

INDIA

On November 18, 2003, India's Ministry of Agriculture, Department of Agriculture & Cooperation published a new regulation that requires wood packaging be treated to ISPM 15 standards but, contrary to ISPM-15, the regulation did not require ISPM-15 compliant marking for compliant product. Rather, the Indian regulation required shipments utilizing wood packaging to be certified with Phytosanitary certificates showing the treatment received. This regulation was to go into force on April 1, 2004. Although published on the Indian Ministry of Agriculture's homepage, this regulation was not notified to the WTO.

On March 12, 2004 officials from USDA's Animal and Plant Health Inspection Service and India's Department of Agriculture discussed India's approach to ISPM-15. The Indian Department of Agriculture realizes that their regulation on wood packing is unclear and requires further explanation. The Indian Department of Agriculture advises that they will not repeat not enforce the new rule until after WTO comments are received and addressed. The WTO comment period closes April 30. After comments to the India's WTO notification are reviewed and appropriately addressed, India will adopt ISPM 15.

At that time, the Indian Department of Agriculture is expected to enforce ISPM 15 requirements for those countries that require ISPM 15 compliance for imported wood packaging. Countries not requiring ISPM 15 compliant packaging for imports will be given the option of using phytosanitary certificates to certify treatment to ISPM 15 standards.

APHIS expects at least a several month delay in implementing India's new regulation after the WTO comments have been addressed. Until these issues are addressed, the Indian Department of Agriculture will not require compliance to the published requirements for wood packaging from the United States. Although the requirements of ISPM 15 are not currently required, US exporters are encouraged to use ISPM 15 compliant wood packing to India.