

1.1 Previously raised concerns

1.1.1 India - Quality Control Orders for Chemical and Petrochemical Substances (ID 630)

1.1. The delegation of The Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu provided the following statement. The Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu would like to reiterate its concerns about the Order issued by India's Ministry of Chemicals and Fertilizers on phthalic anhydride and n-butyl acrylate, and terephthalic acid, which were notified by G/TBT/N/IND/116, G/TBT/N/IND/123 and G/TBT/N/IND/124.

We would like to first thank India for postponing the enforcement date of the products concerned until 22 December 2022.

While there were practical difficulties in carrying out the on-site inspections for our businesses that have applied for BIS certificates due to our previous quarantine requirements for incoming arrivals. The quarantine requirements for all arrivals were canceled starting October 13. Hence, we suggest that India's BIS inspectors conduct on-site inspections as early as possible so that our manufacturers can complete the mandatory certification requirement before the enforcement date of the order.

We have been following closely India's quality control orders on various products due to the significant impact on our exported products. We urge India to refer to G/TBT/W/774 circulated on November 11, 2022, and consider implementing these measures in accordance with the WTO obligations.

1.1.2 India - Mandatory Certification for Steel Products (ID 224)

1.2. The delegation of The Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu provided the following statement. The Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu remain concerned about the application procedures of IS 17404:2020 (electrogalvanized hot rolled and cold reduced carbon steel sheets and strips) certification under the Steel and Steel Products (Quality Control) Order, 2020.

Since IS 17404:2020 came into force, our companies have faced difficulties in receiving on-site inspection by BIS officials due to ongoing impact of COVID-19 and its associated quarantine policies. Our border controls are relaxed starting from October 13. All travelers are not required for quarantine or RT-PCR test upon arrival only with 7-day period of self-initiated prevention.

India is our fourth largest exporting market of steel products. Indian industry has been enjoying high quality steel and steel products from Chinese Taipei. Our manufacturers are ready to meet the Order. We urge the Indian government to schedule the on-site inspection with our manufacturers as soon as possible to reduce the impact on bilateral trade in steel and steel products.

We urge India to refer to G/TBT/W/774 circulated on 11 November 2022, and consider alternative measures to facilitate on-site inspection requirements as well as accepting conformity assessment results from accredited bodies under the ILAC MRA framework.

1.1.3 China - Draft Administrative Measures for Registration of Overseas Producers of Imported Foods (ID 611)

1.3. The delegation of The Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu provided the following statement. Because there is no progress on this STC and the lack of transparency continues to be an issue, we would like to reiterate our concerns in the previous TBT meetings.

Given the wide range of our food industries that have been or may have been affected by this measure, the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu has been closely following the implementation of the measure. Many concerns over the measure remain even after it took effect on January 1, 2022.

First, the lack of sufficient information about registration requirements, operational guidelines, and updates of the stages of the procedure is one of the biggest difficulties we face. This issue is even more critical for those facilities that need to file the application by themselves. Without sufficient guidance, the facilities are unable to complete registration, and trade may be disrupted as a consequence. To avoid trade disruption, we urge China to designate an inquiry point that can provide effective and timely assistance for facilities to contact directly with concerns about the online registration system. Also, we urge China to hold an information session in the WTO for trade partners to learn more about the General Administration of Customs of China (GACC)'s implementation of the measure.

Second, there are also concerns over the measure's review and approval procedure. Standard or anticipated processing periods are unknown. So is the stage of the application. In addition, some of our facilities were rejected by the GACC without further explanation, while others cannot correct their application in the registration system.

Under Article 5.2.2 of the TBT Agreement, Members shall ensure that the standard processing period of each conformity assessment procedure is published to the applicant and, upon request, the applicant is informed of the stage of the procedure. We request that the GACC comply with the requirements set out under the TBT Agreement, including the transparency requirement and informing the applicant in a precise and complete manner of all deficiencies and allowing corrective actions.

Third, other difficulties we face include the ambiguity of HS code categorization and the scope of the products subject to this measure. Some of our facilities reported that their products have faced customs clearance suspension for no reason.

Ever since China made notification to the WTO in 2020, we have expressed our concerns and sought clarification from China several times through both bilateral channels and this forum; however, we have yet to receive a sufficient and detailed response from China. We therefore once again urge China to offer sufficient and detailed guidelines and designate an inquiry point. Also, as any measure of this magnitude requires far more time for industries to implement, we urge China to offer a longer grace period for implementation so as to avoid serious trade disruption. We also suggest that China temporarily allow entry of all products from registered facilities. This additional time will allow facilities to accurately enter or update the product information in their online registration.