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**Working Party on the  
Accession of China**

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### **COMMUNICATION FROM CHINA**

The following documents<sup>1</sup> dated 19 September 2000 have been received from the Chinese delegation with the request that they be circulated to the members of the Working Party:

1. Notes of the Chinese Representative on the Legal Notification and Action Plan about the Revision of China's Laws in Conformity with the WTO Agreement.
2. Revision of China's Laws in Conformity with the WTO Agreement:
  - Part I - Laws and Administrative Regulations
  - Part II - Department Rules.
3. China's Laws and Administrative Regulations from January to August 2000.<sup>2</sup>

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**Groupe de travail de  
l'accession de la Chine**

### **COMMUNICATION DE LA CHINE**

La délégation chinoise a fait parvenir au Secrétariat, le 19 septembre 2000, les documents<sup>1</sup> ci-après en demandant qu'ils soient distribués aux membres du Groupe de travail:

1. Notes du Représentant de la Chine sur la notification d'instruments et le plan d'action concernant la révision des lois de la Chine compte tenu de l'Accord sur l'OMC.
2. Révision des lois de la Chine compte tenu de l'Accord sur l'OMC:
  - Partie I - Lois et règlements administratifs
  - Partie II - Textes émanant des services ministériels
3. Lois et règlements administratifs adoptés par la Chine entre janvier et août 2000.<sup>2</sup>

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**Grupo de Trabajo sobre la  
Adhesión de China**

### **COMUNICACIÓN DE CHINA**

Se han recibido de la delegación de China los siguientes documentos<sup>1</sup>, de fecha 19 de septiembre de 2000, con el ruego de que se distribuyan a los miembros del Grupo de Trabajo:

1. Notas del representante de China sobre la Notificación Legal y Plan de Acción con respecto a la revisión de la legislación de China en conformidad con el Acuerdo sobre la OMC.
2. Revisión de la legislación de China en conformidad con el Acuerdo sobre la OMC:
  - Parte I - Leyes y reglamentos administrativos
  - Parte II - Normas departamentales.
3. Leyes y reglamentos administrativos de China de enero a agosto de 2000.<sup>2</sup>

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<sup>1</sup> In English only./En anglais seulement./ En inglés solamente.

<sup>2</sup> Diskette containing all the texts in Chinese is available in the WTO Secretariat, Office 2140./La disquette contenant tous les textes en chinois est disponible au Secrétariat de l'OMC, bureau 2140./En la Secretaría de la OMC, despacho 2140, puede consultarse un disquete que contiene todos los textos en chino.

**Notes of the Chinese Representative on the Legal Notification and Action Plan  
about the Revision of China's Laws in Conformity with the WTO Agreement**

19 September 2000

**1. General Note**

The "List of Relevant Laws and Regulations of the People's Republic of China (1949-1999)" has been prepared in accordance with the requirements regarding the accession negotiation procedures under Article 12" (see, WT/ACC1, 25 April 1995). It is compiled under 5 headings, i.e., Customs Administration, Import/Export Administration, Foreign Investment, Other Economic Legislation Concerning Trade and Legislation Relating to Trade in Services. That List contains 177 laws and regulations, the majority of which have been translated into English and entered into a disk. The disk was submitted to the Secretariat early in March 2000 for the reference of WP members. It must be stressed that not all the laws and regulations included in that List need to be revised, as most of them are consistent with the WTO Agreement. The Chinese Representative believes that China is very responsible in providing legislation information. As far as we know, no other new member has ever supplied such great amount of information for this purpose.

**2. Compliance of Domestic Laws with WTO Rules**

Since the Reform and Opening-up in late 1970's, China has consistently paid great attention to the harmonization of its legislation with commonly accepted international practices, including those of the GATT/WTO. On the basis of a thorough review of all its related laws, regulations and other legal documents, the Chinese Government has initiated an ambitious action plan to make all its legislation in compliance with the WTO Agreement, in order that the WTO Agreement will be implemented effectively and uniformly in China after accession. Up to this stage, 31 laws and regulations of the 177 have been identified as not fully consistent with the WTO Agreement. They have been incorporated into a list titled "Revision of China's Laws in Conformity with the WTO Agreement". This list will be submitted to the Working Party via the Secretariat for Members' information. In addition, the Chinese Government has made great effort to organize various government departments in reviewing and examining relevant department rules. Consequently, 120 department rules are found not fully in conformity with the WTO Agreement. Based on the principle of priority and according to the degree of importance or emergency, some of them are abolished, and the rest will be either revised or invalidated. All of them have also been included in the said list. The process of revision and invalidation is still going on.

**3. Consistency of Local Regulations and Rules with Laws and Administrative Regulations**

China has committed in the Draft Protocol of Accession that it will apply WTO rules within its whole customs territory in a uniform manner. It will also ensure the consistency of domestic laws, regulations and policy measures pertaining to or affecting trade with WTO rules. As a constitutional principle, China will also ensure the consistency of local regulations and rules with the laws and administrative regulations of the Central Government through such statutory procedures as stipulated by the Constitution and the Law on Legislation.

**4. Relationship between WTO Rules and China's Domestic Law**

The WTO Agreement, as an international treaty that China accedes to, surely has a binding force on China. Under this treaty obligation, China will ensure that domestic laws and regulations relating to or affecting trade are consistent with WTO rules to fully perform its international obligations. China will implement the WTO Agreement in an effective and uniform manner, through revising its effective domestic laws and enacting new ones being fully in compliance with the WTO Agreement.

## **5. Latest Legislation Information**

In the year 2000, China has adopted 6 laws, 20 administrative regulations and 2 decisions relating to legal issues. Of these laws and administrative regulations, some have trade relevance, while others do not. For the convenience of Members' information, all of them will be submitted to the Working Party via the Secretariat. However, they are in Chinese version only.

### Revision of China's Laws in Conformity with the WTO Agreement

The People's Republic of China has conducted an intensive work programme to examine and revise the laws, administrative regulations and department rules relating to the implementation of the WTO Agreement and China's accession commitments. A list of China's laws, administrative regulations and department rules to be revised and abolished is hereby notified to the Working Party. Part I of the list contain 31 laws and regulations, some of which has already been included in the lists submitted to the Working Party at its June and July meetings. Part II of the list includes 120 department rules to be revised or abolished for the same reason. This list gives the names of laws, regulations and department rules, reasons for revision or abolishment, and dates of implementation.

#### Part I: Laws and Administrative Regulations

Laws and Regulations	Relevance of the Laws or Regulations to WTO Compliance	Date of Implementation
1. Contract Law of the People's Republic of China	This Law was adopted in March 1999. It abolished the different systems applicable to domestic contracts and foreign-related contracts and repealed the Economic Contract Law, Technology Contract Law and Foreign Economic Contract Law. It provides uniform rules for transactions, which conforms to the requirements of market economy and is consistent with the principles of the WTO Agreement.	Effective as of 1 October 1999
2. Law of the People's Republic of China on Chinese-foreign Equity Joint Ventures	To be in compliance with Article 2 of TRIMS and its Annex "Illustrative List", Article 9 (2) of this Law is to be revised. Article 9 (2) provides that, in its purchase of required raw and semi-processed materials, fuels, auxiliary equipment, etc., an equity joint venture should give priority to purchases in China. It may also make such purchases directly on the world market with foreign exchange raised by it.	To be revised prior to accession
3. Regulations for the Implementation of the Law of the People's Republic of China on Chinese-foreign Equity Joint Ventures	To be in compliance with Article 2 of TRIMS and its Annex "Illustrative List", Articles 46, 57 and 75 of these Regulations are to be revised. Article 46 provides that the technology transfer agreements concluded by a joint venture shall be examined and agreed to by the department in charge of the joint venture, and then submitted to the examining and approving authorities for approval. Technology transfer agreements shall comply with the following stipulations: (1) Fees for the use of technology shall be fair and reasonable. Payments are generally made in royalties, and the royalty rate shall not be higher than the international standard, which	To be revised prior to accession

