

**TRANSITIONAL REVIEW MECHANISM PURSUANT TO PARAGRAPH 18
OF THE PROTOCOL ON THE ACCESSION OF THE
PEOPLE'S REPUBLIC OF CHINA ("CHINA")**

Questions from the European Communities to China concerning
Sanitary and Phytosanitary Measures

1. The European Communities wishes to thank the People's Republic of China (hereinafter referred to as "China") for its commitment to the TRM process and appreciate the efforts deployed by China to answer the questions during the previous TRM exercises. The European Communities is transmitting comments and questions in advance of the meeting of the SPS Committee, in order for the Chinese authorities to reply to and complete any outstanding information.
2. The European Communities notes with satisfaction the increased cooperation between China and the European Communities on SPS issues. This is manifested in an increasing number of contacts and the establishment of formal cooperation mechanisms aimed at promoting increased trade flows under safe conditions.
3. The European Communities has noted a sharp fall in the number of Chinese notifications to the SPS over the past year. This may be simply in contrast with the large number of notifications made as part of the WTO accession process but clarification on this point would nonetheless be welcome.
4. The European Communities would like to encourage China to apply international (OIE) standards in accordance with its obligations under Article 3 of the WTO Agreement on the Application of Sanitary and Phytosanitary Measures (the "SPS Agreement"). The European Communities notes in particular that China tends to be quick to apply international standards when problems arise, but often delays far beyond the guidelines when lifting the measures. This is, for instance, the case for Chinese measures in relation to BSE.
5. The European Communities would like also to take this opportunity to mention other long-standing specific trade concerns with China. The European Communities also consider the very slow progress in negotiations of certain bilateral protocols between China and EC member States as a key factor hampering trade in agricultural products between the European Communities and China. The European Communities invites China to follow the obligations of the SPS Agreement, including the obligations to avoid undue procedural delays, and to maintain import restrictions only if those are scientifically based. It invites China to accelerate these negotiations.
6. China's ban on certain animal products from certain EC member States is based on a single isolated and completely controlled incident of contamination with dioxin. In the absence of proper scientific justification, the European Communities believes that the SPS Agreement gives no basis to maintain this ban in place. The European Communities asks China to respect the provisions of the SPS Agreement, in particular Article 2, paragraph 2.

7. The European Communities would also like to refer to China's 100 per cent testing import requirements on dairy products for *E. sakazakii*. Once again the European Communities believes that these requirements are not scientifically based and not proportional to the risk in accordance with the provisions of the SPS Agreement.
