

SECOND TBT QUARTERLY REPORT

2018



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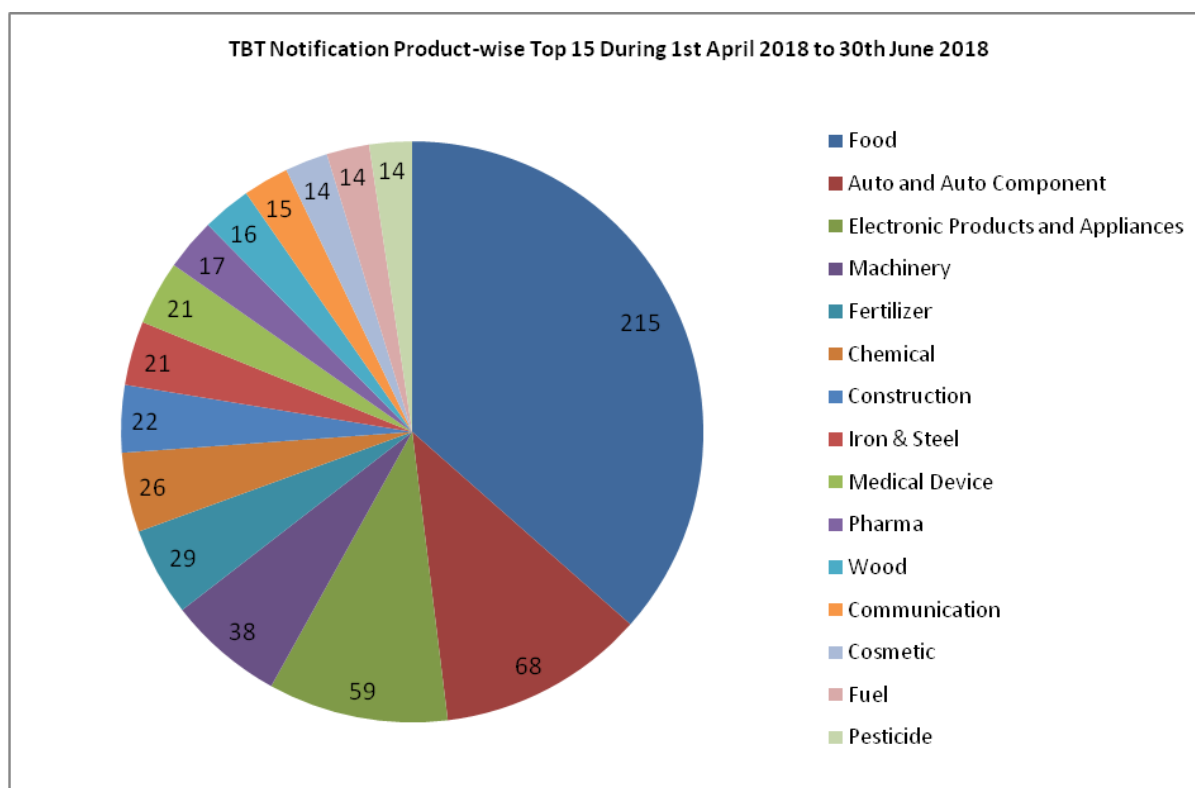
TBT QUARTERLY REPORT (1ST OF APRIL '18 TO 30TH JUNE '18): AT A GLANCE

