

IMPORT LICENSING SYSTEM OF INDIA

Questionnaire on Indian Import Licensing Scheme
for Steel Products and Other Items

The following communication, dated 17 April 2009 is being circulated at the request of the delegation of the Republic of Korea.

According to a report, the Indian government appears to have recently introduced a new licensing scheme which requires importers to obtain a license for importing certain steel products and other items¹ ("subject products"), as published in the Gazette of India Extraordinary on 21 November 2008 (Notification No. 63) and November 24, 2008 (Notification No. 64). It is understood that under this new scheme, only actual user of the subject products will be eligible for the license.

With regard to this new import licensing scheme, the Republic of Korea would like to ask the following questions:

1. According to Article 5 of the *WTO Agreement on Import Licensing Procedures* ("Agreement"), "Members which institute licensing procedures or changes in these procedures shall notify the *Import Licensing Committee* ("Committee") of such within 60 days of publication." Has India notified the above mentioned measure to the Committee? If not, when does India plan to do so?
2. Pending the full notification, could India provide details on this new import licensing scheme including:
 - indication whether the licensing procedure is automatic or non-automatic according to the definitions contained in Articles 2 and 3 of the Agreement;
 - expected duration of the procedure;
 - reasons for the imposition of the licensing requirement;
 - criteria to select products subject to the requirement;
 - market share of the domestically produced subject products;
 - the number of licenses that have been issued since the scheme went into effect;
 - criteria for issuing the license;
 - the definition of "actual users"; and
 - trade statistics during recent years.

¹ Hot-rolled coils, seamless tubes/pipes, carbon black, transmission shaft, parts for motor vehicles, etc.

3. How is India's new import licensing scheme consistent with its obligation under the *GATT 1994 and WTO Agreement on Import Licensing Procedures inter alia* the substantive provision of Article 2 and 3 of the *Agreement*? What measures are being taken by the Indian government to ensure that the licensing scheme does not have import restrictive effects irrespective of whether the licensing scheme concerned is automatic or non-automatic as required in the *Agreement*?
