

FOURTH TBT QUARTERLY REPORT

2016



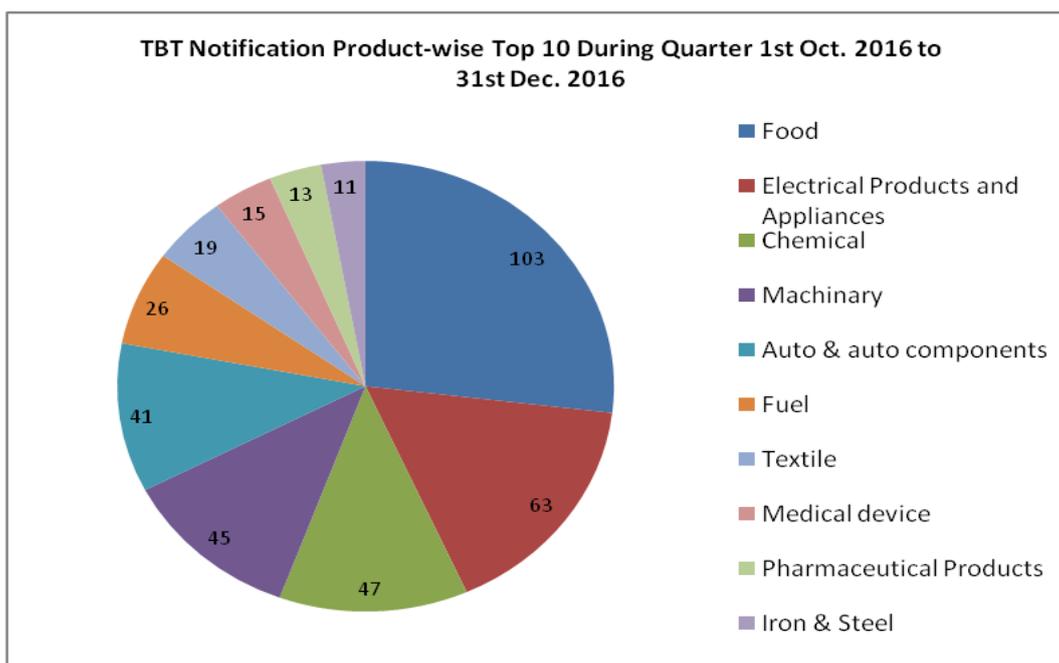
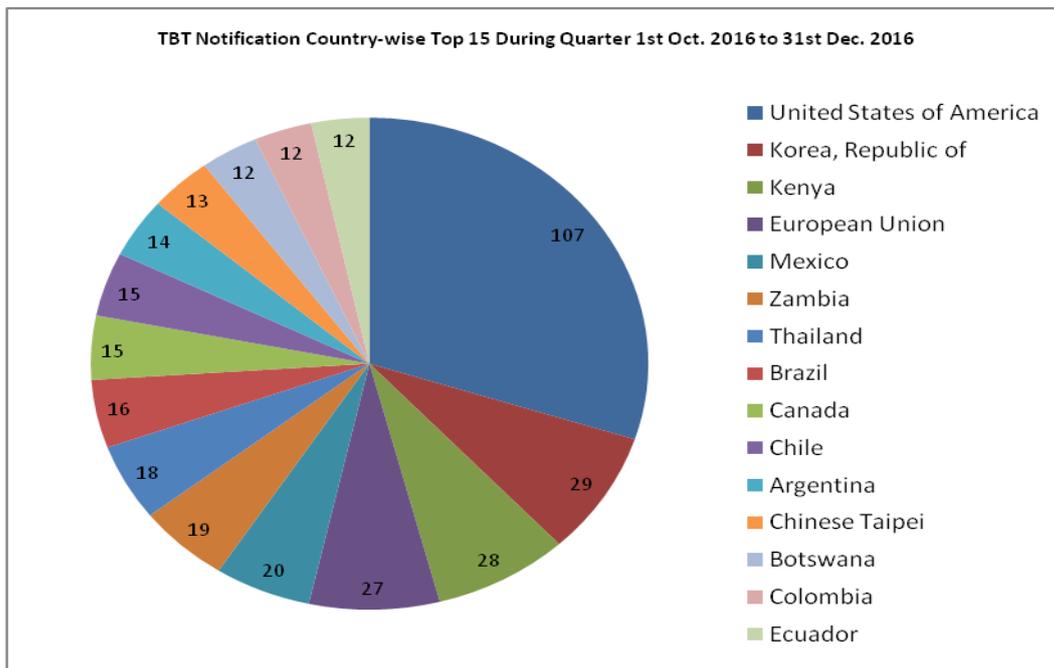
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TBT QUARTERLY REPORT (1ST OF OCTOBER '16 TO 31ST DECEMBER '16): AT A GLANCE

