

## India's Positions on Various Doha Files

### **1. Agriculture**

India generally has a defensive interest in Agriculture negotiations. Therefore, it is a main proponent of issues relating to flexibilities for developing countries like Special Products and Special Safeguard Mechanism (SSM). At the same time, it is interested in substantive issue for developed countries with a view to limiting flexibilities allowed for them.

India as well as the G20 asserts that the following are the principles for Agriculture negotiations:

- The December 2008 draft modalities text is the basis for negotiations. Requests for marginal adjustments to the text can be assessed in the context of the overall balance of trade-offs, as Agriculture is the benchmark for ambition of the round.
- Selective re-opening of issues in the text is not accepted because it affects the general equilibrium. Agriculture is the benchmark for ambition of the DDA.

#### **With regard to positions on substantive issues in negotiations: SUBSTANTIVE ISSUES FOR DEVELOPED COUNTRIES IN THE AGRICULTURE NEGOTIATIONS:**

##### **1. Domestic support - Blue Box Headroom for the US**

This issue relates to the maximum amount of blue box support which the US is allowed to provide for each product. The draft modalities text proposes that the landing zone will be between 110-120% the amount allowed under the Farm Bill 2002 for each product.

India, as well as the G20 is of the view that the current modalities text provides too much flexibility for the US. Yet, it is prepared to work on the basis of the modalities text under the assumption that the principles mentioned above are observed.

##### **2. Extra- Number of Sensitive Products for Developed Countries**

India, as well as the G20, may accommodate the needs of the countries requesting extra tariff lines on condition that they present compensation through additional tariff rate quota expansion.

### **3. New TRQ Creation:**

Since the designation of sensitive products by developed countries is associated with compensation through expansion of tariff rate quotas, there is a point of difference among members as to whether (1) sensitive products should only be selected from tariff lines where there are tariff rate quotas or (2) new tariff rate quotas can be created for sensitive tariff lines.

In the view of the G20 and India, the general principle is that no new TRQs can be created, and sensitive tariff lines can be only selected among TRQ tariff lines. Yet, some flexibility can be shown and new TRQs can be created under some conditions including the new TRQs should not exceed 1% of tariff lines and all new TRQs must be MFN.

## **Substantive Issues for Developing Countries in Agriculture Negotiations:**

### **1. Cotton:**

India supports the C4 proposal and the draft modalities text on this issue.

### **2. Special Products (SPs):**

India is a main proponent on this issue. It is of the view that the current draft modalities text on Special Products is a good basis; that is (a) for the number, 12% of the tariff lines can be designated as Special by developing countries, & (b) for the treatment the overall reduction of SPs tariffs should be 11%, and 5% of the tariff lines can be exempt from tariff reduction.

### **3. Special Safeguard Mechanism (SSM):**

India is a main proponent of the Special Safeguard Mechanism, which allows developing countries to impose additional duties on their imports in case of import surges. India is of the view that the mechanism should be operational and effective. The import duties resulting from the application of the mechanism should be allowed to exceed the Uruguay Round Bound Tariffs under operational conditions and generally India can work on the basis of the modalities text for this point. Also, India is currently working on technical analysis (which it will share with other members) for other issues like the structure of the mechanism, and conditions for seasonable perishable products.

## **2. Non-agricultural Market access Negotiations**

### **1. Formula and Flexibilities:**

- India is a major proponent of the need that the level of ambition in NAMA be comparable to that in Agriculture in conformity with para. 24 of the Hong Kong Ministerial Declaration. It also stresses that outcome should strike an internal balance between developed and developing countries concessions in NAMA.

- However, in the July 2008 mini-ministerial its main focus was on avoiding the link between the value of the coefficient, the level of flexibilities and participation in the sectoral initiatives.
- On the Anti Concentration Clause (ACC), India has also repeatedly refused the inclusion of such a clause as it restrains the flexibility provided to developing countries.

### **2.Sectorals:**

- India insists on the non-mandatory nature of sectoral initiatives, and that it is delinked from the level of liberalization achieved through the formula.

### **3.NTBs:**

India believes that we need to be moving into text based negotiations in case of the mature proposals . Furthermore, India together with the EC have presented a recent paper on the cross-cutting issues across all NTB proposals ,they want to have the cross-cutting issues as chapeau for all proposals.

### **4.Preference erosion :**

India believes that the current text is fine balance that should not be distorted.

