

INDIA — MEASURES AFFECTING THE AUTOMOTIVE SECTOR

Report of the Panel

Corrigendum

Paragraph 6.18

Should read as follows:

"In footnote 414, the Panel added the relevant reference to the European Communities' argument as requested by it."

Paragraph 7.21

The last sentence should read as follows:

"The European Communities, similarly, requested the Panel to find that the trade balancing requirements contained in Public Notice No. 60 and in the MOUs concluded thereunder were inconsistent with Articles III and XI of the GATT 1994 and Article 2 of the TRIMs Agreement and that the indigenization requirements contained in these measures are inconsistent with Article III of the GATT 1994 and with Article 2 of the TRIMs Agreement.³⁰⁸ "

Paragraph 7.86

The second and third sentences should read as follows:

"Nor did that panel expressly consider the earlier MOUs applicable to restricted kits and components at the time of establishment of that panel. The *India – Quantitative Restrictions* panel based its finding of violation in relation to the discretionary import licensing on the more general observation that licenses were granted on the basis of "unspecified 'merits'".

Paragraph 7.211

The second sentence should read as follows:

"The first is that, although there is no express provision to that effect in Public Notice No. 60, it has been argued by the complainants and confirmed by India that purchases by an MOU signatory within India of previously imported CKD/SKD kits/components that were subject to a license requirement on their importation, also count towards the signatory's export balancing requirement.⁴⁰⁵ "

Paragraph 7.230

The last sentence should read as follows:

"It indicated that evidence concerning calculations performed in the past and signatories' annual report under the MOUs were not available to it, and relied on the plain meaning of the documents concerned.^{410 bis}

^{410 bis} See EC's response to Question 94 of the Panel."

Paragraph 7.234

The last sentence should be replaced with the following:

"The Panel's ruling does not seek to determine, or prejudge, any determination which might be made in other contexts relating to the extent of specifications under individual MOUs."

Paragraph 7.287

The fourth sentence should read as follows:

"More importantly, areas of coverage such as safeguards, anti-dumping and countervailing duties require domestic analysis where affected foreign interests may be represented and may use local courts to challenge bureaucratic determinations."

Footnote 414

Footnote 414 should read as follows:

"See First Submission of the European Communities, para. 74. See also US response to Question 82 of the Panel."