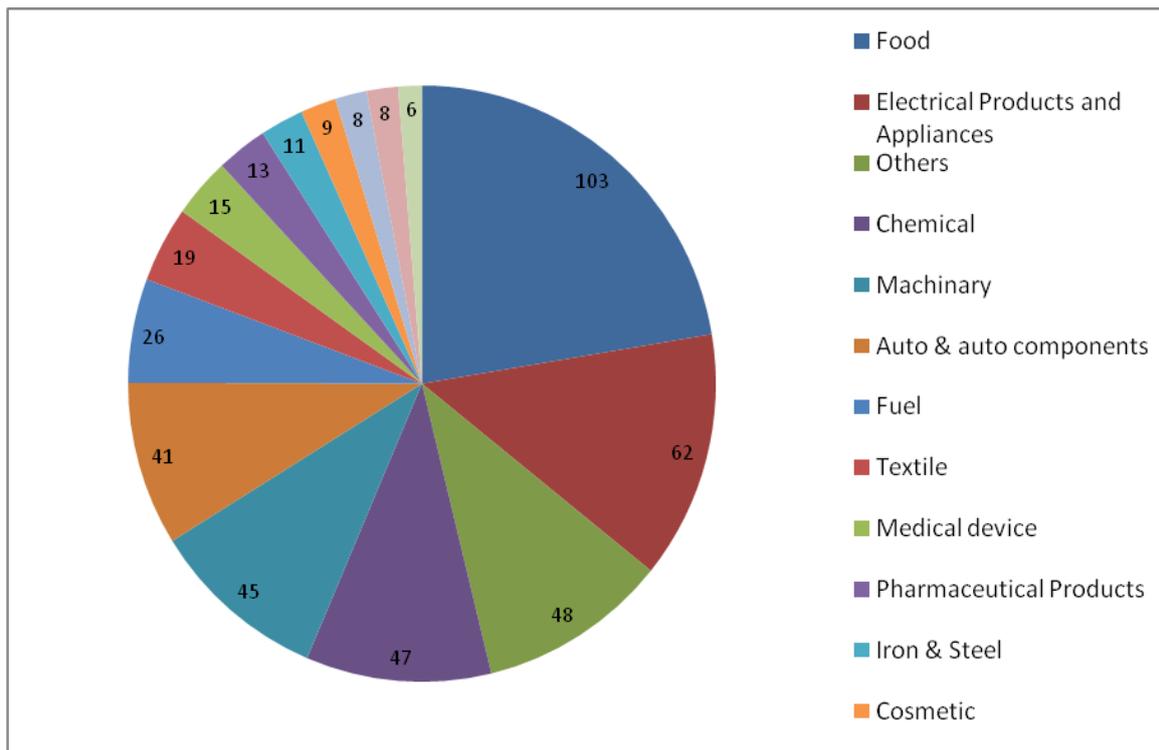
Details Pertaining to TBT Notifications Issued By All WTO Member Countries

The total number of TBT notifications issued by the various WTO-member countries from 1st of October 2016 to 31st December 2016 was 462. Out of these 462 notifications, India issued one TBT notification. Hence, a total of 461 notifications were studied in the quarter 1st October 2016 to 31st December, 2016 which was relevant to India. Out of 461 notifications, 181 notifications were the addendum of draft regulations notified earlier in the WTO.

