

**TRANSITIONAL REVIEW MECHANISM IN CONNECTION WITH PARAGRAPH 18 OF  
THE PROTOCOL ON THE ACCESSION OF THE PEOPLE'S REPUBLIC OF CHINA**

Questions and Comments of Japan

1. Japan welcomes that, in the second year after accession, implementation by China of its commitments on TBT has progressed and is entering into a cruising phase. It appreciates efforts by China for developing and improving necessary regulatory framework and smoothly implementing phase-in commitments. In a transitional period of evolving regulations, the importance of regulatory transparency, predictability, stability and consistency is paramount; the value of TBT commitments and the efforts to implement them could be easily clouded out by a shortness of such elements either in regulations themselves or in their application. The transitional review mechanism could be useful for making those transitional efforts more efficient and productive, and it is a pleasure for Japan to contribute to this process.
2. In this context, China is further invited to take necessary steps to ensure regular and effective application of public comments procedures, well-in-advance of publication of laws and regulations, avoidance of abrupt regulatory change, clear-demarcation of departmental responsibilities, improvement in inter-departmental and central-provincial coordination and consistency etc..
3. In accordance with Paragraph 18 of the Protocol on the Accession of the People's Republic of China, which states that "China shall provide relevant information to each subsidiary body in advance of the review" and in the spirit of cooperation to render the TRM process most efficient and effective, Japan requests China to provide in advance of the meeting of the Committee on TBT responses and relevant information to the following questions and comments.

## **JAPAN'S QUESTIONS ON THE REGISTRATION OF INITIAL IMPORTS OF CHEMICAL PRODUCTS**

### **I. BACKGROUND**

4. In paragraph 196(a) of the report of the Working Party, China has committed to enact and implement, within one year after its accession, a new law and relevant regulations regarding assessment and control of chemicals for the protection of the environment, in which complete national treatment and full consistency with international practices will be ensured. In paragraph 196(a), China has also committed to ensure that chemicals listed in the "inventory chemicals" annexed to the above new law and its regulations will be exempted from a registration obligation and that a unified assessment procedure will be established for domestic and imported products under the new law and its regulations.

5. To establish a new system, China drafted and published an initial version of Import and Export Registration Regulations of Dangerous Chemicals in September 2002, and an initial version of Provisions on the Environmental Administration of New Chemical Substances in December 2002 to collect tentative comments from interested parties in and outside of China. After that, we recognize that the final version of the draft of Import and Export Registration Regulations of Dangerous Chemicals has not yet been published. On the other hand, it has been announced that Provisions on the Environmental Administration of New Chemical Substances was issued on 12 September and will enter into force on 15 October 2003, without the WTO notification. The detailed administrative rules which are indispensable to implement these laws have not yet been published.

6. With Provisions on the Environmental Administration of New Chemical Substances, the following problems still remain:

- the accurate inventory of existing chemicals has not been completed;
- the definitions and exemptions provided in the provisions are not clear;
- regarding the eco-toxicological data of new chemical substances, foreign data of the tests which are generally conducted in many countries will not be accepted. (It is required in Article 8 that biological tests be performed in China with China's test organisms);
- the transition period between the publication and the entry into force is insufficient.

### **II. QUESTIONS AND REQUESTS**

7. With regard to Provisions on the Environmental Administration of New Chemical Substances, which was promulgated on 12 September 2003, we recognize the WTO notification has not been submitted. We request China to explain the reason for that.

8. Provisions on the Environmental Administration of New Chemical Substances have a provision that the eco-toxicological data of new chemical substances shall include those obtained through biological tests performed in China by the application of China's test organisms. We request the explanation of the reason why China will not accept data obtained by reliable laboratories in other countries, including Japan, which conduct the same tests as those in China.

9. In addition, we would like China to indicate a detailed time schedule, including the time for the compilation of the accurate inventory of existing chemicals, the establishment of detailed administrative rules, and the time for the Chinese authority to start receiving the notification under this law.

10. With regard to Import and Export Registration Regulations of Dangerous Chemicals, what progress has been made in the consideration of the comments from interested parties on the draft? We would like to ask China to make revised draft based on the comments as soon as possible and take necessary procedures, including WTO notification.

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