Details Pertaining to TBT Notifications Issued By All WTO Member Countries

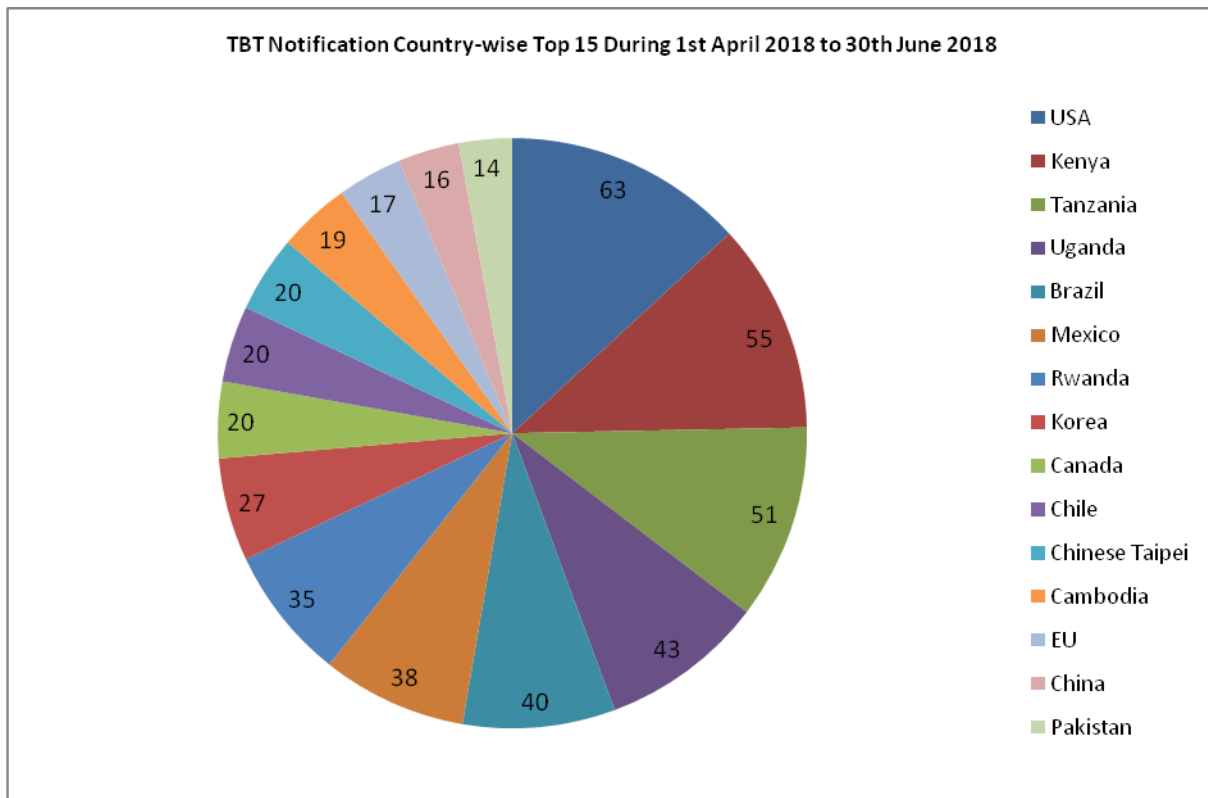
The total number of TBT notifications issued by the various WTO-member countries from 1st of April 2018 to 30th June 2018 was 703. Out of these 703 notifications, India issued seven TBT notifications. Hence, a total of 696 notifications were studied in the quarter 1st of April 2018 to 30th June 2018 which was relevant to India. Out of 696 notifications, 225 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 696 TBT notifications which were relevant to India, 215 related to food products, 68 auto and auto component, 59 related to electronic products and appliances, 38 related to machinery, 29 related to fertilizer, 26 related to chemical, 22 related to construction, 21 related to iron & steel, 21 related to medical device, 17 related to pharmaceutical, 16 related to wood, 15 related to communication, 14 related to cosmetic, 14 related to fuel, 14 related to pesticide and the remaining 107 related to other products.



Country-wise Information: Out of the total 696 TBT notifications relevant to India, USA issued 63 notifications, followed by Kenya, Tanzania, Uganda, Brazil, Mexico, Rwanda, Korea, Canada, Chile, Chinese Taipei, Cambodia, EU, China, Pakistan with 55, 51, 43, 40, 38, 35, 27, 20, 20, 20, 19, 17, 16 and 14 notifications, respectively. These countries are among the top 15 TBT notification issuing countries. The remaining 218 notifications were from other WTO Member countries.