Laws and Regulations	Relevance of the Laws or Regulations to WTO Compliance	Date of Implementation
	<p>shall be calculated on the basis of net sales of the products turned out with the relevant technology or in other reasonable ways agreed upon by both parties.</p> <p>(2) Unless otherwise agreed upon by both parties, the technology exporting party shall not put any restrictions on the quantity, price or region of sale of the products that are to be exported by the technology importing party.</p> <p>(3) The term for a technology transfer agreement is generally not longer than 10 years.</p> <p>(4) After the expiration of a technology transfer agreement, the technology importing party shall have the right to continue to use the technology.</p> <p>(5) The exchange of information on the improvement of the technology between the parties shall be conditioned upon reciprocity.</p> <p>(6) The technology importing party shall have the right to buy the equipment, parts and raw materials needed from sources they deem appropriate.</p> <p>(7) No irrational restrictive clauses prohibited under Chinese law and regulations shall be included.</p> <p>Article 57 prescribes that, in its purchase of required machinery, equipment, raw materials, fuels, parts, means of transport and office equipment, etc., a joint venture has the right to decide whether it buys them in China or from abroad. However, where the terms are the same, it shall give priority to purchasing them in China.</p> <p>Article 75 stipulates that a joint venture shall in general maintain a balance between its foreign exchange receipts and expenditures. Where a joint venture, whose products are mainly sold on the domestic market under its approved feasibility study report and contract, sustains an imbalance of its foreign exchange receipts and expenditures, the imbalance shall be remedied by the people's government of a relevant province, autonomous region or municipality directly under the Central Government or the department in charge under the State Council from their own foreign exchange reserves. If the imbalance defies solution through such adjustment, it shall be solved through inclusion into the plan by the MOFTEC and the State Planning Commission of the People's Republic of China after their examination and approval.</p>	
4. Law of the People's Republic of China on Chinese-foreign Contractual Joint Ventures	<p>To be in compliance with Article 2 of TRIMS and its Annex "Illustrative List", Article 20 of this Law is to be revised.</p> <p>Article 20 provides that a contractual joint venture shall achieve on its own the balance between its foreign exchange receipts and expenditures. If a contractual joint venture is unable to do so, it may, in accordance with relevant laws and regulations, apply to the appropriate authorities for assistance.</p>	To be revised prior to accession

Laws and Regulations	Relevance of the Laws or Regulations to WTO Compliance	Date of Implementation
5. Law of the People's Republic of China on Foreign Capital Enterprises	<p>To be in compliance with Article 2 of TRIMS and its Annex "Illustrative List", Articles 3 (1), 15 and 18 (3) are to be revised.</p> <p>Article 3 (1) provides that foreign investment enterprises shall be established in such a manner as to help the development of China's economy; they shall use advanced technology and equipment or export all or most of their products.</p> <p>Article 15 stipulates that, within the scope of businesses approved, foreign investment enterprises may purchase, either in China or from the world market, raw and semi-processed materials, fuels and other materials they need. Where these materials are available from both sources on similar terms, priority should be given to purchases in China.</p> <p>Article 18 (3) provides that foreign investment enterprises shall manage to balance their foreign exchange receipts and payments. If, with the approval of the competent authorities, the enterprises market their products in China and consequently experience an imbalance in foreign exchange, the said authorities shall help them solve the problem.</p>	To be revised prior to accession
6. Detailed Rules for the Implementation of the Law of the People's Republic of China on Foreign Capital Enterprises	<p>To be in compliance with Article 2 of TRIMS and its Annex "Illustrative List", Articles 3 and 56 of these Rules are to be revised.</p> <p>Article 3 provides that a foreign capital enterprise to be established in China must be conducive to the development of China's economy and capable of gaining remarkable economic results. In addition, it shall meet at least one of the following conditions:</p> <p>(1) The enterprise is to adopt advanced technology and equipment, engage in the development of new products, save energy and raw materials, and realize the upgrading of products and the substitution of them for imports.</p> <p>(2) The value of annual exported products shall account for more than 50% of that of all its products thereby realizing a balance between its foreign exchange receipts and expenditures or a surplus.</p> <p>Article 56 stipulates that a foreign capital enterprise shall achieve by itself the balance of foreign exchange receipts and expenditures. Where it is unable to do so, the foreign investor shall indicate it clearly in the application for the establishment of the enterprise, and put forward a specific plan for solving the problem; the examining and approving organ shall give a reply after consultation with the departments concerned.</p> <p>Where the foreign investor has indicated, in the application for the establishment of the foreign capital enterprise, that the balance of foreign exchange receipts and expenditures would be achieved by itself, no government department shall be responsible for solving the balance problem for the said enterprise.</p> <p>Where the products manufactured by a foreign capital enterprise, which are urgently needed in China and may substitute for imports, are permitted to be sold in China, the payments may be made in foreign exchange, subject to the approval by the Chinese administration for foreign exchange control.</p>	To be revised prior to accession

Laws and Regulations	Relevance of the Laws or Regulations to WTO Compliance	Date of Implementation
7. Regulations of the People's Republic of China on the Exploitation of Off-shore Petroleum Resources in Cooperation with Foreign Enterprises	To be in compliance with Article 2 of TRIMS and its Annex "Illustrative List", Article 20 of these Regulations is to be revised. Article 20 provides that, with respect to the equipment and materials required to carry out the petroleum contract, the operator and subcontractors must give preference to procuring and utilizing equipment and materials manufactured and supplied in the People's Republic of China, provided that those products are competitive.	To be revised according to the agreed timetable after accession
8. Regulations of the People's Republic of China Concerning the Exploitation of On-shore Petroleum Resources in Cooperation with Foreign Enterprises	To be in compliance with Article 2 of TRIMS and its Annex "Illustrative List", Article 22 (1) of these Regulations is to be revised. Article 22 (1) provides that, given equal conditions in and outside China, the operators shall to the extent possible give preference to purchase in China the machinery, equipment, raw materials, accessories, means of transportation and office furniture required for the petroleum operations.	To be revised according to the agreed timetable after accession
9. Interim Provisions on Guiding Foreign Investment	To be in compliance with Article 2 of TRIMS and its Annex "Illustrative List", Article 11 of these Provisions and the Catalogue for the Guidance of Industries for Foreign Investment are to be revised. Article 11 provides that, restricted foreign investment projects (A) within the scope specified in subparagraph (1) of Article 6, if their export sales of products account for over 70 percent of the total sales of products may be, with due approval, deemed as permitted foreign investment projects, and shall not be subject to the restriction of Article 9 of these Provisions. Restrictions may be appropriately relaxed to the above mentioned foreign investment projects that can really make full use of the superiority in resources in the Mid-West, and conform to the industrial policies of the State.	To be revised according to the agreed timetable after accession
10. Foreign Trade Law of the People's Republic of China	To be in compliance with China's commitments, Article 105 of this Law is to be revised. Article 9 provides that foreign trade operators handling the import and export of goods or technologies must satisfy the following conditions, and obtain the permission from the competent department in charge of foreign economic relations and trade under the State Council: (1) having their own names and organizational structures; (2) having clear-cut business scopes of foreign trade; (3) having premises, funds and professionals needed for the foreign trade business they are engaged in; (4) having fulfilled the required performance or having necessary sources of goods for import and export in the case of entrusting others to handle imports and exports; and (5) other conditions provided by laws and administrative rules and regulations. The measures for the implementation of the provisions of the preceding paragraph shall be	To be revised according to the agreed timetable after accession

