

**ARTICLE XXVIII:1 NEGOTIATIONS**

Schedule XII - India

Addendum

The following communication, dated 29 December 1999, has been received from the Permanent Mission of India.

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Pursuant to the negotiations and related consultations by India in respect of its proposal to increase existing bindings in relation to certain products in Schedule XII through Article XXVIII:1 of the GATT 1994 (notification circulated as document G/SECRET/8 dated 2 September 1996), enclosed herewith, in accordance with paragraph 5 of the Guidelines for *Procedures for Negotiations under Article XXVIII* (C/113 and Corr. 1 of 10 November 1980) read along with the Decision for *Procedures for Modification and Rectification of Schedules of Tariff Concessions* (L/4962 of 26 March 1980), are:

- (i) the joint letters<sup>1</sup>, on the lines of Annex A, signed by India upon completion of each bilateral negotiation respectively with Australia, the European Communities and the United States of America; and
- (ii) the reports<sup>1</sup>, on the lines of Annex B, attached with the respective joint letters.

Enclosed is also the final report<sup>1</sup>, on the lines of Annex C attached to paragraph 6 of these Guidelines, due upon completion of all negotiations under Article XXVIII:1.

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<sup>1</sup> English only

ANNEX A

To  
The Director-General  
World Trade Organization  
Geneva

SECRET

Date: 23 November 1999

Negotiations relating to Schedule XII India

The Delegations of Australia and India have concluded their negotiations under Article XXVIII for the modification or withdrawal of concessions provided for in Schedule XII India as set out in the report attached.

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Signed for the Delegation of  
Australia

\_\_\_\_\_  
Signed for the Delegation of India

SECRET

**ANNEX B**

**RESULTS OF NEGOTIATIONS BETWEEN INDIA AND AUSTRALIA UNDER  
ARTICLE XXVIII FOR THE MODIFICATION OR WITHDRAWAL  
OF CONCESSIONS IN THE SCHEDULE OF INDIA**

**CHANGES IN SCHEDULE XII INDIA**

A. Concessions to be withdrawn

Nil

B. Bound rates to be increased

Sl.No.	HS	Description	Current Binding %	Proposed Binding %	Remarks
1.	0402.10	In powder, granules or other solid forms, of a fat content, by weight, not exceeding 1.5%.	0	60	A tariff quota of 10000 MT at an in quota tariff rate of 15%, applicable cumulatively to both the tariff lines 0402.10 and 0402.21.
2.	0402.21	Not containing added sugar or other sweetening matter.	0	60	
3.	1006.30	Semi-milled or wholly milled rice, whether or not polished or glazed.	0	100	---

C. Reduction of rates bound in the existing schedules

Sl. No.	HS	Description	Current Binding	Proposed Binding	Remarks
1.	0405.10	Butter	100-40	40	INR
2.	0406.90	Other cheese	100-40	40	INR
3.	0805.10	Oranges	140-100	50	
4.	0808.10	Apples	140-55	50	
5.	0808.20	Pears and quinces	140-55	50	
6.	2009.11	Orange juice, frozen	140-85	50	
7.	Ex. 2701.12	Coking coal, of an ash content of not more than 12%	25	20	
	Ex. 2701.12	Other	UB	55	
8.	5101.21	Shorn wool	100	40	INR
9.	5101.30	Carbonised	100	40	INR
10.	Ex. 5105.29	Wool tops	105-40	40	INR

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D. New concessions on items not in existing schedules

Nil.

ANNEX A

To  
The Director-General  
World Trade Organization  
Geneva

SECRET

Date: 13 September 1999

Negotiations relating to Schedule XII India

The Delegations of the European Communities and India have concluded their negotiations under Article XXVIII for the modification or withdrawal of concessions provided for in Schedule XII India as set out in the report attached.

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Signed for the Delegation of  
the European Communities

\_\_\_\_\_  
Signed for the Delegation of India

**ANNEX B**

**RESULTS OF NEGOTIATIONS BETWEEN INDIA & EC UNDER  
ARTICLE XXVIII FOR THE MODIFICATION OR WITHDRAWAL  
OF CONCESSIONS IN THE SCHEDULE OF INDIA**

**CHANGES IN SCHEDULE XII INDIA**

A. Concessions to be withdrawn

Nil

B. Bound rates to be increased

Sl.No.	H.S. Code	Description	Current Binding %	Proposed Binding %	Special remarks
1.	0402.10	Milk and cream in powder, granules or other solid forms, of a fat content, by weight, not exceeding 1.5%.	0	60	A tariff quota of 10000 MT at an in quota tariff rate of 15%, applicable cumulatively to both the tariff lines 0402.10 & 0402.21
2.	0402.21	Milk and cream in powder, granules or other solid forms, of a fat content, by weight, exceeding 1.5% - not containing added sugar and other sweetening matter.	0	60	
3.	1901.10	Preparations for infant use put up for retail use.	17.5	50	
4.	1514.90	Rape, colza or mustard oil and fractions thereof	45	100	Tariff quota of 150000 MT at in-quota tariff rate of 45%

C. Reduction of rates bound in the existing schedules

1.	0713.10	Dried Peas	100	50	-
2.	1107.10	Malt not roasted	100	40	-
3.	1509.90	Olive oil other than virgin	45	40	-
4.	1704.10	Chewing gum	150	45	-
5.	1905.30	Sweet biscuits: waffles and wafers	150	45	-
6.	3823.70	Industrial fatty alcohol	150	50	-

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7.	1512.11	Sunflower oil or safflower oil and fractions thereof	300	300	Tariff quota of 150,000 MT at an in-quota rate of 50%
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D. New concessions on items not in existing schedules

Nil.

