

**INDIA –MEASURES CONCERNING THE IMPORTATION OF
CERTAIN AGRICULTURAL PRODUCTS**

Request for Consultations by the United States

The following communication, dated 6 March 2012, from the delegation of the United States to the delegation of India and to the Chairperson of the Dispute Settlement Body, is circulated in accordance with Article 4.4 of the DSU.

My authorities have instructed me to request consultations with the Government of India ("India") pursuant to Articles 1 and 4 of the *Understanding on Rules and Procedures Governing the Settlement of Disputes* ("DSU"), Article 11 of the *Agreement on the Application of Sanitary and Phytosanitary Measures* ("SPS Agreement"), and Article XXII of the *General Agreement on Tariffs and Trade 1994* ("GATT 1994"), concerning the prohibitions imposed by India on the importation of various agricultural products from the United States purportedly because of concerns related to Avian Influenza.

India's measures prohibit the import of agricultural products from the United States including the following:

- (a) domestic and wild birds (including poultry and captive birds);
- (b) day old chicks, ducks, turkey, and other newly hatched avian species;
- (c) un-processed meat and meat products from Avian species, including domesticated, wild birds and poultry;
- (d) hatching eggs;
- (e) eggs and egg products (except Specific Pathogen Free eggs);
- (f) un-processed feathers;
- (g) live pigs;
- (h) pathological material and biological products from birds;
- (i) products of animal origin (from birds) intended for use in animal feeding or for agricultural or industrial use; and

- (j) semen of domestic and wild birds including poultry.

India imposes these measures through the following instruments:

- the Indian Livestock Importation Act, 1898 (9 of 1898) ("Livestock Act"); and
- orders issued by India's Department of Animal Husbandry, Dairying, and Fisheries ("DAHD") pursuant to the Livestock Act, most recently S.O. 1663(E), which was published in the Gazette of India on July 19, 2011 and which bans the import of the products listed above,

as well as any amendments, related measures, or implementing measures.

India's measures have adversely affected exports of these U.S. agricultural products. The measures appear to be inconsistent with the following provisions of the WTO Agreement:

- (1) Articles 2.2, 2.3, 3.1, 5.1, 5.2, 5.5, 5.6, 5.7, 6.1, 6.2, 7, and Annex B, paragraphs 2, 5, and 6 of the SPS Agreement; and
- (2) Articles I and XI of the GATT 1994.

These measures also appear to nullify or impair the benefits accruing to the United States directly or indirectly under the cited agreements.

We look forward to receiving your reply to the present request and to fixing a mutually convenient date for consultations.
