

Implementing TBT Agreement

Indian experience



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TBT Agreement – Salient features

- Encourage adoption of Intl Stds – not deemed to be barriers - Increased relevance of International Standards in trade –both for products as well as systems
- Freedom to prescribe Mandatory Standards from standpoint of National security, Prevention of deceptive practices, Health, Safety & Environment
- Legislative framework
- National treatment – Same standards for domestic and overseas Industry
- MFN Principle – Standards to be applied equally to all countries

COMMON FEATURES (contd)

- Transparency – Opportunity to Comment to Interested Parties; procedures and systems to be public
- Mutual Recognition of Conformity Assessment – Certification/ Inspection/ Test Reports - Provision for recognition of export control & certification systems of trading partners as equivalent - Accreditation of labs/inspection/ certification bodies



IMPLICATIONS

- **Relevance of international standards** – pressure on India to adopt – from foreign goods coming in, NGOs, for export, international funding agencies - effective participation vital
- Every international standard is potential instrument for international trade
- Two regimes - **Regulatory & Voluntary**
- Applicable to both domestic and international markets
- **Regulatory regime** - from standpoint of health, safety, environment
- Sectors –electrical appliances, **toys**, gas appliances, **safety equipment**, drugs, electronics/IT/telecom goods, **textiles – children wear, medical devices, lead in paints**

IMPLICATIONS (CONTD)

- Compulsory BIS certification (Cement, Electrical appliances etc), Drugs Act, FSSA, Mines Act
- Conformance to International/importing countries' technical regulations for access to overseas markets
- Countries implementing strong import controls (USA, EC, Canada, Australia, New Zealand, Japan) – product, EC regulations for energy using products requiring LCA
- Technical barriers - regulations



IMPLICATIONS (CONTD)

- **Voluntary regime** - insistence on ISO 9000, ISO 14000- generally by organized buyers- initially in foreign countries-increasingly in India – RDSO for vendors – ISO 9000 certification from NABCB accredited CBs
- Company or buyers' specifications for vendors/suppliers– both product and systems - examples Ford, General Motors, Maruti
- Pressure from international funding agencies like World Bank – example ISO 14000 in NTPC
- Even in regulatory sectors – food – US/Europe - GlobalGap
- Becoming barriers – not discussed by govts
- Industry to gear up for both

EMERGING STRUCTURE

Government

(to enact legislation)

Regulatory Bodies – may be sector specific like Food, Drugs
(to enforce the law)

National Standards Body – Accreditation Body

(vol. standards-linkage to RBs) - (tech.competence of CABs)

Conformity Assessment Bodies (CABs)

(support regulation – voluntary certification/quality assurance)

Manufacturers and Service providers

Common man – recipient of goods and services



INFRASTRUCTURAL REQUIREMENTS

- Nodal point for participation in international stdzn (Codex/ISO/IEC/ITU)-Min of Health/BIS/DoT
- Domestic Regulatory Mechanism (BIS Act/Drugs/PFA/Food Law)
- Export regulation & certification system (EIC) for recognition
- Information access (TBT/SPS enquiry points – BIS/Min of Agriculture/Health)
- Accreditation Mechanism (NABCB/NABL)
- Conformity assessment bodies (BIS/EIAs/Govt & Pvt certification/inspection bodies/labs)

ISSUES FACING INDIA

- Underregulated – sectors still not having regulations – free entry to foreign goods
- Lack of suitable legal instrument – no Act to empower govt to notify regulations across sectors, freedom to prescribe conformity assessment procedure
- Need to upgrade domestic regulation – international standards, conformity assessment – certification/inspection/testing as per international standards – accreditation – Differential standards

ISSUES FACING INDIA

- EC regulation on accreditation wef 1 Jan 2010 – use of accreditation by regulators
- Response to importing countries' regulations – neither comments nor preparation – herbal medicines, EUTR for wooden exports (handicrafts)
- Use of voluntary international recognition arrangements like in accreditation – IAF/ILAC MRAs – IECEE CB scheme - acceptance within and then by importing countries

ISSUES FACING INDIA

- Reluctance of developed economies to enter into MRAs – no longer same standard – manufacture and certify to importing country's standards – under developed/developing countries accept foreign accreditation/certification/testing more easily – India also – Medical devices/FSSA



WAY FORWARD

- Challenge and opportunity
- Strong, flexible and responsive legislative framework
- Most barriers by adopting international standards – need to have a voice – increased participation – more stakeholder consultation - Data – for standards – to challenge other countries’ – adopt quickly
- As international standards are developed - upgrade domestic regulation quickly incl conformity assessment

INFORMATION

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Thank You

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