



20 June 2018

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Committee on Technical Barriers to Trade

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**INDIA – TESTING AND CERTIFICATION OF TELEGRAPH (THE INDIAN
TELEGRAPH (AMENDMENT) RULES, 2017)**

STATEMENT BY THE UNITED STATES TO THE COMMITTEE ON TECHNICAL BARRIERS TO TRADE
20 AND 21 JUNE 2018

The following communication, dated 20 June 2018, is being circulated at the request of the delegation of the United States.

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1. India notified the India Telegraph (Amendment) Rules, 2017 to the WTO on 6 December 2017 for a 60-day comment period noting the proposed date of adoption of this amendment was 5 September 2018 with entry into force 1 October 2018. US industry commented through the Indian domestic consultation on 23 October 2017 with its Indian trade association counterparts.
 2. The certification requirements cover a wide range of telecom equipment, and include a disparate array of technical requirements. We note exemptions for research and development, demonstration activities and personal travel equipment. Categories of testing covered by the essential requirements are radio frequency safety, EMI/EMC and security.
 3. The amendment requires testing and certification for all telegraph equipment by a Telecom Engineering Center (TEC) designated domestic conformity assessment body (CAB), any TEC recognized CAB of an MRA partner, or by one of the four Government of India Regional Telecommunications Engineering Center (RTEC) laboratories.
 4. Once again, we are taking the floor to express concerns about how Indian imposes duplicative, local testing and certification requirements on products, which other WTO Members accept through Suppliers Declaration of Conformity (SDOC), ILAC accredited laboratories or the IECEE CB Scheme. Acceptance of SDOC or recognition through international conformity assessment schemes are less trade restrictive means of achieving India's legitimate objectives of safety and security.
 5. While we are appreciative that India will accept test results from ILAC accredited laboratories located outside India until 1 March 2019, we are unsure why that practice could not continue past that date.
 6. The United States is also interested in better understanding how to pursue the MRA partner option, and which WTO Members are India's current MRA partners. We have not seen notifications of MRAs by India, under Article 10.7.
 7. It also appears that the TEC has been given the authority to add to the list of essential requirements and modify other testing requirements at any time; creating a high degree of uncertainty for OEMs. Industry is also concerned there are not enough laboratories in India accredited to the scope of testing required by the certification program. As a result, significant backlogs of products waiting to be tested will delay products time to market. OEMs will incur additional fees for TEC certification on products that have already been tested and certified.
 8. We are concerned there maybe overlapping certification requirements between this measure and the Compulsory Registration Order managed by MEITY. Have the agencies coordinated to eliminate duplicative testing?

9. The United States recognizes India's concerns about security. However, we strongly urge the Ministry of Telecommunications to reconsider implementing the TEC certification in a less trade restrictive means for accepting test results from conformity assessment bodies or suppliers.