Laws and Regulations	Relevance of the Laws or Regulations to WTO Compliance	Date of Implementation
	<p>formulated by the State Council.</p> <p>Enterprises with foreign investment shall be free from obtaining the permission as stipulated in the first paragraph of this Article, if they, in accordance with the laws and administrative rules and regulations governing enterprises with foreign investment, import non-productive goods for their own use, or necessary equipment, raw materials and other goods for their production, or export their own products.</p>	
11. Regulations of the People's Republic of China on Anti-dumping and Countervailing Measures	<p>The present Chinese Anti-Dumping and Countervailing Duty Regulation is rather general. Some articles of 1994 WTO Anti-Dumping Agreement were not incorporated into that regulation. The revision will bring the Chinese regulation fully in conformity with the WTO Anti-Dumping Agreement.</p>	To be revised prior to accession
12. Interim Measures for Import Administration of Machinery and Electronic Products	<p>To be in compliance with the principles of GATT 1994, the provisions on quota, approval, registration and other measures concerning the import of important machinery and electronic products (including spinning machines) in these Measures are to be revised.</p>	To be revised according to the agreed timetable after accession
13. Customs Law of the People's Republic of China	<p>The Amendment of this Law was adopted on July 8, 2000, which conforms to the Agreement on Implementation of Article VII of GATT 1994, the Agreement on Rules of Origin and TRIPS.</p> <p>Article 38 of the old Customs Law stipulated that the duty-paying value of an import item shall be its normal CIF price, which shall be approved by the Customs; the duty-paying value of an export item shall be its normal FOB price, which shall be approved by the Customs, minus the export duty. Where it is impossible to ascertain the CIF or FOB prices, the duty-paying value of an import or export item shall be fixed by the Customs. The duty-paying value of an inward or outward article shall be fixed by the Customs.</p> <p>This Article is changed to be Article 55 in the new Customs Law. It stipulates that the duty-paying value of an import or export item shall be examined and determined by the Customs, on the basis of the transaction value of these goods. Where it is impossible to determine the transaction value, the duty-paying value shall be fixed by the Customs according to the law. The duty-paying value of an import item shall include the price of the goods, freight and other related charges as well as insurance premiums incurred prior to the unloading of the goods at the port of entry within the territory of the People's Republic of China; the duty-paying value of an export item shall include the price of the goods, freight and other related charges as well as insurance premiums incurred prior to the loading of the goods at the port of exit in the territory of the People's Republic of China, but the amount of the export duties</p>	To be effective as of 1 January 2001



Laws and Regulations	Relevance of the Laws or Regulations to WTO Compliance	Date of Implementation
	<p>included therein shall be deducted. The duty-paying value of an inward or outward article shall be determined by the Customs according to law.</p> <p>Moreover, the provisions on the determination of origin of goods and the protection of intellectual property relating to imports or exports are added respectively to Articles 41 and 25 of the new Customs Law.</p> <p>Article 41 provides that the origin of imports or exports shall be determined in accordance with the provisions of the rules of the State on origin.</p> <p>Article 25 prescribes that Customs shall protect intellectual property relating to imports or exports in accordance with the provisions of laws and administrative regulations. Where it is necessary to declare the intellectual property rights relating to imports or exports to the Customs, the consignor of the inward or outward goods or his agents shall, in accordance with the State provisions, truthfully do so and provide the documents certifying his legitimate use of the intellectual property.</p> <p>For the relevant rules of the State on origin, see Item 15 in this Table. For the relevant Customs protection of intellectual property, see Item 22 in this Table.</p>	
14. Regulations of the People's Republic of China on Import and Export Duties	<p>Articles 10, 11, 15, 16 and 17 of these Regulations are to be revised, in order that they are in compliance with the provisions of the Agreement on Implementation of Article VII of GATT 1994, which concerns the basis of customs valuation as well as the methods and procedures to determine the transaction value,</p> <p>Article 10 provides that the dutiable value of the goods to be imported shall be assessed according to the CIF price based on the normal transaction price verified by Customs. The CIF price shall cover the price of the goods, packing charges, freight, insurance premiums and other service charges incurred prior to the unloading of the goods at the port of entry in the territory of the People's Republic of China.</p> <p>Article 11 stipulates that, if through examination, unable to determine the CIF price of an imported item, Customs shall assess its dutiable value based successively on the following prices:</p> <p>(1) the transaction price of an item equivalent or similar to and from the same country or region of origin as, the imported item;</p> <p>(2) the transaction price on the international market of an item equivalent or similar to the imported item;</p> <p>(3) the wholesale price on the domestic market of an item equivalent or similar to the imported item, minus import duty, other import-linked taxes or duties and the post-import transport, storage and business costs and after-profit price;</p> <p>(4) a price valued by Customs using other reasonable methods.</p> <p>Article 15 prescribes that the dutiable value of the goods to be imported shall include fees</p>	To be revised according to the agreed timetable after accession

Laws and Regulations	Relevance of the Laws or Regulations to WTO Compliance	Date of Implementation
	<p>for patents, trademarks, copyright, proprietary technology, computer software, information, etc., which are incurred in relation to the said imports and paid to foreign parties in order that the goods may be manufactured, used, published or distributed domestically.</p> <p>Article 16 provides that the dutiable value of goods to be exported for sale abroad shall be identical to the FOB price of the goods with export duties deducted. The above FOB price shall be subject to the examination and approval of the Customs. If unable to determine the FOB price of the exported goods, Customs shall assess the dutiable value.</p> <p>Article 17 provides that the consignee and consignor of imports or exports or their agents shall accurately declare the transaction price of the said imports or exports. If the declared transaction price is significantly lower or higher than the transaction price of equivalent or similar goods, Customs shall determine the dutiable value pursuant to the provisions of these Regulations.</p>	
15. Rules of the People's Republic of China on the Origin of Export Commodities	To be in compliance with the Agreement on Rules of Origin, the Rules of the People's Republic of China on the Origin of Export Commodities and the Interim Provisions of the Customs of the People's Republic of China on the Origin of Import Commodities are to be revised and incorporated into one single uniform Rules of Origin of the People's Republic of China.	To be revised according to the agreed timetable after accession
16. Law of the People's Republic of China on the Quarantine of Imported and Exported Animal and Plant	To be in compliance with the Agreement on the Application of Sanitary and Phytosanitary Measures and its three Annexes, the provisions concerning the inspection and approval procedures of this Law are to be revised.	To be revised as early as possible after accession
17. Regulations for the Implementation of the Law of the People's Republic of China on the Quarantine of Imported and Exported Animal and Plant	To be in compliance with the Agreement on the Application of Sanitary and Phytosanitary Measures and its three Annexes, these Regulations will be revised correspondingly, after the Law of the People's Republic of China on the Quarantine of Imported and Exported Animal and Plant is revised.	To be revised as early as possible after accession
18. Regulations of the People's Republic of China on Safeguards	To be in compliance with the Agreement on Safeguards, these Regulations are to be formulated.	To be revised as early as possible after accession
19. Regulations of the People's Republic of China on the Administration of Financial Institutions with Foreign Capital	To be in compliance with the principles and rules of GATS, the provisions of these Regulations not adaptable to business operations of financial institutions with foreign capital in China are to be revised.	To be revised according to the agreed timetable after accession

Laws and Regulations	Relevance of the Laws or Regulations to WTO Compliance	Date of Implementation
20. Regulations of the People's Republic of China on Travel Agencies	To be in compliance with the principles and rules of GATS, Article 16 of these Regulations is to be revised. Article 16 provides that applicants wishing to establish Chinese-foreign equity or contractual joint-venture travel agencies shall, after they apply for approval according to the relevant provisions of the State Council, follow the procedures provided for in the relevant laws and administrative regulations.	To be revised according to the agreed timetable after accession
21. Law of the People's Republic of China on Import and Export Inspection	To be in compliance with the principles of GATS and the Agreement on Technical Barriers to Trade, Article 6 of this Law is to be revised. Article 6 provides that inspection on import and export commodities performed by the commodity inspection authorities shall include the quality, specification, quantity, weight, packaging and requirements for safety and hygiene. Import and export commodities governed by compulsory standards or other inspection standards that must be complied with as provided for by laws or administrative regulations and rules, shall be inspected in accordance with such standards. In the absence of such stipulations, import and export commodities shall be inspected in accordance with the standards agreed upon in the foreign trade contracts.	To be revised according to the agreed timetable after accession
22. Law of the People's Republic of China on Pharmaceutical Administration	This Law stipulates that only those pharmaceuticals that have been inspected by the pharmaceuticals inspection authorities and satisfied the requirements are permitted to import. Pharmaceuticals produced by domestic enterprises can be sold if they have been inspected by the enterprise that produced them and satisfied the requirements. Article 2 of the Agreement on Technical Barriers to Trade requires that technical regulations and standards be equally applied to both domestic and foreign enterprises. To be in compliance with these provisions, the State Council submitted a draft Amendment to this Law to the Standing Committee of the National People's Congress for review in August 2000. It intends to accord equal treatment to both foreign and domestic pharmaceuticals and to delete the provisions in relation to the thorough inspection of imported pharmaceuticals. But a few types of pharmaceutical that are highly dangerous and detrimental to human health, no matter they are foreign or domestic, must be inspected. The pharmaceuticals that cannot pass the inspection cannot be sold or imported.	To be revised as early as possible after accession
23. Copyright Law of the People's Republic of China	To be in compliance with Article 11 of TRIPS, the Copyright Law is to be revised and the rental rights in respect of computer programs and cinematographic works are to be protected by it.	To be revised as early as possible after accession

