

**TRANSITIONAL REVIEW UNDER ARTICLE 18 OF THE PROTOCOL OF  
ACCESSION OF THE PEOPLE'S REPUBLIC OF CHINA**

Submission by the People's Republic of China

**I. INFORMATION REQUIRED IN ANNEX 1A**

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

1. Notification of acceptance of the Code of Good Practice was completed not later than four months after China's accession. Please refer to document G/TBT/CS/N/143 for the notification.

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

2. 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. To fulfill our commitments and further ensure the alignment of national standards with international standards and the adaptation to the development of national economy, the Standardization Administration of China (SAC), the central government standardization body, is currently drafting "Regulatory Rules for Standards Review" to make the review systematic and operational. The said Regulatory Provisions will be formally published recently.

4. Standards review is an important way to ensure the applicability of standards and alignment with international standards. In the process of implementation, 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 5 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.

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

5. Chinese standardization authorities has started to sort out and revise all standards in China in accordance with the principles mentioned in item (b) above since the first half of year 2001. Although an arduous work, it has been going smoothly. The TBT Committee will be informed of the outcome once it is completed.

6. The Standardization Law stipulates that standards in China are divided into national, local, sectoral and enterprise standards. The revision policy involves the first three kinds. The Standardization Law makes adoption of international standards a national policy, and China encourages the active harmonization with international standards.

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

7. According to provisions of the existing Standardization Law of China, there are two types of standards in China: mandatory and recommendatory. As mandatory standards in China are directly related to legitimate objectives such as product safety, health and environmental protection etc., and their implementation is mandatory, therefore the essence of which complies with the meaning of “technical regulation” under the TBT Agreement. The technical requirements on products in technical regulations in China are all based on mandatory standards, and mandatory standards form the main component of Chinese technical regulations. Since China’s accession to the WTO, 9 mandatory standards have been notified under Article 2 of the TBT Agreement.

8. China is currently considering revising the Standardization Law. Chinese Government will make every effort to use the two terms in accordance with their meaning under the TBT Agreement before the revision of the law.

9. The information on preparation and revision of mandatory standards and on adopted standards are all timely published on AQSIQ Gazette and/or China Standardization and/or the SAC website.

10. Recommendatory standards in China are in full conformity with standards under the TBT Agreement, and they all follow the relevant guides and recommendations of ISO and IEC.

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

11. Ever since 1980, China has always actively taken international standards as the basis for technical regulations, and takes this as an important technical and economic policy. Relevant laws and regulations of China request a review of technical regulations at least every 5 years, so as to ensure their fitness for economic development and alignment with international standards. Specific implementation rules are under preparation.

12. To fulfill commitments, AQSIQ revised “Regulatory Measures on Adoption of International Standards”, stipulated the principles for adoption of international standards and measures for promoting the harmonization with international standards. At the same time, SAC is drafting “Regulatory Rules for Standards Review”. The Standardization Programme for the Ninth Five-year

Plan and 2010 Long-range Goal are also available. A special meeting was approved by the State Council and was convened in July 2002 to discuss the nationwide harmonization with international standards.

13. 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 percent in five years**

14. China committed to increase 10% of its technical regulations taking international standards as the basis. In order to meet this commitment, China is now developing a nationwide programme and annual implementation plan. A nationwide meeting was convened specially for promoting the alignment with international standards and advanced foreign standards. The meeting was attended by more than 30 vice-minister level officials and addressed by the State Councillor Madame WU Yi. To encourage the adoption of international standards, AQSIQ, jointly with other 6 ministries and commissions, published Opinions on Promoting Alignment with International Standards to actively encourage the adoption of international standards. Harmonization of standards has become an important technical foundation for the development of national economy and safeguard for enhancing the overall level of product quality and the competitiveness in domestic and world market, for expanding foreign trade and for maintaining the sustainable, healthy and quick development of the Chinese economy.

15. The Chinese Government has taken standardization as one of the main strategies for scientific and technological development so as to ensure that international standards are scientifically and promptly adopted. The specific requirements for use of international standards as the basis for technical regulations are: (1) To timely revise the mandatory standards based on relevant international standards once the international standards have been revised, and adopt the newest edition of the international standards; (2) If new mandatory standards or revision of the established ones are necessary, international standards should be used as the basis for both preparation and revision if appropriate; (3) On average there will be an annual 2% increase use of international standards as the basis for technical regulations in five years so that the commitment of 10% increase in 5 years will be definitely met.

