

Fourth TBT Quarterly Report

2015



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TBT Notifications (1st of October 2015 to 31st December 2015)

I. Notification Details:

The total number of notifications issued by the various WTO-member countries from 1st of October 2015 to 31st December 2015 was **520**. The notifications are divided into three categories: active notifications, notifications sent for request for regulation and the notifications with negligible exports. The active notifications are those notifications where India has export potential on the products referred and also have regulations available in English version. There are another group of notifications where the regulations are not available in English language. The last category comes under the no export category where India is not exporting the products referred in these notifications or negligible exports are reported. Out of these 520 notifications, **117** were active notifications that were of relevance for India.

II. Active Notifications:

Country-wise Information: An analysis of the 117 notifications which were relevant to India shows that United States of America issued 55 notifications followed by European Union, Japan, Chinese Taipei, Canada, United Arab Emirates, Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and Yemen which issued 14, 9, 7, 5, 5, 4, 3, 3, 3, 3, 3 and 3 notifications, respectively. Together, these countries have issued more than 90% of the total notifications during 1st of October 2015 to 31st December 2015. **(Table 1 below)**

III. Total Notifications Issued by All Member Countries:

Country-wise Information: Out of the total 520 notifications issued by member countries of WTO, United States of America issued 64 notifications followed by Saudi Arabia, United Arab Emirates, China, Bahrain, Oman, Kuwait, Yemen, Qatar, Brazil, European Union, Argentina, Korea, Egypt, Chinese Taipei, Japan, Ecuador, South Africa and Uganda which issued 51, 30, 26, 24, 20, 20, 17, 16, 16, 15, 12, 12, 12, 11 and 11 notifications, respectively. These countries have issued more than 76% of the total notifications during 1st of October 2015 to 31st December 2015. **(Table 2 below)**

Product-wise Information: Out of the 520 notifications, 236 were on food products, 41 were on electrical products, 39 were on machinery, 30 were on chemical, 22 were on pharmaceutical, 21 were on auto & auto components, 13 were on medical device, 12 were on cosmetic, 10 were on textiles, 6 were on fuels, 4 were on iron & steel products, 3 were on tobacco products, 2 were on rubber & plastic and the rest were in other products. **(Table 3 below)**

IV. Indian Position on Notifications Relevant to India:

Notifications-No Impact on Indian Industry:

Based on analysis and industry/stakeholders response on 117 notifications, it was found that, India was in a position to meet 85 regulations proposed by the member countries and on six regulations, the Government of India has sought clarifications from the concerned “Enquiry Points”. For 26 notifications issued in December 2015 the responses are yet to be received.

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

There were six notifications where 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:	Date	Country	Product
1.	G/TBT/N/CHN/1094	22/07/2015	China	Wood Products
2.	G/TBT/N/ARE/265	03/08/2015	UAE	Electronic Devices
3.	G/TBT/N/OMN/212	02/10/2015	Oman	Children and Adult Jewellery
4.	G/TBT/N/KEN/122/ Rev.1	09/11/2015	Kenya	All Products
5.	G/TBT/N/SGP/25	30/10/2015	Singapore	Organic Products
6.	G/TBT/N/USA/658.A dd.1	16/11/2015	USA	Children Products

Impact Analysis:

The responses were sent to respective enquiry points on notified products that carried an impact for potential export markets for India.

Chinese Notification: G/TBT/N/CHN/1094

In the case of CHN/1094, the draft responses were sent with respect to wood products. The notification was on the control limit of emission of harmful chemical substances. The question was basically asked on deviation from test standards established by International standards Organisation, ISO. India also questioned the scientific justification and enforcement measures of the proposed measure.

UAE Notification: G/TBT/N/ARE/265

The notification dealt with technical regulation for limiting the emission of hazardous substances. India asked for scientific and technical information and measures applicable for products already in the market. Questions related to conformity assessment procedures were also raised in the response to the UAE. The notification put forth stringent regulations restricting the use of four substances on electrical products. India asked for extension of transition period for Indian exporters.

