

September 8, 2023

The Honorable Piyush Goyal
Minister of Commerce and Industry
New Delhi, India

Dear Minister Goyal:

In the course of discussions related to the termination of outstanding WTO dispute settlement proceedings in *India – Measures Concerning the Importation of Certain Agricultural Products* (DS430), as well as market access related to certain products of significance to the US-India bilateral trade relationship, the Government of the United States of America (United States) and the Government of the Republic of India (India) have reached the following understandings:

1. India shall reduce its Basic Customs Duty (BCD) rates for the following items to the rates set forth below on a Most Favored Nation (MFN) basis:

HS Code	Basic Customs Duty
Frozen turkey under HS 0207.25 and HS 0207.27	5%
Fresh cranberries and blueberries under HS 0810.40	10%
Frozen cranberries and blueberries under HS 0811.90	10%
Dried cranberries and blueberries under HS 0813.40	10%
Processed cranberry products under HS 2008.93	5%
Processed blueberries under HS 2008.99	10%

2. India shall revise duties for these items in accordance with its applicable laws and apply the tariff rates set out in paragraph 1 within 180 days of entry into effect of this agreement. India shall notify the United States upon revising the duties and applying the tariff rates provided in paragraph 1 and shall provide a copy of the relevant legal instrument(s).
3. Further, India shall allow import of frozen duck (under HS Codes 0207.42 and 0207.45) destined for high end star rated “Hotels”¹ at a reduced BCD rate of 5% subject to applicable conditions, including quality standards, developed in consultation with the

¹ 3-Star and higher class classification of operational hotels based on notifications issued by Ministry of Tourism, Government of India, from time to time.

United States. The same shall be implemented within 180 days of entry into effect of this agreement:-

4. Within 180 days of entry into effect of this agreement, India and the United States shall create an appropriate mechanism to identify the establishments in other market segments to which the benefits of reduced duties provided for in paragraph 3 can be extended.
5. Upon completion of the actions set out in paragraphs 1, 2, and 3, the United States shall work with India to notify within 10 days thereafter a mutually agreed solution for terminating the outstanding WTO dispute initiated by the United States in *India – Measures Concerning the Importation of Certain Agricultural Products* (DS430).
6. This letter is without prejudice to the WTO rights and obligations of India and the United States.

I have the honor to propose that this letter and your letter in reply, confirming that your Government shares these understandings shall constitute an agreement between the two Governments to enter into effect on the date of your letter in reply.

Sincerely,

Ambassador Katherine Tai
United States Trade Representative

September 9, 2023

The Honorable Katherine Tai
United States Trade Representative
Washington, D.C., United States

Dear Ambassador Tai:

I am pleased to acknowledge your letter of September 8, 2023, which reads as follows:

“In the course of discussions related to the termination of outstanding WTO dispute settlement proceedings in India – Measures Concerning the Importation of Certain Agricultural Products (DS430), as well as market access related to certain products of significance to the US-India bilateral trade relationship, the Government of the United States of America (United States) and the Government of the Republic of India (India) have reached the following understandings:

1. *India shall reduce its Basic Customs Duty (BCD) rates for the following items to the rates set forth below on a Most Favored Nation (MFN) basis:*

<i>HS Code</i>	<i>Basic Customs Duty</i>
<i>Frozen turkey under HS 0207.25 and HS 0207.27</i>	<i>5%</i>
<i>Fresh cranberries and blueberries under HS 0810.40</i>	<i>10%</i>
<i>Frozen cranberries and blueberries under HS 0811.90</i>	<i>10%</i>
<i>Dried cranberries and blueberries under HS 0813.40</i>	<i>10%</i>
<i>Processed cranberry products under HS 2008.93</i>	<i>5%</i>
<i>Processed blueberries under HS 2008.99</i>	<i>10%</i>

2. *India shall revise duties for these items in accordance with its applicable laws and apply the tariff rates set out in paragraph 1 within 180 days of entry into effect of this agreement. India shall notify the United States upon revising the duties and applying the tariff rates provided in paragraph 1 and shall provide a copy of the relevant legal instrument(s).*
3. *Further, India shall allow import of frozen duck (under HS Codes 0207.42 and 0207.45) destined for high end star rated “Hotels”¹ at a reduced BCD rate of 5% subject to applicable conditions, including quality standards, developed in consultation with the United States. The same shall be implemented within 180 days of entry into effect of this agreement.*

¹ 3-Star and higher class classification of operational hotels based on notifications issued by Ministry of Tourism, Government of India, from time to time.

4. *Within 180 days of entry into effect of this agreement, India and the United States shall create an appropriate mechanism to identify the establishments in other market segments to which the benefits of reduced duties provided for in paragraph 3 can be extended.*
5. *Upon completion of the actions set out in paragraphs 1, 2, and 3, the United States shall work with India to notify within 10 days thereafter a mutually agreed solution for terminating the outstanding WTO dispute initiated by the United States in India – Measures Concerning the Importation of Certain Agricultural Products (DS430).*
6. *This letter is without prejudice to the WTO rights and obligations of India and the United States.*

I have the honor to confirm that my Government shares these understandings, and that your letter and this letter in reply constitutes an agreement between our two Governments.

Sincerely,

Minister Piyush Goyal
Minister of Commerce and Industry