

EUROPEAN COMMUNITIES – SELECTED CUSTOMS MATTERS

Request to Join Consultations

Communication from India

The following communication, dated 7 October 2004, from the delegation of India to the delegation of the European Communities, the delegation of the United States and to the Chairperson of the Dispute Settlement Body, is circulated in accordance with Article 4.11 of the DSU.

Pursuant to Article 4.11 of the Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU), the Government of India hereby notifies its desire to be joined in the consultations requested by the Permanent Mission of the United States to the Permanent Delegation of the European Communities and to the Chairman of the Dispute Settlement Body (DSB) pursuant to Articles 1 and 4 of the Understanding on the Rules and Procedures Governing the Settlement of Disputes (DSU) and Article XXII:1 of General Agreement on Tariffs and Trade 1994 (GATT 1994) regarding:

- (a) the non-uniform administration by the European Communities of laws, regulations, judicial decisions and administrative rulings of the kind described in Article X:1 of the GATT 1994 pertaining to the classification and valuation of products for customs purposes and to requirements, restrictions or prohibitions on imports, and
- (b) the failure of the European Communities to institute judicial, arbitral or administrative tribunals for the purpose, *inter alia*, of the prompt review and correction administrative action relating to customs matters.

The 21 September 2004 communication from the Permanent Mission of the United States to the Permanent Delegation of the European Commission was circulated to WTO Members on 27 September 2004 (WT/DS315/1; G/L/694).

India has substantial trade interest in the consultations on the matter in the dispute, as well as systemic interest in the matter of prompt publication and uniform, impartial and reasonable administration of EC's laws, regulations, judicial decisions and administrative rulings of general application pertaining to the classification or the valuation of products for customs purposes, or to the rates of duty, taxes or other charges, or to requirements, restrictions or prohibition on imports. India's trade interest is also confirmed by the fact that India's exports to the EC in the year 2003 were Euro 13.35 billion. In particular, exporters from India have been facing the problem of rejections on account of border control alerts for agriculture and marine products under the Rapid Alert System for Food and Feed (RASFF).
