

WORLD TRADE ORGANIZATION

G/TBT/N/IND/9
10 July 2002

(02-3855)

Committee on Technical Barriers to Trade

Original: English

NOTIFICATION

The following notification is being circulated in accordance with Article 10.6.

1. Member to Agreement notifying: <u>INDIA</u> If applicable, name of local government involved (Articles 3.2 and 7.2):
2. Agency responsible: Directorate General Foreign Trade, Department of Commerce, Ministry of Commerce and Industry Name and address (including telephone and fax numbers, e-mail and web-site addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above:
3. Notified under Article 2.9.2 [X], 2.10.1 [], 5.6.2 [], 5.7.1 [], other:
4. Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable): Second hand or new vehicle (including all the vehicles other than Railway or Tramway-as covered under Ch. 87 of ITC(HS) classification of import and export items). A. Second hand or used vehicle shall mean a vehicle that: (a) has been sold, leased or loaned prior to importation into India; or (b) has been registered for use in any country according to the laws of that country, prior to importation into India. B. New imported vehicle shall mean a vehicle that: (a) has not been manufactured/assembled in India; and (b) has not been sold, leased or loaned prior to importation into India; or (c) has not been registered for use in any country according to the laws of that country, prior to importation into India.
5. Title, number of pages and language(s) of the notified document: DGFT Notification no. 4(RE-2001)/97-2992, dated 31 March 2001, (3 pages, in English)
6. Description of content: A. Second Hand or used Vehicles: The import of second hand or used vehicles shall be subject to the following conditions: (a) The second hand or used vehicle shall not be older than three years from the date of manufacture

- (b) The second hand or used vehicle shall:
 - (i) have right hand steering, and controls (applicable on vehicles other than two and three wheelers);
 - (ii) have a speedometer indicating the speed in Kilometres; and
 - (iii) have photometry of the headlamps to suit "keep left" traffic.
 - (c) In addition to the conditions specified in (a) and (b) above, the second hand or used vehicle shall conform to the provisions of the Motor Vehicle Act, 1988 and the rules made thereunder.
 - (d) Whoever being an importer or dealer in motor vehicles who imports or offers to import a second hand or used vehicle into India shall,
 - (i) at the time of importation, submit a certificate issued by a testing agency, which the Central Government may notify in this regard, that the second hand or used vehicle being imported into India has been tested immediately before shipment for export to India and the said vehicle conforms to all the regulations specified in the Motor Vehicles Act, 1988 of India and the rules made thereunder.
 - (ii) At the time of importation, submit a certificate issued by a testing agency, which the Central Government may notify in this regard, that the second hand or used vehicle being imported into India has been tested immediately before shipment for export to India and the said vehicle conforms to the original homologation certificate issued at the time of manufacture.
 - (iii) On arrival at the Indian port but before clearance for home consumption, submit the vehicle for testing by the Vehicle Research and Development Establishment, Ahmednagar of the Ministry of Defence of the Government of India or Automotive research Association of India, Pune or Central Farm Machinery Training and Testing Institute, Budni, Madhya Pradesh for tractors, and such other agencies as may be specified by the Central Government, for granting a certificate by that agency as to the compliance of the provisions of the Motor Vehicles Act, 1988 and any rules made thereunder.
 - (iv) Import of these vehicles shall be allowed only through the customs port at Mumbai.
 - (e) The second hand or used vehicles imported into India should have a minimum roadworthiness for a period of 5 years from the date of importation into India with assurance for providing service facilities within the country during the five year period. For this purpose, the importer shall, at the time of importation, submit a declaration indicating the period of roadworthiness in respect of every individual vehicle being imported, supported by a certificate issued by any of the testing agencies, which the Central Government may notify in this regard".
- B. New Vehicles:** The import of new vehicles shall be subject to the following conditions:
- (a) The new vehicle shall:
 - (i) Have a speedometer indicating the speed in kilometres per hour;
 - (ii) have right hand steering, and controls (applicable on vehicles other than two and three wheelers);

