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Page: 1/2

Committee on Technical Barriers to Trade

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**CHINA — CHINESE ENVIRONMENTAL PROTECTION CONTROL STANDARDS
FOR IMPORTED SOLID WASTE AS RAW MATERIALS**

STATEMENT BY THE EUROPEAN UNION TO THE COMMITTEE ON TECHNICAL BARRIERS TO TRADE
21 AND 22 MARCH 2018

The following communication, dated 16 April 2018, is being circulated at the request of the delegation of the European Union.

1. The European Union would like to thank the Chinese authorities for providing the opportunity to comment on the 11 draft "*Environmental protection control standards for imported solid waste as raw materials*" notified on 15 November 2017. On 9 February, the European Union provided its comments to these 11 new standards, however China did not reply to our concerns up to this day, despite the fact that these standards were scheduled to enter into force on 1 March.

2. The EU would like to stress that the above-mentioned standards were notified to the TBT Committee on 15 November 2017, allowing only 30-days commenting period, which expired on 15 December 2017. The EU would like therefore recall that according to Article 2.9.4 of the TBT Agreement, Members shall, without discrimination, allow reasonable time for other Members to make comments on notified draft technical regulations. In the European Union's opinion a 30-day commenting period was not sufficiently long and thus goes against the provision of Article 2.9.4 of the TBT Agreement.

3. Further to this, the EU would like to underline that a period of 14 weeks between the notification of draft measures and their entry into force is not sufficient for the related industry and economic operators to adapt to these new measures. The EU therefore recalls that the Committee decided that the phrase "reasonable intervals" as foreseen by Article 2.12. of the TBT Agreement, shall be understood to mean normally a period of not less than six months (G/TBT/M/26 of 6 May 2002).

4. The EU therefore kindly requests China to consider, in the light of its obligations under the TBT Agreement, a longer and more realistic transitory period for the enforcement of the Standards, which in EU's views should not be inferior to nine months.

5. Although the EU agrees with the environmental objectives of China, we would like to stress that the entry into force of the standards in question on 1 March could have a counter-productive effect in a short term if alternative recycling capabilities cannot be ensured in Europe or in other third countries but if instead the scheduled exportations end up in landfills or incineration, thus causing a negative impact on the environment.

6. The EU would be thankful for a justification on the need to lower the maximum level of impurities in relation with the currently existing Standards on imported waste. The EU would be interested to receive evidence-based information on the rationale behind the new requested maximum levels of impurities (prohibitive materials) per type of waste, the expected impact on the protection of the environment, and the reason why the currently existing standards are considered insufficient to reach the same goals, taking into account ability of commonly used industrial processes to handle impurities without any significant damage to the environment or public health.

7. The EU would also like to ask China if it has assessed the impact of the new Standards on importation and the supply chain and if China has considered another alternative measures able to fulfil the same environmental goals in a less trade-restrictive manner.

8. The EU would also like to have information about the manner in which the new Standards will be implemented, which methods will be applied to test the compliance with the new requirements and when, where, and by whom the tests will be carried out.

9. The EU takes this opportunity to kindly request from China information on the standards applied to the domestic production of the same types of waste and non-waste scrap materials as targeted by the new Standards. In this respect, the EU would like to know if the maximum levels of impurities required by the new Standards are the same or higher than those required by the Chinese standards applied to the domestic production, and if these standards applied to the domestic production are voluntary or mandatory.

10. Finally, the EU kindly requests from China a confirmation about its intentions to notify additional measures for other types of waste, including not only new standards for other types of waste but also an extension of the ban on imported waste notified in the Catalogue of Solid Waste Forbidden to Import into China by the end of 2017 (G/TBT/N/CHN/1211).