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

16. Paragraph 184 of the Working Party Report states that "China would make publicly available procedures to implement Article 2.7 of the Agreement". China reconfirms its determination to fulfil this commitment.

17. Before becoming the WTO member, no such procedure was available in China. After the fourth WTO Ministerial Meeting, to fulfill the commitment, China has started to actively work on such a procedure. Up till now, there is not yet a ripe one due to the lack of experience in this field. It was once our hope to get some clue or assistance from the WTO or other Members, but it turned out that previous discussions on this topic were also very much limited.

18. However, we are pleased to learn that the SPS Committee agreed on a decision on the implementation of Article 4 of the Agreement on Sanitary and Phytosanitary Measures (document G/SPS/19), which is meant to provide guidance to all WTO Members for facilitating their implementation of Article 4 of the SPS Agreement. Therefore, this decision will help WTO Members to form their own evaluation and confirmation procedures for equivalent SPS measures. SPS Committee has listed and will list relevant issues as an agenda item for its 2002-2003 regular

meetings, so that Members could exchange views and experiences. Bilateral agreements on mutual recognition of equivalency of SPS measures between WTO Members will be notified through the WTO Secretariat.

19. Based on the successful implementation experiences on equivalency of the SPS Committee, China sincerely hopes that TBT Committee could start discussion and communication on this issue as well, and looks forward to this Committee's agreement on such a guidance decision for implementing Article 2.7 of the TBT Agreement. Once there is such a decision, China will promptly follow and work out our own procedure for implementing this provision. For this, China appreciates constructive comments and recommendations from other Members.

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

20. List of relevant local governmental and non-governmental bodies that are authorized to adopt technical regulations or conformity assessment procedures was part of China's notification under Article 15.2 of the TBT Agreement. Please refer to document G/TBT/2/Add.65. Revision on this list will also be notified to the WTO.

**(i) Ongoing updates on the conformity assessment bodies that are recognized by China**

21. China Quality Certification Center, China Certification Center for Electromagnetic Compatibility, China Certification Center for Security and Protection. Equipment, China Certification Center for Tires, China Certification Commission for Latex Products, Certification Center for Fire Products, Ministry of Public Security, China Certification Center for Automotive Products, China Certification Center for Agricultural Machinery, China Certification Center for Safety Glazing, 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, China Classification Society, Civil Aviation Administration of China, Register of Fishing Vessel of the People's Republic of China and local Register of Fishing Vessel.

**(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**

22. Currently, the environment protection authority of China, the General Administration of Environment Protection, is revising the Regulatory Provisions on Initial Imports of Dangerous Chemical Products and Import & Export Environmental Requirements on Hazardous Chemical Products, and has proposed a new draft Regulatory Provisions on Registration of imported and exported dangerous chemical products. This draft is in full compliance with the WTO national treatment principle and relevant international practice. In line with the transparency requirement, the General Administration of Environment Protection has made this draft publicly available so as to invite comments. The new regulations will be promulgated within the committed timeline.

- (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**

23. The three items are all related to Article 13.4 of the Protocol which is on the responsibilities of the conformity assessment bodies.

24. China has reassigned responsibilities to conformity assessment bodies responsible for compulsory certification and for boilers on the basis of the scope of work and type of product without any consideration of the origin of a product. Recognized certification bodies are: China Quality Certification Center, China Certification Center for Electromagnetic Compatibility, China Certification Center for Security and Protection. Equipment, China Certification Center for Tires, China Certification Commission for Latex Products, Certification Center for Fire Products, Ministry of Public Security, China Certification Center for Automotive Products, China Certification Center for Agricultural Machinery, China Certification Center for Safety Glazing and Center of Boiler and Pressure Vessel Inspection and Research.

25. Moreover, the conformity assessment on drugs, shipping vessels including fishing vessels, and aircrafts is done by the same organization for both domestic and imported products.

26. We are now working on the adjustment of other conformity assessment bodies and hopefully could finish by the committed timeline. Relevant information will be provided at a later appropriate time.

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