

WORLD TRADE ORGANIZATION

G/TBT/W/246
29 October 2004

(04-4610)

Committee on Technical Barriers to Trade

Original: English

ANNUAL TRANSITIONAL REVIEW MANDATED IN PARAGRAPH 18 OF THE PROTOCOL OF ACCESSION OF THE PEOPLE'S REPUBLIC OF CHINA: INFORMATION REQUIRED IN ANNEX 1A OF WT/L/432

Submission by the People's Republic of China

(a) Notification of acceptance of the Code of Good Practice not later than four months after China's accession

1. China has accepted the Code of Good Practice in 2002 and notified the acceptance to the ISO/IEC Information Centre and the WTO Secretariat (G/TBT/CS/N/143).

(b) Periodic review of existing standards of government standardizing bodies and harmonization of the same with relevant international standards where appropriate

2. Chinese legislation on standardization provides legal basis for and guarantees the periodic review of existing standards. Article 13 of the Standardization Law of the People's Republic of China stipulates that "after the standards come into force, the department that formulated them shall, in the light of scientific and technological developments and the needs in economic construction, make timely reviews of the current standards to determine if they are to remain effective or are to be revised or annulled." Article 20 of the Regulations for the Implementation of the Standardization Law of the People's Republic of China stipulates that "after standards go into effect, the departments which formulated the standards shall carry out timely review in light of the development of science and technology and the needs of economic construction. Normally, review should be conducted no more than every five years." The term "development of science and technology" embodies the development and revision of international and foreign advanced standards.

3. Standards review is an important way to ensure the applicability of standards and alignment with international standards. In the process of implementation, the Standardization Administration Commission of the People's Republic of China (SAC) and relevant sectoral and local standardization bodies worked out a programme for revising sectoral and local standards, contents of which are: to review all standards aged five years; to timely revise standards inappropriate to current situations; to revise in accordance with the principle of active alignment with international standards, and adopt if appropriate; to exercise overall analysis on international standards and work out schedule for alignment; to actively participate in international standardization, especially preparation of international standards.

4. Starting from April, 2004, SAC has started to sort out all the existing 21,000 national standards to check their relevance to market requirement and the alignment with international standards. Standards failing to meet these criteria will be amended or annulled. This task is expected to be finished within 14 months.

(c) Revision of current voluntary national, local and sectoral standards so as to harmonize them with international standards

5. The Standardization Law of the People's Republic of China encourages active alignment with international standards. The Plan on Preparation of National Standards in 2004 places priority on those projects in alignment with international standards. The same principle will be followed in the coming years.

6. To accelerate the adoption of international standards, the General Administration of Quality Supervision, Inspection and Quarantine of the People's Republic of China (AQSIQ) promulgated "Regulatory Measures on Adoption of International Standards", stipulating the principles for adoption of international standards, the level for adoption of international standards and compilation methods, and measures for promoting the harmonization with international standards.

7. Starting from April, 2004, SAC has started to sort out all the existing 21,000 national standards to check their relevance to market requirements and the alignment with international standards. Standards failing to meet these criteria will be amended or annulled. This task is expected to be finished within 14 months.

(d) Use of the terms "technical regulations" and "standards" according to their meaning under the TBT Agreement in China's notifications under the TBT Agreement, including under Article 15.2 thereof and publications referenced therein, and in modifications of existing measures

8. Ever since its accession to the WTO, China has been using the terms "technical regulations" and "standards" according to their meaning under the TBT Agreement. There are two types of standards in China: mandatory and recommendatory. The nature of mandatory standards in China conforms to the definition of technical regulations under the TBT Agreement and forms a main component of Chinese technical regulations. Since accession to the WTO, China has notified 41 mandatory standards to the WTO in accordance with the requirements of the TBT Agreement on technical regulations.

(e) Review of technical regulations every five years to ensure international standards are used in accordance with Article 2.4 of the Agreement and policies for adoption of international standards as the basis for technical regulation as part of its notification under Article 15.2 of the Agreement

9. Existing technical regulations are reviewed in line with the review of mandatory and recommendatory standards at least every five years to ensure the fulfilment of economic development needs and alignment with international standards.

