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Committee on Technical Barriers to Trade

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## INDIA — THE STAINLESS STEEL PRODUCTS (QUALITY CONTROL) ORDER, 2015

### STATEMENT BY THE EUROPEAN UNION TO THE COMMITTEE ON TECHNICAL BARRIERS TO TRADE 21 AND 22 MARCH 2018

The following communication, dated 16 April 2018, is being circulated at the request of the delegation of the European Union.

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1. The European Union has provided written comments on the draft Stainless Steel Products (Quality Control) Order, 2015 on 23 October 2015 and would like once more to reiterate its concerns, as already done during the previous meetings of the TBT Committee. We also would like to refer to EU's previous statements in the TBT Committee on this issue.
  2. The notified draft further extends the scope of the existing Bureau of Indian Standards (BIS) mandatory certification system to 3 new steel products, such as stainless steel plates, sheets and strips.
  3. The EU is concerned that these measures constitute an unnecessary technical barrier to trade and discriminate against foreign producers that have to conduct double testing to access Indian market. Requirement for re-testing by BIS authorised laboratories of the covered steel products, which have been already tested against the relevant international standards, creates non-tariff barrier to trade.
  4. The EU takes note of India's explanations expressed at the previous TBT Committees that the BIS standards are required in order to take into account manufacturing practices of India and therefore international standards are insufficient.
  5. However, the EU views that the procedure is disproportionate for low risk products and unjustified on health and safety grounds. The EU steel already complies with internationally recognised standards and safety and quality standards recognised around the world. The EU ask the Indian authorities to confirm whether these standards were equivalent to the relevant international standards. If that is the case, those international standards should be referred to in the text as well. Given that the intermediate product is a low risk product and that the EU producers comply with international requirements and specifications, the EU would like to once more ask India to:
    6. - accept the tests carried out in foreign accredited laboratories attesting compliance with ISO standards (or India standards), and thus not requiring local testing in India for all types of steel products.
    7. - stop conducting factory inspections in the EU steel mills having in place quality management system as defined in ISO 9001. These inspections are problematic and there is a certain lack of clarity as regards the requirements of the Mill Test Certificate (MTC).

8. The EU would also like to ask India to apply the certification only with reference to stainless steel grades - there should be no restrictions on physical dimensions (thickness, width, length, etc.) and no restriction on the finishing of the products (finishes, edge conditions, etc.) as there are many different sizes and finishing for stainless steel products.

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