To  
The Director-General  
World Trade Organization  
Centre William Rappard  
Rue de Lausanne 154  
1211 Geneva 21

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December 28, 1999

Negotiations relating to Schedule XII India

The delegations of India and the United States of America have concluded their negotiations under Article XXVIII of the *General Agreement on Tariffs and Trade 1994* for the modification or withdrawal of concessions provided for in Schedule XII of India as set out in the report attached.

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Rita D. Hayes  
Ambassador of the United States of America

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Srinivasan Narayanan  
Ambassador of India

Attachment



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**RESULTS OF NEGOTIATIONS UNDER ARTICLE XXVIII  
OF THE GENERAL AGREEMENT ON TARIFFS AND TRADE 1994  
FOR THE MODIFICATION OR WITHDRAWAL OF CONCESSIONS  
IN THE SCHEDULE OF INDIA**

A. Concessions to be withdrawn

Nil

B. Bound rates to be increased

HS Code	Description of Products	Rates of Duty Bound in Existing Schedule	Rate of Duty to be Bound
0402.10	In powder, granules or other solid forms, of a fat content, by weight not exceeding 1.5%.	0	60%
0402.21	Not containing added sugar or other sweetening matter.	0	60%
0806.10	Grapes, fresh	30%	40%
Ex 1001.90	Spelt	0	80%
1005.10	Maize (Corn) seed	0	70%
1005.90	Maize (Corn), other	0	India establishes a global TRQ at an in-quota rate of 15% for the following quantities:  Year 1: 350,000 tonnes Year 2: 400,000 tonnes Year 3: 450,000 tonnes Year 4 and beyond: 500,000 tonnes per year  Out of quota rate: 60%
1006.10	Rice in the husk (paddy or rough)	0	80%
1006.20	Husked (brown) rice	0	80%
1006.30	Semi-milled or wholly milled rice, whether or not polished or glazed.	0	70%
1006.40	Broken rice	0	80%
1007.00	Grain sorghum	0	80%
1008.20	Millet	0	70%
1514.10	Rape, colza, or mustard oil, crude	45%	75%
1514.90	Rape, colza, or mustard oil, other	45%	75%
1901.10	Preparations for infant use, put up for retail sale	17.5%	50%

C. Reduction of rates bound in the existing schedules

HS Code	Description of Products	Rates of Duty Bound in Existing Schedule	Rate of Duty to be Bound
0802.11	Almonds, in shell	Rs 55/kg	Rs 35/kg
0805.10	Oranges	100%	40%
0805.30	Lemons and limes	100%	40%
0805.40	Grapefruit	100%	25%
0808.10	Apples	55%	50%
0808.20	Pears and quinces	55%	35%
0809.40	Plums and sloes	30%	25%
0813.20	Prunes	55%	25%
2004.10.09	Other potato preparations - frozen	55%	35%
2009.11	Frozen orange juice	85%	35%
2009.19	Other orange juice	85%	35%

D. New concessions on items not in existing schedules

Nil.

Notes:

1. Without prejudice to the parties' respective interpretations of paragraph 2 of the Note Ad Article XXVIII:1, the parties agree that all changes in tariff concessions reflected in this report will be made effective on a single date, after completion of the formalities provided for in the Guidelines on *Procedures for Negotiations under Article XXVIII* adopted on 10 November 1980 (BISD 27S/26) and the Decision on *Procedures for Modification and Rectification of Schedules of Tariff Concessions* of 26 March 1980 (BISD 27S/25).

2. India confirms that it has withdrawn the following items from its Article XXVIII notification circulated as document G/Secret/8, dated 2 September 1996:

0809.40	Plums and sloes
1502.00	Fat of bovine animals, sheep or goats, raw or rendered, whether or not pressed or solvent extracted
1507.10	Soybean oil, crude
1507.90	Soybean oil, other

## ANNEX C

### NEGOTIATIONS UNDER ARTICLE XXVIII

Report by the Delegation of India relating to negotiations under Article XXVIII of the GATT 1994 with respect to Schedule XII of India.

1. Negotiations resulted in agreement with:

Australia  
European Communities  
United States of America

2. Agreement was not reached with:

Nil.

3. Consultations have been held with:

Consultations were also held with Argentina in respect of the product "*1507.10 Soyabean oil (crude oil, whether or not degummed)*". However, it may be noted that India has withdrawn the product "*1507.10 Soyabean oil (crude oil, whether or not degummed)*" from its Article XXVIII notification circulated as document G/SECRET/8 dated 2 September 1996.

New Zealand had also requested consultations. However, in the bilateral meetings held with New Zealand on its request, it was pointed out that since New Zealand did not have either Initial Negotiating Rights, principal supplying interest or substantial interest in any of the products that India had notified in its proposal for increasing the existing bindings, there was no need to hold substantive Article XXVIII negotiations with New Zealand.

Since no other WTO Member expressed its interest to enter into negotiations, India considers its negotiations under Article XVIII to be completed.

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