

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

Questions and Comments from Japan to China

The following communication, dated 27 October 2008, is being circulated at the request of the delegation of Japan.

**I. CONFORMITY ASSESSMENT**

1. Conformity assessment bodies ("CAB") of foreign countries have not been allowed to engage in certification activity in China according to Article 9 and Article 13 of the regulations of the People's Republic of China on Certification and Accreditation, permitting only Chinese CABs to conduct such activities. No foreign CAB has yet been allowed to engage in certification activities under the CCC system. Pursuant to the provision in Article 6.4 of the TBT Agreement and the commitment in Paragraph 195 of the Report of the Working Party on the Accession of China, Japan would like to request that local foreign-owned CABs, as well as foreign-based CABs, engage in certification activities under the CCC system without discrimination.

**II. THE ADMINISTRATION OF THE CONTROL OF POLLUTION CAUSED BY ELECTRONIC INFORMATION PRODUCTS**

2. Article 3.3.4 of the Regulation prohibits "the import of electronic and information products that do not meet the national or industrial standards pertaining to the restriction of hazardous substances in electronic and information products". As it is difficult for Japanese companies to understand from this text which are the standards that must be met, Japan requests China to specify and provide a list of the standards referred to in this article.

3. At the last TRM session, China replied that they are preparing the test standard and if the future IEC standard would be practical for China, they would follow that standard. Japan requests China to make the objects of the standard clear and promote it adequately according to Article 2.4 of the TBT Agreement which requires Members to use relevant international standards as a basis for their technical regulations.

**III. CHINA'S REGISTRATION SYSTEM FOR ENVIRONMENTAL MANAGEMENT ON THE IMPORT AND EXPORT OF TOXIC CHEMICALS**

4. Japan has continuing concerns regarding this issue. The Chinese State Environment Protection Agency (SEPA) released a revision of "Highly Restricted Imported and Exported Toxic Chemicals" on 28 December 2005, putting it into effect on 1 January 2006. A total of 158 chemicals were newly added to the revised list of toxic chemicals, some of which are widely used in the

chemical industry. The "Regulations System for Environmental Management in the Initial Imports of Chemical Products and the Import and Export of Toxic Chemicals" (the "System") requires companies to pay US\$10,000 to SEPA in order to obtain a Registration Certificate for exporting to China the chemicals on the list.

5. The Registration Certificate is valid for two years per contract. Japan asked how China would deal with the "System" after the expiration of the two-year period. At the last TRM session, China replied that stakeholders from abroad could participate in the revising process. At the last TBT meeting held in July 2008, China answered that this process is still under review. We would like to know the status of the revision.

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