Oman Notification: G/TBT/N/OMN/212

The notification mandated the use of ASTM Standards for children and adult jewellery. The ASTM standard was considered as an international standard. The cost for ASTM standards was too costly for Indian exporters. India questioned the status of ASTM standards as International standards and asked UAE to ease the standards for Indian exporters.

Kenya Notification: G/TBT/N/KEN/122/Rev.1

Kenya mandated the use of conformity certification for all products starting from December 2015. It mandated for an inspection requirement for issuance of certificates of conformity. The presentation of certificate of conformity shall be mandatory for clearance of all products exported to Kenya. This placed huge compliance cost for Indian exporters to Kenya. This measure of Kenya was questioned by India and asked for bilateral consultations with Kenyan authorities on this issue. Kenyan Government has responded to look into the issue.

Singapore Notification: G/TBT/N/SGP/25

Singapore Notification dealt with organic certification of food products. It came up with inspection and certification of organic food products. India asked for equivalence with India's NPOP scheme. Singapore responded that India's Indian Government's NPOP Scheme is based on Codex and IFOAM guidelines, such a certification scheme would be deemed to be equivalent to the Codex guidelines. Therefore organic food products exported from India and duly certified under the NPOP Scheme would be considered to be in compliance with the new requirements to be introduced by Singapore.

USA Notification: G/TBT/N/USA/658.Add.1

US notification dealt with renewal of third party testing procedures for children's products. The manufacturers of children products have to follow all the paperwork associated with the sections therein. This increased the delay of export of children's goods to USA. The same was questioned and the need for such record keeping requirements was also raised with the respective enquiry point.

December 2015 Notifications awaiting responses from Stakeholders are as follows:

Sl. No	Notification No:	Date Issued	Products Covered	Details of the Regulation
1	G/TBT/N/IND/51	1/12/2015	Alcoholic Beverages	India issued a notification on alcoholic beverages. The Draft Food Safety and Standards (Alcoholic Beverages Standards) Regulations, 2015 details the Standards of Alcoholic Beverages. The details of the notification were sent to respective stakeholders
2	G/TBT/N/USA/1053	1/12/2015	Jelly	The Food and Drug Administration of the US issued this notification. It revokes the standards of identity for artificially sweetened jelly, preserves, and jams. The details of the notification were sent to respective stakeholders
3	G/TBT/N/USA/970/Add.1	1/12/2015	Energy labels	The U.S. Department of Energy (DOE) proposes to establish test procedures for portable air conditioners (ACs) in accordance with the guidance and requirements set forth by the Energy Policy and Conservation Act The details of the notification were sent to respective stakeholders
4	G/TBT/N/CAN/472	3/12/2015	Salts and Derivatives	The notification was issued by Canada. The purpose of this Notice of Consultation is to provide an opportunity to comment on the proposal to revise the listing for Adrenocortical Hormones or their salts or derivatives on the Human Prescription Drug List (PDL) to permit the non-

				prescription use of Fluticasone propionate for certain uses. The details of the notification were sent to respective stakeholders.
5	G/TBT/N/EU/327	3/12/2015	Biocidal Product	The notification was issued by EU. The EU approves peracetic acid as an existing active substance for use in biocidal products for product-types 1, 2, 3, 4, 5 and 6. The details of the notification were sent to respective stakeholders
6	G/TBT/N/IND/52	3/12/2015	Food	The notification was issued by India. The Draft Food Safety and Standards (Prohibition & Restriction on Sale) Amendment Regulation, 2015, and the Draft Food Safety and Standards (Food Products Standards and Food Additives) Amendment Regulations, 2015 detail the standards of milk and milk products. The details of the notification were sent to respective stakeholders
7	G/TBT/N/JPN/509	3/12/2015	Energy Labelling	The notification was issued by Japan. As the revision of the standards for judgment under the Act on the Rational Use of Energy, the scope, the measurement for energy consumption efficiency and labelling requirement will be revised. The details of the notification were sent to respective stakeholders
8	G/TBT/N/TUR/70	3/12/2015	Food	The notification was issued by Turkey. The purpose of this regulation is to harmonize with the latest amendments of European Commission Regulation (EU) on flavourings and food ingredients with

