Disclaimer: *In view of the European Commission's transparency policy, the Commission is publishing the texts of the EU-India FTA further to the conclusion of negotiations on 27 January 2026. These texts are published for information purposes only and may undergo further modifications, including as a result of the process of legal revision. These texts are without prejudice to the outcome of the Agreement between the EU and India. The texts will be final upon signing. The Agreement will become binding on the Parties under international law only after completion by each Party of its internal legal procedures necessary for the entry into force of the Agreement.*

CHAPTER 6

TECHNICAL BARRIERS TO TRADE

ARTICLE 6.1

Objective

The objective of this Chapter is to facilitate trade in goods between the Parties by preventing, identifying and eliminating unnecessary technical barriers to trade.

ARTICLE 6.2

Scope

1. This Chapter applies to the preparation, adoption and application of all standards, technical regulations and conformity assessment procedures as defined in Annex 1 of the WTO TBT Agreement on Technical Barriers to Trade ("TBT Agreement"), at the central level of government, which may affect trade in goods between the Parties.

2. Each Party shall take such reasonable measures as may be available to it to ensure compliance with this Chapter by government bodies on the level directly below that of the central government

within its territory, which are responsible for the preparation, adoption, and application of technical regulations, standards, and conformity assessment procedures.

3. This Chapter does not apply to:

(a) purchasing specifications prepared by governmental bodies for production or consumption requirements of such bodies; or

(b) sanitary and phytosanitary measures as defined in Annex A of the SPS Agreement that fall within the scope of Chapter 5 [Sanitary and Phytosanitary measures].

ARTICLE 6.3

Relationship with the TBT agreement

1. Each Party affirms its rights and obligations under the TBT Agreement which is incorporated into and made part of this Agreement, mutatis mutandis.

2. Terms referred to in this Chapter shall have the same meaning as they have in the TBT Agreement.

ARTICLE 6.4

Technical regulations

1. Each Party shall endeavour to consider the feasible and appropriate alternatives to the proposed technical regulations that may fulfil the Party's legitimate objectives, in accordance with Article 2.2 of the TBT Agreement, and may conduct an assessment, in accordance with its respective rules and procedures, of the impact of the proposed technical regulations.

2. Each Party shall use relevant international standards, or their relevant parts, as a basis for its technical regulations except when such international standards would be an ineffective or inappropriate means for the fulfilment of the legitimate objectives pursued. Where a Party does not use international standards, or their relevant parts, as a basis for its technical regulations, that Party shall share, upon request of the other Party, the reasons why it considers such standards as inappropriate or ineffective means for the fulfilment of legitimate objective pursued.

3. International standards developed by the International Organization for Standardization (ISO), the International Electrotechnical Commission (IEC), the International Telecommunication Union (ITU) and the Codex Alimentarius Commission (Codex) shall be the relevant international standards within the meaning of Article 2, Article 5 and Annex 3 of the TBT Agreement.

4. A standard developed by other international organisations may also be considered a relevant international standard within the meaning of Article 2, Article 5 and Annex 3 of the TBT Agreement, provided that:

(a) it has been developed by a standardising body which seeks to establish consensus either:

    (i) among national delegations of the participating WTO Members representing all the national standardising bodies in their territory that have adopted, or expect to adopt, standards on the subject matter to which the international standardisation activity relates, or,

    (ii) among governmental bodies of participating WTO Members; and

(b) it has been developed in accordance with the Decision of the WTO Committee on Technical Barriers to Trade on Principles for the Development of International Standards, Guides and Recommendations with relation to Articles 2, 5, and Annex 3 of the TBT Agreement.

5. Each Party shall endeavour to review its technical regulations to take into account any new developments in the relevant international standards or any change in the circumstances that have given rise to divergences from any relevant international standard.

6. In accordance with its respective rules and procedures and without prejudice to Chapter 14 [Good Regulatory Practices], for the development of a major technical regulation which may have a significant effect on trade, each Party shall endeavour to provide reasonable opportunity to persons to provide input through a public consultation. Each Party shall allow persons of the other Party to participate in the consultations which are available to the general public, on terms that are no less favourable than those accorded to its own persons.

ARTICLE 6.5

Standards

1. Each Party shall encourage the standardising bodies established within its territory and, as applicable, the regional standardising bodies of which a Party or the standardising bodies established in its territory are members:

(a) to participate, within the limits of their resources, in the preparation of international standards by relevant international standardising bodies;

(b) to use relevant international standards as a basis for the standards they develop, except where such international standards would be ineffective or inappropriate, for example because of an insufficient level of protection, fundamental climatic or geographical factors or fundamental technological problems;

(c) to avoid duplication of, or overlap with, the work of international standardising bodies;

(d) to review national standards and, as applicable, standards developed by such regional standardising bodies that are not based on relevant international standards, with a view to minimise the divergence of those standards from relevant international standards;

(e) to cooperate with the standardising bodies of the other Party in international standardisation activities of mutual interest, including through cooperation in the relevant international standardising bodies or at regional level; and

(f) to foster bilateral cooperation with the standardising bodies of the other Party.

2. The Parties shall exchange available information on their respective use of standards in support of technical regulations and their respective standard-setting procedures.

ARTICLE 6.6

Conformity assessment

1. The provisions set out in Article 6.4 [Technical regulations] of this Chapter with respect to the preparation, adoption and application of technical regulations shall also apply to conformity assessment procedures, mutatis mutandis.

2. Where a Party requires conformity assessment as a positive assurance that a product conforms with a technical regulation, it shall:

(a) consider selecting appropriate conformity assessment procedures that take into account the risks of non-conformity.

(b) consider, as appropriate, as proof of compliance with technical regulations the use of a supplier's declaration of conformity.

(c) upon request by the other Party, consider providing available information on the criteria used to select the conformity assessment procedures for specific products.

3. Where a Party requires third party conformity assessment as a positive assurance that a product conforms with a technical regulation and it has not reserved this task to a governmental body as specified in paragraph 4, it shall:

(a) use accreditation, as appropriate, as a means to qualify conformity assessment bodies.

(b) use relevant international standards, guides or recommendations issued by international standardising bodies, as applicable for accreditation and conformity assessment, as well as international agreements involving the Parties' accreditation bodies, for example, through the mechanisms of the International Laboratory Accreditation Cooperation (ILAC) and the International Accreditation Forum (IAF);

(c) encourage accreditation bodies and conformity assessment bodies located within its territory to join any relevant functioning international agreements or arrangements for harmonisation or facilitation of acceptance of conformity assessment results;

(d) ensure that conformity assessment bodies are independent of manufacturers, importers and economic operators in general and that there are no conflicts of interest between accreditation bodies and conformity assessment bodies; and

(e) publish on a, preferably single, website a list of the bodies that it has designated to perform such conformity assessment and the information on the scope of designation of each of those bodies.

4. If a Party requires that conformity assessment in relation to specific products is performed by its specified government authorities, that Party shall:

(a) ensure that conformity assessment fees are equitable in relation to the fees charged for conformity assessment of like products of national origin or originating in other countries, taking into account communication, transportation and other costs arising from differences between location of facilities of the applicant and the conformity assessment body.

(b) make the conformity assessment fees publicly available (online).

ARTICLE 6.7

Transparency

1. Except where urgent problems of safety, health, environment or national security arise or threaten to arise, each Party shall allow the other Party to provide written comments on notified proposed technical regulations and conformity assessment procedures within a period of 60 days following from the date of the transmission of the notification of such regulations or procedures to the WTO Central Registry of Notifications. A Party shall give positive consideration to a reasonable request to extend the comment period.

2. Each Party shall provide the electronic version of the full notified text together with the notification. In case the notified text is not in one of the official WTO languages, the notifying Party shall provide translation or detailed and comprehensive description of the content of the measure, in the WTO notification format.

3. If a Party receives written comments on its notified proposed technical regulation or conformity assessment procedure from the other Party, it shall take them into account, and shall endeavour to reply in writing to the comments no later than the date of publication of the adopted technical regulation or conformity assessment procedure.

4. Upon request of the other Party, each Party shall provide information regarding the objectives of, and rationale for, and legal basis for, any technical regulation or conformity assessment procedure that the Party has adopted or is proposing to adopt.

5. Each Party shall ensure that the technical regulations and conformity assessment procedures it has adopted are published on a freely accessible website.

6. Each Party shall endeavour to provide information on the adoption and the entry into force of technical regulations or conformity assessment procedures and the adopted final texts through an addendum to the original notification to the WTO.

7. Each Party shall normally allow a period of not less than 6 months between the publication of technical regulations and their entry into force, in order to allow time for the economic operators of the other Party to adapt, except when allowing such a period would be ineffective in fulfilling the legitimate objectives pursued.

8. A Party shall give positive consideration to a reasonable request from the other Party, received prior to the end of the comment period set out in paragraph 1, to extend the period of time between the adoption of the technical regulation and its entry into force, except where the delay would be ineffective in fulfilling the legitimate objectives pursued.

9. If standards are rendered mandatory in a draft technical regulation or conformity assessment procedure, through incorporation or reference, the transparency obligations set out in this Article and in Articles 2 or 5 of the TBT Agreement shall apply.

10. When a Party detains at the point of entry an imported consignment, due to non-compliance with a technical regulation or a conformity assessment procedure, it shall, in accordance with its laws and regulations, notify the importer or its representative, as soon as possible, the reasons for the detention. If a Party does not fulfil such obligation to notify, it shall provide reasons to the other Party.

ARTICLE 6.8

Marking and labelling

1. The technical regulations of a Party may include or address exclusively mandatory marking or labelling requirements. In such cases, the principles of Article 2.2 of the TBT Agreement apply to these technical regulations.

2. Unless it is necessary in view of the legitimate objectives referred to in Article 2.2 of the TBT Agreement, where a Party requires mandatory marking or labelling of products, it shall:

(a) only require information which the Party determines to be relevant for consumer or users of the product under its laws and regulations, and/or information that indicates that the product conforms to the mandatory technical requirements;

(b) ensure no prior approval, registration or certification of the labels or markings of products as a precondition for placing on its market products that otherwise comply with its mandatory technical requirements;

(c) where the Party requires the use of a unique identification number by economic operators, issue such number to the economic operators of the other Party without undue delay and on a non-discriminatory basis;

(d) unless the information listed in points (i), (ii) or (iii) would be misleading, contradictory or confusing in relation to the information required by the importing Party, permit:

(i) information in other languages in addition to the language required in the importing Party of the goods;

(ii) internationally accepted nomenclatures, pictograms, symbols or graphics; and

(iii) additional information to that required in the importing Party of the goods;

(e) accept that labelling, including supplementary labelling or corrections to labelling, take place, in customs warehouses or other designated areas in the country of import as an alternative to labelling in the country of origin, unless the labelling at the manufacturer's premises is required by the Party's regulations for the legitimate objectives provided under Article 2.2 of the TBT Agreement; and

(f) endeavour to accept the use of non-permanent or detachable labels or marking or labelling in the accompanying documentation rather than requiring labels or marking to be physically attached to the product.

ARTICLE 6.9

Market surveillance[1]

1. The Parties shall:

(a) ensure impartial and independent conduct of market surveillance functions from conformity assessment functions with a view to avoiding conflict of interest. This shall not prevent the Parties from entrusting in a single entity both market surveillance functions and conformity assessment functions, and

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[1] "Market surveillance" means activities conducted and measures taken by public authorities including those taken in cooperation with economic operators, on the basis of procedures of a Party to enable that Party to monitor or address compliance or safety of products with the requirements set out in its laws and regulations.

(b) ensure the absence of any conflict of interest that would affect the impartiality of market surveillance authorities in the performance of control or supervision of economic operators, and

(c) ensure access by the market surveillance authorities to the relevant documents, technical specifications, data or information on compliance, of the economic operators in their respective territory.

2. The Parties recognise the importance of cooperation on market surveillance of products for the facilitation of trade and for the protection of end users, including consumers, and of building mutual trust based on timely shared information.

3. The Parties may cooperate and exchange information, inter alia, with respect to the following:

(a) market surveillance activities and measures;

(b) market surveillance related enforcement activities and measures;

(c) risk assessment methods and product testing;

(d) coordinated product recalls or other similar actions;

(e) scientific, technical, and regulatory aspects, aiming to improve market surveillance;

(f) emerging issues of significant health and safety relevance;

(g) standardisation-related activities.

4. Each Party may provide the other Party with relevant information on the safety of specific products[2] and on the preventive, restrictive and corrective measures taken with respect to such products. The information exchange may take the form of:

(a) non-systematic exchange, in duly justified and specific cases, excluding personal data; or

(b) systematic exchange, based on an arrangement established in Annex [XX].

5. Parties may establish in Annex [YY] an arrangement on the regular exchange of information, including by electronic means, on measures taken on non-compliant products, other than those covered by paragraph 4.

6. The Parties shall use the information obtained pursuant to paragraphs 3, 4 and 5 for the sole purpose of protection of consumers, health, safety or the environment.

7. Each Party shall treat the information obtained pursuant to paragraphs 3, 4 and 5 as confidential.

8. The arrangements referred to in paragraphs 4 and 5 shall specify the type of information to be exchanged, the modalities for the exchange and the application of confidentiality and personal data protection rules.

9. The [Trade] Committee shall have the power to adopt decisions in order to determine or amend arrangements set out in Annexes [XX] and [YY].

