

# GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

TBT/Spec/11

21 February 1985

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Committee on Technical Barriers to Trade

## TIME-LIMITED EXCEPTION GRANTED TO INDIA UNDER ARTICLE 12.8

1. The Understanding reproduced at annex was reached between India and the Parties to the Agreement before India signed the Agreement on 9 February 1983. The two-year exception referred to in the Understanding will expire on 11 March 1985. In this connection, the following communication has been received from the delegation of India:

"In accordance with the terms of the Understanding which had been reached between India and the Parties to the Agreement on Technical Barriers to Trade before India signed the Agreement on 9 February 1983, India had been granted an exception from the obligations of Article 7.2 of the Agreement, in pursuance of the provisions of Article 12.8 of the Agreement, for a period of two years, to undertake necessary amendments to the existing Indian Standards Institution Certification Mark Act to bring it into conformity with the Agreement.

However, the Government of India have not been able to complete the necessary process for legislative amendment so far, as the amendment procedures involved detailed consultations with various Ministries and Departments of the Government. As such, the Government of India would require some more time to complete the procedures involved to effect the amendments to the India Standards Institution Certification Mark Act. Therefore it is requested that the exception granted to India from the obligations of Article 7.2 of the Agreement may be extended for one more year.

In accordance with the terms of the Understanding, it was also agreed that the Committee shall review the operation of the two-year exception of "AGMARK" with a view to determining if it had created trade problems for other signatories and if no such problems existed, the exception shall be renewed. Since, to the best of our knowledge, the operation of "AGMARK" has not created any trade problem for other signatories, it is requested that the exception may be renewed."

2. This communication is being submitted for review and approval under item 4 of the agenda of the next meeting of the Committee (GATT/AIR/2106).

Annex

UNDERSTANDING

The signatories agree to grant the Government of India an exception, in pursuance of the provisions of Article 12.8 of the Agreement, for a period of two years from the obligations of Article 7.2. The Committee shall review the operation of the exception of AGMARK with a view to determining if it has created trade problems for other signatories. If no such problems exist, the exception shall be renewed.

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The signatories agree that the misuse of certification marks by foreign suppliers is a matter of common concern and that they should examine in the Committee the development of co-operation to prevent such misuse.

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The Government of India understands that when implementing the provisions of Article 5.2 the reliance upon self-certification might in some cases be conditional upon third-party surveillance.