

**INDIA'S EXPERIENCE ON TBT NOTIFICATION SYSTEM AND
PROCEDURES FOR INFORMATION EXCHANGE**

Contribution from India

1. Under the WTO's Agreement on Technical Barriers to Trade, the Ministry of Commerce, Government of India has appointed the Bureau of Indian Standards (BIS), the national standards body of India as the National Enquiry Point. Information on Standards, Technical Regulations and Certification Systems formulated and operated in India are notified by the BIS to the WTO for circulation to other Members.
2. The Bureau of Indian Standards is fulfilling the notification obligations under the TBT Agreement by:
 - (a) Issuing notifications of proposed and adopted technical regulations where no international standard exists, when a period of 90 days is allowed for submission of comments by other Members of the WTO. A total of 46 notifications have been sent to the WTO since India accepted the TBT Agreement. Notices on Technical regulations, standards and certification systems adopted by the Government of India are published in the Gazette of India by BIS. Relevant standards/documents are made available to the party concerned if requested.
 - (b) On request from a Member, a copy of the draft technical regulation is provided and no fee is charged for this service. Last date of submitting the comments is also extended on request from Members. In order to enable Members to send their comments in time, BIS has decided to extend the period of comments from 60 days to 90 days. So far 113 copies of the draft standards have been sent on request to various Members, like the USA, UK, France, Japan, Sweden, Switzerland, Australia, Hong Kong China, Malaysia, Thailand, and Philippines etc. BIS has also extended the comment period on request from Members, such as France, Thailand, USA and the European Commission.
 - (c) BIS has entered into an agreement with standards bodies in the Russian Federation, Germany, China, Israel, Turkey, Mauritius and Cuba. The parties agreed to cooperate towards the common goal of determining equivalence and of harmonizing the activities in the field of standardization, quality assurance, and conformance testing with the aim of facilitating mutual trade. The parties also agreed to study each other's organizational structure, procedure for laboratory testing, and laboratory accreditation systems and upgrading these on mutually agreed criteria to enable mutual recognition of test reports. The notification about the mutual agreement will be sent to the WTO and the ISO office in Geneva when the agreement with these countries is finalized for implementation.

- (d) BIS has accepted the Code of Good Practice, under the WTO TBT Agreement and has notified the same through ISO/IEC Information Centre in accordance with paragraph C of the Code.
- (e) In accordance with the Code of Good Practice, BIS is publishing a Work Programme for the publication of new and revised standards on an annual basis. Notifications for availability of such work programmes are issued regularly through the ISO/IEC Information Centre in accordance with paragraph J of the Code of Good Practice.

I. WTO TBT ENQUIRY POINT

3. BIS also acts as the WTO TBT Enquiry Point for India and is performing the following functions:

- (a) Distribution of Notifications from other WTO Members to concerned organizations in India and also interested industrial organizations. Information on TBT Notifications received from other Members is compiled in a database, and also published in monthly BIS publication "Standards Monthly Additions" which is distributed to different organizations within the country free of charge.
- (b) On request from interested parties/organizations, the draft text of the Notification is also supplied to them.
- (c) Responding to all reasonable enquiries from other Members regarding matters stipulated under Article 10.1 of the Agreement.
- (d) Ministry of Commerce, Government of India and BIS together are making joint efforts to evolve/develop a National System of Notification of technical regulations, standards and conformity assessment procedures. A beginning has been made by apprising Central Government, State Government, Statutory Bodies and Standardizing Bodies of the obligations under the TBT Agreement and also the importance of the acceptance of the Code of Good Practice and other notification obligations. A National Level meeting of these bodies is being planned shortly. It is hoped that a suitable National Notification System will be evolved in the near future.

II. PERIOD OF COMMENTS

4. BIS has been implementing Article 2.9.2 of the Agreement regarding notifications but there is a need to take some remedial measures to implement the notification procedures so that comments are received in time by the notifying Members. Extension of time-period for comments may be considered from 60 days to 90 days, as the notifications take time to reach the concerned agencies who have to give comments.

III. CODE OF GOOD PRACTICE

5. In accordance with paragraph J of the Code of Good Practice, BIS is publishing the work programme on an annual basis in English language. The Code however, calls for publishing of work programme on a six monthly basis, which is difficult to implement in a developing country like India due to resource constraints.

6. The use of the Internet, it is felt, contains the potential to greatly facilitate Members to disseminate such information in a timely manner, and update it on a regular basis. The BIS has noted the suggestion by European Union that transparency of paragraph J of the Code of Good Practice

under the TBT Agreement can be achieved in a more practical way through an Internet website where up-to-date, comprehensive information could be made available in a user-friendly manner, and that it should be recognized as an alternative to the published work programme. However, BIS feels that though the above is a good suggestion, in the current scenario some of the developing countries and least developed countries will not be able to benefit from it because of the lack of internet facilities and infrastructure. Thus, it is felt that though the Internet can be recognized as one of the measures to disseminate information on the work programme, it should be ensured that all Members will also publish and disseminate hard copies of the work programme as well.

IV. ENQUIRY POINT - RESPONSE FROM MEMBERS

7. Delayed response from Enquiry points of other Members greatly hampers a country's efforts to provide timely and quick information on standards, technical regulations and conformity assessment procedures of other Members to its industry, organizations and exporters. This has an obvious adverse effect on trade among different Member countries.

V. TECHNICAL ASSISTANCE

8. Developed countries who have established a National Notification System and whose standardization bodies have accepted the Code of Good Practice and are meeting the notification obligations should hold workshops/seminars and provide assistance for the benefit of developing countries like India, so that the infrastructure in such countries can be upgraded in order to better fulfill the obligations of Notification under the WTO TBT Agreement.

9. Developed countries who are using the modern technologies like Internet to store and disseminate information on their standards, technical regulation and conformity assessment procedures should provide financial/technical assistance to developing countries in order to help them create their websites so that this information can be utilised by all Member countries of WTO.

VI. CONCLUDING REMARKS

10. In conclusion, BIS would like to seek clarification on the following issues:

- (a) Does the National notification system of developed countries include all organizations in the country engaged in enforcement of technical regulations and conformity assessment procedures?
 - (b) Have all the standards formulating bodies of developed countries accepted the Code of Good Practice and are they meeting the notification obligations?
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