				flavouring properties. The details of the notification were sent to respective stakeholders
9	G/TBT/N/USA/10 12/Add.1	3/12/2015	Natural Gas	The USA is proposing changes for Excess Flow Valves (EFVs), the safety devices installed on natural gas pipelines to reduce the risk of accidents. The details of the notification were sent to respective stakeholders
10	G/TBT/N/USA/10 31/Add.1	3/12/2015	Food	The notification was issued by USA. The Food and Drug Administration (FDA) is proposing regulations to describe the circumstances in which a product made or derived from tobacco that is intended for human consumption will be subject to regulation as a drug, device, or a combination product under the Federal Food, Drug, and Cosmetic Act (the FD&C Act). The details of the notification were sent to respective stakeholders
11	G/TBT/N/USA/10 33/Add.2	3/12/2015	Mine Equipments	The notification was issued by USA. The Mine Safety and Health Administration (MSHA) is proposing to require underground coal mine operators to equip coal hauling machines and scoops with proximity detection systems. The details of the notification were sent to respective stakeholders
12	G/TBT/N/TPKM/2 25	8/12/2015	Organic Products	The notification was issued by Taiwan. Taiwan is introducing a new law on organic products. The Act is drafted with 41 articles to promote the

				sustainable development of Taiwan's organic agriculture and improve the quality of organic agricultural products. The details of the notification were sent to respective stakeholders
13	G/TBT/N/EU/328	9/12/2015	Cosmetic Products	The notification was issued by EU. This draft Commission Regulation aims at authorizing titanium dioxide (nano) as a UV-filter in cosmetic products. The details of the notification were sent to respective stakeholders
14	G/TBT/N/EU/329	11/12/2015	Chemical Products	The notification was issued by EU. This draft Commission Decision aims at identifying DEHP, DBP, DDP and DIBP as substances of high concern. The details of the notification were sent to respective stakeholders.
15	G/TBT/N/USA/1000/Add.1	11/12/2015	Chemical Substances	The notification was issued by USA. EPA is proposing significant new use rules (SNURs) under the Toxic Substances Control Act (TSCA) for 30 chemical substances which were the subject of pre-manufacture notices (PMNs). The details of the notification were sent to respective stakeholders.
16	G/TBT/N/USA/800/Add.4	11/12/2015	Electrical & Electronic Products	The notice calls for meeting will cover the analytical framework, models, and tools that DOE is using to evaluate standards for this lamp and lighting equipment; The details of the notification were sent to respective stakeholders

17	G/TBT/N/JPN/510	15/12/2015	Pharmaceutical Products	The notification was issued by Japan. Japan intends to amend the Enforcement Order of Industrial Safety and Health Act. The details of the notification were sent to respective stakeholders
18	G/TBT/N/EU/330	16/12/2015	Food Products	The notification was issued by EU. This draft Commission Regulation concerns the refusal of authorization of two health claims made on foods. The details of the notification were sent to respective stakeholders
19	G/TBT/N/EU/331	16/12/2015		
20	G/TBT/N/USA/1019/Add.1	16/12/2015	Electrical appliances	The notification was issued by USA. The proposed rule intends to remove two non-organic agricultural substances from the National List for use in organic handling, fortified cooking wines--marsala wine and sherry wine. This proposed rule would also remove two listings for synthetic substances allowed for use in organic crop production on the National List, streptomycin and tetracycline, as their use exemptions expired on 21 October 2014. The details of the notification were sent to respective stakeholders
21	G/TBT/N/USA/999/Add.1	16/12/2015	High chairs	The notification was issued by USA. The regulation proposes annual percentage standards for cellulosic biofuel, biomass-based diesel, advanced biofuel, and total renewable fuel that apply to all motor vehicle gasoline and diesel produced or imported in the years 2014, 2015, and 2016. The details of