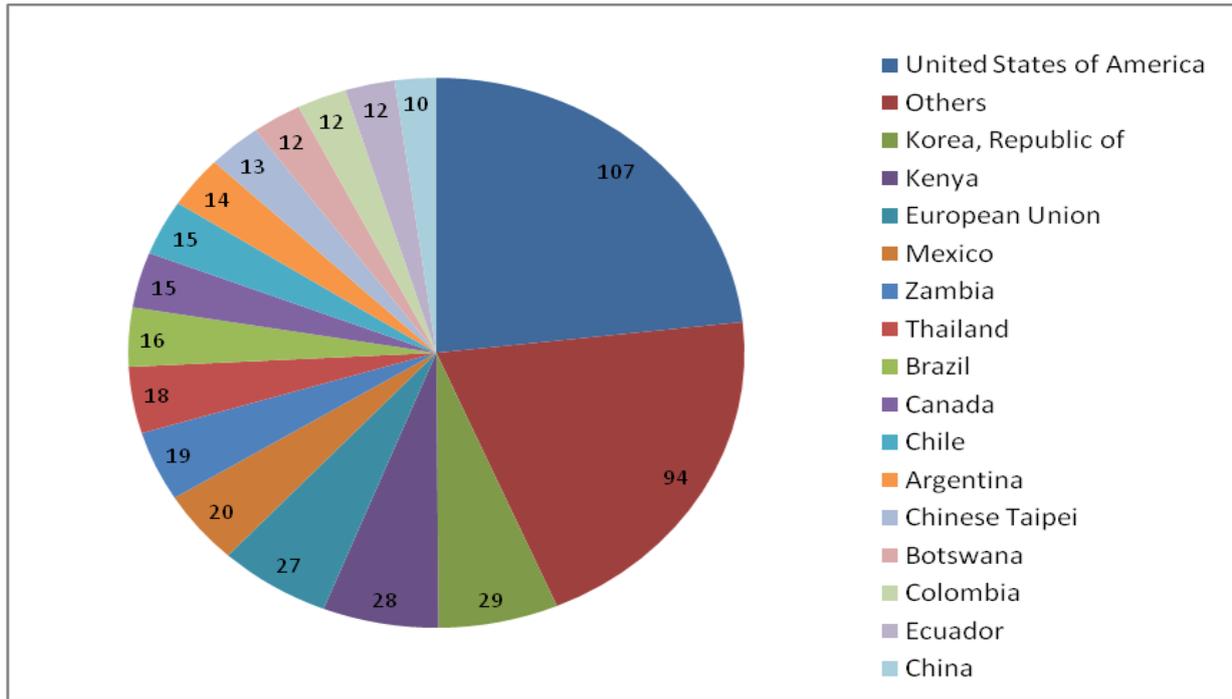


Details Pertaining to TBT Notifications Relevant To India

Product-wise Information: Out of the total 461 TBT notifications which were relevant to India, 103 related to food products, 62 related to electrical products and appliances, 47 chemical products, 45 machinery products, 41 auto and auto components, 26 fuel products, 19 textile products, 15 medical device, 13 pharmaceutical products, 11 iron and steel, 9 cosmetic, 8 fertilizer, 8 wood products, 6 pesticide and the remaining 48 related to other products.



Country-wise Information: Out of the total 461 TBT notifications relevant to India, USA issued 107 notifications, followed by South Korea, Kenya, European Union, Mexico, Zambia, Thailand, Brazil, Canada, Chile, Argentina, Chinese Taipei, Botswana, Colombia, Ecuador and China with 29, 28, 27, 20, 19, 18, 16, 15, 15, 14, 13, 12, 12, 12 and 10 notifications, respectively. The remaining 94 notifications were from other WTO Member countries.



Details Pertaining to Draft Responses Sent

Notifications-May Impact Indian Industry: (Draft Responses Sent)

There were 17 draft responses sent in the quarter October 2016 to December 2016. In these notifications stakeholders were of the view that, though some of the notifications were in line with International Standards, they may adversely impact Indian exports. Hence, APJ-SLG suggested that the Government of India may seek clarifications from the concerned enquiry point requesting them to provide justification for setting the proposed regulations. These notifications are mentioned below:

Sl. No:	Notification No:	Country	Product	Issue in Brief	India's Comment
1.	G/TBT/N/GTM/92	Guatemala	Organic Agricultural Products	The Ministry of Agriculture, Livestock and Food (MAGA) and the Ministry of Economy issued this proposal on technical regulation on organic products. It laid down the requirements for the Production, Processing, Marketing, Certification and Labelling of organic agricultural products.	In reply, India stated that, organic products in India are certified under the National Programme for Organic Production (NPOP). The standards for organic production, criteria, accreditation, certification, logo for organic products and other regulations falls under the scope of NPOP. The standards are established in accordance with the international standards concerning the import and export of organic products. Hence, India sought 'equivalence' to promote and facilitate the trade on organic products.
2.	G/TBT/N/CRI/162	Costa Rica	Organic Agricultural Products	The Ministry of Economy, Industry and Trade's (MEIC) issued this proposal on technical regulation on organic products. It laid down the requirements for the Production, Processing, Marketing, Certification and Labelling of organic	In reply, India stated that, organic products in India are certified under the National Programme for Organic Production (NPOP). The standards for organic production, criteria, accreditation,

