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Committee on Technical Barriers to Trade Original: English

SECOND ANNUAL TRANSITIONAL REVIEW MANDATED IN PARAGRAPH 18 OF THE PROTOCOL OF ACCESSION OF THE PEOPLE'S REPUBLIC OF CHINA:

Statement by the Head of Chinese Delegation
at the meeting of the Committee on Technical Barriers to Trade
7 November 2003

China has submitted to the TBT Committee the information required in annex 1A to China's protocol of accession. Some concerns raised by Members, including the authorization, terms of reference and the updated list of the conformity assessment bodies and progress on international standards adoption are covered by the information submitted. As for transparency and the coordination among domestic agencies involved in TBT notifications, please refer to our response to the same question at the SPS TRM on 30 October 2003.

The following is my responses to remaining questions raised by Members in the context of TRM.

I. ADOPTION OF INTERNATIONAL STANDARDS

1. China recognizes the importance of adopting international standards and the international standards have been made the basis for the development of technical regulations, standards and conformity assessment procedures. In order to help the industries implement TBT Agreement, General Administration of Quality Supervision, Inspection and Quarantine (AQSIQ) has published the *Regulatory Measures on Adoption of International Standards*, which recognizes the standards issued by 42 international organizations as international standards.

II. CONFORMITY ASSESSMENT

2. The same treatment to import and domestic products on technical regulations, standards and conformity assessment procedures have been achieved through the implementation of China Compulsory Products Certification System (CCC). There are no multiple or duplicate conformity assessment procedures.

3. The spare parts and components listed in the First Catalogue of Products subject to Compulsory Product Certification used in whole products are exempted from the separate certification. If spare parts and components listed in the First Catalogue are imported or sold separately, they will be subject to separate mandatory certification.

4. Spare parts and components directly produced or imported for the purposes of maintenance for end users, or the maintenance for products that are off production, are exempted from the mandatory certification. To apply for Certificate of Exemption from CCC, the manufacturers, dealers or their agents shall submit the relevant documents in compliance with the conditions for exemption from CCC. Those products can only be sold, imported and used in commercial activities after obtaining the Certificate of Exemption from CCC.

5. A unified charging standard applies to both the imported and domestic products. The different level on the fee is mainly attributed to the difference in testing cost.

6. The procedures of CCC basically include the steps like application, type testing, initial factory inspection, evaluation of certification results, the approval of certification and follow-up inspection. Among them, factory inspection is an integral and necessary step in the whole process of CCC.

7. *Regulations for Compulsory Product Certification*, published in Decree No. 5 of AQSIQ, stipulate that Certification bodies shall protect the confidentiality of business and technology of certificated products, and shall not illegally obtain the technology achievements of the applicants. According to the ISO/IEC guidelines, relevant documents of certification bodies should include the rules and commitments on confidentiality.

8. In accordance with internationally accepted practices, the mutual recognition of certification/testing results should be based on the bilateral or multilateral agreements between governments or organizations with government authorization. China has long been advocating the recognition of certification/testing results on the equal basis with a view of avoiding duplicate testing and certification and eliminating technical barriers to trade. As China has joined the CB system of IECEE, China recognizes the CB certificates issued by members of CB system of IECEE up to our committed level.

9. Since 2002, the Ministry of Information Industry has been actively engaged in consultations with the State Administration of Certification and Accreditation (CNAC) on the duplicate approval tests of telecom equipments with a view of effective regulation of the market, reducing burdens on enterprises and eliminating duplicate tests. So far, the issue of duplicate tests for telecom equipments is being solved in a progressive manner.

III. PHARMACEUTICAL REGISTRATION

10. Article 32 of the *Regulations on the Administration of Pharmaceuticals* states “Medicines must meet national standards for pharmaceuticals”. National pharmaceutical standards include Pharmacopeia of China issued by the State Food and Drug Administration (“SFDA”), pharmaceutical registration standards and other related standards.

11. Article 36 of the *Implementing Rules for the Regulations on the Administration of Pharmaceuticals* states “pharmaceuticals applying for importation shall have the approval for sale in the country of production.” Pharmaceuticals applying for import registration in China must satisfy the standards both of China and the country of origin.

12. Therefore, domestic and foreign pharmaceutical producers are treated equally in the context of current registration regulations of China.

IV. COSMETICS

13. As for the imported cosmetics, according to the *Regulations of Sanitary Supervision on Cosmetics*, Ministry of Health (MOH) assesses and approves the safety and hygiene qualities of cosmetics, while AQSIQ approves the labelling on imported cosmetics.

V. LABELLING

- With regard to the time of registration procedures, at present, the approval of most food

labelling is completed within the time limit stipulated in the relevant Regulations.

- With regard to the standards for food labelling, the existing standard for food labelling applies to all prepackaged food sold in China, which also includes wine and spirit.
- With regard to the producers' discretion on the information contained on the labels, all Chinese information on the label of prepackaged food sold in China must comply with relevant Chinese regulations on food labelling. Producers do not have discretion in this regard.
- With regard to labelling requirements, importers must submit the certificates for sale issued by competent authorities in the country of manufacture while applying for approval of Chinese-language label on import food.
- With regard to labelling requirements for bulk products, so far, there are no labelling approval requirements on the imported materials for food processing.

VI. CHEMICAL PRODUCTS

14. *The Provisions on Environmental Administration of New Chemical Substances*, promulgated on 12 September, 2003 by the State Environmental Protection Administration of China (SEPA), has come into force on 15 October, 2003.

15. In line with the Article 8, paragraph 3 in the Provisions, China does not deny the authenticity of the testing data from the foreign testing institutions on the basis that these testing institutions certified by the competent government agency in their own countries. The ecological and toxicological data thereof must include those obtained from the tests made in China on organisms from China.

16. *The Inventory of the Existing Chemical Substances in China* was issued on 23 September 2003 by the SEPA. The document was published on China Environment News, and it's now available both on the website of SEPA (www.zhb.gov.cn) and Chemical Registration Center of SEPA (www.crc-sepa.org.cn).

17. The inventory consists of the existing chemical substances produced, sold, utilized in China and import into China from 1 January, 1992 to 30 April, 2003. The foreign chemical companies can access the chemical substances contained in the Inventory through above-mentioned channels.

18. At present, the draft of *Regulations on Import and Export Registration of Hazardous Chemicals* is under the final review by the governing authorities.

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