

Fax : 011-23748024
E-mail : eic@elcindia.gov.in
Web : www.eicindia.gov.in
ग्राम : निर्यातगुण
Grams : SHIPMENTQUALITY
दूरभाष : 23365540, 23341263, 23748189
Phone :



भारतीय निर्यात निरीक्षण परिषद्

(आई एस ओ 9001:2008 प्रमाणित संस्थान)
(वाणिज्य एवं उद्योग मंत्रालय, भारत सरकार)
तीसरी मंजिल, एन.डी.वाई.एम.सी.ए. कल्चरल सेंटर बिल्डिंग)
1 जय सिंह रोड, नई दिल्ली-110 001

EXPORT INSPECTION COUNCIL OF INDIA

(An ISO 9001:2008 Certified Organisation)
(Ministry of Commerce & Industry, Govt. of India)
3rd Floor, NDYMCA Cultural Centre Building,
1 Jai Singh Road, New Delhi - 110001

सं.निनिप/डी (क्यू/सी)

No. EIC/D (Q/C) T-297/2015-16/

To

USA WTO TBT Inquiry Point

Docket Number: CPSC-2010-0038

दिनांक :

Dated : 12 January, 2016
/2

Subject: TBT Notification no. G/TBT/N/USA/658/ADD.1 dated 25 November 2015 concerning Consumer Product Safety Commission's Notification on Third Party Testing of Children's Products

Sir/Madam,

The Government of India acknowledges and appreciates the fact that the Consumer Product Safety Commission (CPSC) of United States of America (USA) has notified the proposed renewal of marking and labeling requirements under the TBT agreement vide TBT Notification G/TBT/N/USA/658/Add.1 dated 25 November 2015.

The proposed rule informs the moving of marking and labeling burden requirements in Section 104 rules into the collection of information for Third Party Testing of Children products. Henceforth, the manufacturers of children's products are required to follow all the paperwork requirements associated with the section 104 rules.

While appreciating CPSC's effort to strengthen safety requirements for children products, India would like to offer the following comments on this proposed rule.

- The record keeping and other requirements under the proposed rule significantly increases the burden on the manufacturers and importers of children products. Other than the time factor of record keeping procedures, the proposed requirements also calls for attention to various factors like cost, practical issues like training for manufactures and importers as it may actually necessitate the companies to have an additional record keeping process reviewed by a consultant or others familiar with the regulation before Consumer Product Safety Commission (CPSC) inspectors even arrive at the factory. These additional burdens on importers question the necessity for collection of information on the listed products. In this regard, India would like to know whether there was any injury or risk attached or reported from the listed products which lead to the proposed regulation. If so, India would request USA to share the same.
- In this context, India would like to recall Article 5.1.2 which states Members shall ensure that conformity assessment procedures are not prepared, adopted or applied with a view to or with the effect of creating unnecessary obstacles to international trade. This means, inter alia, that conformity assessment procedures shall not be more strict or be applied more strictly than is necessary to give the importing Member adequate confidence that products conform with the applicable technical regulations or standards, taking account of the risks non-conformity would create.
- The quality, utility and clarity of the products can be derived from the general marking procedures provided in the infant products. India would like to know the necessity of adding marking and labeling requirements in

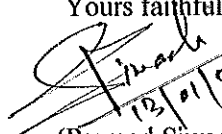
Section 104 rules into the collection of information for Third Party Testing of Children products. India may also like to know the measures through which the respective authority is going to implement the proposed measures.

- India maintains a substantial market for children products in USA. A substantial amount of exports come from the small scale exporters of India. Henceforth, the implementation of this measure may lead to unnecessary delay and escalate the cost for these exporters to USA.
- Since the proposed regulation has the probability of placing a huge cost for Indian exports of children products, India may like to seek bilateral consultation with USA to sort out the issue.

India would be grateful if these comments could be taken into account. *The above mentioned comments are without prejudice to any stand which India may adopt on this issue at a later stage.*

It may kindly be noted that Export Inspection Council of India (EIC) has been assigned by Ministry of Commerce & Industry, the National Notification Authority, to review the TBT Notifications made by the member countries.

Early response in this regard would be highly appreciated.

Yours faithfully,

12/01/2016
(Parmod Siwach)
Assistant Director (T)