10. Adoption of international standards as the basis for technical regulation has been notified as part of China's notification under Article 15.2 of the TBT Agreement. Please refer to document G/TBT/2/Add.65.

(f) Progress report on increase of the use of international standards as the basis for technical regulations by ten per cent in five years

11. The Plan on Preparation of National Standards in China places priority on those projects in alignment with international standards. To meet the target to "increase of the use of international standards as the basis for technical regulations by ten per cent in five years", the Chinese Government adopted and implemented in 2002 the "Regulatory Measures on Adoption of International Standards" and Measures for National Standard Development with Fast Track, and reviewed the consistency of relevant technical regulations (including mandatory standards) with international standards, and

organized revision of them. Starting from April, 2004, China has started to sort out all the existing national standards, which will increase to a large extent the percentage of use of international standards for technical regulations in China, thus help meet the target of 10 per cent increase in five years.

(g) Provision of procedures to implement Article 2.7 of the Agreement

12. The Third Triennial Review of the Operation and Implementation of the Agreement on Technical Barriers to Trade recommended that:

"To further its work on good regulatory practice, the Committee agrees to:

... - initiate a process of sharing experiences on equivalency in the Committee particularly with regard to how the concept is implemented in practice."
(G/TBT/13, Paragraph 14)

13. China will actively participate in relevant Committee activities. Once the Committee reaches consensus on equivalence, China will act accordingly and provide procedures to implement Article 2.7 of the Agreement.

(h) Provision of a list of relevant local governmental and non-governmental bodies that are authorized to prepare technical regulations or conformity assessment procedures as part of China's notification under Article 15.2 of the Agreement

14. China's Notification under Article 15.2 of the TBT Agreement has been submitted to the WTO Secretariat (Document G/TBT/2/Add.65).

(i) Updated List on the conformity assessment bodies that are recognized by China

15. China Quality Certification Center, China Certification Center for Electromagnetic Compatibility, China Certification Center for Security and Protection, China Certification Center for Agricultural Machinery, China Certification Center for Safety Glazing, Beijing Zhong Hua Combination Quality Certification Co. Ltd., Certification Center for Fire Products, Ministry of Public Security, China Certification Center for Automotive Products, Center of Boiler & Pressure Vessel Inspection and Research, the National Institute for the Control of Pharmaceutical and Biological Products, the Maritime Administration of the People's Republic of China and Register of Shipping at all levels, Register of Fishing Vessels of the People's Republic of China and Local Register of Fishing Vessels, Beijing Guoxinjianlian Certification Center, China Standard Certification Center, CQM Certification Center.

16. The designated testing bodies that undertake certification and test for compulsory products are as follows: China Electronics Standardization Institute (CESI) Safety and EMC Testing Center of Electronic Industry, National Testing and Inspection Center for Radio and TV Products, the Shanghai Institute of Standards and Metrology and Testing for Electronic Products and Instruments, China CEPREI (Headquarters) Laboratory, Guangzhou Testing and Inspection Institute for Household Electrical Appliances (GTIHEA), Beijing Testing Institution for Household Electrical Appliances, Beijing Electrical Research Institute for Technique and Economy of Machinery Industry, Shanghai Electric Cable Research Institute, Shanghai Testing & Inspection Institute for Electrical Equipment (STIEE), Chengdu Electrical Appliance Inspection Institute, Shanghai Testing & Inspection Institute for Electrical Appliances, China Light Test Laboratory (Beijing), China National Lighting Fitting Quality Supervision Testing Center (CLTC) (Shanghai), China Telecommunication Technology Labs., Telecommunication Metrology Center of M.I.I., Testing & Inspection Station for Special Appliance of Shanghai Scientific Research Institute of Labor Protection, Shanghai Electrical Appliance Testing Laboratory (SEATL), Technical Center of Zhejiang Entry-Exit Inspection and Quarantine Bureau,