ARTICLE 6.10

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[2] In the case of the European Union, the information will come from the Safety Gate system, or its successor.

Technical discussions

1. A Party may request technical discussions with the other Party regarding any matter arising under this Chapter by delivering a written request to the relevant Contact Point of the other Party designated pursuant to Article 6.14. The Parties shall make every attempt to arrive at a mutual understanding of the matter.

2. When such request refers to a draft or notified technical regulation or conformity assessment procedure of the other Party that might have a significant effect on trade between the Parties, the request shall identify:

(a) the measure at issue;

(b) the provisions of this Chapter to which the concerns relate; and

(c) the reasons for the request, including a description of the requesting Party's concerns regarding the measure.

3. At the request of either Party, the Parties shall discuss the concerns raised in the request referred to in paragraph 2, in person or by any other means, within 60 days of the date of the request and shall endeavour to resolve the matter as expeditiously as possible. If a requesting Party believes that the matter is urgent, it may request that any discussion take place within a shorter time frame. In such cases, the responding Party shall give positive consideration to such a request.

4. Where the Parties have already resorted to a bilateral forum, other than Technical Discussions under this Article, to address significant concerns with respect to any matter under this Chapter proposed or implemented by the other Party, they shall continue to make use of that forum to avoid unnecessary duplication with Technical Discussions. A Party may request technical discussions to address these concerns, in accordance with paragraph 1 of this Article, if it decides that such concerns cannot be addressed in that other forum. Once a request for Technical Discussions has been made for such concerns under this Article, the Party shall not raise them in another forum as

long as technical discussions are being held under this Article. If the requesting party decides that such technical discussions are no longer fruitful, it may resort to another forum.

5. For greater certainty, this Article is without prejudice to a Party's rights and obligations under Chapter 17 (Dispute Settlement).

ARTICLE 6.11

Committee on technical barriers to trade

The functions of the Committee established pursuant to [institutional provisions] shall include:

(a) monitoring and reviewing any issue related to the development, adoption, application or enforcement of standards, technical regulations and conformity assessment procedures and promptly addressing any issue that the other Party raises related to these matters;

(b) facilitating cooperation between the Parties, as appropriate, with respect to any matter that falls within the scope of this Chapter;

(c) facilitating technical discussions under Article 6.10 (Technical Discussions)

(d) establishing a cooperative framework grounded in transparency to foster mutual trust in the quality and integrity of each other's regulatory systems; and

(e) reducing the compliance burden on economic operators of the other Party while ensuring compliance with regulatory requirements and maintaining oversight of product safety and quality.

ARTICLE 6.12

Working group on conformity assessment

1. The Parties hereby establish a Working Group on Conformity Assessment to consider and address matters arising from the application of each Party's conformity assessment procedures to comply with the technical regulations, including Quality Control Orders and relevant EU Regulations, that may affect trade between the Parties.

2. The Working Group shall, where appropriate, conduct the preparatory technical work for the adoption by the Committee on TBT of recommendations aimed at enhancing transparency, promoting mutual understanding, and reducing unnecessary compliance burdens on the economic operators of the Parties.

ARTICLE 6.13

Cooperation

1. The Parties shall encourage cooperation between their respective organisations responsible for standardisation and accreditation, with a view to facilitating trade.

2. Each Party, upon request of the other Party, shall consider proposals for cooperation on matters of mutual interest on technical regulations and conformity assessment procedures, including any sector specific initiatives.

3. Such cooperation, which shall be on mutually determined terms and conditions, may include:

(a) advice or, whenever possible, technical assistance and capacity building relating to the development and application of standards, technical regulations and conformity assessment procedures;

(b) cooperation between conformity assessment bodies, both governmental and non-governmental, on matters of mutual interest;

(c) cooperation in areas of mutual interest in the work of relevant regional and international bodies relating to the development and application of standards and conformity assessment procedures, such as enhancing participation in the frameworks for mutual recognition developed by relevant regional and international bodies;

(d) enhancing cooperation in the development and improvement of standards, technical regulations and conformity assessment procedures; and

(e) strengthening communication and coordination in the WTO TBT Committee and other relevant international or regional fora.

Article 6.14

Contact points

1. Upon the entry into force of this Agreement, each Party shall designate contact points responsible for coordinating the implementation of this Chapter and shall notify the other Party of the same. The notification shall include the respective role, responsibilities, and contact information of the Contact Points, including telephone, email, and any other relevant details. The Parties shall promptly notify each other of any change of those contact details.

2. The contact point shall provide any information or explanation requested by the contact point of the other Party in relation to the implementation of this Chapter within a reasonable period of time.