Details Pertaining to Responses Sent

Notifications-May Impact Indian Industry: (Responses Sent)

Responses have been sent on 41 TBT notifications in the quarter April 2018 to June 2018. 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 Number	Members	Brief about Notification	Details of Response
1.	G/TBT/N/TZA/128	Tanzania	<p>The draft Tanzanian standards specify the following:</p> <ul style="list-style-type: none"> Specifications, sampling and test methods for raw and/or spiced chicken "Gallus domesticus" meat carcasses or cuts intended for human consumption. It covers raw and/or spiced fresh chicken/meat carcasses or cuts products at slaughter, meat processing facility and delivery to market. Specifications, methods of sampling and test for corned beef. Corned beef is defined as the chopped, cured, boneless carcass meat 	<p>In response India stated that: The Tanzanian authorities have issued these specifications for meat and meat products, under the Technical Barriers to Trade (TBT) notification. However, they have not issued these drafts under Sanitary and Phytosanitary (SPS) measures. In this context, India requested the Tanzanian authorities to provide the rationale for not issuing these drafts as SPS notification.</p> <p>Further, whether meat and meat products, which are in line with Codex norms, will get direct market access in Tanzania through mutual recognition or they have to undergo the import procedure prescribed in the Tanzanian notifications.</p>
2.	G/TBT/N/TZA/129	Tanzania		
3.	G/TBT/N/TZA/130	Tanzania		
4.	G/TBT/N/TZA/131	Tanzania		
5.	G/TBT/N/TZA/132	Tanzania		
6.	G/TBT/N/TZA/133	Tanzania		
7.	G/TBT/N/TZA/134	Tanzania		
8.	G/TBT/N/TZA/135	Tanzania		

Sl. No.	Notification Number	Members	Brief about Notification	Details of Response
			<p>from animals of bovine species and may include head meat, heart meat and skirt meat.</p> <ul style="list-style-type: none"> • Specifications, methods of sampling and test for dressed poultry. It covers poultry such as chickens, ducks, geese, turkeys, pigeons, guinea fowl or any other domesticated bird. The dressed poultry shall be of Type A- chilled dressed poultry, and Type B- frozen dressed poultry. • Specifications, methods of sampling and test for dried deboned meat meant for human consumption. • Specifications, methods of sampling and test for hatching eggs from chicken. The quality of egg shall be determined by its exterior and interior quality. The hatching eggs shall be grouped into three classes- Grade AA, A and B. The contaminants levels, 	

Sl. No.	Notification Number	Members	Brief about Notification	Details of Response
			<p>maximum residue limits for pesticide and veterinary drugs, hygiene requirements shall be as per the Codex standard.</p> <ul style="list-style-type: none"> • Specifications, methods of sampling and test for Pork carcasses and cuts. The standard states that, pork shall be derived from a healthy pig (swine) and slaughtered in a hygienically managed abattoir/ slaughterhouse. • Specifications, methods of sampling and test for red meat sausages from cattle, sheep, goats, pigs and other animals intended for human consumption • Specifications, methods of sampling and test for chicken table eggs. The eggs shall be of two types- white and brown eggs, and shall be graded in Grade AA, A and B. 	
9.	G/TBT/N/KEN/644	Kenya	The draft Kenyan Standards	In response, India stated that:

Sl. No.	Notification Number	Members	Brief about Notification	Details of Response
10	G/TBT/N/KEN/645	Kenya	specify requirements for the performance of systems and components designed to form part of a speed limiter intended to limit the maximum road speed of motor vehicles by control of engine power. They also specify requirements for the performance and installation of devices designed to limit the maximum road speed of motor vehicles by control of engine power.	<p>The Kenyan notifications referred to Indian standard i.e. Indian Automotive Industry Standard AIS - 018/2001 (including amendments 1-4), Automotive vehicles - Speed limitation Devices - Specifications.</p> <p>In this context, India requested the Kenyan authorities to clarify whether products conforming to the referred Indian standards will get direct market access in Kenya through mutual recognition or they have to undergo the import procedure prescribed in the Kenyan notifications. India also requested the Kenyan authorities for bilateral consultations on this issue.</p>
11	G/TBT/N/KEN/646	Kenya	<p>The draft Kenyan standards specify the following:</p> <ul style="list-style-type: none"> • Specifications, methods of sampling and test for jams, jellies and marmalades, as defined in this standard, and intended for direct consumption, including for catering purposes or for repacking if required. 	<p>In response, India stated that:</p> <p>The Kenyan authorities have issued these specifications for processed fruits and vegetables, under the Technical Barriers to Trade (TBT) notification. However, they have not issued these drafts under Sanitary and Phytosanitary (SPS) measures. In this context, India requested the Kenyan authorities to provide the rationale for not issuing these drafts as SPS notification.</p> <p>Further, processed fruits and vegetables</p>
12	G/TBT/N/KEN/647	Kenya		
13	G/TBT/N/KEN/648	Kenya		
14	G/TBT/N/KEN/649	Kenya		
15	G/TBT/N/KEN/650	Kenya		
16	G/TBT/N//KEN/651	Kenya		

Sl. No.	Notification Number	Members	Brief about Notification	Details of Response
			<ul style="list-style-type: none"> • Specifications, methods of sampling and test for canned fruit cocktail intended for direct consumption, including for catering purposes or for repacking if required. • This draft shall apply to the receiving, preparation, processing, handling, storage, transport and distribution of processed fruits and vegetables products. The draft shall apply to the quick frozen, dehydrated, canned/ bottled, aseptically processed and packed processed fruits and vegetables products. The draft requires that, prior to introduction into the processing line, or at a convenient point within it, raw materials should be inspected, sorted or culled as required to remove unfit materials and where necessary laboratory tests 	<p>mentioned above, which are in line with Codex norms, will get direct market access in Kenya through mutual recognition or they have to undergo the import procedure prescribed in the Kenyan notifications.</p>

Sl. No.	Notification Number	Members	Brief about Notification	Details of Response
			<p>should be made.</p> <ul style="list-style-type: none"> • Specifications, methods of test and sampling for dehydrated vegetables, which are offered for direct consumption or further processing, including for catering purposes or for repackaging if required. • Specifications, methods of sampling and test for fruit juice dairy blend intended for direct human consumption either as ready to drink. • Specifications, methods of test and sampling for dried fruits, intended for direct consumption or further processing, including for catering purposes or for repackaging if required. 	
17	G/TBT/N/KEN/652	Kenya	The draft Kenyan standard prescribes requirements and dimensions for PVC-insulated	<p>In response, India stated that:</p> <p>In India, PVC insulated cables are regulated as per Electrical Wires, Cables, Appliances</p>

Sl. No.	Notification Number	Members	Brief about Notification	Details of Response
			<p>cables for operation at voltage up to and including 1900 V to armour or earth and 3300 V between conductors. The cables have been designed for general (including underground) use where the combination of ambient temperature and temperature rise due to load results in a conductor temperature not exceeding 70°C. The cores of all cables shall be identified by numbers or by colours,</p>	<p>and Protection Devices and Accessories (Quality Control) Order, 2003 and the Bureau of Indian Standards has prescribed standards for PVC insulated cables (IS 1554: Part 2: 1988- PVC Insulated (Heavy Duty) Electric Cables - Part 2: for Working Voltages from 3"3 kV up to and Including 11 kV). Further, IS 1554: Part 2: 1988 is in line with standard prescribed by International Electrotechnical Commission (IEC) i.e. IEC 60502: 1983.</p> <p>Hence, India requested the Kenyan authorities to allow exports of PVC insulated cables from India, which are in line with BIS standards. India also requested the Kenyan authorities for bilateral consultations on this issue.</p>
18	G/TBT/N/HND/91	Honduras	<p>The purpose of this regulation is to establish the specifications that matured cheeses must comply with, as defined in the section of this Central American Technical Regulation (RTCA). Likewise, it applies to ripened cheeses, intended for direct human consumption or further processing in the territory of</p>	<p>In reply, India stated that:</p> <p>Under clause 5.2 of the draft standard, the product has been classified into various categories based on its consistency and categorization of the class and on the content of HSMG in percent (moisture content without matter fat) in the product. In this context, India stated that, the term "HSMG" is not widely used, rather, it would be appropriate to use the term defined by Codex</p>
19	G/TBT/N/NIC/157	Nicaragua		
20	G/TBT/N//PAN/96	Panama		
21	G/TBT/N//CRI/172	Costa Rica		
22	G/TBT/N/SLV/199	El Salvador		
23	G/TBT/N/GTM/95	Guatemala		