Mechanical & Electrical Products Testing Center of Jiangsu Entry-Exit Inspection and Quarantine Bureau, Testing and Technology Center for Industrial Products of Shenzhen Entry-Exit Inspection and Quarantine Bureau, Testing Center for Electronics Products & Electrical Appliances of Shenyang Entry-Exit Inspection and Quarantine Bureau, Shenzhen Electronic Product Quality Testing Center, Electric Safety Laboratory of Guangzhou Entry-Exit Inspection and Quarantine Bureau, Guangzhou Electrical Safety Testing Institute, NIM-NJtu United Lab. for Electromagnetic Compatibility, Zhejiang Institute of Calibration and Testing for Qualitative Technical Supervision, Fujian Provincial Central Inspection Institute, Shanghai Institute of Supervision & Testing on Product Quality, Sichuan Province Product Quality Supervision & Inspection Institute, Chengdu Product Quality Supervision Inspection Institute, Shenzhen Academy of Metrology and Quality Inspection, Dalian Institute of Product Inspection & Supervision, Shandong Institute of Metrology, Shandong Provincial Supervision & Inspection Institute for Product Quality, Machinery Industry Auto-office Equipment Testing Institute, Shanghai Institute of Process Automation Instrumentation Inspection and Testing Institute of Instruments and Automatic Systems, Beijing Zunguan Information Technology Product Quality Testing Certification Limited Co., Hunan Apparatus Research Institute Apparatus Test Laboratory, Wuhan High Voltage Research Institute State Power Corporation of China, Suzhou New & Hi-Tech Industrial Development Zone Test Institute for Electrical Equipment, China National Computer Peripheral Equipment Quality Supervising Test Center, China National Tyre Quality Test and Supervision Center, The Cycle Tire Quality Supervising Test Center of Chemical Industry, Qingdao Supervision and Inspection Institute of Product Quality, Quality Supervision & Inspection Center of Latex Products of Chemical Industry in Zhuzhou, China National Safety Glass & Quartz Glass Test Center, China National Center for Quality Supervision and Test Glass, Chinese Academy of Agricultural Mechanization Science, National Center of Supervision, Inspection & Test for Crop Protection Machinery Quality, the Testing Center for Quality of Security and Police Product, Quality Supervision and Test Center of Alarm System Product of Security and Crime Prevention of Ministry of Public Security, Beijing Medical Device Quality Supervision & Testing Center of SDA, Liaoning Province Medical Device Quality Supervision and Test Institute (LMTI), Guangdong Medical Instruments Test Center, Shanghai Testing & Inspection Institute for Medical Equipment, Chang Chun Automotive Inspection Center, China National Automobile Quality Supervision and Test Center (Xiangfan), Tianjin Automotive Test Center, the National Coach Quality Supervision and Inspection Center, National Quality Supervision and Inspection Center of Heavy Duty Vehicles, China National Construction Machinery Quality Supervising Test Center, National Motorcycle Quality Supervision and Testing Center (Tianjin), China National Motorcycle Testing Center (Bao ji), Nanchang Motorcycle Quality Supervision and Inspection Institute, Shanghai Motorcycle Quality Inspection Administration, China National Center for Quality Supervision and Test of Fire Fighting Equipment, China National Center for Quality Supervision and Test of Fire Electronic Products, China National Center for Quality Supervision and Test of Fixed Fire Extinguishing System and Fire-Resisting Building Components, Hefei Institute of Testing on General Mechanical Product, Liaoning Province Institute of Supervision & Testing on Product Quality, Tianjin Institute of Testing on Dynamotor and Electrical Control Equipment, Tianshui Great Wall Institute of Testing on Electrical Appliances, Chongqing Electrical Appliance Testing Center, Changzhen Electrical Appliances Research Institute, Shenyang Research Institute of Electrical Transmission, Zhejiang Province Institute of Testing on Mechanical & Electrical Product Quality, Mechanical & Electrical Products Testing Laboratory of Beijing Entry-Exit Inspection and Quarantine Bureau, Technical Center of Fujian Inspection and Quarantine, Testing Laboratory for Electronics Products & Electrical Appliances of Xiamen Entry-Exit Inspection and Quarantine Bureau, Wuhan Institute of Supervision & Testing on Product Quality, Shanxi Province Institute of Supervision & Testing on Product Quality, Hebei Province Institute of Supervision & Testing on Product Quality, Jilin Province Institute of Supervision & Testing on Product Quality, Tianjin Institute of Supervision & Testing on Product Quality, Hunan Province Institute of Supervision & Testing on Product Quality, Henan Province Institute of Supervision & Testing on Product Quality, Jiangsu Province Central Institute of Supervision & Testing on Product Quality, Jiangsu Institute of Metrological Testing Technology, Wuxi Province Institute of Supervision & Testing on Product Quality, Beijing Province Institute of Supervision & Testing on Product Quality, Chongqing Institute of Quality Supervision and Testing on Electronics Products & Electrical