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				agricultural products.	certification, logo for organic products and other regulations falls under the scope of NPOP. The standards are established in accordance with the international standards concerning the import and export of organic products. Hence, India sought 'equivalence' to promote and facilitate the trade on organic products.
3.	G/TBT/N/NIC/147	Nicaragua	Organic Agricultural Products	The Institute for Protection and Animal Health's (IPSA) issued this proposal on technical regulation on organic products. It laid down the requirements for the Production, Processing, Marketing, Certification and Labelling of organic agricultural products.	In reply, India stated that, organic products in India are certified under the National Programme for Organic Production (NPOP). The standards for organic production, criteria, accreditation, certification, logo for organic products and other regulations falls under the scope of NPOP. The standards are established in accordance with the international standards concerning the import and export of organic products. Hence, India sought 'equivalence' to promote and facilitate the trade on organic products.
4.	G/TBT/N/PAN/87	Panama	Organic Agricultural Products	The National Development Plant Health under the Ministry of Agriculture's issued this proposal on technical regulation on organic products. It laid down the requirements for the Production, Processing, Marketing, Certification and Labelling of organic agricultural products.	In reply, India stated that, organic products in India are certified under the National Programme for Organic Production (NPOP). The standards for organic production, criteria, accreditation, certification, logo for organic

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					products and other regulations falls under the scope of NPOP. The standards are established in accordance with the international standards concerning the import and export of organic products. Hence, India sought 'equivalence' to promote and facilitate the trade on organic products.
5.	G/TBT/N/SLV/183	El Salvador	Organic Agricultural Products	The Salvadoran Agency for Technical Regulation's (OSARTEC) issued this proposal on technical regulation on organic products. It laid down the requirements for the Production, Processing, Marketing, Certification and Labelling of organic agricultural products.	In reply, India stated that, organic products in India are certified under the National Programme for Organic Production (NPOP). The standards for organic production, criteria, accreditation, certification, logo for organic products and other regulations falls under the scope of NPOP. The standards are established in accordance with the international standards concerning the import and export of organic products. Hence, India sought 'equivalence' to promote and facilitate the trade on organic products.
6.	G/TBT/N/USA/1218	USA	Fuel	The Environmental Protection Agency (EPA) proposed to approve the request submitted by the District of Columbia to lower the sulfur content of fuel oil. The District was of view that this regulation will decrease SO2 emissions from certain fuel combustion sources and therefore, strengthen the District's State Implement Plan (SIP). The	In reply: India sought clarifications on, whether this revision is based on any scientific study or justification, in particular on the low sulfur content in fuel oil. In addition to, whether this proposed measure has any significance to meet any

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				reduction to SO2 emissions will help the District to maintain the national ambient air quality standards (NAAQS) for SO2.	multilateral obligation. Second, whether this proposed revision is only applicable for domestically produced fuel oil or it is also applicable for exported fuel oil into US.
7.	G/TBT/N/UGA/590	Uganda	Frozen lobster tails	The Uganda National Bureau of Standards issued this draft standard concerning specifications for frozen lobster tails. It specified requirements, methods of sampling and test for all species of the genera- Panulirus, Thunnus and Peruulus.	In Section 7 - Contaminants - Heavy Metals of the proposal, the Ugandan authorities listed specification for Arsenic. In reply, we mentioned that Codex has not specified any maximum limit for Arsenic in or on fish and fish products. In addition, the maximum level of Cadmium has been proposed at 0.3 mg/kg which is stringent than the Codex limit of 2 mg/kg for marine bivalve molluscs and cephalopods. Hence, India requested the Ugandan authorities to explain the rationale for fixing the maximum lead content at 0.3 mg/kg. In this context, India sought technical justification for fixing such stringent maximum limits for arsenic, lead and cadmium.
8.	G/TBT/N/UGA/591	Uganda	Tunas and canned tunas	The Uganda National Bureau of Standards issued this draft standard concerning tuna canned in oil. It specified requirements, methods of sampling and test for tuna canned in oil.	In Section 7 - Contaminants - Heavy Metals of the proposal, the Ugandan authorities listed specification for Arsenic. In reply, we mentioned that Codex has not specified any maximum