Sl. No.	Notification Number	Members	Brief about Notification	Details of Response
			<p>the States Parties.</p> <p>This regulation lists raw materials and allowed ingredients in the matured cheese. The regulation requires that, the food additives should be as per the food additives authorized for use under the RCTA food and processed beverages. The contaminants levels must be as per the levels established in Codex standard. The sampling and analysis must also be in accordance with the provisions set out in Codex standard.</p>	<p>Alimentarius Commission (Codex) i.e. MFFB in percent (moisture content on fat free basis). Further, the clause 5.3 of the draft specifies classification of cheese, which is not clearly distinguishable. For example, HSMG specifies as less than 51% in “Extra Hard Cheese”; whereas requirement of HSMG in “Hard Cheese” is greater than or equal to 49% and less than or equal to 56%. The upper and lower limit of HSMG should be specified in such a manner as to clearly distinguish between the class and category of cheeses.</p> <p>The scope of the standard is applicable to ripened cheese. However, generally MFFB in percent or HSMG in percent in the product, if more than 54%, is categorized as un-ripened cheese. In this context, India stated that, either the scope of the standard needs to be widened or the product with such levels should be excluded from the standards.</p> <p>Under clause 9.2 of the draft standard, the product has been classified based on fat content. However certain terms used in the draft, such as “Semigraso” and “Lean” are not widely used terms, hence, India requested the Honduras authorities to use appropriate</p>

Sl. No.	Notification Number	Members	Brief about Notification	Details of Response
				terms for greater clarity.
24	G/TBT/N/EU/565	EU	The European Commission has issued this notification concerning the implementing regulation concerning the non-approval of the active substance- Chlorpropham for placing as the plant protection product in the market. India understands that the proposal of non-approval is based on the European Food Safety Authority (EFSA) evaluation on pesticide's risk assessment.	<p>In response, India stated that:</p> <p>This pesticide is registered by Codex Alimentarius Commission (CAC) for use in or on multiple products i.e. onion, lettuce and potatoes. In addition, it is used in other countries like Canada, USA, Japan, Australia and China. Hence, the non-approval of this pesticide may pose trade restriction on above mentioned products.</p> <p>India stated that, TBT Agreement allows member countries to impose a measure taking into account relevant risk assessment. However, section 8 of the draft regulation shows that the several data gaps were identified by the EFSA during the assessment and they have formed the basis of such proposal of non-approval measure. Hence, India requested the EU authorities to consider the available technical information in formulating its decisions concerning the status of this substance.</p>
25	G/TBT/N/CHL/422	Chile	The Department of Agriculture, Chile has proposed a law, which	<p>In response, India stated that:</p> <p>Codex standard has referred milk as mammary secretion of any milking animal</p>

Sl. No.	Notification Number	Members	Brief about Notification	Details of Response
			<p>establishes rules on marketing and labeling of milk.</p>	<p>intended for human consumption. Hence, limiting the definition of milk only to milk obtained from cow is restrictive and will certainly pose trade barriers. Hence, India would like to suggest the Chilean authorities to reconsider the definition of “Milk” and “Milk products”.</p>
26	G/TBT/N/EU/566	EU	<p>The European Food Safety Authority (EFSA) had presented its conclusion on the risk assessment of Dithianon on 27 October 2015 to the European Commission. The Commission invited the applicant to submit its comments on the review report for Dithianon. After careful examination of information submitted by applicants, the EFSA authority had concluded that this substance is toxic. Furthermore, data on the storage stability of Dithianon residues in grape wine was also not sufficient. Hence, this draft Commission</p>	<p>In response, India stated that:</p> <p>As per Codex, these substances are allowed for use in or on multiple edible agricultural products. In addition, these are used in other countries like USA, China, Japan, Brazil and Australia without any safety concerns. Hence, the removal of Dithianon for use in edible crops may pose unnecessary trade restrictions.</p> <p>EU has adopted the precautionary principle while proposing to amend the use of Dithianon for non-edible crops. In this regard, India stated that removing the use of Dithianon for edible crops merely due to data gaps or insufficient information is not in line with the objective of TBT Agreement.</p>

Sl. No.	Notification Number	Members	Brief about Notification	Details of Response
			implementing regulation provides that this substance is now authorized to be only used for non-edible crops. It means, usage in agricultural products for human consumption is prohibited.	
27	G/TBT/N/KEN/692	Kenya	The Kenya Bureau of Standards, Kenya has proposed specifications for helmets used in health care wastes management. This draft regulation specifies the requirements and test methods for the helmets for use by the medical waste handlers.	In response, India stated that: Helmets are regulated as per Bureau of Indian Standards (BIS), where it has issued specifications, sampling and testing methods for helmets for both personal and industrial use. In this context, India referred the BIS standard "IS 2925:1984- Specification for Industrial Safety Helmets", which prescribes standards and specifications for helmets for industrial use. Hence, India requested the Kenyan authorities to allow exports of helmets from India, which are in line with IS 2925:1984.
28	G/TBT/N/KEN/700	Kenya	The Kenya Bureau of Standards, Kenya has proposed specifications for gloves used in health care	In response, India stated that: Gloves are regulated as per Bureau of Indian Standards (BIS), where it has issued specifications, sampling and testing methods

Sl. No.	Notification Number	Members	Brief about Notification	Details of Response
			<p>wastes management. This draft regulation specifies the requirements and test methods for the gloves for use by the medical waste handlers.</p>	<p>for gloves for both personal and industrial use. In this context, we referred the following BIS standards, which prescribe standards and specifications for gloves for industrial use:</p> <ul style="list-style-type: none"> • IS 4148:1989-Surgical Rubber Gloves • IS 13422: 1992- Disposable surgical rubber gloves <p>Hence, India requested the Kenyan authorities to allow exports of gloves from India, which are in line with the above BIS standards.</p>
29	G/TBT/N/KEN/672	Kenya	<p>the Kenya Bureau of Standards, Kenya has proposed specifications for sphygmomanometers, mouth props and anaesthetic airways. These draft regulations specify the following:</p> <ol style="list-style-type: none"> 1. KEN 672 lays down the requirements for mercurial 	<p>In response, India stated that:</p>
30	G/TBT/N/KEN/673	Kenya		<p>The Kenyan authorities have referred Bureau of Indian Standards (BIS) standards while proposing these draft regulations for the above mentioned furniture.</p>
31	G/TBT/N/KEN/674	Kenya		<p>In this context, India requested the Kenyan authorities to clarify whether products, which are in line with referred BIS standards, will get an easy access into the Kenyan market or they have to undergo the import</p>

Sl. No.	Notification Number	Members	Brief about Notification	Details of Response
			<p>sphygmomanometers used for measuring arterial blood pressure of human beings.</p> <p>2. KEN 682 covers the requirements for mouth props and airways (London Hospital Pattern).</p> <p>3. KEN 684 prescribes the requirements for anaesthetic airways of the following types:</p> <ul style="list-style-type: none"> • Birt's • Guedel's • Phillip's, and • Water's 	<p>procedure prescribed in Kenya.</p>
32	G/TBT/N/KEN/683	Kenya	<p>As per these notifications, the Kenya Bureau of Standards, Kenya has proposed the following test methods for furniture:</p> <p>1. KEN 683 prescribes the test methods for cyclic top</p>	<p>In reply, India stated that:</p> <p>In India, furniture is regulated by Bureau of Indian Standards (BIS), where it has prescribed test methods for furniture. Please find below the test methods prescribed by BIS for furniture:</p> <ul style="list-style-type: none"> • IS 5807-Part 1: 1975- Methods of test
33	G/TBT/N/KEN/685	Kenya		
34	G/TBT/N/KEN/686	Kenya		
35	G/TBT/N/KEN/687	Kenya		
36	G/TBT/N/KEN/688	Kenya		