				the notification were sent to respective stakeholders
22	G/TBT/N/JPN/511	17/12/2015	Pharmaceutical Products	The notification was issued on pharmaceutical products. Proposed regulation has put three substances to the designated list. The details of the notification were sent to respective stakeholders
23	G/TBT/N/USA/1014/Add.3	21/12/2015	Toys	The notification was issued by USA. The Consumer Product Safety Commission ("Commission" or "CPSC") is proposing to determine that unfinished and untreated trunk wood does not contain heavy elements that would exceed the limits specified in the Commission's toy standard, ASTM F963-11. The details of the notification were sent to respective stakeholders
24	G/TBT/N/USA/1049/Add.1	22/12/2015	Refrigerator	The notification was issued by USA. The existing regulations require that persons servicing or disposing of air-conditioning and refrigeration equipment observe certain service practices that reduce emissions of ozone-depleting refrigerant. This proposed rule would update those existing requirements as well as extend them, as appropriate, to non-ozone-depleting substitute refrigerants, such as hydrofluorocarbons. The details of the notification were sent to respective stakeholders
25	G/TBT/N/USA/1054	22/12/2015	Organic Products	The notification was issued by USA. The notification was issued by USA. The proposed rule intends to remove five non-organic non agricultural

				<p>substances from National List for use in organic handling. Thus, the proposed rule proposes to amend the National List to remove the exemptions for <i>egg white lysozyme</i>, <i>cyclohexylamine</i>, <i>diethylaminoethanol</i>, <i>octadecylamine</i>, and <i>tetrasodium pyrophosphate</i>. The details of the notification were sent to respective stakeholders.</p>
26	G/TBT/N/USA/885/Add.2	22/12/2015		<p>An addendum was issued by USA. The Food and Drug Administration (FDA, the Agency, or we) is revising our infant formula regulations to establish requirements for current good manufacturing practices (CGMP), including audits; to establish requirements for quality factors; and to amend FDA's quality control procedures, notification, and record and reporting requirements for infant formula. FDA is taking this action to improve the protection of infants who consume infant formula products. The details of the notification were sent to respective stakeholders</p>