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					<p>limit for Arsenic in or on fish and fish products. In addition, the maximum level of Cadmium has been proposed at 0.3 mg/kg which is stringent than the Codex limit of 2 mg/kg for marine bivalve molluscs and cephalopods. Hence, India requested the Ugandan authorities to explain the rationale for fixing the maximum lead content at 0.3 mg/kg. In this context, India sought technical justification for fixing such stringent maximum limits for arsenic, lead and cadmium.</p>
9.	G/TBT/N/UGA/589	Uganda	Fried fish	<p>The Uganda National Bureau of Standards issued this draft standard concerning specifications for fried fish. It specified requirements, methods of sampling and test for fried fish of all species.</p>	<p>In Section 7 – Contaminants – Heavy Metals of the proposal, the Ugandan authorities listed specification for Arsenic. In reply, we mentioned that Codex has not specified any maximum limit for Arsenic in or on fish and fish products. In addition, the maximum level of Cadmium has been proposed at 0.3 mg/kg which is stringent than the Codex limit of 2 mg/kg for marine bivalve molluscs and cephalopods. Hence, India requested the Ugandan authorities to explain the rationale for fixing the maximum lead content at 0.3 mg/kg. In this context, India sought technical</p>

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					justification for fixing such stringent maximum limits for arsenic, lead and cadmium.
10.	G/TBT/N/UGA570	Uganda	Dry soybeans	The Uganda National Bureau of Standards issued this draft standard concerning specifications for dry soybeans. It specified requirements, methods of sampling and test for dry soybeans for all varieties grown from Glycine max (L.) Merr.	India found that the proposed limits were not in accordance with the Codex Standard. In this context, India sought scientific rational for fixing such limits.
11.	G/TBT/N/PER/89	Peru	Healthy food law	The Ministry of Health issued this regulation establishing rules concerning the implementation and enforcement of the Law on Promotion of Healthy Eating for Children and Adolescents. The regulation proposed to regulate the level of high fat, sodium and sugar content in the processed and semi-processed food products.	India found no reference to the required details in the labelling section which are necessary for consumer awareness, hence, India requested the Peruvian authorities to provide information on labelling. India also suggested the following additional specifications for inclusion in the regulation: <input type="checkbox"/> The label shall contain the details like the quantity of nutrients (i.e., Energy in Kcal) and added sugar and as per percent Daily Value (DV) <input type="checkbox"/> Information on serving size and number of serving per container
12.	G/TBT/N/TPKM/230 /Add.1	Taiwan	Dairy products	The Taiwanese authorities have announced the revision of the 'Draft Regulations Governing the Product Names and Labelling of Prepackaged Butter, Cream, Margarine and Related Products'.	Point 1 of Article 2 of the draft revision defines the product name and labelling of pre-packaged butter as 'A product containing edible butter made from fat-containing products of dairy derivatives through sterilization,

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					<p>agitation and refinement with at least 80% of milkfat'. In reply, India stated that butter is made from the churning of cream that has been subjected to the process of pasteurization. Further, pasteurization is the general processing step used in the manufacturing of butter. Hence, India suggested the Taiwanese authorities to include 'pasteurization process' in the definition of the product. Besides, specifying 'sterilization' as a process may pose a hindrance to the trade. Hence, India requested the Taiwanese authorities to provide the rationale for inclusion of sterilization in the product name.</p>
13.	G/TBT/N/THA/490	Thailand	Fresh fruits and vegetables	The Food and Drug Administration (Thai FDA) notified the Ministry of Public Health's draft notification on good practice for packing houses. It is titled as 'the requirements for production processes, production equipments, storage and labelling of some fresh fruits or vegetables'.	In reply, India stated that mandating information on the growers along with the packers pose a significant challenge to Indian exporters. It is largely due to the system of agricultural practice in India. Unlike other countries, producers in India are farmers with small land holdings. The farm produces are collected by the aggregators or the packing houses. Therefore, the accumulation of farm produces

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					makes it infeasible to identify the source of the produce to a particular small scale farmer. As a result, the possibility of providing such specific details on the growers by the exporters from India is highly limited. In this regard, mandating growers' information may pose a huge hindrance on India's trade of fresh fruits and vegetables to Thailand. Hence, India requested the Thailand authorities to mandate only the packers' information.
14.	G/TBT/N/URY/13	Uruguay	Containers and plastic equipment in contact with food	The draft MERCOSUR Technical Regulation proposes a positive list of monomers, materials and polymers authorized for the manufacture of plastic containers and equipment in contact with food.	The Uruguay authorities have not provided any regulation along with this notification. Hence, in reply, India requested the Uruguay authorities to provide the details of draft standard, so that it may be analyzed to assess the impact on India's trade. India also sought clarifications from the Uruguay authorities that, whether it will allow the use of other monomers, materials and polymers, which are not listed in this draft.
15.	G/TBT/N/MEX/330	Mexico	Draft official marking	This draft Mexican Official Standard establishes the design characteristics and conditions of the official password and markings for Mexican Official Standards. This draft Mexican Official Standard is intended	India requested the Mexican authorities to extend accreditation to third party certification bodies accredited by NABCB in India for issuing the official markings. India

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				<p>that the use of the Official password and marking demonstrate to consumers or users that products or services meet the conformity assessment regarding the Mexican Official Standards. Individuals and corporations can obtain the official password and official marking from the Mexican authorities, subject to compliance with the relevant Mexican Official Standards.</p>	<p>also requested the Mexican authorities to recognize the arrangements prescribed by the conformity assessment bodies from third countries like India, which in turn will reduce compliance cost for exporters. India requested the Mexican authorities to review the proposed guidelines and provide equivalence to Indian conformity assessment bodies.</p>
16.	G/TBT/N/EU/420	EU	"Good Clinical Practice" inspections procedures	<p>This TBT notification proposed detailed arrangements for the Good Clinical Practice inspection procedures.</p>	<p>In reply, India stated that: Article 3.1 of the proposal empowers EU member countries to establish and design separate and individual quality system for inspection procedures to ensure good clinical practice. In this context, India requested the European Commission to clarify whether the member states of EU will follow a common harmonized quality system for conducting inspection procedures or would member states of EU be free to develop their own criteria for developing quality systems for inspection procedures. India stated that if there is no harmonized quality system in place across the EU then it may impact market access for India as</p>

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					<p>it may have to meet separate systems for exporting to different member states of the EU.</p> <p>Article 4.1. of the proposal talks about the educational qualification of inspectors. However, the term “other fields relevant to the principles of good clinical practice” may create ambiguities, as this may result in difference of opinion among member states of EU while recruiting inspectors to ensure good clinical practice. Since the same inspectors would be deployed to inspect foreign entities exporting to the EU. India requested the EU authorities to reconsider the term “or other fields relevant to the principles of good clinical practice” as this does not provide the expected transparency to exporting nations on the exact qualification of the inspectors who may be authorized to inspect units in exporting countries like India.</p> <p>As per Article 13 of the proposal, EU Member States shall keep for at least 25 years relevant records of national inspections as well as of the inspections performed outside their territory. India requested the EU authorities to clarify whether</p>

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					<p>this clause is obligatory for third countries as well, like India. If the clause is mandatory for entities exporting to EU as well then India stated that the 25 years criteria seems to long and will add unnecessary burden on exporting entities.</p>
17.	G/TBT/N/EU/422	EU	Pesticide active substance - Oxyfluorfen	<p>The European Commission (EC) proposed an Implementing Regulation in order to amend the conditions of approval of the active substance - oxyfluorfen. This proposal mentioned that the existing authorisations for this substance - oxyfluorfen would either be amended or withdrawn from the market.</p>	<p>In reply, India stated that: This substance is registered in India and the maximum residue levels are fixed for use in various products. Hence, India is of the view that any changes to the approval status of this active substance - oxyfluorfen may impact the trade on plant products. The EU member states have been given a provision either to amend the conditions of use or to withdraw the authorisation. For instance: an EU member state may choose to amend the usage whereas the other EU member state(s) may decide to withdraw the approval of this chemical substance. In this context, India pointed out that this proposal may hinder exports from India to EU member states. Further, in such case, exports from India to EU</p>

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					member state, which may be routed through other EU member states, may also get affected. Given the above context, India sought clarifications whether there are any guidelines to be followed by the EU member states.

Note: