



## **Petroleum & Natural Gas Regulatory Board**

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Petroleum & Natural Gas Regulatory Board seeks comments/views of all stakeholders, consumers, experts, etc., on following draft Regulation on **“Procedures for Developing Technical Standards and Specifications including Safety Standards”** up to 17<sup>th</sup> December 2008.

The comments/views may be sent by e-mail to [draftregulation@gmail.com](mailto:draftregulation@gmail.com) and/or by post addressed to Secretary, Petroleum & Natural Gas Regulatory Board, 1st Floor, World Trade Centre, Babar Road, New Delhi -110001.

# PETROLEUM AND NATURAL GAS REGULATORY BOARD

## NOTIFICATION

Dated:.....

In exercise of the powers conferred by section 61(za) of the Petroleum and Natural Gas Regulatory Board Act, 2006 (19 of 2006), the Petroleum and Natural Gas Regulatory Board hereby makes the following regulations, namely:

### 1. Short Title and Commencement –

- (1) These regulations may be called the Petroleum and Natural Gas Regulatory Board (Procedure for development of Technical Standards and Specifications including Safety Standards) Regulations, 2008.
- (2) They shall come into force on the date of their publication in the Official Gazette.

### 2. Definitions

- (1) In these Regulations, unless the context otherwise requires-
  - a) "Act" means the Petroleum and Natural Gas Regulatory Board Act, 2006;
  - b) 'Board' means the Petroleum and Natural Gas Regulatory Board established under sub-section (1) of Section 3 of the Act.
  - c) "consensus" means substantial agreement has been reached by directly or materially affected interest categories. This signifies the concurrence of more than simple majority, but not necessarily unanimity.
  - (d) "standard development organization (SDO)" means a nationally or internationally established body recognized by the Board for developing standards.
  - (e) "technical committee" means a committee constituted by the Board or SDO with the approval of the Board to contribute in respect to all functional aspects of the subject standard. This committee shall have wide participation including but not limited to industry, statutory bodies, suppliers, service providers, academia, and NGOs.
- (2) Words and expression used and not defined in these regulations, but defined in the Act or in the rules or regulations made there under, shall have the meanings respectively assigned to them.

### **3. The Application.**

These regulations shall apply to:-

- (a) All stake Holders associated with development of standard including but not limited to the technical committees or SDOs.
- (b) Developing any standard, practices, and codes or modifying such standard, practices and codes.

### **4. The Scope.**

- (1) These regulations shall cover the procedures for development of draft standards by the technical committees or SDOs in the areas mentioned in Section 11 of the Act and the finalization, adoption and notifications of these by the Board.
- (2) Once the standards have been prepared and adopted by the Board, it will be the Intellectual Property Right (IPR) of the Board .

### **5. General Provisions**

- (1) The Board may either develop standards for the purpose of regulation under the Act itself or utilize the services of any Standards Development Organization (SDO).
- (2) The Board, when it decides to develop any standard itself, or the SDO shall constitute a committee of experts in the relevant technical area appropriately covered.
- (3) Any technical committee constituted as per sub regulation (2) above shall have a chairman and a member secretary besides members representing all interested parties. It shall be ensured that balance of interest is maintained and no single interest predominates. The Committee may co-opt experts to assist in its work.
- (4) The technical committee may appoint ad hoc expert groups for specific tasks.
- (5) The technical committee shall have defined scope of work as specified By the Board.
- (6) The technical committee may be reconstituted once every three years while the ad hoc expert groups shall have tenure as decided by the technical committee that sets them up. The Board however retains right to dissolve and reconstitute a technical committee before the end of its tenure of three years.
- (7) In case an SDO is developing a standard for the Board, it shall constitute the technical committee with the approval of the Board.

- (8) All members of the technical committees and act adhoc expert groups shall be bound by the code of conduct as prescribed by the Board.
- (9) The procedures employed in formulation of the standards shall be designed so as to provide opportunities to all interested parties to communicate their views.
- (10) The technical committees responsible for standards development activities shall maintain written procedures in accordance with the provisions contained in these regulations and the codes of good practices as per WTO agreement on Technical Barriers to Trade, Annex-3 - Codes of Good Practice for the Preparation, Adoption and Application of Standards.

## **6. Procedure for Formulation of Standards**

- (1) Any interested party may submit a proposal to the Board for formulation of a standard or updating or amending or cancelling an existing standard for the purpose of regulation. The request may be forwarded to the Board in the prescribed format (Annexure-I) with the prescribed fee to be decided by the Board from time to time. The Board on its own may also decide to develop, update, amend or cancel an established standard.
- (2) The intent to formulate, update, amend or cancel a standard so decided by the Board shall be published for a period of thirty days on the web site of the Board or publicized by any other means for inviting views from the stakeholders.
- (3) The views received shall be duly considered by the Board itself or by referring them to SDO for comments. Final decision in this regard shall rest with the Board.
- (4) The work of formulation of standards on any specific subject shall be undertaken when the Board is satisfied that the necessity for formulation of a standard has been established.
- (5) Technical committee shall be constituted by the Board or by SDO with the approval of the Board.
- (6) A preliminary draft standard shall be prepared by SDO, either by engaging any consultant, experts, specialized organization or by the SDO itself.
- (7) The draft standard so prepared shall be put up to the technical committee for deliberation.
- (8) After deliberations, technical committee will prepare revised draft and shall submit the same to the Board. The Board shall consider the draft standard and forward the revised draft to technical committee with or

without modifications. If the revised draft is received by the technical committee from the Board without modification, the same shall be placed on its website for public consultation. In case the final draft is received with modifications then the technical committee will recast the revised draft and intimate the members of the technical committee, such changes. Revised draft after incorporating changes shall be placed for public consultation for one month.

- (9) The technical committee shall take into account the comments received during the period for public consultation and shall thereafter finalize the draft standard. The revised draft standard with the approval of the technical committee and submitted to the Board for adoption through SDO, if applicable.
- (10) The draft standard after deliberation of the Board with the change, if any, incorporated at appropriate places shall be hosted in PNGRB website 15 days, for comments or stake holders and the general public.
- (11) The comments received shall be forwarded to technical committee for deliberations and final draft standard after deliberations with or without modifications shall be submitted to the Board for its adoption.
- (12) The Board may adopt the standards as recommended by the SDO or refer these back for re-consideration of any issues or adopt these with modifications as deemed fit.
- (13) In case the finalized standard draws assistance or reproduces text from any other standard covered on IPR, the responsibility for seeking concurrence of the owner shall rest with the SDO/Consultant preparing the draft standard.
- (14) All standards shall be finalized based on consensus in the technical committee. If consensus is not reached, the standard shall be finalized by voting and acceptance by two-third majority of members. The reasons for lack of consensus, if any, shall be duly conveyed to the Board for its consideration while adopting the standard.
- (15) All standards so developed shall be reviewed periodically at least once in five years, and revised, reaffirmed or withdrawn, as considered necessary.
- (16) Proposals for revising or amending published standards shall be considered by the technical committee concerned in a manner similar to proposals for development of new standards with the final decision resting with the Board.

## **7. Multi-stakeholder consultation**

- (1) Participation shall be open to all persons who are directly and materially affected by the activity in question.

- (2) The standards development process shall not be dominated by any single interest category whether individual or organization as a means of its position or strength and the development process shall have a balance of interests. Participants from diverse interest categories shall be sought with the objective of achieving balance.
- (3) The procedure employed in formulation of the standard shall be designed as to allow all interested parties the opportunity to communicate their views.

#### **8. Time period for preparation of Standards**

- (1) The technical committee or SDO shall submit the draft standard to the Board for adoption within the period specified by the Board. The time period specified by the Board may be reduced depending upon the urgency and the requirements as decided by the Board.
- (2) In case it is anticipated that the process will take more than the specified time, the technical committee or SDO shall seek approval of PNGRB by submitting due justification at least two months in advance of last date.

#### **9. Publication**

Once the standard has been adopted by the Board, it shall be promptly published by the Board.

#### **10. Price of standard**

The price of a standard may be decided by the Board from time to time on a case to case basis.

#### **11. Revenue model for development /revision/modification of standard**

SDO shall be compensated by the Board for the development or the draft standards on such terms and conditions as may be specified by the Board in general or on a case to case basis.

#### **12. Recognition of other Standards**

- (1) The technical committee or SDO may recommend to the Board any standard established by any other SDO complying with these regulations on the basis of applicability to a specific area within the jurisdiction of the Board.
- (2) The responsibility for seeking concurrence for adoption of any standard with the original owner of the standard shall rest with the technical committee or SDO as the case may be.

- (3) If however, the standard to be recognized has been developed in a manner not complying with these regulations, the process of adoption shall follow the WTO agreements on Technical Barrier to Trade (TBT) , Annex-3 – code of good practice for preparation, adoption and application of standards.

### **13. Complaints**

In case any complaint about the standard development process is received, the Board shall refer it to the technical committee or SDO body for resolution. In case the complaint is not resolved, the matter shall be referred back to the Board. The Board may seek help of ombudsman or technical experts appointed by the Board or both to resolve the complaint.

### **14. Miscellaneous**

If any dispute arises with regards to the interpretation of any of the provisions of this regulation, the decision of the Board shall be final. Further, the Board may at any time effect appropriate modifications in this regulation.

**Secretary, PNGRB**

Annexure - I

(Refer regulation 6 (1))

Format for submitting proposal to the PNGRB

for

Formulation of a standard or revising, amending, or cancelling an established standard.

1. Name of the Party:
2. Type of entity
3. Business profile:
4. Address including telephone numbers/mobile no./email/fax
5. Name , e-mail, mobile No of contact person for any clarification required by PNGRB:
6. Standard proposed to be developed/revision/amending/cancelling:
7. Reason in support of the serial No. 6
8. Applicable fees:  
  
Rs. 5000/- (Rupees Five Thousand only) for development/revision/amending any standard.
9. Payment details:
  - a. Draft No.\_\_\_\_\_ date \_\_\_\_\_ payable in favour of PNGRB, New Delhi.

Signature of the authorized representative of the Party

Name\_\_\_\_\_

Designation\_\_\_\_\_

Organisation\_\_\_\_\_

Note: A letter of authorization for the above mentioned representative from CEO of the entity/party may also be enclosed.