### **5.Country Specific flexibilities:**

India supports the demands of South Africa , Argentine, and Venezuela with regards to their need for extra flexibility.

### **3. Trade in Services**

#### **General position:**

- India is dissatisfied with the level of commitments countries made in mode 4 (Temporary Movement of Natural Persons) especially that offers and signals do not respond to the plurilateral request on mode 4. India emphasizes on the importance of mode 4 for developing countries, and is calling for another plurilateral meeting to be held during the next services cluster (February, 2010), in order to achieve more progress in this issue especially that most countries didn't make any positive signals to fulfill the plurilateral request on mode 4. **Egypt** supports India's position regarding the importance of holding another plurilateral meeting on mode 4 in order to urge requested countries to undertake meaningful commitments in categories that are de-linked to commercial presence such as independent professionals and contractual service suppliers.
- India emphasizes on the importance of cross border supply, and urges countries to undertake commitments on modes 1&2 in different services sectors.

#### **Specific Commitments:**

**Requests and Offers:** India has submitted its conditional initial & revised offers which include new commitments in a wide range of sectors besides improving its already existing commitments.

**With regard to the plurilateral negotiations,** India has co-sponsored the plurilateral request on Mode 4 on behalf of a group of developing countries, in addition to the plurilateral request on Cross border supply of services (Modes 1 and 2).

**During the signaling conference,** India stressed the importance of issuing a text for domestic regulations before the end of the round.

### **4. Development Issues**

#### **I. Cross Cutting Issues:**

##### **1. Monitoring Mechanism (MM)**

- Structure should be simple, practical and efficient and allow for a regular high level review of issues related to special and differential treatment in the WTO and a bottom—up , horizontal and transparent process.
- The monitoring mechanism will function at two broad levels: (i) monitoring process will take place in dedicated session of the CTD (CDT-DS); and (ii) General Council would review and take decisions based on recommendations made by the CTD-DS.

- The WTO secretariat shall compile a report on the implementation of S&D provisions.

## **5. Trade and Environment**

### **I. Trade barriers on environmental goods and services**

- India supports an Environmental Project Approach (EPA). This approach consists of liberalizing products and services for national projects that meet some domestic environmental objectives as well as objectives already covered by any bilateral and/or multilateral environmental agreement. Under EPA, any domestic project, which deals with certain environmental objectives, should be examined by a Designated National Authority (DNA). The products and services covered would be considered as Environmental Goods or Services, and would, therefore, be submitted to further liberalization, but only for a short period of time that must match the period of time during which the project has been run. This would clearly allow WTO Members to bring back tariffs on liberalized goods and services as soon as the project is over.
- Egypt considers this Indian proposal as not consistent with the WTO rules.

## **6. Rules**

### **I. Annex A: Anti-Dumping**

1. India opposes zeroing.
2. India is against the amendments to the current text on Substantive requirement, but it is in favour of the lesser duty rule.
3. India is against any transparency requirement under the Procedural requirements.
4. India is in favor of special and differential treatment provisions under anti-dumping.

### **II. Annex C: Fisheries Subsidies:**

- India is supportive of strict definition of prohibited subsidies.

## **7. Trade facilitation**

- India has an inherent interest in reducing transaction cost for import and export by simplifying trade related procedures at the borders and enhancing transparency.
- It considers that developing countries may face problems of technological capabilities and financial resources for a time bound implementation of commitments.
- It wants an import alert mechanism and coordination and co-operation among all border agencies and entities.

## **8. Dispute Settlement**

- India wants to increase the third parties' rights in the dispute. Wishes to introduce the possibility for the appellate body to refer the dispute again to the panel to settle some issues that had not been settled but are not be able to be settled through the appeal stage.

## **9. Intellectual Property Rights**

- Brazil, EU, Switzerland and India: Submitted the position TN/C/W/52, which states that text based negotiations need to take place, in Special Sessions of the TRIPS Council and as an integral part of the Single Undertaking, to amend the TRIPS Agreement to (i) establish a register of geographical indications (GIs) for wines and spirits protected by any of the WTO Members; (ii) include a mandatory requirement for the disclosure of the country providing/source of genetic resources, and/or associated traditional knowledge for which a definition will be agreed, in patent applications; (iii) extend the additional level of GI protection currently granted to wines and spirits to all products, including the extension of the Register; and (iv) include CBD and GI issues in the Horizontal Modalities as part of the Single Undertaking through text based negotiations.