Laws and Regulations	Relevance of the Laws or Regulations to WTO Compliance	Date of Implementation
24. Regulations for the Implementation of the Copyright Law of the People's Republic of China	To be in compliance with Article 11 of TRIPS, these Regulations will be revised correspondingly, after the revision of the Copyright Law of the People's Republic of China is conducted.	To be revised as early as possible after accession
25. Regulations for the Protection of Computer Software	<p>To be in compliance with Article 10 of TRIPS, Articles 15 and 24 of these Regulations are to be revised.</p> <p>Article 15 provides that the term of protection of software copyright shall be 25 years, expiring on the 31st of December of the twenty-fifth year after the first publication of the software. Before the expiration of the term, the software copyright holder may apply to the software registration authorities for extending the protection by 25 years, but the term of protection may not exceed 50 years at the longest.</p> <p>The term of protection for the right of a software developer shall be unlimited.</p> <p>Article 24 prescribes that the registration of the copyright of software with the software registration and administration authorities is the prerequisite to initiate an eventual administrative settlement or a lawsuit concerning a dispute over the rights of the software in accordance with these Regulations.</p> <p>The certificate of registration issued by the software registration and administration authorities is preliminary evidence for proving the validity of the software copyright or the reliability of the facts described in the application documents for the registration.</p>	To be revised as early as possible after accession
26. Trademark Law of the People's Republic of China	<p>Since the Trademark Law has no detailed provisions on the protection of well-known trademarks, the State Administration for Industry and Commerce of the People's Republic of China promulgated the Interim Measures on Recognition and Administration of Trademarks. The Trademark Law stipulates that the reexamination decision made by the Trademark Review and Adjudication Board is final.</p> <p>To be in compliance with Articles 16 and 42 of TRIPS, this Law will be revised. The revised law will include provisions for the protection of well-known trademarks and permit judicial review of the reexamination decisions made by the Trademark Review and Adjudication Board.</p>	To be revised as early as possible after accession
27. Detailed Rules for the Implementation of the Trademark Law of the People's Republic of China	To be in compliance with Articles 16 and 42 of TRIPS, these Rules are to be revised correspondingly, after the revision of the Trademark Law of the People's Republic of China is conducted.	To be revised as early as possible after accession

Laws and Regulations	Relevance of the Laws or Regulations to WTO Compliance	Date of Implementation
28. Regulations of the People's Republic of China on the Protection of Intellectual Property by the Customs	These Regulations were made in June 1995, being in compliance with the provisions of TRIPS concerning border measures for the protection of intellectual property rights.	Effective as of 1 October 1995
29. Regulations of the People's Republic of China on the Protection of New Varieties of Plants	These Regulations were made in March 1997, being in compliance with Article 27 of TRIPS concerning the protection of plant varieties.	Effective as of 1 October 1997
30. Patent Law of the People's Republic of China	<p>The Patent Law has no provisions on the prevention of offering for sale. It only permits judicial review of the reexamination decision on the patent right concerning an invention made by the Patent Reexamination Board and stipulates that the reexamination decision on the patent right concerning a utility model or design made by the Patent Reexamination Board is final.</p> <p>To be in compliance with Articles 28 and 42 of TRIPS concerning the prevention of offering for sale and civil judicial procedures respectively, an amendment to this Law was adopted by the National People's Congress on 25 August 2000. This amendment includes provisions for the prevention of offering for sale and permits judicial review of the reexamination decisions on all patent rights, including those concerning a utility model or design made by the Patent Reexamination Board.</p>	To be effective as of 1 July 2001
31. Detailed Rules for the Implementation of the Patent Law of the People's Republic of China	To be in compliance with Articles 28 and 42 of TRIPS concerning the prevention of offering for sale and civil judicial procedures respectively, these Rules are to be revised correspondingly, after the amendment of the Patent Law of the People's Republic of China is adopted by the Legislature.	To be revised as early as possible after accession

## Part II: Department Rules

Department Rules	Relevance of the Department Rules to WTO Compliance	Date of Implementation
1. Notice on Printing and Publishing Interim Regulations on the Automatic Registration of Self-operating Import or Export Right of Manufacturing Enterprises in Special Economic Zones	China's commitments (right to trade): without prejudice to China's right to administer trade in the way in conformity with the WTO Agreement, China will, within three years after entry into force of the Protocol, liberalize the availability and scope of right to trade so that all enterprises within China will have the right to conduct the trade of all goods within the Chinese territory, Provisions to be revised: the whole text.	To be revised as early as possible after accession
2. Notice on the Relevant Issues Concerning the Establishment of Import and Export Companies by Manufacturing Enterprises	China's commitments (right to trade): without prejudice to China's right to administer trade in the way in conformity with the WTO Agreement, China will, within three years after entry into force of the Protocol, liberalize the availability and scope of right to trade so that all enterprises within China will have the right to conduct the trade of all goods within the Chinese territory, Provisions to be revised: the whole text.	To be revised as early as possible after accession
3. Notice on the Relevant Issues Concerning Granting Self-operating Import or Export Right to Enterprises Conducting Overseas Processing and Assembling Projects with Chinese Materials	China's commitments (right to trade): without prejudice to China's right to administer trade in the way in conformity with the WTO Agreement, China will, within three years after entry into force of the Protocol, liberalize the availability and scope of right to trade so that all enterprises within China will have the right to conduct the trade of all goods within the Chinese territory, Provisions to be revised: the whole text.	To be revised as early as possible after accession
4. Notice on the Relevant Issues Concerning the Adjustment of Qualifications for Enterprises to Apply for Right to Operate Import or Export and the Intensification of Follow-up Administration	China's commitments (right to trade): without prejudice to China's right to administer trade in the way in conformity with the WTO Agreement, China will, within three years after entry into force of the Protocol, liberalize the availability and scope of right to trade so that all enterprises within China will have the right to conduct the trade of all goods within the Chinese territory, Provisions to be revised: the whole text.	To be revised as early as possible after accession
5. Notice of Interim Provisions on Administration of Operation of Export in Crude Oil and Refined Oil	To be in compliance with the WTO principle of state trading, to revise the whole text of this Notice.	To be revised according to the agreed timetable after accession

<b>Department Rules</b>	<b>Relevance of the Department Rules to WTO Compliance</b>	<b>Date of Implementation</b>
6. Notice on Publishing the List of Companies Operating the Import of Sugar and Plant Oil	To be in compliance with the WTO principle of state trading, to publish the list of the enterprises which are verified by the State to be qualified for operating the import of sugar and plant oil, to revise the whole text of this Notice.	To be revised according to the agreed timetable after accession
7. Notice on Issues Concerning Administration of Import of High Temperature Fans for Cement Kilns and Other Products	To be in compliance with the WTO principle of MFN, to revise the provisions that the products imported through international invitation of bids will be subject to preferential tariff rates.	To be revised as early as possible after accession
8 Interim Measures on Administration of Trade of Technology Introduction and Equipment Import I	No measures that are not in conformity with the WTO agreement shall be imposed on import of goods. Provisions to be revised: the applicable scope.	To be revised as early as possible after accession
9. Interim Measures on Administration of Chinese-foreign Cooperative Accounting Firms	To be in compliance with our commitments made in WTO accession negotiations, to revise the relevant provisions, i.e. foreign investors will be allowed to set up partnership accounting firms.	To be revised according to the agreed timetable after accession
10. Several Provisions on the Establishment of Advertising Enterprises with Foreign Investment	To be in compliance with our commitment concerning advertising, to revise Article 2 of these Provisions. Article 2 provides that advertising enterprises with foreign investment mentioned in these Provisions refer to Chinese-foreign equity or contractual joint advertising enterprises in China.	To be revised according to the agreed timetable after accession
11. Provisions on the Examination and Approval of the Establishment of Import and Export Commodities Inspection Companies with Foreign Investment	To be in compliance with our commitments concerning technical test and analysis services, and freight inspection (not including mandatory inspection), to revise Article 3 and 6 of these Provisions. Article 3 provides that foreign investors are permitted to set up Sino-foreign equity or contractual import and export commodities inspection companies within the Chinese territory, but no wholly foreign-owned import and export commodities inspection companies are permitted to be set up. Article 6 provides that the minimum registered capital of an import and export commodities inspection company with foreign investment shall be US\$500,000.	To be revised according to the agreed timetable after accession
12. Provisions on Examination and Approval of International Goods Shipping Agency Enterprises with Foreign Investment	To be in compliance with our commitments concerning courier services, customs declaration and freight forwarding agency, to revise Article 4 and 7 of these Provisions. Article 4 provides that Foreign companies or enterprises may establish international goods shipping agency enterprises with foreign investment within the Chinese territory in the form of equity joint ventures or contractual joint ventures. The ratio of investment contributed by	To be revised according to the agreed timetable after accession

