

IMPLEMENTATION AND ADMINISTRATION OF THE AGREEMENT ON TECHNICAL BARRIERS TO TRADE

Communication from the People's Republic of China

Addendum

The following statement under Article 15.2 of the Agreement on Technical Barriers to Trade has been received from the People's Republic of China.

I. INTRODUCTION

Pursuant to Article 15.2 of the *WTO Agreement on Technical Barriers to Trade (TBT Agreement)* and China's commitments in Article 177, 184 and 185 of the *Report of the Working Party on the Accession of China*, the Government of the People's Republic of China would like to inform the Committee on Technical Barriers to Trade following measures which have been in existence or taken to ensure the implementation and administration of the TBT Agreement.

II. CONSISTENCE WITH THE TBT AGREEMENT OF CHINA'S TECHNICAL REGULATIONS, STANDARDS AND CONFORMITY ASSESSMENT PROCEDURES

1. China's technical regulations, standards and conformity assessment procedures will be formulated and adopted to fulfill those legitimate objectives which are in line with the *TBT Agreement* and the following Chinese laws and regulations: *Law on Legislation of the People's Republic of China*; *Standardization Law of the People's Republic of China*; *Law of the People's Republic of China on Product Quality*; *Law of the People's Republic of China on Import-Export Commodity Inspection*; *Regulations on the Enactment Procedure of Administrative Regulations*; and *Regulations on the Enactment Procedure of Administrative Rules*. These legitimate objectives are, *inter alia*: national security requirements; prevention of deceptive practices; protection of human health or safety, animal or plant life or health, or the environment.

III. NOTIFICATION BODY, ENQUIRY POINT AND PUBLICATION

(i) Enquiry point

2. As stated in Paragraph 177 of the *Report of the Working Party on the Accession of China to the WTO*, China set up two TBT enquiry points in the year 2000 which were notified to the TBT Committee. Recently, these two enquiry points have been merged into one, which is now in the International Inspection and Quarantine Standards and Technical Regulations Research Center under the State General Administration of the Peoples Republic of China for Quality Supervision and Inspection and Quarantine (AQSIQ).

Address and contact means of the enquiry point are as follows:

15, Fang Cao Di West Street,
Chaoyang District,
Beijing 100020, China

Tel: 0086-10-65952460
Fax: 0086-10-65068143
E-mail: srrc@aqsiq.gov.cn

(ii) Notification authority

3. China WTO Notification and Enquiry Center of the Ministry of Foreign Trade and Economic Cooperation (MOFTEC) will be responsible for China's Notifications related to the TBT Agreement.

Address and contact means of the notification authority are as follows:

2, Dong Chang An Ave.,
Dong Cheng District,
Beijing 100731, China

Tel: 0086-10-6519 7336, 6519 7762
Fax: 0086-10-6519 7762
E-mail: wtonoti@moftec.gov.cn

(iii) Publication

4. Technical regulations, standards and conformity assessment procedures will all be published on the Gazette of the Ministry of Foreign Trade and Economic Cooperation or the Bulletin of AQSIQ.

IV. TRANSPARENCY

5. When formulating technical regulations, standards and conformity assessment procedures, China will give non-discriminatory consideration to comments made by other WTO Members. This is stipulated in Articles 34 and 35 of the *Law on Legislation*, Articles 12, 19, 20, 21 and 22 of the *Regulations on the Enactment Procedure of Administrative Regulations* and Articles 14 and 15 of *Regulations on the Enactment Procedure of Administrative Rules*.

6. China will give a reasonable interval between the publication of technical regulations and their entry into force so that adaptation could be made by other WTO Members. This is stipulated in Article 29 of the *Regulations on the Enactment Procedure of Administrative Regulations* and Article 32 of *Regulations on the Enactment Procedure of Administrative Rules*.

V. TECHNICAL REGULATIONS AND RELEVANT CONFORMITY ASSESSMENT PROCEDURES

7. China will apply same technical regulations and conformity assessment procedures to both imported and domestic products. This is stipulated in Article 14 of the *Law on Standardization*, Article 2 of the *Law on Product Quality* and Article 4 of *Regulatory Provisions on Compulsory Product Certification*.

8. China will ensure that technical regulations are not formulated, adopted or applied with a view to or with the effect of creating unnecessary obstacles to international trade.

9. China's relevant authorities responsible for technical regulations will review regularly those regulations in existence according to the nature of these technical regulations to ensure their

consistency with the expected reasonable objectives. This is stipulated in Article 13 of the *Standardization Law*.

10. China will use relevant international standards, guidelines and recommendations as a basis for its technical regulations and conformity assessment procedures. This is stipulated in Article 4 of the *Standardization Law* and the *Regulatory Measures on Adoption of International Standards* promulgated by AQSIQ.

11. China will positively consider accepting as equivalent technical regulations of other Members.

12. China will recognize the product testing reports issued by IECCC CB laboratories.

13. China will apply the same conformity assessment procedures to both imported and domestic products and will set up fee-charging criteria on the basis of non-profit and national treatment principle. Same practices and criteria of other WTO members will be consulted. This is stipulated in Article 4 of the *Regulatory Provisions on Compulsory Product Certification*.

14. Relevant authorities at the central government level that can approve and promulgate technical regulations are as follows: AQSIQ, State Economic and Trade Commission, Ministry of Education, Commission of Science, Technology and Industry for National Defence, Ministry of Public Security, Ministry of Civil Affairs, Ministry of Land and Resources, Ministry of Construction, Ministry of Railways, Ministry of Communications, Ministry of Information Industry, Ministry of Foreign Trade and Economic Cooperation, Ministry of Agriculture, Ministry of Public Health, General Administration of Customs, State Environmental Protection Administration, General Administration of Civil Aviation, State Administration of Radio, Film and Television, State Drug Administration and State Forestry Administration.

15. Provincial quality and technical supervision authorities and entry-exit inspection and quarantine authorities, plus entry-exit inspection and quarantine authorities in the cities of Ningbo, Xiamen, Zhuhai and Shenzhen are the local government level authorities to approve and promulgate technical regulations.

16. AQSIQ and the China National Regulatory Commission for Certification and Accreditation are the authorities to adopt and promulgate conformity assessment procedures.

VI. STANDARDS AND RELEVANT CONFORMITY ASSESSMENT PROCEDURES

17. China will apply same standards and conformity assessment procedures to both imported and domestic products. This is stipulated in Article 14 of the *Standardization Law*, Article 2 of the *Law on Product Quality* and Article 4 of the *Regulatory Provisions on Compulsory Product Certification*.

18. China will ensure that standards are not formulated, adopted or applied with a view to or with the effect of creating unnecessary obstacles to international trade.

19. China will take relevant international standards, guidelines and recommendations as the basis for standards and conformity assessment procedures. This is stipulated in Article 4 of the *Standardization Law* and the *Regulatory Measures on Adoption of International Standards*.

20. China will apply same standards and conformity assessment procedures to both domestic and imported products and will impose same fees on the basis of cost.
