



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

COMMUNICATION FROM INDIA

The following communication, dated 18 July 2016, was received from the delegation of India with the request that it be circulated to the Dispute Settlement Body (DSB).

On 19 June 2015, the Dispute Settlement Body ("DSB") adopted its recommendations and rulings in *India – Measures Concerning the Importation of Certain Agricultural Products* (WT/DS430). At the following DSB meeting, India informed the DSB of its intention to implement the recommendations and rulings of the DSB in connection with this matter.

On 8 December 2015, India and the United States informed the DSB that they had agreed that a reasonable period of time upto 19th June 2016 for India to implement the recommendations and rulings.

Indian authorities have been conferring with interested parties and the administrative authorities since the adoption of the rulings and recommendations of the DSB to fully comply with them. They have held extensive internal stakeholder consultations in this regard.

Based on these consultations and deliberations, India prepared the draft notification on the proposed measure and notified the same to the SPS committee vide notification G/SPS/N/IND/143 dated 20 April 2016, allowing import of poultry and poultry products into India from country, zone or compartment free from avian influenza, in accordance with the relevant international standard, i.e. the OIE Terrestrial Code. The draft notification provided a 60 day time period for interested parties to provide comments against the same. Further, India vide addendum dated 21 June 2016 amended item 8 of the duly filled in standard format submitted with the aforesaid notification to appropriately reflect the relevant international standard.

India has received comments on its draft notification from only one member namely the United States, which has been taken into consideration by the Government of India and has subsequently issued the new notification, i.e. S.O. 2337(E) dated 08 July 2016 ('**notification**'). The notification has been issued in exercise of the power conferred by sub-section (1) of Section 3 and Section 3A of the Livestock Act, 1898 (9 of 1898) and in supersession of the earlier notification of the Government of India in the Ministry of Agriculture published in the Gazette of India, Extraordinary, part II, Section 3, sub-section (ii) vide number S.O.1663 (E) dated 19 July 2011, which was the measure in the present dispute. The notification has come into effect from the date of publication in the Official Gazette i.e. 8 July 2016. The notification is available at <http://egazette.nic.in/WriteReadData/2016/170589.pdf>.

The notification takes into account, the findings of the WTO Panel and the WTO Appellate Body in WT/DS430 and provides that import of poultry and poultry products shall be allowed from country, zones/compartments free from avian influenza virus in accordance with the relevant international standard, i.e. the OIE Terrestrial Code. The notification further provides for the process to be followed for recognition of such country, zones/ compartments in conformity with the OIE Terrestrial Code and the SPS Agreement. Further, India has also framed the relevant guidelines

referred in the notification as well as the questionnaire for recognizing part of a country, zone/compartiment as free from Avian Influenza which can be accessed at <http://www.dahd.nic.in>.

With the publication of the new notification superseding the earlier notification S.O. 1663(E), India considers that it has fully complied with the rulings and recommendations of the Dispute Settlement Body in this dispute.