Department Rules	Relevance of the Department Rules to WTO Compliance	Date of Implementation
	the Chinese party to a joint venture shall not be less than 50%. Article 7 provides that the same foreign party to a joint venture who has invested in an international goods shipping agency enterprise within the Chinese territory but has managed it less than five years shall not invest in another international goods shipping agency enterprise.	
13. Notice on Printing and Publishing the Principles and Procedures for Examination and Approval of Some Enterprises with Foreign Investment	To be in compliance with our commitments concerning investment examination and approval principles and procedures, to revise the whole text.	To be revised upon accession
14. Notice on the Several Issues Concerning Strict Examination, Approval, Verification and Issuing of Import and Export Licenses for Enterprises with Foreign Investment	To be in compliance with the WTO rules on right to trade, to revise Article 3 of this Notice. Article 3 provides that enterprises with foreign investment are not allowed to purchase products for export without authorization and any such action once proved should be regarded as illegal operation. If it is necessary to purchase products for export in order to keep the balance of foreign exchange, this matter shall be submitted for approvals in accordance with relevant regulations of the State.	To be revised according to the agreed timetable after accession
15. Notice on the Application for Licenses for Import of Automobiles for Production Purpose by Chinese-foreign Equity and Contractual Joint Ventures	To be in compliance the Agreement on Import Licensing Procedures, to revise Article 2 of this Notice. Article 2 provides that import licenses shall be obtained by Chinese-foreign equity or contractual joint ventures to import automobiles for production of domestic sale products and the Customs will release the imports on the strength of the licenses issued by MOFTEC.	To be revised as early as possible after accession
16. Notice on Relevant Issues Concerning the Import of the State Uniformly Operated Commodities by Enterprises with Foreign Investment	To be in compliance with the principle of national treatment, to revise the whole text of this Notice.	To be revised upon accession
17. Notice on the Printing and Publishing the Interim Measures on Administration of Import Quota Concerning the Processing Trade by Enterprises with Foreign Investment Using Imported Raw Materials such as Sugar, Cotton, Vegetable Oil and Wool	To be in compliance with our commitment concerning tariff quota and the Agreement on Import Licensing Procedures, to revise the whole text of the Notice.	To be revised upon accession



<b>Department Rules</b>	<b>Relevance of the Department Rules to WTO Compliance</b>	<b>Date of Implementation</b>
18. Implementing Rules on Administration of Import by Enterprises with Foreign Investment	To be in compliance with our commitment concerning tariff quota and the Agreement on Import Licensing Procedures, to revise the whole text of these Rules.	To be revised as early as possible after accession
19. Implementing Measures for the Application of Import Licenses by Enterprises with Foreign Investment	To be in compliance with the WTO rules on non-tariff barriers, to revise the whole text of these Measures.	To be revised upon accession
20. Provisions on Administration of International Shipping Agency	To be in compliance with our commitment made in WTO accession negotiations, it is allowed to establish shipping agencies in the form of Chinese-foreign equity joint venture, to revise the whole text of these Provisions.	To be revised as early as possible after accession
21. Provisions on Administration of International Liner Shipping	To be in compliance with our commitment that no restrictions will be imposed on the liner and non-liner shipping services by foreign vessels calling at the Chinese ports, to revise the whole text of these Provisions.	To be revised as soon as possible after accession
22. Interim Provisions on Administration of Projects Establishment and Approval of Foreign Investment in Road Transportation	To be in compliance with China's commitment that wholly foreign-owned road cargo transport enterprises will be allowed to be established no later than 1 January 2003, the last sentence of Article 2 of these Provisions which provides that wholly foreign-owned road transport enterprises will not be approved generally, is to be revised. For the same reason, a subparagraph that reads as "foreign investment projects dealing with the expressway passenger transport", will be added to the second paragraph of Article 4 of these Provisions.	To be revised in the second half of the year 2000
23. Notice on Printing and Publishing the Measures for Administration of Qualifications of City Planning and Designing Units	The original Measures restricted enterprises with foreign investment to enter Chinese drawing up market of urban planning, thus to revise Article 11 of these Measures	To be revised in the year of 2000
24. Provisions on the Examination and Approval of the Establishment of Chinese-Foreign Engineering Design Institutions	The original Provisions do not permit wholly foreign-owned enterprises to enter Chinese architectural design market, thus (1) to add the provisions on administration of wholly foreign-owned design enterprises. (2) to add the detailed conditions of qualifications of design institutions with foreign investment. (3) to clarify that the design documents should be signed by China registered professionals..	To be revised as early as possible after accession
25. Provisions on Administration of Maintenance and Repairs of Urban Passenger Vehicles	The conditions of market access are not in conformity with our commitment to revise Article 7 of these Provisions. Article 7 provides that a unit applying to operate the business of maintenance and repairs of city passenger vehicles must submit an application to the competent department of public transportation by holding a certificate issued by its higher unit in charge.	To be revised upon accession

Department Rules	Relevance of the Department Rules to WTO Compliance	Date of Implementation
26. Implementing Measures for the Regulations on Administration of Pesticides	To be in compliance with our commitment in the negotiations to amend or annul stipulations of designated operation, to revise Article 20 of these Measures.	To be revised according to the agreed timetable after accession
27. Measures for Administration of Biological Products for Animals	To be in compliance with our commitment in the negotiations to amend or annul stipulations of designated operation, to revise Article 13 of these Measures.	To be revised according to the agreed timetable after accession
28. Measures on Administration of Acquacultural Fry	To protect fishery resources and be in compliance with the international conventions such as Convention on Biodiversity, to add provisions on exchange of acquacultural resources and introduction of new species.	To be revised in June 2001
29. Measures for Administration of the Wholesale, Retail, Lease and Projection of Audio and Video Products	To be in compliance with our commitment to allow foreign businessmen to engage in distribution of audio and video products, to revise Article 11 and 17 of these Measures.	To be revised upon accession
30. Notice on Relevant Issues Concerning Online Dealing in Audio and Video Products	To be in compliance with our commitment to allow foreign businessmen to engage in distribution of audio and video products, to revise Article 4 of these Measures.	To be revised upon accession
31. Measures for Administration of Art Products Business	To be in compliance the principle of national treatment, to revise Article 7 of these Measures.	To be revised upon accession
32. Measures for Administration of Import of Audio and Video Products	To be in compliance with our commitment to allow foreign businessmen to engage in distribution of audio and video products, to revise Article 9 and 10 of these Measures.	To be revised upon accession
33. Provisions on Environmental Management of the First Import of Chemicals and the Import and Export of Toxic Chemicals	To be in compliance with the principle of national treatment with respect to the import registration procedures, to revise the provisions on the procedures for registration of the first import such as Article 9, 10 and 11.	To be revised according to the agreed timetable after accession
34. Implementing Rules of Customs of the People's Republic of China on Protection of Intellectual Property Rights	(1) The time limit provided is too short and very much different from that as required by TRIPS, thus to revise Article 21 of these Measures. (2) Counterfeit and pirated products cannot be released after Customs' retention, thus to revise Article 24 of these Measures. (3) It is unreasonable for the rights-holder to bear expenses, thus to revise Article 29.	To be revised as early as possible after accession

<b>Department Rules</b>	<b>Relevance of the Department Rules to WTO Compliance</b>	<b>Date of Implementation</b>
35. Measures of the Customs of the People's Republic of China on Assessment of Duty-paying Value of Import and Export Goods	To be in compliance with the Agreement on Implementation of Article VII of GATT 1994 to revise the whole text of these Measures.	To be revised upon accession
36. Regulations of the Customs of the People's Republic of China on the Administration of Collection of Duties and Taxes	To be in compliance with the Agreement on Implementation of Article VII of GATT 1994 to revise Article 8 of these Measures.	To be revised upon accession
37. Notice on Issuing Charges Items and Standards for On-water Security Supervision	To be in compliance with the principle of national treatment, to revise Article 2 (II)-9-2 and (IV)-5 of the Attachment to this Notice.	To be revised as early as possible after accession
38. Notice on Issuing Administrative Charge Items and Standards in Agriculture System	To be in compliance with the principle of national treatment, to revise Article 3, 4 and 6 of Attachment V; Article 16 of Attachment XIV and Article 6 (I) of Attachment XVIII to this Notice.	To be revised as early as possible after accession
39. Notice on Adjusting Pesticides Registration Fee Standard	To be in compliance with the principle of national treatment, to revise Article 1 of this Notice.	To be revised as early as possible after accession
40. Notice on Collection of Adoption Registration Fee	To be in compliance with the principle of national treatment, to revise Article 1(I), (II), (III) and (V) of this Notice.	To be revised as early as possible after accession
41. Accounting System of Financial Insurance Enterprises	To be in compliance with the principle of national treatment, to revise the applicable scope of this System and specify that this System should also be applicable to foreign and foreign investment financial enterprises.	To be revised as early as possible after accession
42. Interim Measures on Audit of the State-owned Enterprises' Annual Accounting Statements by Certified Public Accounts	Article 20 of these Measures is a restriction on market access and shall be revised.	To be revised as early as possible after accession
43. Notice on Issuing Administrative Charge Items and Standards in Civil Administration System	To be in compliance with the principle of national treatment, to revise Article 3 of this Notice.	To be revised as early as possible after accession
44. Opinions of Establishing Enterprises Supplementary Pension Insurance System	To be in compliance with our commitment made in the negotiations of services in trade, to revise Article 17 of these Opinions. Article 17 provides that enterprises may, on their own, choose the institutions to deal with supplementary pension insurance, but may not choose overseas financial institutions.	To be revised according to the agreed timetable after accession

Department Rules	Relevance of the Department Rules to WTO Compliance	Date of Implementation
45. Measures for Administration of Foreign Representative Securities Institutions Stationed in China	To be in compliance with our commitment that the representative offices stationed in China established by foreign securities institutions may become special members of all Chinese exchanges, to revise Article 2,14 and 26 of these Measures.	To be revised upon accession
46. Measures on Supervision and Administration of the Import and Export of Boilers and Pressure Vessels	The duties and functions of relevant departments have been adjusted and the inspection procedures have been changed thus the provisions on the division of duties and functions among relevant departments and the inspection procedures will be revised.	To be revised in the year of 2001
47. Catalogue of Import and Export Commodities Subject to Quarantine Inspection by Exit and Entry Quarantine Inspection Institutions	To be in compliance with the relevant WTO rules, to revise the catalogue of import and export commodities subject to mandatory inspection.	To be revised as early as possible after accession
48. Implementing Rules for the Notice on Relevant Issues Concerning Strengthening the Administration of Tire Industry	To be in compliance with Article 3 of TRIMS concerning export performance , to revise: (1) Article 9 of these Rules. Article 9 provides that the foreign party to the joint venture must have advanced production technology and independent channel of international distributions and the proportion of exported products of the joint venture shall be no less than that of equity the foreign party holds. (2) Article 13 of these Rules. Article 13 provides that the proportion of exported tires shall be no less than that of equity the foreign party holds after the joint venture increases its capitals and the proportion of exported tires shall be no less than 70% after wholly foreign-owned enterprise increases its capitals.	To be revised as early as possible after accession
49. Implementing Rules for the Ministry of Chemical Industry to Carry out the Regulations on Administration of Pesticides	To be in compliance with TRIMS, to revise Article 5 of these Measures. Article 5 provides that pesticides enterprises with foreign investment must introduce advanced technology and the projects that only provide funds but not introduce new technology are not allowed.	To be revised as early as possible after accession
50. Implementing Plans for Technology Innovation, Design Optimization, Localization and Low Investment of New Type Dry-Method Cement Production Line	To be in compliance with the basic principles of the WTO Agreement, to revise the provisions of these Plans concerning localization.	To be revised as early as possible after accession
51. Measures for Administration of the Domestic Market for Imported Wines	To be in compliance with our commitment that imported wines will enjoy the national treatment one year after China's accession to the WTO, to revise the contents of these Measures inconsistent with the national treatment.	To be revised according to the agreed timetable after accession

<b>Department Rules</b>	<b>Relevance of the Department Rules to WTO Compliance</b>	<b>Date of Implementation</b>
52. Notice on Printing and Publishing the Implementing Rules for Administration of the Import of Specific Products	To be in compliance with the WTO rules and our commitment, to revise the whole text of this Notice.	To be revised as early as possible after accession
53. Notice on Strengthening Copyright Administration of Audio and Video Products	To be in compliance with our commitment, to revise the provisions on registration.	To be revised as early as possible after accession
54. Measures for Registration of Computer Software Copyright	Relevant articles of the Regulations on Protection of Computer Software Copyright are inconsistent with TRIPS, these Measures are auxiliary rules to the Regulations and shall be revised to be consistent with the Regulations.	To be revised as early as possible after accession
55. Interim Measures for Administration of Price involving Foreign Affairs, Fee Standards and Price Calculation	To be in compliance with the provisions of the Pricing Law on the operators' right to make the price, to revise the provisions of Article 3 of these Measures concerning the price making measures by the units involving foreign affairs.	Revised on 1 May 2000
56. Interim Measures on Administration of Medicine Price	To be in compliance with the principle of national treatment, the varieties priced by the government are not distinguished between imported and domestically made products any longer, and the principles and methods of price making shall be unified. The provisions of Articles 5,7,8,9,10,14 and 16 have been revised.	Revised on 20 July 2000
57. Notice on the Automatic Registration System of Self-Operation Right to Trade Applying to Large Industrial Enterprises	China's commitments (right to trade). With the approval of the State Council, MOFTEC issued the Notice on the Application of the Automatic Registration System of Self-Operation Right to Trade to State and Collective-Owned Manufacturing Enterprises on 7 December 1999. At present, the registration system of self-operation in trade applies to manufacturing enterprises in China. The original documents have been automatically invalidated.	To be abolished upon accession
58. Certain Rules on the Administration of Import License	Inconsistent with the WTO Agreement.	Already abolished.
59. Notice on Summarizing the Administration Work of Import Licensing System	Inconsistent with the WTO Agreement.	Already abolished.
60. Notice on the Categories of Commodities Subject to Import Licensing at Present	Inconsistent with the WTO Agreement.	Already abolished.

Department Rules	Relevance of the Department Rules to WTO Compliance	Date of Implementation
61. Notice on the Import Licensing Procedures Applying to Seven Production Assembly Lines and Six Commodities	Inconsistent with the WTO Agreement.	Already abolished.
62. Notice on the Application of Licensing System to Imported Steel	Inconsistent with the WTO Agreement.	Already abolished.
63. Notice on the Application of Licensing System to Imported Plywood	Inconsistent with the WTO Agreement.	Already abolished.
64. Notice on the Clarification of Licensing Procedures Applying to Chemical Fibre and Monoploid as well as the Administration of Refrigerator Imports	Inconsistent with the WTO Agreement.	Already abolished.
65. Notice on the Uniform Administration of Import Licenses for the Import of Automobiles and Their Key Parts by MOFTEC	Inconsistent with the WTO Agreement.	Already abolished.
66. Certain Interim Rules on the Issuance of Import Documents	This document contains administrative measures during the planned-economy period manufacturing enterprises in China that no longer apply.	Already abolished.
67. Rules on the Administration of Petroleum Imports	Inconsistent with the WTO Agreement.	Already abolished.
68. Supplementary Notice on the Administration of Petroleum Imports	Inconsistent with the WTO Agreement.	Already abolished.
69. Rules on the Administration of Wool Imports	Inconsistent with the WTO Agreement.	Already abolished.

<b>Department Rules</b>	<b>Relevance of the Department Rules to WTO Compliance</b>	<b>Date of Implementation</b>
70. Supplementary Notice on the Administration of Wool Imports	Inconsistent with the WTO Agreement.	Already abolished.
71. Administration Measures for the Uniform Agency of Ordering Imported Goods	Inconsistent with the WTO Agreement.	Already abolished.
72. Notice on the Publication of the List of Enterprises Handling the Import of Natural Rubber, Steel, Timber, Plywood, Wool, Acrylic and Cotton	Inconsistent with the WTO Agreement.	Already abolished.
73. Notice on the Adjustment of Commodities Subject to Import Quota and Licensing, and the License-issuing Authorities	Inconsistent with the WTO Agreement.	Already abolished.
74. Notice on the Publication of Modified List of Commodities Subject to Ordinary Import Quota and Specific Registration	Inconsistent with the WTO Agreement.	Already abolished.
75. Notice on the Publication of the Second List of Enterprises Handling the Import of Six Types of Commodities Such as Natural Rubber, Steel, etc..	Inconsistent with the WTO Agreement.	Already abolished.
76. Notice on the Publication of the Supplementary List of Verified Enterprises Handling Small Quantity of Imports in Border Areas	Inconsistent with the WTO Agreement.	Already abolished.

Department Rules	Relevance of the Department Rules to WTO Compliance	Date of Implementation
77. Notice on Some Issues Concerning Corporations Engaging in the Foreign Processing and Assembling Businesses	Inconsistent with the WTO Agreement.	Already abolished.
78. Notice on Certain Issues Relating to the Operational Management of Verified Companies	Inconsistent with the WTO Agreement.	Already abolished.
79. Notice on the Strengthening Administration of State-restricted Products Import with Foreign Capital	Inconsistent with the WTO Agreement.	Already abolished
80. Notice on the Simplification of the Import Approving Formalities of Certain State-restricted Mechanical and Electronic Products	Inconsistent with the WTO Agreement.	Already abolished
81. Notice on the Publication of Certain Rules on the Import Administration of Mechanical and Electronic Equipment	Inconsistent with the WTO Agreement.	Already abolished
82. Reply to the Question Concerning the Establishment of Commercial Chinese-Foreign Equity (or Cooperative) Joint Ventures and Wholly Foreign-Owned Commercial Enterprises.	Inconsistent with the WTO Agreement.	Already abolished.
83. Rules on the Strengthening Administration of Imported Oil	These Rules relating to the availability of import license and quota are inconsistent with the principle of national treatment of the WTO Agreement.	To be abolished upon accession
84. Certain Rules on the Promotion of Technology Absorption.	These rules are inconsistent with the publication of local content requirement and the prohibition of compulsory transfer of technology under the TRIMS.	To be abolished upon accession



Department Rules	Relevance of the Department Rules to WTO Compliance	Date of Implementation
85. Notice on the Implementation of the Preferential Taxation Policies Included in the "Notice Approved by the State Council of the State Economic and Trade Commission on the Promotion of Technology Absorption and Localization"	Some provisions in this document are inconsistent with the prohibition of local content requirement under the TRIMS.	To be abolished upon accession
86. Notice on the Implementation of the Preferential Tariff Policies Concerning the Localization of Recordable VCR	Some provisions in this document are inconsistent with the prohibition of local content requirement under the TRIMS.	To be abolished upon accession
87. Measures on the Settlement of Balance of Payments Problems by Foreign Investment Enterprises Purchasing Domestic Products for Export	Some provisions in this document are inconsistent with the balance of payment requirement included in the TRIMS.	To be revised according to the agreed timetable after accession
88. Notice on the Export by Sino-Foreign Equity Enterprises for Balance of Payment Purpose	Some provisions in this document are inconsistent with the balance of payment requirement included in the TRIMS.	To be revised according to the agreed timetable after accession
89. Rules on the Administration and Approval of Self-Used Automobiles Import by Foreign Investment Enterprises	Some provisions in this document are inconsistent with the prohibition of quantitative restrictions of GATT 1994.	To be abolished as early as possible after accession
90. Notice on the Non-approval of Sino-foreign Joint Ventures Producing Gloves for Labor Protection	The provisions of this document are outdated and not compatible with new situations.	To be abolished as early as possible after accession
91. Notice on the Unification of Pearl Operations	The provisions of this document are outdated and not compatible with new situations.	To be abolished as early as possible after accession

Department Rules	Relevance of the Department Rules to WTO Compliance	Date of Implementation
92. Notice on the Strengthening of the Pearl Market Administration	The provisions of this document are outdated and not compatible with new situations.	To be abolished as early as possible after accession
93. Notice on the Issuance of Export License Concerning Pearls	The provisions of this document are outdated and not compatible with new situations.	To be abolished as early as possible after accession
94. Supplementary Notice of MOFTEC and SAIC on the Strengthening of the Pearl Market Administration	The provisions of this document are outdated and not compatible with new situations.	To be abolished as early as possible after accession
95. Notice on Certain Questions Regarding the Establishment of Foreign Investment Enterprises in the Form of Stock Company	Replaced by the Interim Rules on Certain Issues Relating to the Establishment of Foreign Investment Stock Company.	Already abolished.
96. Notice on Certain Questions Regarding the Establishment of Sino-foreign Stock Company	Replaced by the Interim Rules on Certain Issues Relating to the Establishment of Foreign Investment Stock Company.	Already abolished.
97. Notice on Certain Questions Regarding the Examination and Approval of Sino-foreign Stock Company	Replaced by the Interim Rules on Certain Issues Relating to the Establishment of Foreign Investment Stock Company.	Already abolished.
98. Administrative Measures on Agency of Technology and Equipment Import for State-funded Projects	Not in conformity with China's commitment on right to trade.	To be abolished as early as possible after accession
99. Interim Rules on the Administration of Patents in Agriculture, Animal Husbandry and Fisheries	Some provisions in this document conflict with the Patent Law. In fact, the Ministry of Agriculture did not implement this document. Its abolishment will ensure the full implementation of TRIPS.	To be abolished as early as possible after accession

<b>Department Rules</b>	<b>Relevance of the Department Rules to WTO Compliance</b>	<b>Date of Implementation</b>
100. Implementing Rules on the Crop Seeds of the Seed Administration Regulations	Seed Administration Regulations were repealed by the promulgation of the Seed Law on 8 July 2000.	To be abolished once the Seed Law becomes effective.
101. Interim Measures for the Approval and Administration of the Liberalized Telecom Services	Some provisions in this document are inconsistent with China's commitments on market access for foreign investors to telecom industry.	To be abolished as early as possible after accession
102. Interim Rules on the Administration of the Liberalized Telecom Service Market	Some provisions in this document are inconsistent with China's commitments on market access for foreign investors to telecom industry.	To be abolished as early as possible after accession
103. Notice on the Promulgation and Implementation of the "Interim Rules on the Improvement of the Car Localization Through Preferential Taxation Policy"	Some provisions in this document are inconsistent with the TRIMS.	To be abolished upon accession
104. Notice on the Promulgation of the "Implementing Rules on the Interim Rules on the Improvement of the Car Nationalization Through Preferential Taxation Policy"	Some provisions in this document are inconsistent with the TRIMS.	To be abolished upon accession
105. Notice on the Issuance of the "Interim Rules on Promotion of Medium-sized Bus Localization Through Tariffs"	Some provisions in this document are inconsistent with the TRIMS.	To be abolished upon accession
106. Notice on the Circulation of the "Implementing Rules on the 'Preferential Tariff Policies Concerning the Localization of Recordable VCR' Issued by the General Administration of Customs"	Some provisions of this document are inconsistent with the TRIMS.	To be abolished upon accession

