

USDA Foreign Agricultural Service

GAIN Report

Global Agricultural Information Network

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USDA STAFF AND NOT NECESSARILY STATEMENTS OF OFFICIAL U.S. GOVERNMENT
POLICY

Voluntary Public

Date: 6/11/2012

GAIN Report Number: IN2077

India

Post: New Delhi

Amendment to GOI Legal Metrology Rules 2011

Report Categories:

Sanitary/Phytosanitary/Food Safety

FAIRS Subject Report

Trade Policy Monitoring

Exporter Guide

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Report Highlights:

On June 5, 2012, the Government of India Department of Consumer Affairs published a notification in the Indian official gazette, amending the [Legal Metrology \(packaged commodities\) rules, 2011](#). The publication has not yet been notified to the WTO, nor is there any reference to a specific comment period for domestic stakeholders.

General Information:

On June 5, 2012, Government of India Department of Consumer Affairs published a notification in the Indian official gazette, amending the [Legal Metrology \(packaged commodities\) rules, 2011](#). The publication has not yet been notified to the WTO, nor is there any reference to a specific comment period for domestic stakeholders.

The previous amendment to the rules was made on October 24, 2011, via notification GSR 784. The amendment brought some major changes to the Legal Metrology (packaged commodities) rules, 2011, including a deletion of the proviso of Rule 5 which made the use of standard size packages for commodities listed under Schedule II of these rules mandatory (See GAIN IN2038 for more information on GSR 784). Various trade bodies have expressed their concerns regarding GSR 784 (See GAIN report IN2046 on Trade Concerns on Third Amendment to The Legal Metrology Rules 2011). On June 5, 2012, the Ministry of Consumer Affairs amended the Legal Metrology (packaged commodities) rules, 2011, via notification number GSR 426 (E).

Details of notification GSR 426 (E)

Publication date: June 5, 2012

Date of implementation: Immediate. According to GSR 426 (E), the third amendment to the [Legal Metrology \(packaged commodities\) rules, 2011](#) (via GSR 784 on October 24, 2011), otherwise provided in GSR 426 (E), will come into force on July 1, 2012.

Comment period: comments have not been invited.

WTO notification number and date: not notified to the WTO (as of June 11, 2012)

Ministry in-charge: Ministry of Consumer Affairs.

Products affected: All packaged commodities.

Amendment introduced to the [Legal Metrology \(packaged commodities\) Rules, 2011](#), via notification GSR 426 (E): The deletion of the proviso to the Rule 5 will now come into effect on November 1, 2012 instead of previously decided effective date, July 1, 2012.

Post comments: The deletion of the proviso to the Rule 5 of [Legal Metrology \(packaged commodities\) rules, 2011](#) raised various trade concerns. The recent amendment provides some short- term relief to the traders/manufacturers. It gives a grace period of four months to manufacturers to change production

and packing lines, packaging material, etc. to switch over to the standard pack size. As the United States, Europe, Canada, and Australia do not have specific standards for packaging size, if India proceeds with the adoption of standard packaging size requirement, imported products would likely come under increased scrutiny by the Ministry of Consumer Affairs. This could potentially have a negative effect on trade.

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION**(Department of Consumer Affairs)****NOTIFICATION**

New Delhi, the 5th June, 2012

G.S.R. 426(E).—In exercise of the powers conferred by sub-section (1) read with clause (j) and (q) of sub-section (2) of Section 52 of the Legal Metrology Act, 2009 (1 of 2010), the Central Government hereby makes the following rules further to amend the Legal Metrology (Packaged Commodities) Rules, 2011, namely :—

1. (1) These rules may be called the Legal Metrology (Packaged Commodities) (Second Amendment) Amendment Rules, 2012.
- (2) They shall come into force on the date of their publication in the Official Gazette.
2. In the Legal Metrology (Packaged Commodities) (Third Amendment) Rules, 2011,—
 - (i) for sub-rule (2) of rule 1, the following sub-rule shall be substituted, namely :—

“(2) Save as otherwise provided, these rules shall come into force from 1st July, 2012.”
 - (ii) in rule 2, for clause (a) the following clause shall be substituted, namely :—

“(a) The proviso to rule 5 shall be omitted from 1st November, 2012.”

[F. No. WM-11 (13)/2010]

RAJIV AGARWAL, Secy.

Note : The principal rules were published in the Gazette of India, vide, notification number G.S.R. 202(E), dated 7th March, 2011 and last amended, vide, notification number G.S.R. 784(E), dated 24th October, 2011.