

MEMORANDUM OF UNDERSTANDING ON
TRADE FACILITATION FOR STANDARDS,
TECHNICAL REGULATIONS AND
CONFORMITY ASSESSMENT AMONG THE
GOVERNMENT OF THE REPUBLIC OF
INDIA, THE GOVERNMENT OF THE
FEDERATIVE REPUBLIC OF BRAZIL AND
THE GOVERNMENT OF THE REPUBLIC OF
SOUTH AFRICA

The Government of the Republic of India, the Government of the Federative Republic of Brazil and the Government of the Republic of South Africa, (hereinafter jointly referred to as the "Parties" and in the singular as a "Party");

NOTING the Action Plan among India, Brazil and South Africa (hereinafter referred to as "IBSA") on the Trade Facilitation for Standards, Technical Regulations and Conformity Assessment, adopted on September 13th, 2006;

RESPECTING the rights and obligations provided for in the Technical Barriers to Trade Agreement of the World Trade Organisation (hereinafter referred to as "TBT");

RECOGNIZING the importance of cooperation in the field of standards, technical regulations and conformity assessment for identifying, preventing, and eliminating technical barriers to trade with a view to increasing mutual trade flows;

CONFIRMING the Declaration of October 15, 2007, to facilitate implementation of the Action Plan resulting from the meeting of the Working Sub-Group of Trade Facilitation in Standards, Technical Regulations and Conformity Assessment;

RECALLING the objective set forth by the Heads of Government of the three countries to increase intra-IBSA trade;

DESIROUS to conclude a Memorandum of Understanding hereby agree as follows:

HEREBY AGREE as follows:

ARTICLE 1

Objectives

This Memorandum of Understanding is intended to establish a working mechanism and working agenda for the Parties to co-operate in the field of standards, technical regulations and conformity assessment procedures in order to facilitate and increase trade in goods, by identifying, preventing and eliminating unnecessary barriers to trade within the terms of the TBT Agreement.

ARTICLE 2

Exchange of Information and Experiences

The Parties shall, in accordance with the domestic law applicable in their respective countries exchange information and experiences by means of:

- (a) making available information on the existing technical regulations and conformity assessment procedures and requirements on the IBSA web site;
- (b) sharing experiences on the strengthening of TBT enquiry and notification points;
- (c) establishing arrangements for the sharing of expertise, including appropriate training intended to enhance technical competence of the relevant standardization and conformity assessment bodies;
- (d) adopting, where appropriate, common approaches on technical regulatory practices, including transparency, consultation, necessity and proportionality, the use of international standards, conformity assessment requirements, the use of impact and risk assessment, enforcement and market surveillance; and
- (e) identifying and implementing appropriate mechanisms, in accordance with the TBT Agreement, for particular issues or sectors of interest to the Parties.

ARTICLE 3

Sector-specific Interventions

The Parties shall, in accordance with the domestic law applicable in their respective countries-

- a) identify and organise sector-specific interventions on technical regulations and conformity assessment with a view to facilitate understanding of and access to their respective markets, taking into account key areas of trade, including priority products; and
- b) involve the business community of IBSA countries to identify sectors of common interest and potential.

ARTICLE 4

Co-operation

The Parties shall, in accordance with the domestic law applicable in their respective countries-

- (a) identify focal points in Indian, Brazilian, and South African accreditation, standards and metrology organizations and technical regulatory bodies;
- (b) establish co-operation amongst Indian, Brazilian, and South African authorities that regulate trade in goods, and agree on a cooperation programme for strengthening the dialogue among these bodies; and
- (c) establish and strengthen co-operation amongst Indian, Brazilian, and South African standards organisations, accreditation bodies and metrology organisations and agree on a cooperation programme for strengthening the dialogue among these bodies.

ARTICLE 5

Confidence-building for Mutually Acceptable Solutions

The Parties shall, in accordance with the domestic law applicable in their respective countries, build confidence for mutually acceptable solutions, by means of –

- (a) intensifying collaboration, with a view to facilitating access to their respective markets, by increasing the mutual knowledge and understanding of their respective systems in the field of technical regulations, standards, metrology, accreditation and conformity assessment procedures;
- (b) promoting collaboration between organizations responsible for testing, certification and inspection; and
- (c) considering the negotiation of mutual recognition agreements in sectors of mutual economic interest

ARTICLE 6

Harmonization of Standards

The Parties shall, in accordance with the domestic law applicable in their respective countries-

- (a) make efforts to adopt international standards and conformity assessment procedures in areas of mutual interest; and
- (b) explore the possibility of formulating a common stand and assisting each other in international standards setting activities.

ARTICLE 7

Implementation

The Parties shall in accordance with the domestic law applicable in their respective countries –

- (a) endeavour to develop work plans for the fulfilment of the commitments agreed to in this Memorandum of Understanding ; and
- (b) involve the representatives of the entities and authorities responsible for the implementation of this Memorandum of Understanding as provided in Annex I.

ARTICLE 8

Settlement of Disputes

Any dispute arising out of the interpretation and implementation of this Memorandum of Understanding shall be settled amicably through consultation or negotiations between the Parties.

ARTICLE 9

Amendment

This Memorandum of Understanding may be revised, amended or supplemented by mutual consent of the Parties through an Exchange of Notes between the Parties through the diplomatic channels. All amendments shall enter into force on the date the last official reply notice has been received.

ARTICLE 10

Entry into Force, Duration and Termination

- (1) This Memorandum of Understanding shall enter into force on the date on which each Party has notified the other in writing through the diplomatic channel of its compliance with the constitutional requirements necessary for the implementation thereof. The date of entry into force shall be the date of last notification.
- (2) This Memorandum of Understanding shall remain in force for a period of five (5) years , whereafter it shall automatically be extended for a successive five (5) year period.
- (3) Any of the Parties may express its intention to terminate this Memorandum of Understanding, through the diplomatic channels. Termination shall be effective 90 days after the date of the notification to the other Parties.

IN WITNESS WHEREOF the undersigned, being duly authorised thereto by their respective Governments, have signed this Memorandum of Understanding in three originals in the Hindi, Portuguese and English languages, all texts being equally authentic. In case of any divergence in interpretation, the English text shall prevail.

DONE at New Delhi on this 15th day of October 2008


FOR THE GOVERNMENT
OF THE REPUBLIC OF INDIA


FOR THE GOVERNMENT
OF THE FEDERATIVE
REPUBLIC OF BRAZIL


FOR THE GOVERNMENT
OF THE REPUBLIC OF
SOUTH AFRICA

Annex I
(refer Article 7)

Illustrative list of entities and authorities

A. National Standards Bodies

(i) India

Bureau of Indian Standards (BIS)

Manak Bhavan,

9 Bahadur Shah Marg,

New Delhi-11002 — India

Telephone: +(91 11) 232 30 342 / +(91 11) 232 31 082

Fax: + (91 11) 232 39 399

Website: <http://www.bis.org.in>

E-mail: info@bis.org.in

(ii) Brazil

ABNT - Associação Brasileira de Normas Técnicas

(Brazilian Association of Technical Regulation)

Address: SCS - Q.1 - Ed. Central , sala 401

CEP 70304-900 - Brasília/DF

Phone (55 61) 3223-5590 Fax (55 61) 3223-5710

e-mail: atendimento.df@abnt.org.br

(iii) South Africa

South African Bureau of Standards (SABS)

Contact person: Dr Geoff Visser

1 Dr Lategan Road

Groenkloof

Pretoria, 0001

Tel: +27 12 428 7911

Fax: +27 12 344 1568

E-mail: vissergr@sabs.co.za

B. National Accreditation Bodies

(i) India

National Accreditation Board for Testing, Calibration & Medical Laboratories (NABL)

3rd Floor, NISCAIR Building

14, Satsang Vihar Marg, New Mehrauli Road,

New Delhi – 110067 (India)

Tel.: 91-11-26529718 – 20, 26526864

Fax: 91-11-26529716

E-mail: info@nabl-india.org

National Accreditation Board for Certification Bodies Quality Council of India (for certification & inspection)

Institution of Engineers Building,
2nd Floor, Bahadur Shah Zafar Marg
New Delhi - 110002,
India. Tel: **91-11-2337 9321, 2337 9260, 2337 0567, 2337 8057** Fax: **91-11-2337 9621**.
Email: nabcb@qcin.org, info@qcin.org

(ii) Brazil

INMETRO

Instituto Nacional de Metrologia, Normalização e Qualidade Industrial

(National Institute of Metrology, Normalisation and Industrial Quality)

CAINT- INMETRO - Coordenação Geral de Articulação Internacional

(General Coordination of International Articulation)

Address: Rua Santa Alexandrina, 416 - 5º andar

Rio Comprido - RJ - CEP. 20261-232

Phone: (55 21) 2563-2787 (2817)

Fax: (55 21) 2502-6542

<http://www.inmetro.gov.br>

(iii) South Africa

South African National Accreditation System (SANAS)

Contact person: Mike Peet

The dti Campus

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E-mail: office@sanas.co.za, mikep@sanas.co.za

C. National Metrology Bodies

(i) India

National Physical Laboratory,

**Dr. K.S. Krishnan Marg,
New Delhi -110012, INDIA**

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Fax: 91-11-45609310, 91-11-25726938

E-mail: root@nplindia.org or root@nplindia.ernet.in

(ii) **Brazil**

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(iii) **South Africa**

National Metrology Institute of South Africa (NMISA)

Contact persons: Dr Wynand Louw, Donald Masuku

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Meiring Naude Road, Brummeria, Pretoria

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Fax: +27-12-841-2131, +27-12-841-3382

E-mail: wlouw@nmisa.org, hgreeff@nmisa.org, dmasuku@nmisa.org

D. National TBT Enquiry Point

(i) **India**

Bureau of Indian Standards

International Relations & Technical Information Services Department

Manak Bhavan,

9 Bahadur Shah Marg,

New Delhi-11002 — India

Telephone: +(91 11) 232 30 342 / +(91 11) 232 31 082

Fax: + (91 11) 232 39 399

Website: <http://www.bis.org.in>

E-mail: info@bis.org.in

(ii) **Brazil**

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Instituto Nacional de Metrologia, Normalização e Qualidade Industrial

(National Institute of Metrology, Normalisation and Industrial Quality)

(Divisão de Superação de Barreiras Técnicas)

(Overcoming of Technical Barriers Division)

Dr. Rogerio de Oliveira Corrêa,

Head of the Overcoming of Technical Barriers Division

Focal Point on the Technical Barriers to Trade Agreement of the WTO.

Coordenação Geral de Articulação Internacional

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(iii) **South Africa**

South African Bureau of Standards

Contact person: Rene Heydenrych,

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Tel: +27 12 428 6666

Fax: +27 12 428 1568

E-mail: info@sabs.co.za, heydenr@sabs.co.za

E. National TBT Notifying Point

(i) **India**

Director (SPS/TBT),

Trade Policy Division,

Department of Commerce,

Ministry of Commerce & Industry,

Government of India,

Udyog Bhawan, New Delhi

India, Pin 110107,

Telefax: 0091-11-23063624,

Email: prashant.goyal@nic.in, or cc.sarkar@nic.in

(ii) **Brazil:**

INMETRO

Instituto Nacional de Metrologia, Normalização e Qualidade Industrial

(National Institute of Metrology, Normalisation and Industrial Quality)

(Divisão de Superação de Barreiras Técnicas)

(Overcoming of Technical Barriers Division)

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(iii) **South Africa**

Director(Market Access):

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