

**FIFTH TRIENNIAL REVIEW OF THE AGREEMENT
ON TECHNICAL BARRIERS TO TRADE**

COMMENTS

Communication from India

The following communication, dated 8 June 2009, is being circulated at the request of the delegation of India.

I. GLOBAL RELEVANCE OF INTERNATIONAL STANDARDS (COMMENTS ON SUBMISSION BY JAPAN CONTAINED IN JOB(09)/25)

1. India concurs with the proposal of Japan with suggestions for following additional inclusions/comments:

- (a) Members who choose not to use international standards should give elaborate explanation for deviation. The developing countries would be required to give explanation only when they choose to base their regulation on a risk level that requires compliance with more onerous requirements than the one on which the international standard is based.
- (b) Instead of abolishing the "International Standards" which have no global relevance, they should be appropriately modified by the concerned international organization within a fixed time frame, so that they become relevant; and
- (c) The WTO TBT Secretariat should assess reasons about why the Members deviate from International Standards and brainstorm appropriate framework to discourage such deviations. Further, the TBT Committee may come up with detailed guidelines regarding procedure to be followed by the Members when that requires compliance with more onerous requirements than the one on which the international standard is based.

II. TRANSPARENCY (COMMENTS ON SUBMISSION BY THE EUROPEAN COMMUNITIES CONTAINED IN G/TBT/W/309)

2. India concurs with the proposal of European Communities with following additional suggestions:

- (a) The non-availability of the full text in English and other WTO languages is a major hindrance in the examination of TBT notifications by the developing countries and

furnishing effective comments. This affects their ability to export once the measure is adopted. Even if English translations are later made available by Members such as the European Communities, it involves some delay and the effective period for furnishing comments gets reduced in the process. The WTO Secretariat, with the help of developed countries, should hence work out a formal mechanism to make translations of full text available in English and other WTO languages to Members. Also, to make up for lost time in the translation process, the comment period should be at least 90 days when the translations of full text are not immediately available in English.

- (b) While we agree that the description of the content of the notified draft should be comprehensive and give a more detailed overview of the envisaged technical regulations and conformity assessment procedures, we would like to request the WTO Secretariat to work out an appropriate format for the same.

III. SPECIFIC TRADE CONCERNS (COMMENTS ON SUBMISSION BY CANADA CONTAINED IN (JOB(09)/50)

3. India concurs with the proposal of Canada. However, we would like to suggest the following changes in para II:

- (a) In subpara (a), the time period should be at least 20 days instead of just 10 days. The developing countries, given their limited resources, would need some more time to respond appropriately to the STCs raised against them.
 - (b) We support the suggestion that Members wishing to propose the inclusion of a specific trade concern on the annotated draft agenda should inform both the Secretariat and the Member(s) directly involved of their intention to do so, in writing, no less than twelve days prior to the convening of the TBT Committee meeting. However, given the limited resources of developing countries, in case a STC is raised against a developing country, the intention should be communicated at least one month in advance.
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