

**TRANSITIONAL REVIEW MECHANISM PURSUANT TO SECTION 18
OF THE PROTOCOL ON THE ACCESSION OF
THE PEOPLE'S REPUBLIC OF CHINA**

Questions from the United States to China

1. The United States welcomes China's continued implementation of the Agreement on Technical Barriers to Trade (TBT Agreement), including its establishment of a notification authority, its participation in meetings of the TBT Committee and its transition to the new CCC Mark certification scheme. We appreciate this opportunity to gain a better understanding of how China is implementing its TBT obligations and seek information on the following matters.

I. NOTIFICATIONS

2. The United States welcomes China's submission of 17 notifications under the TBT Agreement in 2003. The United States encourages China's continued implementation of TBT notification requirements. However, we are also aware of Chinese measures related to conformity assessment and certification that have not been notified to the TBT Committee.

- (a) In particular, technical regulations promulgated by various Chinese ministries and agencies, which would appear to impact international trade, have not been notified. What steps has China taken to ensure that it notifies all regulations meeting TBT Agreement criteria, not just those issued by China's State Administration of Quality Supervision, Inspection and Quarantine?
- (b) In 2003, China implemented certain changes to the requirements for CCC Mark registration. Apparently, on a temporary basis, China permitted applicants to conduct "factory self-inspections" (in lieu of an inspection conducted by designated certification bodies or their designees) and to proceed with CCC Mark issuance on an interim basis while awaiting a full factory inspection by designated certification bodies. This policy has been viewed favorably by U.S. industry, but notification of the measure in question would provide the required transparency for Members to understand the new policy fully. Will China notify the TBT Committee of changes to its CCC Mark certification scheme, including changes in conformity assessment requirements and additions to the catalogue of products subject to CCC certification?

II. INTERNATIONAL STANDARDS

3. Measures that China has promulgated since its WTO accession, including *Measures for the Administration of Adoption of International Standards*, as well as comments during TBT Committee meetings in 2003, would appear to limit China's definition of international standards to those promulgated by the ISO, IEC and ITU. However, the TBT Agreement does not limit Members to using standards from particular bodies, nor does it contain a list of bodies deemed appropriate for purposes of implementing its provisions. Instead, the TBT Committee decided upon principles which should guide Members' participation in the work of international bodies as well as the use of their standards, recommendations and guidelines (G/TBT/1/Rev.8 (IX)). Responsibility for implementing the TBT Committee decision rests with WTO members (and not the international bodies themselves). As we have previously stated bilaterally and at meetings of this Committee, we are concerned that China's restricted approach will limit its ability to comply with its WTO obligations and will deny it the possibility of choosing the best standard that is available, effective and appropriate for achieving its legitimate objective. We have identified examples in prior comments on specific Chinese notifications.

- (a) At this time, does China have any plans to address this issue?
- (b) If no action is planned or being taken, could China explain why it would limit its options to only 3 standardizing bodies when other bodies develop international standards that could be relevant, effective and appropriate for use as a basis for Chinese technical regulations and conformity assessment procedures?

III. CONFORMITY ASSESSMENT PROCEDURES

4. In Section 13.4(a) of China's Protocol of Accession, China committed that it would ensure that, within one year after its accession (or by December 11, 2002), all conformity assessment bodies would be authorized to undertake conformity assessment for both imported and domestic products. China further committed that, within eighteen months after its accession (or by June 11, 2003), it would assign the respective responsibilities of its conformity assessment bodies solely on the basis of the scope of work and type of product without any consideration of the origin of a product. During the transitional review before the TBT Committee in 2002, China reported on the progress that it had made in implementing these commitments with regard to certain conformity assessment bodies (in G/TBT/W/190). China stated that it was still working on the implementation of these commitments with regard to other conformity assessment bodies and that it hoped to finish its work in a timely manner. Please report on the status of this effort.

5. In paragraph 194 of China's Working Party Report, China agreed to make public, and update on an ongoing basis, information on conformity assessment bodies recognized by China. Please provide an updated list of domestic and foreign conformity assessment bodies that are recognized by China.

6. In paragraph 192 of the Working Party Report, China agreed not to maintain multiple or duplicative conformity assessment procedures, and not to impose requirements exclusively on imported products. What steps has China taken, or does China plan to take, to eliminate duplicative conformity assessment requirements, such as between the CCC Mark requirements and those of the Ministry of Information Industry, or between the CCC Mark requirements and those of the Ministry of Health/State Food and Drug Administration?