V. ANNEXURES

TABLE-1

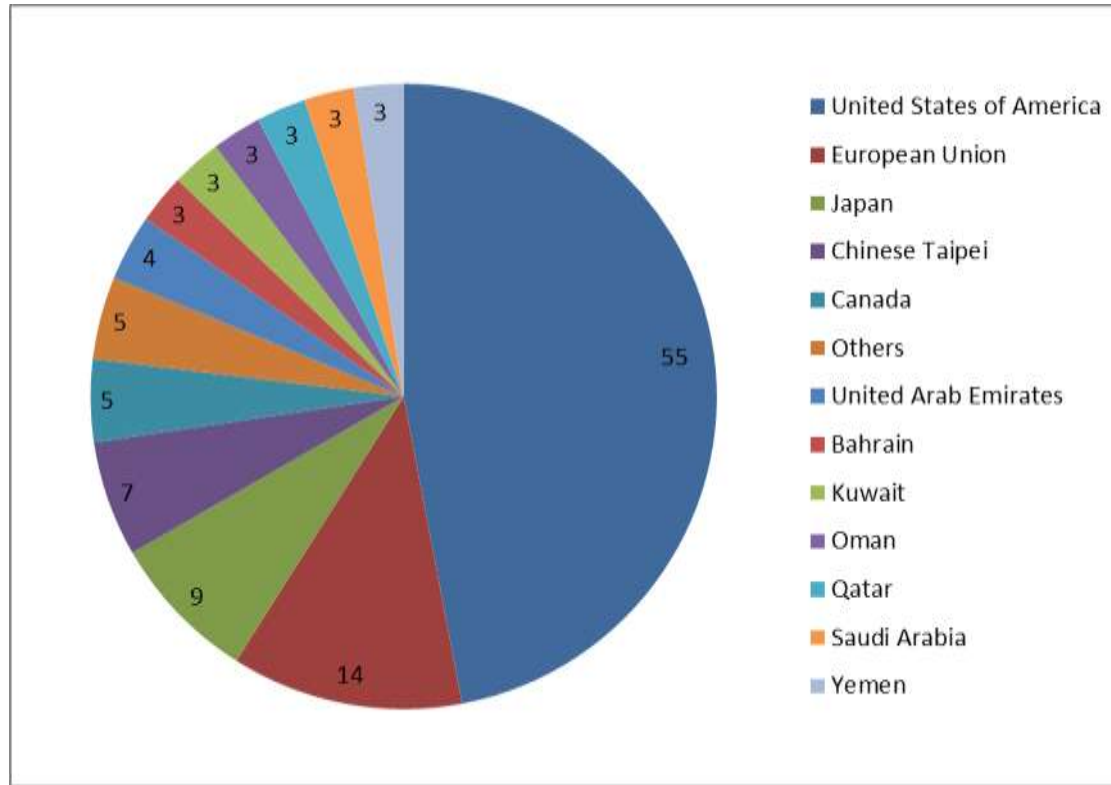


TABLE 2

