

COMMUNICATION FROM INDIA

The following communication, dated 29 June 2006, is being circulated at the request of the Delegation of India.

PROPOSAL ON GATT ARTICLE VIII

I. INTRODUCTION

1. In paper TN/TF/W/77, India had presented certain proposals for improvement and clarification of GATT Article VIII. The present submission presents India's textual suggestions for those proposals. The modalities set out in Annex D place special emphasis on the identification of needs and priorities of developing countries as an integral part of the trade facilitation negotiations. It is against this background that the current proposals are made.

II. PROPOSALS

- For border clearance of goods, and in particular for clearance of agriculture and food products, member states of a customs union shall adopt the same border procedures. This shall include adoption of same standards including specifications, terminologies and definitions, inspection, sampling and test methods.
- All documentation requirements relating to import clearance shall be uniform for all member states of a customs union.
- Norms for authorized trader status shall be applied uniformly by all member states of a customs union.
- A customs union shall generally apply a harmonized risk management system across the entire customs union.
- In case of rejection of a food consignment on account of failure to meet certain standards, an option shall first be given to the exporter to return the rejected goods to the exporter; only upon failure by the exporter to exercise this option within a reasonable period of time, can a different course of action, including destruction of goods, be considered by the appropriate authority of the importing Member.

III. TECHNICAL ASSISTANCE

2. Most of the proposals are aimed at improving border clearance procedures through procedural improvements. This may not require specific technical assistance. Some other proposals are more in the nature of systemic issues and may not again require any significant amount of technical assistance and capacity building. There may however be need to organize Workshops at the international level to apprise the border clearance officials of the requirements in force. We are open to discuss these issues.