Department Rules	Relevance of the Department Rules to WTO Compliance	Date of Implementation
107. Interim Rules on Administration of Shipping Lines Engaged in International Maritime Transport	These Rules do not meet the need for the current sectoral administration and are inconsistent with the WTO rules on market access.	To be abolished as soon as the Regulations on Administration of International Maritime Transport is promulgated
108. Administration Measures on the Qualifications of Foreign Construction Enterprises Contracting Projects in China	Restriction on the establishment of foreign construction enterprises is inconsistent with China's commitments.	To be abolished upon accession
109. Implementing Rules on the "Administration Rules on the Qualifications of Foreign Construction Enterprises Contracting Projects in China"	Restriction on the establishment of foreign construction enterprises is inconsistent with China's commitments.	To be abolished upon accession
110. Certain Rules on the Establishment of Foreign Investment Construction Enterprises	This document contains provisions of restriction on market access, so it is inconsistent with China's commitments.	To be abolished upon accession
111. Implementing Rules on the "Certain Rules on the Establishment of Foreign Investment Construction Enterprises"	This document contains provisions of restriction on market access, so it is inconsistent with China's commitments.	To be abolished upon accession
112. Interim Rules on the Introduction, Absorption, Development and Innovation of Technologies in Metallurgical Industry	Some provisions in this document are inconsistent with Article III of GATT 1994.	To be abolished as early as possible after accession

Department Rules	Relevance of the Department Rules to WTO Compliance	Date of Implementation
113. Interim Rules on the Reliability Test of Passenger Cars Assembled with Localization of Imported Technology	Some provisions in this document are inconsistent with China's commitment.	To be abolished as early as possible after accession
114. Interim Rules and Assessment Provisions on the Reliability Test of Passenger Cars and the Localization Assessment of Medium-sized Buses Made with Imported Technology	Some provisions in this document are inconsistent with China's commitment.	To be abolished as early as possible after accession
115. Notice on the Interim Regulation on the Protection of Copyright of Books and Magazines	Some provisions in this document are inconsistent with TRIPS.	To be abolished upon accession
116. Notice on the Issuance of the "Detailed Rules of Interim Regulations on the Protection of Copyright of Books and Magazines", "Publication Intention Contracts" and "Publication Contracts"	Some provisions in this document are inconsistent with TRIPS.	To be abolished upon accession
117. Interpretation of Article 15(4) of the "Interim Regulation on the Protection Copyright of Books and Magazines"	Some provisions in this document are inconsistent with TRIPS.	To be abolished upon accession
118. Notice on the Adjustment of the Importation Administration Catalog (Tariff Number) of Commodities Subject to Ordinary Quota and Specific Registration	The list of the commodities subject to import quota has already been adjusted.	To be abolished as early as possible after accession

Department Rules	Relevance of the Department Rules to WTO Compliance	Date of Implementation
119. Notice on the Publication of the Adjusted List of Commodities Subject to Ordinary Import Quota and the List of Commodities Subject to Specific Registration	Inconsistent with the WTO Agreement.	Already abolished.
120. Notice on the Strict Restriction on the Enlargement of the Production Ability of Laser Discs and Laser Videos	The market of such products has been opened.	Already abolished.

### **China's Laws and Administrative Regulations from January to August 2000**

(In addition to the list of 177 relevant laws and regulations that was submitted to the Secretariat previously, China submits this supplementary list of all newly enacted and revised laws and regulations in the year 2000 up to the end of August for the information of all WTO Members. The texts of all the laws, decisions and administrative regulations in the list have been filed with the secretariat in Chinese version for information.)

1.     **Legislation Law of the P.R.C.**  
Adopted at the third Meeting of the 9<sup>th</sup> National People's Congress, 15 March 2000
2.     **Law on the Prevention and Control of Air Pollution of the P.R.C.**  
Adopted at the 9<sup>th</sup> National People's Congress, 29 April 2000
3.     **Product Quality law of the P.R.C. (Revision)**  
Adopted at the 16<sup>th</sup> Meeting of the Standing Committee of the 9<sup>th</sup> National People's Congress, June 2000
4.     **Crop Seed Law of the P.R.C.**  
Adopted at the 16<sup>th</sup> Meeting of the Standing Committee of the 9<sup>th</sup> National People's Congress, June 2000
5.     **Customs Law of the P.R.C. (Revision)**  
Adopted at the 16<sup>th</sup> Meeting of the Standing Committee of the 9<sup>th</sup> National People's Congress, June 2000
6.     **Patent Law of the P.R.C. (Revision)**  
Adopted at the 17<sup>th</sup> Meeting of the Standing Committee of the 9<sup>th</sup> National People's Congress, 25 August 2000
7.     **Decision on the Strengthening of Supervision on Economic Work**  
Adopted at the 14<sup>th</sup> Meeting of the 9<sup>th</sup> Standing Committee of the 9<sup>th</sup> National People's Congress, 1 March 2000
8.     **On the Interpretation of paragraph 2 of Article 93 of the "Criminal Law of the P.R.C.**  
Adopted at the 15<sup>th</sup> Meeting of the Standing Committee of the 9<sup>th</sup> National People's Congress, 29 April 2000
9.     **Regulations on Supervision and Management of Medical Apparatus and Instruments**  
Decree No.276 of the State Council of the People's Republic of China, 4 January 2000
10.    **Measures for the Fifth National Census**  
Decree No. 277 of the State Council of the People's Republic of China, 25 January 2000
11.    **Regulations on the Implementation of the Forestry Law of the P.R.C.**  
Decree No. 278 of the State Council of People's Republic of China, 29 January 2000
12.    **Regulations concerning the Quality Management of Construction Projects**  
Decree No. 279 of the State Council of People's Republic of China, 30 January 2000
13.    **Regulations on Renminbi (RMB) Administration**  
Decree No. 280 of the State Council of People's Republic of China, 3 February 2000

14. **Interim Regulations Concerning the Disciplinary Sanction on Activities violating the Separated Management of Administrative and Institutional Charges and Fees as well as Revenues from Penalties and Confiscation**  
Decree No. 281 of the State Council of the People's Republic of China, 12 February 2000
  15. **Interim Regulations of the Board of Supervisors of Key State-Owned Financial Institutions**  
Decree No.282 of the State Council of the People's Republic of China, 15 March 2000
  16. **Interim Regulations of the Board of supervisors of State-Owned Enterprises**  
Decree No. 283 of the State Council of the People's Republic of China, 15 March 2000
  17. **Implementing Rules of the Law on the Prevention and Control of Water Pollution**  
Decree No. 284 of the State Council of the People's Republic of China, 20 March 2000
  18. **Provisions on the Real-name Requirement of Individual Savings Deposit Account**  
Decree No. 285 of the State Council of the People's Republic of China, 20 March 2000
  19. **Provisional Measures on the Management of Risk Funds for Stock Exchanges**  
Approved by the State Council of the People's Republic of China, 31 January 2000
  20. **Provisional Measures on the Management of Risk Fund for Securities Settlement**  
Approved by the State Council of the People's Republic of China, 31 January 2000
  21. **Provisions on the Standards of Scope and Scale of Construction Projects for Bidding**  
Approved by the State Council of the People's Republic of China, April 2000
  22. **Interim Measures on the Supervision and Administration on Export Processing and Manufacturing Areas by the Custom Administrations**  
Approved by the State Council of the People's Republic of China, 27 April 2000
  23. **Interim Measures for Compensating Flood Storage and Capture Areas**  
Decree No. 286 of the State Council of the People's Republic of China, 27 May 2000.
  24. **Implementing Rules of the Law on Statistics**  
Approved by the State Council of the People's Republic of China, 15 June 2000  
Decree No. 5 of the State Statistics Bureau
  25. **Regulations for Enterprise Financial Report**  
Decree No. 287 of the State Council of the People's Republic of China, 21 June 2000
  26. **Basic Rules for the Flying of Aircrafts**  
Decree No. 288 of the State Council of the People's Republic of China, 24 July 2000
  27. **Provisions for the Maintenance and Management of National Defense Projects**  
Decree No. 289 of the State Council of the People's Republic of China, 24 July 2000
  28. **Measures for the Sample of Marks of the Title of People's Police Officers and Their Way of Wearing**  
Decree No. 290 of the State Council of the People's Republic of China, August 2000
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