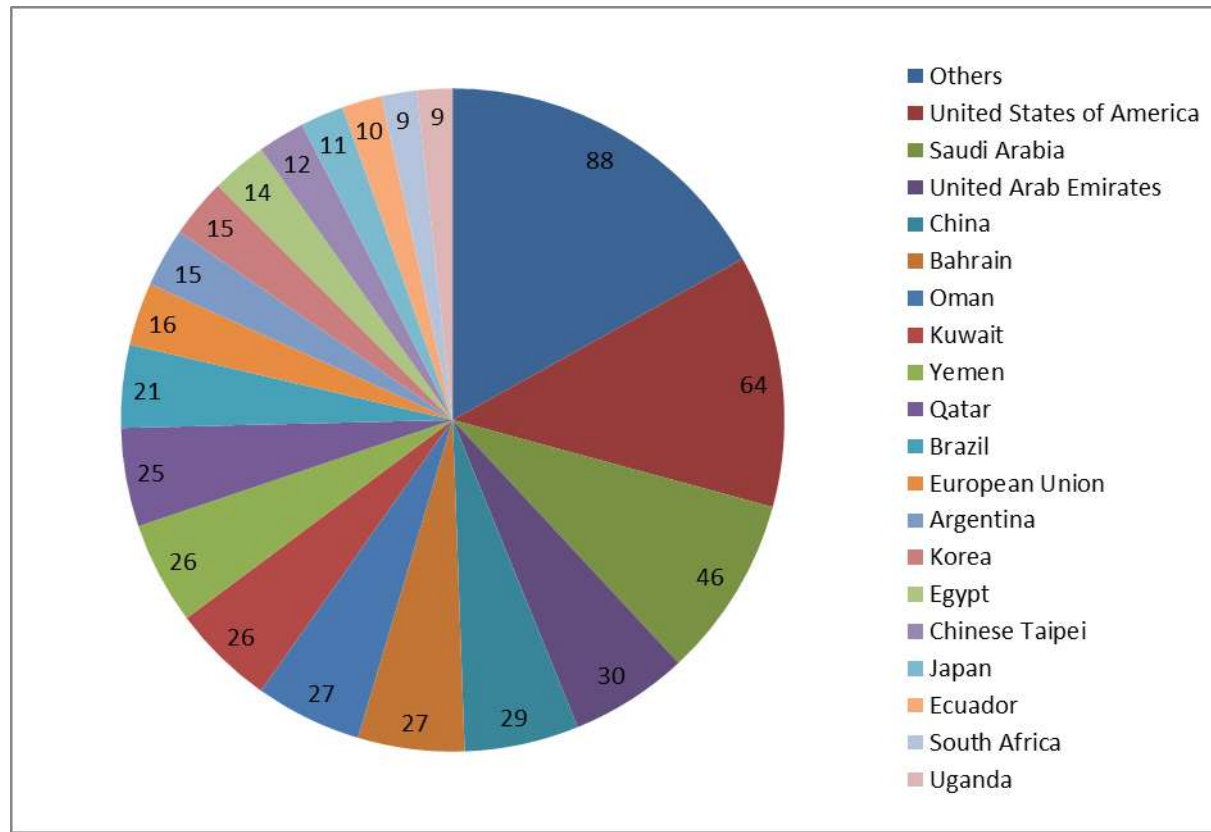
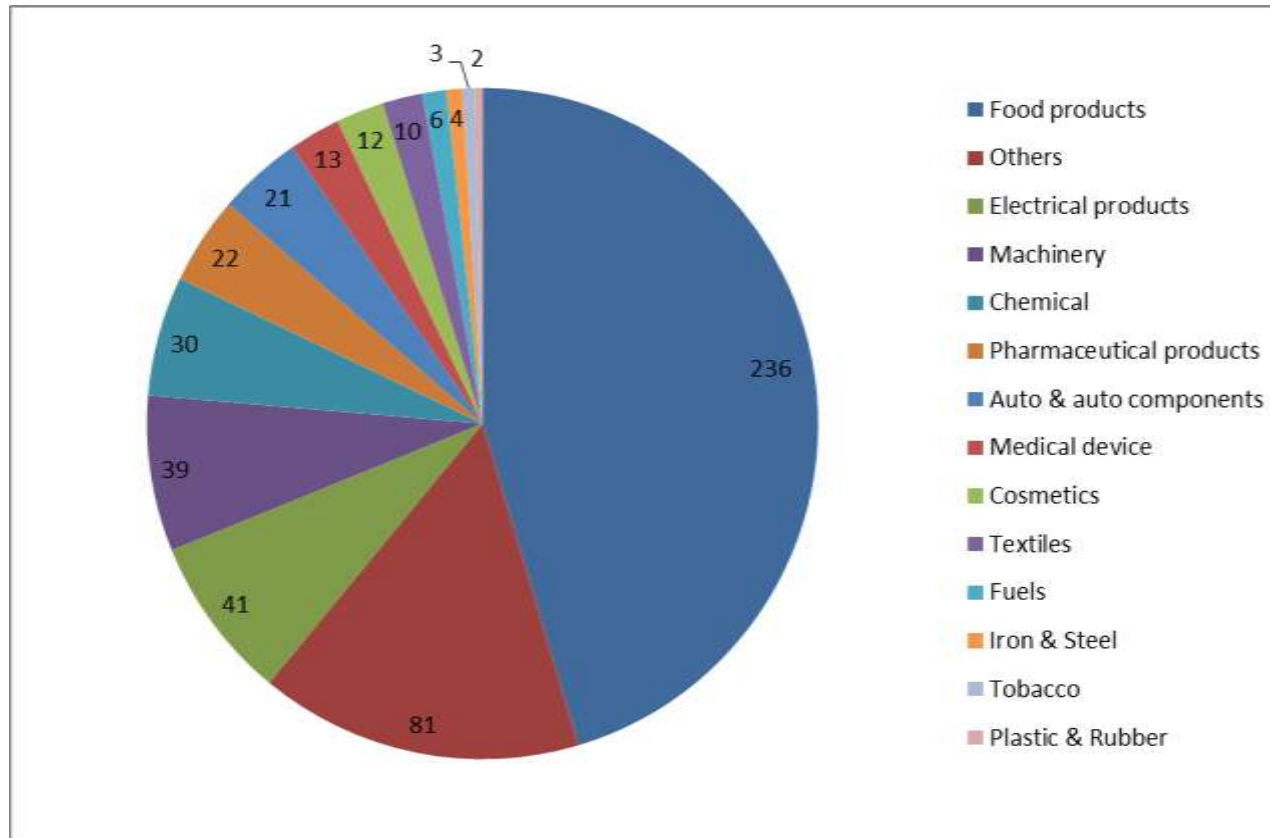


TABLE 3



Notes: