Meat meals and pellets (including tankage) | NAL | A-XX(b) |
| 230110.90 | Other (including greaves) | NAL | A-XX(b) |
| 251512.10 | Marble blocks | NAL | C-XX(g) |
| 251512.20 | Marble slabs | NAL | C-XX(g) |
| 251611.00 | Granite crude or roughly trimmed | NAL | C-XX(g) |
| 251612.00 | Granite merely cut by sawing or otherwise into blocks or slabs of a rectangular (including square) shape | NAL | C-XX(g) |
| 292090.30 | Tris (2,3 di-bromo propyl) phosphate | NAL | SEC-XXI(b) |
| 292090.90 | Crocodilite | NAL | SEC-XXI(b) |
| 293090.80 | Allyl iso-thiocyanate | NAL | SEC-XXI(b) |
| 293359.40 | 1-amino-4-methyl piperazine | NAL | SEC-XXI(b) |
| 294110.10 | Penicilline and its salts | NAL | H-XX(b) |
| 294110.50 | 6-APA | NAL | H-XX(b) |
| 294190.11 | Rifampicin | NAL | H-XX(b) |
| 294190.12 | 3 formyl Rifa S.V (Rifa int) | NAL | H-XX(b) |
| 294190.13 | Rifa S/Rifa S sodium (Rifa int) | NAL | H-XX(b) |
| 294190.14 | 1-amino-4-methyl piperazine (Rifa int) | NAL | H-XX(b) |
| 300310.00 | Medicaments containing penicilline or derivatives thereof, with a penicillanic acid structure or streptomycins or their derivatives, not put up in measured doses or in forms or packaging for retail sale | NAL | H-XX(b) |
| 300410.10 | Penicilline | NAL | H-XX(b) |
| 300420.92 | Rifampicin | NAL | H-XX(b) |
| 300650.00 | First aid boxes and kits | NAL | H-XX(b) |
| 310100.91 | Animal Dung | NAL | H-XX(b) |
| 310100.92 | Animal excreta | NAL | H-XX(b) |
| 340490.31 | Poly Brominated Biphenyls | NAL | H-XX(b) |
| 340490.32 | Poly Chlorinated Biphenyls | NAL | H-XX(b) |
| 340490.33 | Poly Chlorinated Terphenyls | NAL | H-XX(b) |
| 360410.00 | Fireworks | NAL | H-XX(b) |
| 360490.10 | Ships signals | NAL | H-XX(b) |
| 360490.90 | Others | NAL | H-XX(b) |
| 360500.10 | Safety matches | NAL | H-XX(b) or SEC XXI(b) |
| 360500.90 | Other matches | NAL | H-XX(b) or SEC XXI(b) |
| 360690.10 | Combustible preparations | NAL | H-XX(b) or SEC XXI(b) |
| 360690.91 | Ferro-cerium in all forms | NAL | H-XX(b) or SEC XXI(b) |
| 360690.92 | Pyrophoric alloys in all forms | NAL | H-XX(b) or SEC XXI(b) |
| 370610.11 | Feature films of a width 35mm or more made wholly in black and white and of a length not exceeding 4000 metres | AL/NAL | LR-XX(d) |

| 2002 HS Code | Product Description | QR symbol | Justification as per WTO notification |
|--------------|---|-------------|--|
| 370610.12 | Feature films of a width 35mm or more made wholly in black and white and of a length exceeding 4000 metres | AL/NAL | LR-XX(d) |
| 370610.13 | Feature films of a width 35mm or more made wholly or partly in colour and of a length not exceeding 4000 metres | AL/NAL | LR-XX(d) |
| 370610.14 | Feature films of a width 35mm or more made wholly or partly in colour and of a length exceeding 4000 metres | AL/NAL | LR-XX(d) |
| 370690.11 | Other Feature films made wholly in black and white and of a length not exceeding 4000 metres. | AL/NAL | LR-XX(d) |
| 370690.12 | Other Feature films made wholly in black and white and of a length exceeding 4000 metres. | AL/NAL | LR-XX(d) |
| 370690.13 | Other Feature films made wholly or partly in colour and of a length not exceeding 4000 metres. | AL/NAL | LR-XX(d) |
| 370690.14 | Other Feature films made wholly or partly in colour and of a length exceeding 4000 metres. | AL/NAL | LR-XX(d) |
| 370610.20 | Documentary shorts and films certified as such by the Central Board of Film Certification | AL/NAL | LR-XX(d) |
| 370610.20 | Documentary Shorts and films certified as such by the Central Board of Film Certification | AL/NAL | LR-XX(d) |
