

**RESPONSE TO THE US CONCERN ON CHINA'S TRANSPARENCY AND  
LACK OF NOTIFICATION OF SPS MEASURES**

Statement by China at the Meeting of 17-18 March 2004

1. The Chinese Government fully understands that fulfilling the obligation of transparency, especially that of notification, is crucial to the implementation of the SPS Agreement.
2. China has been making great efforts to implement the transparency obligations under the SPS Agreement, and has notified 213 SPS measures from the time of its accession up to 3 March this year. Among these; 73 were newly developed or amended, including 43 food hygiene standards drafted by the Ministry of Health. The latter were notified to the WTO in two lots in October 2003 and January this year, respectively.
3. Furthermore, China has been preparing to notify six additional food hygiene standards to the WTO in recent days.
4. China would like to take this opportunity to make it clear that all the food hygiene standards drafted by the relevant Chinese authority that could affect international trade significantly and are not based on or deviate from existing international standards, will be notified in the light of the principles of transparency identified in the SPS Agreement. China will provide Members with sixty days of comment period, calculated from the date of circulation by the Secretariat, for each notification.
5. China welcomes the interest of the United States and any other Members to make comments on the relevant notifications submitted by China. The competent departments in China will take into consideration all the comments and suggestions from the United States and any other Members when finalizing the draft standards notified.
6. The Inspection and Quarantine Administration Decree on Imported and Exported Aquatic Products (No.31 Decree of AQSIQ) was an operational rule of corresponding law or regulations that had already been notified to WTO, and there is no new technical requirement compared to the original law or regulations. According to the transparency provisions of the SPS Agreement, notification is unnecessary. China nonetheless notified this Decree to the WTO in August 2003, taking account of the recommendation of "over-transparent is better than non-transparent" by the Committee, as well as the request by the United States.