Appliances, Ningbo Institute of Supervision & Testing on Product Quality, Wenzhou Institute of Supervision & Testing on Product Quality, Liaoning Academy of Electric Power, Testing and Technology Center for Safety of Industrial Products of Qingdao Entry-Exit Inspection and Quarantine Bureau, Shanghai Institute of Metrological Testing Technology, Jiangsu Institute of Supervision and Testing on Electronics Products, Hangzhou Institute of Supervision & Testing on Product Quality, Anhui Province Institute of Supervision & Testing on Product Quality, National Paint and coating quality supervision and testing center, National Chemical building material testing center/Beijing Chemical research institute, National chemical building material quality supervision and testing center/Zhejiang fangyuan testing group, Industrial environment supervision and testing center for building materials/China building material research institute, Shanghai chemical product quality supervision and testing center, Guangdong Provincial product quality supervision and testing center, Guangdong paint and coating product quality supervision and testing center, Guangzhou product quality supervision and testing institute, National quality supervision and testing center for building sanitary porcelain, National building material testing center, National quality supervision and testing center for building decoration materials, Guangdong Fuoshan product quality supervision and testing Institute, National quality supervision and testing center (Guangzhou) for light industrial decoration material and porcelain, Chongqing motor vehicle testing center, Shanghai motor vehicle inspection center, Jinan automobile testing center.

(j) Enactment and implementation of 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 would be ensured within one year after China's accession following conditions set out in 3(t) of the TBT Working Party Report

17. State Council published a decision on the Abolishment of the First Set of Projects that were required to be examined and approved before, in line with conditions set out in 3(t) of the TBT Working Party Report, and the system on the Registration and Approval of Initial Imports of Chemical Products has been discontinued.

18. Currently, the General Administration of Environment Protection is consulting with other government agencies on the Regulatory Provisions on Initial Imports of Chemical Products and Import & Export Environmental Requirements on Hazardous Chemical Products. China will notify this to the WTO in accordance with the TBT requirements. China will make sure that the Regulatory Provisions are in full compliance with the WTO/TBT principles, such as national treatment.

(k) Information on whether, one year after accession, all conformity assessment bodies and agencies are authorized to undertake conformity assessment for both imported and domestic products and are following the conditions outlined in Section 13, subparagraph 4(a) of the Protocol

(l) Assignment of the respective responsibilities of China's 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 no later than eighteen months after accession

(m) Notification of the respective responsibilities assigned to China's conformity assessment bodies to the TBT committee 12 months after accession

19. The same technical regulations, standards and conformity assessment procedures are applied to both imported and domestic products. For imported and domestic products, all bodies and agencies shall issue the mark and charge the same fee, and provide the same processing periods and complaint procedures. The choice of the conformity assessment bodies is at the discretion of the applicant.

20. Referring to the names of conformity assessment bodies listed in item (i), the scope of work and type of products for which they are respectively responsible can be learnt.