| 370610.51 | Patch prints, including logos intended exclusively for the entertainment of children | AL/NAL | LR-XX(d) |
| 370690.51 | Other children's films: Patch prints, including logos intended exclusively for the entertainment of children | AL/NAL | LR-XX(d) |
| 370690.20 | Documentary Films | AL/NAL | LR-XX(d) |
| 370690.20 | Other documentary shorts and films certified as such by the Central Board of Films Certification | Not Presume | Stated As above |
| 370690.41 | Made wholly in black and white | Not | Stated |
| 370690.42 | Made wholly or partly in colour | Not | Stated |
| 370610.41 | Made wholly in black and white | Not | Stated |
| 370610.42 | Made wholly or partly in colour | Not | Stated |
| 370610.92 | Master positives, exposed negatives, dupes and rush prints as are not cleared for public exhibitions | Not | Stated |
| 370610.99 | Other | AL/NAL | LR-XX(d) |
| 480100.10 | Glazed newsprint | AL | Imports by others than registered users: LR-XX(d) |
| 480100.90 | Other Newsprint | AL | Imports by others than registered users: LR-XX(d) |
| 710812.00 | Gold, other unwrought form | SIL | Au-XX(c) |
| 711890.00 | Other (coins) | NAL | LR-XX(d) |
| 720429.10 | Empty or discharged cartridges of all bores and sizes | NAL | Sec XXI(b) |

| 2002 HS Code | Product Description | QR symbol | Justification as per WTO notification |
|---------------------|--|------------------|--|
| 852439.20 | Other video films | NAL | LR - XX(d) |
| 852510.10 | Radio broadcast transmitter | NAL | LR-XX(d) or SEC - XXI (b) |
| 852510.20 | TV broadcast transmitter | NAL | LR-XX(d) or SEC - XXI (b) |
| 852510.90 | Other | NAL | LR-XX(d) or SEC - XXI (b) |
| 852520.15 | Marine radio equipment | NAL | LR-XX(d) or SEC - XXI (b) |
| 852520.19 | Other | NAL | LR-XX(d) or SEC - XXI (b) |
| 852520.92 | Other satellite communication equipment | NAL | LR-XX(d) or SEC - XXI (b) |
| 852520.99 | Other | NAL | LR-XX(d) or SEC - XXI (b) |
| 852910.11 | Aerials and aerial reflectors of all kinds; parts suitable for use therewith. Dish antenna for communication jamming equipment | NAL | LR - XX(d) |
| 852910.22 | Other aerials/antenna for communication jamming equipment | NAL | LR - XX(d) |
| 852990.20 | Other for communication jamming equipment | NAL | LR - XX(d) |
| 880220.00 | Aeroplanes and other aircrafts, of an unladen weight not exceeding 2000 kg | AL/NAL | Airplanes and helicopters can be imported without a licence by importers fulfilling conditions announced through a public notice. Other products are restricted: H-XX(b) or LR - XX(d) |
| 880230.00 | Aeroplanes and other aircraft, of an unladen weight exceeding 2000 kg but not exceeding 15000 kg | AL/NAL | Airplanes and helicopters can be imported without a licence by importers fulfilling conditions announced through a public notice. Other products are restricted: H-XX(b) or LR - XX(d) |
| 880240.00 | Aeroplanes and other aircraft, of an unladen weight exceeding 15000 kg | AL/NAL | Airplanes and helicopters can be imported without a licence by importers fulfilling conditions announced through a public notice. Other products are restricted: H-XX(b) or LR - XX(d) |
| 970500.10 | Stuffed animals and birds, taxidermy | NAL | Permissible under clause 3(1) of Foreign Trade (Exemption from Application of rules in certain cases) Order, 1993 |
| 970500.90 | Other | NAL | Permissible under clause 3(1) of Foreign Trade (Exemption from Application of rules in certain cases) Order, 1993 |
| 970600.00 | Antiques of an age exceeding 100 years | NAL | Permissible under clause 3(1) of Foreign Trade (Exemption from Application of rules in certain cases) Order, 1993 |