Sl. No.	Notification Number	Members	Brief about Notification	Details of Response
37	G/TBT/N/KEN/690	Kenya	<p>load test for free standing office furniture.</p> <p>2. KEN 685 sets out a method of evaluating the ability of the outstops of desk drawers to withstand an abnormal pull-out force.</p> <p>3. KEN 686 sets out a method of evaluating the operational characteristics of a desk drawer to ensure that it will not bounce back out when closed with force.</p> <p>4. KEN 687 sets out a method of evaluating the ability of a desk to withstand reasonable handling.</p> <p>5. KEN 688 sets out a method of determining the ability of the desk to withstand impact on the legs or on closed base or plinth.</p> <p>6. KEN 690 sets out a method of evaluating the ability of adjustable surfaces</p>	<p>for clear finishes for wooden furniture: Part 1 Resistance to dry heat</p> <ul style="list-style-type: none"> • IS 5807-Part 2: 1975- Methods of test for clear finishes for wooden furniture: Part 2 Resistance to wet heat • IS 5807-Part 3: 1975- Methods of test for clear finishes for wooden furniture: Part 3 Resistance to marking by oils and fats • IS 5807-Part 4:1975 - Methods of test for clear finishes for wooden furniture: Part 4 Resistance to marking by liquids • IS 5807-Part 5: 1975- Methods of test for clear finishes for wooden furniture: Part 5 Test for low angle glare • IS 5807-Part 6: 1975- Methods of Test for Clear Finishes for Wooden Furniture - Part VI : Resistance to Mechanical Damage <p>Hence, India requested the Kenyan authorities to allow exports of furniture from India, which are in line with the above BIS standards.</p>

Sl. No.	Notification Number	Members	Brief about Notification	Details of Response
			to be cycled through their range of adjustment under use loads.	
38	G/TBT/N/KEN/681	Kenya	<p>As per these notifications, the Kenya Bureau of Standards, Kenya has proposed specifications for office panel systems, wooden office tables and drawers. These draft regulations specify the following:</p> <p>1. KEN 681 sets out the requirements for the evaluation, design, and selection of office workstations. It specifies minimum requirements for function, strength, durability and stability of workstations, leaving designers and manufacturers the maximum opportunity to develop suitable products.</p> <p>2. KEN 682 prescribes the requirements and methods of test for wooden</p>	<p>In response, India stated that:</p> <p>The Kenyan authorities have referred Bureau of Indian Standards (BIS) standards while proposing these draft regulations for the above mentioned furniture.</p> <p>In this context, India requested the Kenyan authorities to clarify whether products, which are in line with referred BIS standards, will get an easy access into the Kenyan market or they have to undergo the import procedure prescribed in Kenya.</p>
39	G/TBT/N/KEN/682	Kenya		
40	G/TBT/N/KEN/684	Kenya		
41	G/TBT/N/KEN/689	Kenya		

Sl. No.	Notification Number	Members	Brief about Notification	Details of Response
			<p>tables for office use.</p> <p>3. KEN 684 sets out a method of demonstrating that the locking mechanism will provide security for the contents of the drawer. This Kenya Standard covers freestanding desks such as single and double pedestal desks and extended units both adjustable and fixed height.</p> <p>4. KEN 689 sets out a method of evaluating the ability of supporting legs (or slab ends) of a desk to withstand static loads to which they may be subjected when in use such as pushing or pulling during handling or during shipping.</p>	

Note: