出國報告(出國類別:其他)

# 出席 WTO 技術性貿易障礙委員會 第 70 次例會

服務機關:經濟部標準檢驗局

姓名職稱:查秘書全淑、魏技士立宇

出國地區:瑞士日內瓦

出國期間: 105年11月6日至13日

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### 摘要

世界貿易組織技術性貿易障礙委員會於本(105)年11月7至11日舉行主題性研討會及第70次例行會議。前揭主題性研討會於11月7至9日召開,包含「技術協助」、「透明化暨第8屆資訊交換程序特別會議」及「法規合作一食品標示」等3項主題。我國推派講師於「透明化暨第8屆資訊交換程序特別會議」及「法規合作一食品標示」分享我國TBT查詢單位與法規主管機關合作之經驗及介紹我國食品標示法規。

11 月 10 至 11 日召開第 70 次正式會議,主要就「特定貿易關切事項(STC)」、「會員經驗交換」、「技術合作活動」及「觀察員組織活動更新」等議程進行討論。本次會議中,會員共提出新增及既有計 57 項 STC 案,其中我國於本項議程對印尼 4G/LTE 手機自製率規定提出特定貿易關切,另歐盟對我國行政院農業委員會「有機農業法」草案提出特定貿易關切。

本次會議值得注意的是 WTO 介紹新推出 ePing 網站(TBT 及 SPS 通知文件預警系統)功能,讓使用者,特別是中小企業,能夠以更為簡便的方式精準地收到其所需要的通知文件資料。事實上,類似的功能在美國及歐盟等已開發國家對應的系統已有建置,而韓國在主題研討會上亦分享其所建置之韓文介面 TBT 預警系統,可見自動化的網站預警功能可以提升透明化效益,對中小企業因應各國法規變動有相當的幫助。我國應考量建立自動化 TBT 網站,使目前有限的人力能夠用於提升 TBT 查詢單位之服務能量,提供我業者及法規主管機關更專業更迅速的諮詢意見。

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### 壹、 前言

世界貿易組織(WTO)技術性貿易障礙委員會(簡稱 TBT 委員會)於每年 3、6 及 11 月定期召開例行會議,本(105)年 11 月 10 至 11 日召開第 70 次例會,並於會前 (11 月 7 至 9 日)召開主題性研討會,我國由本局第五組查秘書全淑、魏技士立 宇及我常駐世界貿易組織(WTO)代表團洪秘書敬庭出席。會議主席由新加坡 駐 WTO 代表團一等經濟秘書 Esther Peh 女士擔任,會議安排如下:

- (一) 105年11月7日下午召開「技術協助主題性研討會」。
- (二) 105年11月8日召開「透明化暨第8屆資訊交換程序特別會議主題性研討會」。
- (三) 105年11月9日召開「法規合作-食品標示主題性研討會」。
- (四) 105年11月10至11日召開TBT委員會第70次正式會議。

### 貳、 105年11月7至9日TBT委員會主題性研討會紀要

TBT 委員會依據 104 年 11 月完成之 TBT 協定第 7 次三年總檢討建議,於 105 年 11 月 7 至 9 日辦理技術協助、透明化及良好法規作業-食品標示主題性研討會。

一、 「技術協助」主題性研討會(議程如附件1)

會議於 11 月 7 日下午舉辦,共從 2 個層面討論技術協助供需情形與技術協助的實際案例,首先由「WTO 秘書處貿易協助部門」及「進階整合性架構基金會(Enhanced Integrated Framework, EIF)」報告一般性原則,之後由美國、歐盟、印尼及菲律賓會員國報告各自推動作法。

技術協助議題的討論始自 2005 年的香港部長宣言,延續至杜哈回合談判。雖然開發中及低度開發會員要求 WTO 提供建置基礎建設所需的技術協助,以利參與多邊貿易制度並從中獲益,但 WTO 並非提供技術協助之專門組織,因此 WTO 在秘書處成立貿易協助(Aid for Trade)部門,負責媒合技術協助的需求方及提供

方,並調查全球性的技術協助資源配置與效益。WTO 之外尚有 2004 年成立的標準及貿易發展設施(Standards and Trade Development Facility, STDF)及 2008 年成立的 EIF,前者專門協助開發中國家發展 SPS 相關能力;後者專門鎖定低度開發國家,協助其利用貿易降低貧窮,並能全面性成長及永續發展。

雖有前述相關資源,要瞭解 TBT 領域的技術協助情形並不容易,最大的問題是現有統計資料並未針對 TBT 有專門的歸類,即使以「標準」進行關鍵字搜尋,也無法精確掌握 TBT 領域技術協助提供的情形,因為其他如服務、稅賦及貿易便捷化等領域也涉及標準議題。OECD 的統計資料顯示過去 3 年「標準」領域就有 4500 件技術協助計畫,平均 1 年有 1500 件,投入金額每件約 60 萬美元(約新臺幣 1,920 萬),但無法證明該等計畫都與 TBT 有關。而有些計畫將 TBT納入範圍更大的議題,如非關稅措施,也讓 TBT 領域的技術協助情形不易掌握。因應上述問題,有會員提出未來可在統計資料中新增 TBT 專門之分類,WTO將再評估可行性。

### 綜合簡報內容,重點如下:

- (一)技術能力的需求、供給之間的銜接及對於技術協助的監督是技術協助議題 最重要的課題,能確保技術協助不會重複提供以及技術協助達到預定的效 益。
- (二) 低度開發國家的技術協助優先議題包含協助符合 TBT 協定要求的義務(入會申請中的國家)、提升國家標準機構的運作與諮詢、標準制定的透明化、融入區域整合並與區域夥伴國家調和。
- (三) 許多國家要求提供建置國家品質基礎架構(national quality infrastructure)的 技術協助需求,這樣的需求須納入國家策略發展計畫中方能達到最大效益。 但 TBT 相關需求具有較高技術性,通常比較不容易納入國家計畫中。
- (四) 技術協助的提供如果能夠有最佳作業模式(best practice module)應有助於提高效益,相關國家或組織所提供的技術協助課程內容可以在網站上找到,

如美國國家標準協會(American National Standards Institute, ANSI)、歐盟、聯合國工業發展組織(United Nations Industrial Development Organization, UNIDO)等。

- (五) 官方-民間的合作關係是技術協助重要的內容,它有助於建立互信關係, 也能提高公共諮詢的成效。
- (六) 在協助開發中國家建置國家品質基礎架構後,觀察到該等國家為了培植國內檢測產業而拒絕承認國際間就符合性評鑑所達成的相關相互承認協議,如國際實驗室聯盟(International Laboratory Accreditation Cooperation, ILAC)所推動的相互承認協議。技術協助的結果反而造成國際貿易障礙,值得技術協助提供者深思。
- 二、「透明化暨第8屆資訊交換特別會議」主題性研討會(議程如附件2)

11 月 8 日舉辦,分為「線上工具」、「查詢單位功能」及「標準制定透明化」3 個部分,除了由 WTO 秘書處報告 WTO 新建立之通知文件預警系統(ePing)外,並由 8 個會員國分享透明化經驗及作法,我國於「查詢單位功能」部分報告我國 TBT 查詢單位與各主管機關之合作經驗(簡報如附件 3)。以下摘要研討會的討論重點。

### (一) 關於通知文件預警系統(ePing):

依據 WTO 提供之調查資料,各國的 TBT 及 SPS 措施是目前產業界遭遇最大的貿易障礙,各國制訂的技術性法規迫使產業界特製產品規格,增加業者營運成本,甚至使得產品無法進入特定國家市場。此等障礙對中小型企業的衝擊更加嚴重,因中小企業無足夠人力依各國法規客製化產品,也難以追蹤瞭解其他國家的強制性要求。WTO 認為未來的市場將是消費者導向,各國將設立更多的技術性法規以滿足消費者需求,技術性法規造成的貿易障礙將日益嚴重,因此 WTO 與聯合國經濟社會事務局及國際貿易中心合作建置 ePing 系統,盼能協助產業界掌握各國技術性法規動態,及早採取

### 因應措施。

為呈現TBT協定透明化義務之整體執行情形,WTO原先已於2014年建置公開的TBT資訊管理系統(TBT IMS),使用者可至該網站依據TBT通知文件的相關欄位資訊(如產品分類號列、通知文件提出會員國、關鍵字、評論期、生效期等)搜尋想要瞭解的通知措施內容,此外也提供TBT協定規定的其他通知文件(如簽署相互承認協議、標準制定機構接受良好作業、履行TBT協定聲明等)以及會員國措施被提出特定貿易關切之討論情形。而新建置的ePing(TBT部分)與TBTIMS最大的差別在於ePing使用者可利用網站提供的篩選器訂閱指定類別(產品、國家)之通知文件,系統將自動以電子郵件轉知訂閱的最新資料。除此之外,ePing還提供2個討論區,1個供各國TBT查詢單位提出法規評論意見,另1個論壇供國內業者討論,方便彙整國內意見。

- (二) 歐盟 TBT 查詢單位運作及處理 TBT 通知文件之作法:
  - 1. 歐盟的查詢單位設於成長總署(DG Grow),包含7位律師、2位管理者及2位資訊專家,而各個會員國也設有自己的查詢單位。
  - 每個月召開市場進入委員會會議,成員包括歐盟成員國及利益關係人, 討論其他國家之強制性法規是否造成貿易障礙。
  - 3. 歐盟設立一個管理程式,以電腦取代人力處理與日俱增的 TBT 通知文件。 EU-TBT 網站直接與 WTO 資料庫連結,功能包括每月統計、閱讀 TBT 通知、電子郵件訂閱等,並利用 youtube 宣導網頁,其維護與更新不需 要配置例行人力,人力用於提供技術諮詢(研究通知文件的內容及建議評 論意見)。歐盟於 2016 年收到業者對於 39 份通知文件提出 55 個評論意 見,經由 EU 協助後發出 23 個。
- (三) 美國的 TBT 查詢單位設於商務部下的國家標準技術研究院(NIST)標準協調辦公室(Standards Coordination Office),建置了 NotifyUs 網站,提供美國企

業或公民訂閱 TBT 通知文件,以利及時掌握全球市場法規的變動,並讓企業可以對該等法規提出評論意見,目前訂閱的使用者 85%為民間企業。美國的 TBT 查詢單位擁有極大的授權,工作人員每日檢視刊載於聯邦公報的法規,如有通知的必要時,逕行向 WTO 提出 TBT 通知文件。

- (四) WTO 秘書處鼓勵各會員國查詢單位使用 TBT NSS 通知文件作業系統提交 通知文件,目前已有 6 成的 TBT 通知文件經由 NSS 系統作業完成,速度 較快。
- (五) 我國報告查詢單位與法規主管機關合作的經驗,報告情形摘要如下:
  - (1) 我國 TBT 查詢單位設置於本局的國際合作科,國際合作科除辦理 WTO 相關之 TBT 業務外,亦為 APEC 標準及符合性次級委員會的聯絡窗口,此外,也負責我國各 FTA 的 TBT 章節,以及對外洽簽標準、檢驗及度量衡領域之合作文件。因為上述背景,我國 TBT 查詢單位並不僅是 TBT 資訊的發送窗口,更能在國內主管機關對 TBT 議題有所疑義時提供協助。
  - (2) 法規主管機關是 TBT 通知義務的核心角色,為更順暢地履行該義務, TBT 查詢單位要求各法規主管機關(目前有 15 個法規主管機關)須提供聯絡窗口並維持聯絡窗口資料的有效,以利 TBT 查詢單位傳遞最新資訊。此外,TBT 查詢單位亦會利用政府公報找出可能涉及 TBT 通知義務的法規主管機關,貿易主管機關及專家學者也可協助找出其他法規主管機關並提醒主管機關履行通知義務。
  - (3) TBT 查詢單位會在 WTO/TBT 委員會前邀集相關法規主管機關參加國內 TBT 協調會議,除分享 WTO/TBT 委員會最新議題進展外,亦會就重點 特定貿易關切案件進行討論,此外,為使法規主管機關深入瞭解 TBT 各項議題,協調會議亦會邀請學者進行簡報,議題包括供應商符合性聲 明、相互承認協議的效益及區域合作等。

- (4)報告完畢後計有南非、美國、澳洲、烏干達等國提問,提問包含與法規 主管機關聯絡名單建立的方式、主管機關不願提出通知文件的情形、無 主管機關之貨品如何提通知文件,以及如何協助主管機關提出評論意見 等細節。我方依照我國現行作法回答提問。
- 三、「法規合作-食品標示」主題研討會(議程詳附件4)
  - 11 月 9 日舉行,從國際健康目標、食品標示國際標準及區域與國家作法 3 個面向探討食品標示議題,共計有國際衛生組織(WHO)、國際食品法典委員會(Codex)及 10 國 13 位講者進行簡報,我國由臺灣大學動物科學技術學系陳明汝教授簡報我國食品營養標示法規(簡報如附件 5)。歸納簡報重點如下:
  - (一) 世界衛生組織 2013 年的調查報告顯示,不健康的飲食及營養不良目前是造成全球疾病最重要的因素,目前全世界人口大多處於營養不均衡的狀態,而營養標示是促進健康飲食之重要措施。但,因各國不同制度及作法造成消費者混淆,WHO 擬推動制定正面包裝標示指導原則及手冊,支援會員國家發展正面包裝標示及 Codex 在食品標示推動的新工作。
  - (二)營養標示對於減少肥胖、非傳染性疾病也有幫助,但國際間對於營養標示的內容並沒有標準,因此民間企業所面對最大的挑戰是跟上營養標示規定的變動,以及沒有足夠的時間調適。
  - (三) 營養標示必須搭配教育,讓消費者能夠讀懂標示資料的意義,在最短時間 作出營養攝取的決定。各國近期對於標示的討論重點包含熱量、添加糖、 單位份量、過敏原、GMO等之標示、以圖像取代文字標示及正面包裝標示 等。
  - (四) 陳明汝教授於簡報說明我國食品安全衛生管理法第 5 章及其施行細則有關 食品、食品添加物及原料應符合的標示規定。
  - (五) 加拿大以電子方式協助國外業者符合該國食品標示制度 http://www.inspection.gc.ca/food/labelling/food-labelling-for-industry/eng/138

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### 參、 105年11月10至11日TBT委員會正式會議紀要

- 一、 會議依據 JOB/TBT/209(附件 6)之議程進行,主要聚焦討論特定貿易關切議題,除墨西哥撤銷對秘魯海鮮產品之關切案,本次計有 57 件特定貿易關切議題(新關切 10 件,延續關切 47 件,請參考附件 7)。我國於本項議程對印尼 4G/LTE 手機自製率規定提出貿易關切,「有機農業法」草案則遭歐盟提出貿易關切,詳細內容說明如下。另針對其他貿易關切案,依據產品重要性及雙邊貿易量,於附件 8 摘要說明 19 件關切案(資訊/電機/電子產品 4 件、化學品 4 件、農產品/醫療器材/化粧品/藥品 6 件、玩具 2 件及其他 3 件)之討論情形。
  - (一) 印尼 4G/LTE 手機自製率要求(G/TBT/N/IDN/103,附件 9)

加拿大、我國及澳洲關切本項草案對外國業者造成歧視,我國說明印尼資 通訊科技部於 2015 年 7 月發布 27 號法規,要求所有 4G/LTE 手機提高自 製率比率,工業部進一步在 2016 年 9 月公布自製率的計算方式。印尼本項 措施對進口的手機給予低於印尼國產手機的待遇,違反 TBT 協定第 2.1 條,亦即進口業者需購買某一門檻金額的印尼製零組件以取得許可。我國盼印尼修正措施以與 TBT 協定一致(我國發言內容詳附件 10)。印尼回應法規 還在修訂中,將會進一步通知 WTO,未來的修法方向將符合 WTO 規則。

(二) 我國「有機農業法」草案(G/TBT/N/TPKM/225, 225/Add.1, 225/Add.2) (附件 11)

我國行政院農業委員會農糧署於 2015 年 12 月 8 日提出「有機農業法」草 案通知文件,2016 年 2 月 2 日通知會員延長評論期至 2016 年 3 月 31 日, 並於 2016 年 3 月 15 日提供法規草案英譯本。通知文件發出之後,我國收 到歐盟、澳洲、美國及印度之評論意見,關切重點包含(1)釐清法規草案之 產品範圍(如食品、飼料、加工食品)、生產階段,以及有機農業之生產與 管理規則;(2)草案第 37 條規定「本法施行前,經中央主管機關公告之同 等性國家,自施行後一年內,未與我國完成簽定雙邊有機同等性相互承認協議或協定者,由中央主管機關廢止其同等性認可公告」,1年之過渡期太短;(3)承認外國實驗室(經 ISO17025 認證且為 ILAC 會員)之測試報告;(4)建議建立化學物質(非有意使用,可能遭環境汙染)之容許值。歐盟並於2016年6月TBT委員會正式會議對我國提出特定貿易關切。

本次會議歐盟續對我提出特定貿易關切,除重申前述第1項及第2項關切外,渠獲我國告知該草案預計於2017年上半年通過,希望瞭解最新進展並收到我國書面回應意見。

我國回應感謝歐盟的意見,說明有機農業法草案制定的目的係以專法管理有機農產品,讓有機農業的管理法規架構更為完整且容易瞭解。此外,有機農業法草案的設計也是為了因應國內農業生產環境改變、有機消費者對品質嚴格要求、國際有機同等性產品貿易規定之歧見等挑戰。該草案僅為架構性條文,不影響目前規範於「有機農產品及有機農產加工品驗證管理辦法」之施行細節,歐盟詢問有關法規草案之產品範圍(如食品、飼料、加工食品)、生產階段,以及有機農業之生產與管理規則等問題均規定於「有機農產品及有機農產加工品驗證管理辦法」中。

「有機農業法」草案目前尚在行政院審查,因此並無更新立法進度。有關歐盟希望延長與我國完成簽定雙邊有機同等性相互承認協議或協定之1年過渡期,將併同與其他會員意見謹慎考量。由於立法程序完成的時間很難預估,1年過渡期的時限或許不是問題。我國歡迎有興趣的會員與我國展開有機同等性雙邊討論或協商,使得有機農產品可以在法規生效後立即受惠。(我國回應說明如附件12)

二、經驗交換:針對明年主題性研討會之主題,因 TBT 協定訂有與「風險」相關的條文,且會員於特定貿易關切發言中常質疑其他會員措施未建立在風險分析上,顯示風險為判定某項措施是否符合比例原則、是否造成過度貿易限制效果的重要指標。基於各會員對風險判定顯有不同認知,爰我國建議以「風險評鑑」為

主題,邀請會員分享作法及經驗(發言資料如附件13);印尼建議探討如何於執行協定時考量中小企業之需求;南非建議繼續討論符合性評鑑程序、良好法規作業等議題,並支持我國建議之風險評鑑主題;加拿大支持印尼提議;中國大陸表示對於會員建議的主題持開放態度,並建議探討非政府機構制定標準的良好作業規範。主席裁示於明(106)年1月底召開非正式會議討論明年主題性研討會之主題,但3月份只會有1天的主題性研討會。

- 三、 觀察員組織活動報告:本次會議有聯合國歐洲經濟委員會(UNECE)、經濟合作 發展組織(OECD)、國際法定度量衡組織(OIML)、國際標準化組織(ISO)、國際電工委員會(IEC)、加勒比海共同體標準及品質區域組織(CRO SQ)報告近期活動, 重點摘要如下:
  - (一) OECD 說明完成有關國際法規合作的理論架構報告,該報告分析三種不同貿易費用的來源種類,這三種來源分別是配合出口國規定所作的生產改變成本、證明符合修正後規定的成本及資訊成本。而法規合作存在多種形態可以協助降低前述成本,包含法規資訊交換、達成法規調和之談判、法規同等效力之承認、符合性評鑑方法的調和或承認、符合性評鑑程序的彈性或承認及提高法規透明化。除了前述理論架構,OECD 正進行問卷調查,瞭解實際執行情形,包含有機同等性協議之協商、家用電氣產品及車輛與零組件能源效率規定的調和等個案研究。相關研究預計於2017年上半年完成,將置於OECD 網站供大眾參考。
  - (二) IEC 過去半年在亞洲地區辦理世界標準日、世界認證日及世界計量日(香港,6月8日),在新加坡舉辦了世界智慧城市論壇(新加坡,7月13至14日),並舉辦推動再生與替代能源標準地區研討會(泰國,8月)。此外,IEC 的關聯國家計畫(Affiliate Country Programme)協助尚不具備正式參與 IEC 活動所需基礎架構及技術專家的開發中國家建立國家電工委員會,並透過導師計畫(Mentoring Programme)協助該等國家與 IEC 正式會員國家建立合作關係,提供所需的協助。

四、 下次會議時間:下(第71)次 TBT 委員會例會暫訂於明(106)年3月8至9日舉行,3月7日為主題性研討會。但因同時段有其他委員會會議,部分會員駐 WTO 代表團人力不足,建議主席錯開時間,以利出席,主席表示將再行確認會議時間。

### 肆、 檢討與建議

一、 積極支持國際透明化議題,並建構國內 TBT 透明化能量

WTO 認為未來是消費者導向的時代,政府將被迫制定更多技術性法規,這些法規對於中小企業的傷害遠大於大企業,因中小企業無人力追蹤各國技術性法規之制修訂,更無足夠力量影響其他國家之法規草案。中小企業是我國重要經濟支柱,本局應積極支持國際透明化議題,以減緩他國技術性法規對我國業者之傷害。

鑒於 WTO 會員對於 TBT 透明化議題日益重視,WTO 正積極建置 ePing 網站並改良 TBT IMS 網站,盼藉由上述網站協助業者掌握各國技術性法規動態,甚至能及早於法規草案階段提出業界意見,儘量降低技術性貿易障礙。

因為中文非 WTO 官方語言,上述 WTO 網站功能雖已趨完整,對我國業者幫助仍有限。經瞭解韓國因語言問題目前對 ePing 系統持保留態度 (韓國為 WTO 選定之 ePing 網站測試國),該國並已自行建置韓文 TBT 預警系統,由網站自動發送業者訂閱之相關 TBT 通知。歐盟亦於主題性研討會中分享該國 TBT 網站,因應越來越多的 TBT 通知文件,該網站自動與 WTO 系統同步更新資料,不需人力維護更新,節省之人力則用於提供技術諮詢。

目前我國設置有「TBT 通知文件暨強制性商品檢驗規定資料庫」網站,供業者查閱各國 TBT 通知文件,但無自動發送通知之功能,各公會及業者須另向本局訂閱 TBT 通知文件,由本局承辦人摘譯及分類 TBT 通知文件後,手動轉送相關訂閱單位之電子郵件信箱。考量目前 TBT 通知文件的成長趨勢,本局應思考建立自動化 TBT 網站,使目前有限的人力能夠用於提升 TBT 查詢單位之服務能量

,提供我業者及法規主管機關更專業的諮詢意見。

	ePing	韓國網站	我國網站
TBT 文件查詢功能	•	•	•
電郵通知功能	•	•	手動
論壇功能	•		
語文介面	英、法、西文	韓文	中文

### 二、 積極透過 TBT 委員會表達業者關切意見,並配合雙邊諮商解決問題

TBT 委員會之特定貿易關切(STC)議程已成為相關法規攻防最正式之場域,其最主要的目的是透過發言引起其他會員注意,希望藉由群體力量迫使關切的措施能夠修改,減少對貿易的衝擊。但由於委員會上的發言大多只有一輪,而受關切之會員僅在所有關切意見表達後才回應,因此沒有機會再就受關切會員的回應意見進一步釐清。此時有必要輔以雙邊諮商,以獲取所需的進一步說明及資料。

### 三、加強宣導 TBT 查詢單位之功能,鼓勵並協助業者提出關切意見

從其他會員分享的經驗顯示,民間業者是 TBT 查詢單位最主要的服務對象。目前我國 TBT 查詢單位與業者的聯繫仍限縮於通知文件的發送或被動接受詢問,而業界對於 TBT 查詢單位功能的認知亦屬有限,建議藉著本次所蒐集到的法規預警網路資源,主動接洽公會提供資訊,宣導 TBT 查詢單位的功能及服務內容,並瞭解業界可能的需求,以協助業界解決遭遇之 TBT 問題。

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### JOB/TBT/206/Rev.1

2 November 2016

### **Committee on Technical Barriers to Trade**

#### THEMATIC SESSION ON TECHNICAL ASSISTANCE

7 NOVEMBER 2016, 15:00

Draft Programme

Revision

"Provisions on **technical assistance** are contained in Article 11 of the TBT Agreement. Technical assistance has been considered an area of priority work for the Committee since its establishment; it figures on the agenda of the Committee on a permanent basis. Members have regularly, on a voluntary basis, exchanged experiences and information on technical assistance in order to enhance the implementation of Article 11 of the TBT Agreement."

G/TBT/1/Rev.12, Section 5, para. 5.1, p. 37 (emphasis added)

At the Seventh Triennial Review, Members agreed to continue to hold thematic sessions in conjunction with regular meetings of the Committee. Members agreed to dedicate the 7 November 2016 thematic session on technical assistance. This session include a discussion of:

- (i) the positive effects of technical assistance and capacity building in the TBT area for international trade; and,
- (ii) possible approaches to identifying gaps between the demand and supply of technical assistance in the TBT area for developing Members, and seeking to close them where they exist, including through exploring the need for more coordination and better targeted TBT-related technical assistance.<sup>1</sup>

In the interest of giving sufficient opportunity for interaction, speakers are invited to make short presentations. The moderator will give opportunity for interventions and/or questions. Speakers are invited to provide presentation materials and/or written inputs elaborating on interventions in advance of the meeting, if possible by Wednesday, 2 November (<a href="mailto:una.flanagan@wto.org">una.flanagan@wto.org</a>).

This thematic session will be moderated by Mr. Tim Ward (Australia).

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<sup>&</sup>lt;sup>1</sup> G/TBT/37, para. 6.7(c) as well as para. 8.3 (b) (iii).

#### Panel 1: General session

- a. **Aid for Trade**: Surveying Aid-for-Trade support in the TBT area, Mr. Michael Roberts, Head, Aid for Trade Unit, WTO Secretariat
- b. EIF: TBT Analysis, Projects and Development Partners engaging through the EIF, Mr. Simon Hess, EIF Secretariat

### Panel 2: Members' approaches

- a. United States: Experience of the Standards Alliance, a Public-Private Partnership, Ms Leslie McDermott, Director, International Development, American National Standards Institute and Suhaimi A. Kasman, Head of Subdivision of Notification, National Standardization Agency of Indonesia (JOB/TBT/191)
- b. **Philippines**: *Philippine Initiatives to Empower MSMEs*, Ms Ann Claire Cabochan, Director of Bureau of International Trade Relations (JOB/TBT/202)
- c. United States: Partnering to Improve Industry-Regulator Dialogue and Enhance Food Safety through the APEC Food Safety Cooperation Forum's Partnership Training Institute Network, Ms Melissa San Miguel, Senior Director, Global Strategies, Grocery Manufacturers of America (JOB/TBT/191)
- d. United States: TBT Capacity Building in Agriculture, Mr. Kirk Shirley, TBT Capacity Building Coordinator, Office of Capacity Building and Development, Foreign Agricultural Service, US Department of Agriculture (JOB/TBT/191)
- e. **European Union**: *The EU's ACP TBT Programme: achievements and lessons learned*, Mr. Junior Lodge Team Leader, ACP TBT Programme (JOB/TBT/192/Rev.1)

#### **General Discussion**

The general discussion will be moderated by Ms Esther Peh (Singapore).

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### JOB/TBT/207/Rev.1

2 November 2016

### **Committee on Technical Barriers to Trade**

### EIGHTH SPECIAL MEETING ON PROCEDURES FOR INFORMATION EXCHANGE

8 NOVEMBER 2016, 10:00

Draft Programme

Revision

The Committee on Technical Barriers to Trade (the TBT Committee) agreed in 1995 to hold, on a biennial basis, "regular meetings of persons responsible for information exchange, including persons responsible for enquiry points and notifications". These meetings are organized in order to provide Members with an opportunity to discuss issues relating to information exchange and to review periodically the functioning of notification procedures and the operation of enquiry points. Information exchange meetings are also used to follow-up on decisions and recommendations agreed by the TBT Committee during triennial reviews.3

The Eighth Special Meeting will be held on Tuesday, 8 November 2016 at the WTO building during the Committee's regular meetings from 7 to 11 November. The meeting will be moderated by the Chairperson of the TBT Committee.

In the interest of giving sufficient opportunity for interaction, speakers are invited to make short presentations. Speakers are invited to provide presentation materials and/or written inputs elaborating on interventions in advance of the meeting if possible by Wednesday, 2 November (una.flanagan@wto.org).

#### **8 NOVEMBER 2016**

### **Official Launch**

WTO TBT/SPS Notification Alert System (ePing)

10.00 - 10.20

The Notification Alert System (ePing) will be officially launched by UN Assistant Secretary-General for Economic Development in the Department of Economic and Social Affairs Lenni Montiel, WTO Deputy Director General Karl Brauner and ITC Executive Director Arancha González.

<sup>&</sup>lt;sup>2</sup> G/TBT/1/Rev.12, page 36.

<sup>&</sup>lt;sup>3</sup> G/TBT/37; G/TBT/35; G/TBT/1/Rev. 12, page 17 to 37 (transparency section).

#### 1 ONLINE TOOLS

#### 1.1 Tracking, responding and involving stakeholders

- 1.1. In the Seventh Triennial Review, the Committee requested the Secretariat to continue to improve the TBT IMS in line with the needs of Members and to explore the development of an export alert system for TBT notifications, in cooperation with other organizations.<sup>4</sup> The Secretariat was also asked to report on progress made at the Eighth Special Meeting on Procedures for Information Exchange.<sup>5</sup>
  - a. The Secretariat will report on the status of the TBT IMS modernization project, and the TBT/SPS notification alert system (ePing). Pilot countries will share their experiences in implementing ePing at the national level.
    - Uganda: Piloting and ongoing implementation of the WTO TBT/SPS Notification Alert System (ePing) in Uganda, Mr. George Opiyo, TBT Enquiry Point (JOB/TBT/204)
    - ii. **Korea**: The TBT IMS and ePing in Korea, Ms Changin Ha, TBT Unit, Korea Conformity Laboratories (JOB/TBT/195)
  - b. Members are invited to share their experiences in relation to involving stakeholders (private and public sector) in the processes of tracking and responding to TBT notifications of other Members. The following delegations have indicated their intention to contribute to this session:
    - i. **Australia**: Enhancing business and government engagement through information exchange, Ms Sophia Vincent, Department of Foreign Affairs and Trade (JOB/TBT/203)
    - European Union: The EU's experience in relation to involving stakeholders (private and public sector) in the processes of tracking and responding to TBT notifications of other Members, Mr. Alessandro Polito, European Commission Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs (JOB/TBT/192/Rev.1)
    - iii. **Philippines:** *Philippine Initiatives to Empower MSMEs*, Ms Ann Claire Cabochan, Director of Bureau of International Trade Relations (JOB/TBT/202)
    - iv. United States: Experience of the USA TBT Enquiry Point Using a Notification Alert Service to Engage with Domestic Stakeholders, Ms MaryAnn Hogan, U.S. Inquiry Point, National Institute of Standards and Technology (JOB/TBT/191)

#### 1.2 Submission of notifications

- 1.2. In the Seventh Triennial Review, Members were encouraged to use the TBT NSS to facilitate and accelerate the submission and processing of notifications.<sup>6</sup> The Committee also requested the Secretariat to continue to improve the TBT NSS in line with the needs of Members and to report on progress made at the Eighth Special Meeting on Procedures for Information Exchange.<sup>7</sup>
  - a. The Secretariat will report on the TBT NSS.
  - b. Members are invited to share their experiences in submitting notifications relating to draft and adopted final texts.

### **2 FUNCTIONING OF ENQUIRY POINTS**

### 2.1 Internal coordination and handling of comments

2.1. In the Seventh Triennial Review, the Committee recommended to continue discussing enquiry points' role in facilitating internal coordination and in the handling of comments and exploring ways to improve their functioning.<sup>8</sup>

<sup>&</sup>lt;sup>4</sup> G/TBT/37, paras. 5.12.d.ii and 5.12.d.iii.

<sup>&</sup>lt;sup>5</sup> G/TBT/37, para. 5.12.d.iv.

<sup>&</sup>lt;sup>6</sup> G/TBT/37, para. 5.12.d.i.

<sup>&</sup>lt;sup>7</sup> G/TBT/37, paras. 5.12.d.ii and 5.12.d.iv.

<sup>&</sup>lt;sup>8</sup> G/TBT/37, para. 5.12.a.i.

- a. Members are invited to share their experiences in relation to the role of enquiry points in facilitating internal coordination and in the handling of comments. The following delegations have indicated their intention to contribute to this session:
  - i. **European Union:** The EU's experience in relation to the role of enquiry points in facilitating internal coordination and in the handling of comments, Mr. Alessandro Polito, European Commission Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs (JOB/TBT/192/Rev1)
  - ii. **Chinese Taipei**: Building Constructive Working Relationship with Regulators, Ms Chuan-Shu Cha, Bureau of Standards, Metrology & Inspection (JOB/TBT/197)

### 2.2 Capacity Building and Training

- 2.2. In the Seventh Triennial Review, the Committee recommended to explore ways to improve the functioning of the Enquiry Points by addressing capacity building needs of developing Members. Members also requested the Secretariat to prepare a guide on best practices for enquiry points based on experiences shared by Members and for the purposes of training and capacity building. Under the purpose of training and capacity building.
  - a. The Secretariat will report on progress made on the guide for Enquiry Points.
  - b. Members are invited to exchange views on capacity building needs and capacity building programmes. The following delegations have indicated their intention to contribute to this session:
    - United States: US Technical Assistance to TBT Enquiry Points and Notification Authorities in Africa, Ms Leslie McDermott, Director, International Development, American National Standards Institute (JOB/TBT/191).

#### 3 TRANSPARENCY IN STANDARD SETTING

- 3.1. In the Seventh Triennial Review, consistent with paragraphs J and L of the Code of Good Practice, the Committee encouraged Members' central government standardizing bodies and non-governmental bodies which have accepted the Code to i) publish their work programmes on websites and notify the specific website addresses where the work programmes are published to the ISO/IEC Information Centre; and ii) share information about the publication of a notice announcing the period for commenting on a draft standard (e.g. title, volume of publication and website address). <sup>11</sup> The Committee also recommended to discuss ways of improving Members' access to the information on the above-mentioned points i) and ii) concerning transparency in standard setting. <sup>12</sup>
  - a. Members are invited to share their experiences in implementing transparency principles related to standard setting. The following delegations have indicated their intention to contribute to this session:
    - Japan: Japan's Action following the 7th triennial review -Transparency in standard-setting, Mr. Takatoshi Yamamoto, Office for Economic Partnership for Standards and Conformity Assessment & JISC Secretariat, Ministry of Economy, Trade and Industry (JOB/TBT/198)
    - ii. The Secretariat will update the Committee on collaboration with the WTO-ISO Standards Information Gateway.

#### **4 GENERAL DISCUSSION**

4.1. Members will be invited to reflect on any of the above matters or raise any additional matters for discussion before the special meeting is closed.

<sup>10</sup> G/TBT/37, para. 5.12.a.ii.

<sup>&</sup>lt;sup>9</sup> G/TBT/37, para. 5.12.a.i.

<sup>&</sup>lt;sup>11</sup> G/TBT/37, paras. 4.10.b.i and 4.10.b.ii.

<sup>&</sup>lt;sup>12</sup> G/TBT/37, para. 4.10.b.iii.

# Building Constructive Working Relationship with Regulators

Chuan-Shu Cha

The Bureau of Standards, Metrology and Inspection, Chinese Taipei

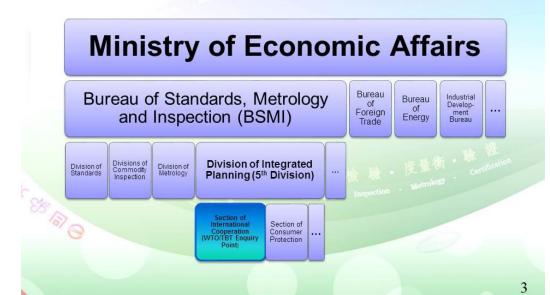
November 8, 2016

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# Outline

- Where is the TBT Enquiry Point?
- What are the goals?
- Who are the regulators?
- How to find regulators?
- How to connect regulators?
- Final Remarks

# Where is the TBT Enquiry Point?



# What are the goals?

- To promote teamwork between the Enquiry Point and regulators.
- To facilitate experience sharing among regulators.
- To fully implement notification obligations required by the Agreement.

# Who are the regulators?

At least 15 regulatory authorities are involved in the notification activities, more to be identified

Agriculture products, environment protection, consumer products, energy, labor, food/medical devices/pharmaceuticals, telecommunication, transportation, construction products, tobacco products, alcohol products, fire fighting equipment, nuclear, labelling, water supply, ...

5

# How to find regulators?

- Search from Government Gazette.
- Bureau of Foreign Trade and research fellows of academic institutes help identify more regulators.
- Each regulatory authority assigns a contact person for handling TBT issues. An "effective" list of contact persons is maintained.

# How to connect regulators?

- Interagency meetings are held 3 times a year, 1-2 weeks prior to the WTO/TBT Committee Meetings.
  - Briefs on the discussions at the WTO/TBT Committee meetings.
  - Overviews of specific trade concerns.
  - Review of notifications submitted.
  - Presentation of researches or studies.

7

# How to connect regulators?

- Delivery of seminars on transparency.
  - Principles of WTO/TBT Agreement.
  - Definition of technical regulations and conformity assessment procedures.
  - Exercises for determining technical regulations.
  - Step-by-step guide for preparing notifications.
  - Preparations for responding to comments.

# **Final Remarks**

The Enquiry Point develops comradeship with regulators by

- Maintaining an effective list of contact persons;
- Convening regular interagency meetings;
- Delivering regular seminars on transparency;
- Sending notifications of specific interests;
- Identifying potential measures to be notified.

q

# THANK YOU

Chuan-Shu Cha tbtenq@bsmi.gov.tw

### RESTRICTED



### JOB/TBT/208/Rev.1

2 November 2016

### **Committee on Technical Barriers to Trade**

### THEMATIC SESSION ON REGULATORY COOPERATION BETWEEN MEMBERS: FOOD LABELLING

9 NOVEMBER 2016, 10:00

Draft Programme

Revision

The Committee notes that **regulatory cooperation between Members** is an effective means of disseminating GRP. It can also build confidence between trading partners through enhancing mutual understanding of regulatory systems, thereby supporting efforts that aim at removing unnecessary barriers to trade. A fundamental component to regulatory cooperation is the promotion of dialogue between Members, including at senior level. A wide variety of approaches can be employed by regulators to collaborate with each other – from information sharing to negotiating specific agreements.

G/TBT/37, p.4

At the Seventh Triennial Review, Members agreed to continue to hold thematic sessions in conjunction with regular meetings of the Committee. Members agreed to dedicate the 9 November 2016 thematic session on regulatory cooperation between Members to the topic of food labelling. In respect of this session, it was agreed that the discussion would be a factual exchange of experiences; that no value judgements would be made regarding different approaches taken by Members; that no link would be made to specific trade concerns (STCs); and, that there would be no specific follow-up in the TBT Committee.

In the interest of giving sufficient opportunity for interaction, speakers are invited to make short presentations. Moderators will give opportunity for interventions and/or questions. Speakers are invited to provide presentation materials and/or written inputs elaborating on interventions in advance of the meeting, if possible by Wednesday, 2 November (una.flanagan@wto.org).

### Panel 1: Global health objectives

a. **WHO**: [title TBC], Dr. Chizuru Nishida, Coordinator, Nutrition Policy and Scientific Advice, Department of Nutrition for Health and Development; and, Mr. Benn McGrady, Technical Officer (Legal), Prevention of Non-Communicable Diseases Department, WHO

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<sup>&</sup>lt;sup>13</sup> G/TBT/37, para. 8.3.

<sup>&</sup>lt;sup>14</sup> See Chairperson's fax of 23 September 2016, and as discussed at the 22 September 2016 informal TBT Committee meeting.

- Brazil: Harmonizing Food Labelling Objectives and Trade Facilitation, Mr. Luis Henrique Barbosa da Silva, Agricultural Attaché, Permanent mission of Brazil to the WTO (JOB/TBT/190)
- c. **United States**: *The Public Health Role of Nutrition Standards and Labelling*, Dr. Sandra G. Hassink, Immediate Past President, American Academy of Pediatrics (JOB/TBT/191)

This panel will be moderated by Mr. George Opiyo (Uganda).

#### **Panel 2:** Food labelling international standards

- d. Codex Alimentarius Commission: [Title TBC], Patrick Sekitoleko, Food Standards Officer, Codex Alimentarius Commission.
- e. Costa Rica: 2016 Electronical Working Group Codex Committee on Food Labelling (CCFL), regarding front-of-pack nutrition labelling Objectives and Progress, Ms Tatiana Cruz Ramírez, Chief of Technical Regulations and Codex, Department of Economy, Industry and Commerce Ministry, Chairman of the eWG (JOB/TBT/200/Rev.1)

This panel will be moderated by Ms. Siti Mariam Mohd Din (Malaysia).

### Panel 3: Regional and national approaches

- f. United States: US Food and Drug Administration's Update of the Nutrition Facts Panel, Dr. A. Douglas Balentine, Director, Office of Nutrition and Food Labelling, US Food and Drug Administration.
- g. United States: Private Sector Experience on Food Labelling, Mr. Kenneth Roberts, Director of Public and Government Affairs, Mondelēz International (JOB/TBT/191)
- h. **European Union**: *The EU legal framework on food labelling*, Ms Magdalena Haponiuk, European Commission Directorate-General for Health and Food Safety (JOB/TBT/192/Rev.1)
- i. Chinese Taipei: Introduction to the Food Labelling Regulation, Prof. Ming-Ju Chen (JOB/TBT/193)
- j. **Switzerland**: Compulsory labelling on food and nutritional labelling in Switzerland: current state and international cooperation, Mr. Michael Beer, Vice-Director, Federal Food Safety and Veterinary Office (JOB/TBT/196)
- k. **Mexico**: Front-of-Pack Nutrition Labelling: Mexico's experience, Ms Lorena Cerdán Torre, Mexican Council of the Consumer Products Industry, A.C. (JOB/TBT/199)
- 1. Canada: Food labelling regulations Background and summary of recently proposed changes to Canada nutritional labelling regulations, Mr. Christopher O'Toole, Global Affairs Canada (JOB/TBT/201)
- m. Canada: Food labelling transparency Background and overview of Canada's on-line labelling tool, Ms Pirkko Penttila, Global Affairs Canada (JOB/TBT/201)
- n. Philippines: Philippine Initiatives to Empower MSMEs: results of the self-funded APEC Survey on Packaging and Labelling Requirements for Pre-packaged Food Products,
   Ms Ann Claire Cabochan, Director of Bureau of International Trade Relations (JOB/TBT/202)
- o. Chile: The implementation of new regulations on nutritional labelling in Chile, Mrs. Lorena Rodriguez, Director, Department of Food and Nutrition, Ministry of Health, Chile (JOB/TBT/205)

This panel will be moderated by Mrs Jo-Anne Beharry (Trinidad and Tobago).

### General Discussion

The general discussion will be moderated by Ms Esther Peh (Singapore).

# **Food Labeling Regulation**

Ming-Ju Chen

Department of Animal Science

National Taiwan University, Chinese Taipei

### **Acts Concerning Food Labeling**

### **Act Governing Food Safety and Sanitation**

**Chapter V Food Labeling and Advertisement** 

Article 22: The container or external packaging of food and food raw materials

Article 23: Exempt labeling

Article 24: The container or external packaging of food additives and their raw

Article 25: Food products supplied at food vending locations and bulk foods

Article 28: The labeling, promotion or advertisement of foods, food additives



### **Acts Concerning Food Labeling**

# **Enforcement Rules of the Act Governing Food Safety and Sanitation**

Article 6: The labelling for the product names

Article 7: The net weight and capacity

Article 8: The name of food additives

Article 9: The term "manufacturer"

Article 10: The responsible domestic company

Article 11: The country of origin

Article 12: The labelling of the expiry date

Article 13: The product names is a single food additive

Article 14: The food additive names

Article 15: The net weight and capacity

Article 16: The labelling of the expiry date

Article 17: The country of origin

Article 18: The labelling of pre-packaged foods or food additives

Article 19: The bulk foods

The container or external packaging of food and food raw materials

The container or external packaging of food additives and their raw materials

### **Food Labeling System**

The container or external packaging of food and food raw materials shall conspicuously indicate in Chinese and common symbols the following matters:

- product name;
- name of the ingredients;
- net weight, volume or quantity;
- · name of food additives;
- name, telephone number and address of the manufacturer or that of the responsible domestic company;
- · country of origin;
- expiry date;
- · nutrition label;
- · genetically modified food raw materials;
- other matters designated by the central competent authority in a public announcement (allergen information);

### The product name:

- The product names shall conform to the nature thereof.
- The names of those that are stipulated by **the central competent authority** shall be set in accordance with the stipulated names provided; whereas names that are not stipulated by the central competent authority may either be set in accordance with **National Standards** (CNS) or **by their own**.













Fresh milk

Sterilized milk

Flavored milk Milk beverage

### **Food Labeling System**

### The product name:





### The product name:







63% milk

https://www.google.com.tw/search

# **Food Labeling System**

The product name: Fresh milk 鮮乳





The product name: Fresh milk 鮮乳

• Raw milk from milking animal





https://www.google.com.tw/search

### **Food Labeling System**

The product name: Fresh milk

鮮乳

- · Raw milk from milking animal
- · Shall have been pasteurized or ultrapasteurized



The product name: Fresh milk



- · Raw milk from milking animal
- Shall have been pasteurized or ultrapasteurized
- · Shall store under refrigeration



### **Food Labeling System**

The product name: Fresh milk



- · Raw milk from milking animal
- · Shall have been pasteurized or ultrapasteurized
- · Shall store under refrigeration

• Shall contain not less than 8.25 percent milk solids not fat and not less than 3.0

percent milkfat.



The product name: Sterilized milk 保久乳

- · Raw milk from milking animal
- · Shall have been Sterilized milk
- Could store under room temperature
- Shall contain not less than 8 1/4 percent milk solids not fat and not less than 3 percent milkfat.





4 mm

### **Food Labeling System**

The product name: Flavored milk

調味乳

- · Raw material: Raw milk, sterilized milk and fresh milk
- · Shall have been pasteurized or Sterilized milk
- · Shall contain not less than 1.5 percent milk protein.
- · Non dairy ingredients and food additives could be used







The product name: Milk beverage



- Raw material: milk powder and concentrated milk
- · Shall have been pasteurized or Sterilized milk
- · Shall contain not less than 1.5 percent milk protein.
- · Non dairy ingredients and food additives could be used





4 mm

### **Food Labeling System**

The product name: Milk powder

奶粉

- · Raw material: Raw milk and fresh milk
- Shall remove water (<5 percent)</li>
- Shall contain not less than 34 percent milk protein.



The product name: Modified Milk powder 調製奶粉

- · Raw material: Raw milk, fresh milk, milk powder
- Should contain not less than 50% of raw material (dry matter/dry matter)
- · Non dairy ingredients and food additives could be used

$$Milk$$
 (%) =  $\frac{Weight \ of \ Milk \ powder}{Total \ product \ weight} \times 100$ 



4 mm

# **Food Labeling System**

The product name: Modified Milk powder 調製奶粉

- Raw material: Raw milk, fresh milk, milk powder
- Should contain not less than 50% of raw material (dry matter/dry matter)
- · Non dairy ingredients and food additives could be used

Milk powder



**Formula** 



The container or external packaging of food and food raw materials shall conspicuously indicate in Chinese and common symbols the following matters:

- product name;
- name of the ingredients;
- net weight, volume or quantity;
- name of food additives;
- name, telephone number and address of the manufacturer or that of the responsible domestic company;
- country of origin;
- expiry date;
- nutrition label;
- · genetically modified food raw materials;
- other matters designated by the central competent authority in a public announcement (allergen information)
- •



#### Name of ingredients

those that contain two or more ingredients shall indicate the respective ingredients in descending order of proportion;

### Ingredients:

Water, Skim milk powder, Cream, Full fat milk powder, Frozen concentrated skim milk, isomalto-oligosaccharide, Calcium carbonate, Favor, Milk calcium, Carrageenan (containing glucose), Vit. D [containing starch, sucrose, antioxidant (L-ascorbic acid, Vit. E), triglyceride, silicon dioxide]



## Name of food additives:

in the case of a mixture of two or more food additives which are named according to its function shall indicate the name of each additive separately

# Ingredients:

Water, Skim milk powder, Cream, Full fat milk powder, Frozen concentrated skim milk, isomalto-oligosaccharide, Calcium carbonate, Favor, Milk calcium,

Carrageenan (containing glucose), Vit. D [containing starch, sucrose, antioxidant (L-ascorbic acid, Vit. E), triglyceride, silicon dioxide]



net weight, volume or quantity



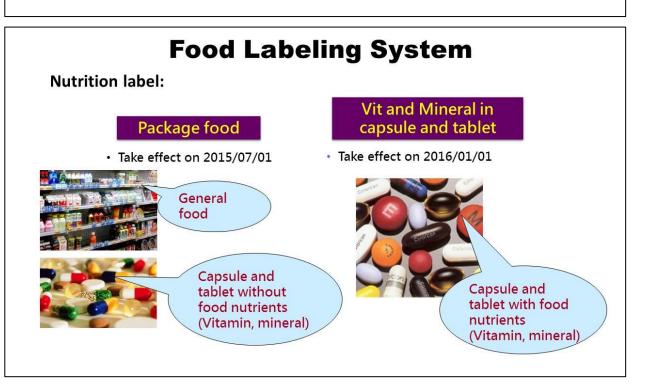
name, telephone number and address of the manufacturer or that of the responsible domestic company;

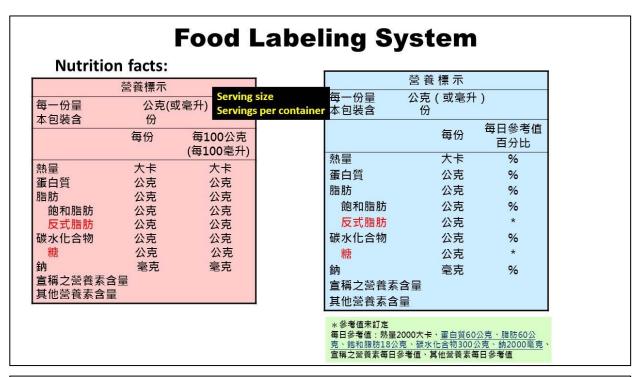


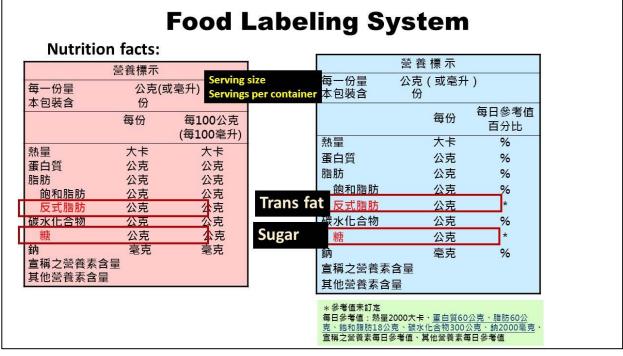
Expiry day

The container or external packaging of food and food raw materials shall conspicuously indicate in Chinese and common symbols the following matters:

- · product name;
- · name of the ingredients;
- net weight, volume or quantity;
- · name of food additives;
- name, telephone number and address of the manufacturer or that of the responsible domestic company;
- · country of origin;
- expiry date;
- nutrition label;
- · genetically modified food raw materials;
- other matters designated by the central competent authority in a public announcement.







# **Nutrition facts:**

	營養標示	
每一份量	公克(5	<b></b> 支毫升)
本包裝含	份	Each 100 gran
	每份	每100公克
		(每100毫升)
熱量	大卡	大卡
蛋白質	公克	公克
脂肪	公克	公克
飽和脂肪	公克	公克
反式脂肪	公克	4克
碳水化合物	公克	公克
糖	公克	
鈉	_ 毫克	毫克
宣稱之營養素含		
其他營養素含量		

	營養標示	
每一份量 本包裝含	公克(或毫升 份	Daily Value
	每份	每日參考值 百分比
熱量	大卡	%
蛋白質	公克	%
脂肪	公克	%
飽和脂肪	公克	%
反式脂肪	公克	*
碳水化合物	公克	%
糖	公克	*
鈉	毫克	%
宣稱之營養素含	量	
其他營養素含量		

\*参考值未訂定 每日參考值:熱量2000大卡、蛋白質60公克、脂肪60公克、飽和脂肪18公克、碳水化合物300公克、鈉2000毫克 宣稱之營養素每日參考值、其他營養素每日參考值

# **Food Labeling System**

# **Nutrition label:**

Capsule and tablet with food nutrients (Vitamin, mineral)

營 養 標 示				
每一份量     類       本包装含     份	(或錠、粒)	Daily Value		
	每份	每日參考值百分比		
維生素 <sup>(1)</sup>	毫克或微克	%		
礦物質	毫克或微克	%		
宣稱之營養素含量	公克、毫克或微克	% 或 *		
其他營養素含量	公克、毫克或微克	% 或 *		

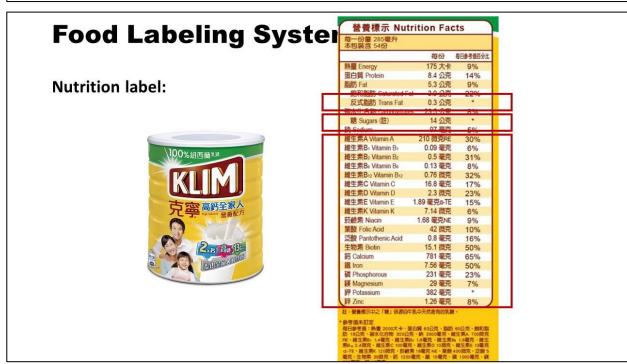
\* 參考值未訂定

註 1:維生素 A、維生素 D及維生素 E 應另加註國際單位 (IU) 之含量標示

# **Nutrition label::**







The container or external packaging of food and food raw materials shall conspicuously indicate in Chinese and common symbols the following matters:

- · product name;
- · name of the ingredients;
- net weight, volume or quantity;
- · name of food additives;
- name, telephone number and address of the manufacturer or that of the responsible domestic company;
- · country of origin;
- · expiry date;
- · nutrition label;
- genetically modified food raw materials;
- other matters designated by the central competent authority in a public announcement (allergen information);

# **Food Labeling System**

# **Genetically modified food:**

On May 29, 2015, Taiwan FDA issued 3 amendments of labeling requirements for foods containing GMOs. These are:

- Labelling requirements for prepackaged food containing ingredients of genetically modified organisms (GMOs)
- Labelling requirements for food additives containing ingredients of genetically modified organisms (GMOs)
- Labelling requirements for unpackaged food containing ingredients of genetically modified organisms (GMOs)

The regulation for prepackaged food and food additives took effect on Dec. 31, 2015. The regulation for unpackaged (bulk) food was into effect in 3 phases, starting from July 1, 2015 and ending Dec. 31, 2015 depending on the type of manufacturer.

# **Genetically modified food:**

"genetically modified", "with genetic modification" or "used genetically modified (organisims)"



Packaged

# **Food Labeling System**

# **Genetically modified food:**

Food that uses GMOs directly during the manufacturing process yet the final product does not contain transgenic DNA fragments or transgenic proteins shall display one of the following phrases:



- "this product is made of genetically modified (organisms), but does not contain any transgenic DNA fragment or transgenic proteins"
- "this product does not contain any transgenic DNA fragment or transgenic proteins, but is made of genetically modified (organisims)", or
- "this product does not contain any transgenic DNA fragment or transgenic protein, but genetically modified (organisims)".

# Genetically modified food:

Food that contains either non-GMOs for which international approvals exist for
cultivation or contains food of GMOs, may display the words "non genetically
modified" or "with no genetical modification" and additionally it can: i) display the
phrase "the proportion of material which contains, consists of or is produced from
GMOs considered individually has been approved for use in a regulation of (country)"
or other synonymous phrase, or ii) display the proportion of material which contains,
consists of or is produced from GMOs considered individually.



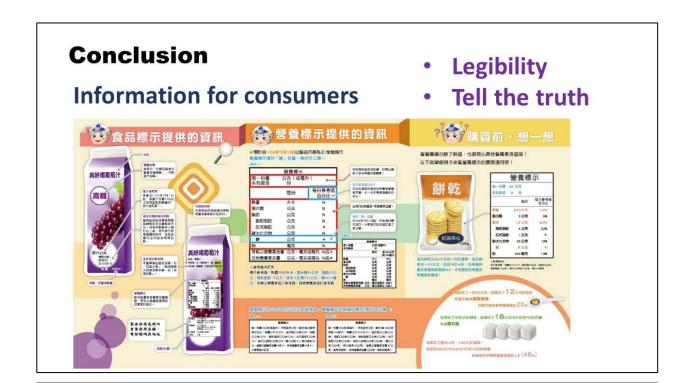


# **Food Labeling System**

Manufacturers that fail to provide complete or truthful information in product labels in accordance with these regulations shall be fined NT\$30,000-3,000,000 or NT\$40,000-4,000,000 respectively.







# Thank you

## RESTRICTED



JOB/TBT/209

31 October 2016

# **Committee on Technical Barriers to Trade**

#### 10-11 NOVEMBER 2016 TBT COMMITTEE MEETING

# ANNOTATED DRAFT AGENDA<sup>15</sup>

The Committee on Technical Barriers to Trade (hereafter "the Committee") will hold its next regular meeting on 10-11 November 2016, starting at 10:00. The regular meeting will be preceded by three thematic sessions (technical assistance, transparency including the Eighth Special Meeting on Procedures for Information Exchange, and regulatory cooperation between Members) on 7, 8 and 9 November 2016, respectively. <sup>16</sup>

Members' attention is drawn to the fact that <u>no paper copies</u> of documents will be provided at the meeting. Relevant documents for the meeting are available at "Documents for meetings" on the Members' website. The minutes of the last meeting of the Committee are contained in G/TBT/M/69.

The following are the proposed items for the agenda:

# 5 ADOPTION OF THE AGENDA

The agenda is contained in WTO/AIR/TBT/6 issued on 10 October 2016. Delegations are invited to indicate any items they may wish to raise under "Other Business" (Item 6).

#### 6 IMPLEMENTATION AND ADMINISTRATION OF THE AGREEMENT

#### (A) Statements from Members under Article 15.2

The latest list of statements submitted under Article 15.2 of the TBT Agreement is contained in document G/TBT/GEN/1/Rev.15 issued on 26 February 2016. In total, since 1995, 137 Members have submitted at least one Statement on Implementation under Article 15.2. Information about Members enquiry points is available online at the TBT Information Management System (IMS) <a href="https://tbtims.wto.org/">https://tbtims.wto.org/</a>.

## (B) Specific Trade Concerns

- New and Previously raised concerns (Listed in Annex)

The Annex to this document contains a list of specific trade concerns which Members have communicated their intention to raise at the current meeting.

## (C) Exchange of Experiences

#### **Technical Assistance**

The Chairperson will ask the moderator to provide a brief report to the Committee on the Thematic Session on Technical Assistance held on 7 November 2016 (JOB/TBT/206/Rev.1 forthcoming).

<sup>15</sup> This document has been prepared under the Secretariat's own responsibility and is without prejudice to the positions of Members or to their rights and obligations under the WTO.

<sup>&</sup>lt;sup>16</sup> Draft programmes for the thematic sessions were circulated in JOB/TBT/206/Rev.1, JOB/TBT/207/Rev.1 and JOB/TBT/208/Rev.1 (forthcoming).

## Transparency, including the Eighth Special Meeting on Procedures for Information Exchange.

The Chairperson will brief the Committee on the Thematic Session on Transparency including the Eighth Special Meeting on Procedures for Information Exchange held on 8 November 2016 (JOB/TBT/207/Rev.1 forthcoming).

## **Regulatory Cooperation between Members (Food labelling)**

The Chairperson will ask the moderators to provide brief reports to the Committee on the Thematic Session on Regulatory Cooperation between Members held on 9 November 2016 (JOB/TBT/208/Rev.1 forthcoming).

#### Other decisions and recommendations adopted by the Committee

Members are invited to discuss any other matter relevant to the decisions and recommendations adopted by the Committee (G/TBT/1/Rev.12 and G/TBT/37).

# **Thematic Sessions in March 2017**

The Chairperson will invite Members to discuss topics for the March 2017 Thematic Sessions.

#### (D) Other Matters

Delegations wishing to raise any other matter relevant to the implementation and administration of the Agreement are invited to do so under this sub-item.

#### 7 TECHNICAL COOPERATION ACTIVITIES

Members and Observers are invited to provide any general information on their technical assistance activities.

## **8 UPDATING BY OBSERVERS**

Under this agenda item, Observers are invited to update the Committee on other relevant work. An updated list of observer organizations and international intergovernmental organizations whose requests for observer status are pending is contained in G/TBT/GEN/2/Rev.12.

## 9 REPORT (2016) OF THE COMMITTEE ON TECHNICAL BARRIERS TO TRADE

A draft of the Committee's Annual Report to the Council for Trade in Goods is contained in document JOB/TBT/194, dated 7 October 2016. Members will be invited to adopt this report.

## 10 OTHER BUSINESS

Any issues raised by Members under Item 1 will be addressed here.

## 11 DATE OF NEXT MEETING

The next regular meeting of the Committee is scheduled for 8-9 March 2017. It will be preceded by thematic sessions on 7 March.

編號	遭關切會員 及產品	產品/措施	通知文件編號/措施簡介	關切會員	IMS ID
1	哈薩克·俄羅 斯	玩具	G/TBT/N/KAZ/7 G/TBT/N/RUS/73	烏克蘭	
2	印度	電子廢棄物		韓國	
3	秘鲁(撤案)	海鮮產品		墨西哥	
4	愛爾蘭	酒精	G/TBT/N/IRL/2	墨西哥	
5	玻利維亞	基改食品標示	G/TBT/N/BOL/3	墨西哥	
			G/TBT/N/BOL/3/Add.2		
6	韓國	菸酒	G/TBT/N/KOR/664	墨西哥	
7	烏干達	酒精飲料	G/TBT/N/UGA/434	歐盟	
			G/TBT/N/UGA/435 G/TBT/N/UGA/437		
			G/TBT/N/UGA/437		
			G/TBT/N/UGA/439		
			G/TBT/N/UGA/440		
			G/TBT/N/UGA/441		
8	俄羅斯	醫療器材	G/TBT/N/RUS/51	歐盟	
			G/TBT/N/RUS/52		
			G/TBT/N/RUS/53		
			G/TBT/N/RUS/55		
9	俄羅斯	藥品	G/TBT/N/RUS/54	歐盟	
			G/TBT/N/RUS/58		
10	墨西哥		G/TBT/N/RUS/63 G/TBT/N/MEX/302	歐盟	
11	<u>墨口马</u>      歐盟	原產地標示	G/1D1/1V/IVILIZE/302	美國	
12	歐盟	化學品(REACH)		加拿大	88
13	印度	汽車充氣輪胎	G/TBT/N/IND/20	加事人   歐盟	133
	口沙文	- / ( <del>-年-</del> /し <del>赤</del> (平冊))ロ	G/TBT/N/IND/40	<b>四人</b>	133
14	中國大陸	化妝品	G/TBT/N/CHN/821	日本	296
			G/TBT/N/CHN/937	歐盟	
15	印度	通訊設備		加拿大	274
				歐盟	
				美國	
16	中國大陸	資訊安全產品		歐盟	294
17	俄羅斯	酒精飲料	G/TBT/RUS/2	歐盟	332
				美國	
18	印尼	玩具		歐盟	328
19	韓國	化學材料	G/TBT/N/KOR/305	美國	305
			G/TBT/N/KOR/305/Add.1		
			G/TBT/N/KOR/478		
			G/TBT/N/KOR/547		

編號	遭關切會員 及產品	產品/措施	通知文件編號/措施簡介	關切會員	IMS ID
			G/TBT/N/KOR/592		
20	歐盟	酒精產品	G/TBT/N/EU/246	阿根廷	345
			G/TBT/N/EU/246/Add.1	美國	
21	智利	食品健康	G/TBT/N/CHL/219	墨西哥	370
			G/TBT/N/CHL/219/Add.1		
			G/TBT/N/CHL/221		
			G/TBT/N/CHL/282		
22	印度	電子及資訊產品	G/TBT/N/IND/44	歐盟	367
	. , , , , ,		G/TBT/N/IND/44/Add.1-5	美國	
			G/TBT/N/IND/47	韓國	
			G/TBT/N/IND/47/Add.1	加拿大	
			G/TBT/N/IND/47/Add.1/Co	川手八	
			rr.1		
23	祕魯	青少年食品	G/TBT/N/PER/59	墨西哥	383
			G/TBT/N/PER/89	美國	
24	歐盟	環境荷爾蒙	G/TBT/N/EU/383	阿根廷	393
	C/\	TACOUNT PARSA	G/TBT/N/EU/383/Add.1	加拿大	
			G/TBT/N/EU/384	漁事人   美國	
			G/TBT/N/EU/384/Add.1	<u>夫</u> 國 	
			G/TBT/N/EU/166		
			G/TBT/N/EU/166/Add.1		
25	印尼	食品營養標示		歐盟	389
26	厄瓜多	食品標示	G/TBT/N/ECU/19	墨西哥	411
			G/TBT/N/ECU/19/Add.1-		
			10		
27	俄羅斯	兒童及青少年產 品	G/TBT/N/RUS/29	歐盟	418
28	泰國	酒精飲料標示	G/TBT/N/THA/437	美國	427
			G/TBT/N/THA/437/Add.1	加拿大	
			G/TBT/N/THA/221/Add.1	歐盟	
29	中國大陸	醫療器材	G/TBT/N/CHN/1022	韓國	428
			G/TBT/N/CHN/1023	加拿大	
			G/TBT/N/CHN/1024	歐盟	
			G/TBT/N/CHN/1025	(2)(1111 <sub>r</sub>	
			G/TBT/N/CHN/1026		
			G/TBT/N/CHN/1029		
30	厄瓜多	汽車	G/TBT/N/ECU/32	墨西哥	409
0.1	\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	AL EL AL EL	G/TBT/N/ECU/32/Add.1-9		1.10
31	沙烏地阿拉	能量飲料	G/TBT/N/ARE/262	歐盟	442
	伯		G/TBT/N/QAT/389	美國	
			G/TBT/N/SAU/669		
			G/TBT/N/SAU/789		
			G/TBT/N/ARE/299		
			G/TBT/N/BHR/426		

編號	遭關切會員 及產品	產品/措施	通知文件編號/措施簡介	關切會員	IMS ID
			G/TBT/N/KWT/309		
			G/TBT/N/OMN/23 G/TBT/N/QAT/423		
			G/TBT/N/SAU/910		
			G/TBT/N/YEM/29		
			G/TBT/N/ARE/301		
			G/TBT/N/BHR/428 G/TBT/N/KWT/311		
			G/TBT/N/OMN/240		
			G/TBT/N/QAT/425		
			G/TBT/N/SAU/912		
22	mar:	/田 [ /井	G/TBT/N/YEM/31	ष्य गः न	4.42
32	巴西	個人衛生用品、 化妝品及香水	G/TBT/N/BRA/608	墨西哥	443
33	歐盟	資訊科技安全評 估驗證		中國大陸	448
34	中國大陸	化妝品標示	G/TBT/N/CHN/1064	日本	456
				歐盟	
35	中國大陸	銀行資訊科技設		日本	457
		備安全法規		加拿大	
				美國	
26	/n 🗆			<u></u> 歐盟	470
36	印尼	LTE 設備自製率 要求		加拿大	472
37	中國大陸	醫藥設備登錄費		加拿大韓國	466
38	   巴西	葡萄酒及其衍生	G/TBT/N/BRA/613	新聞 歌聞	470
30		產品	G/TBT/N/BRA/675	美國	470
39	中國大陸	保險之資通訊科	G/TBT/N/CHN/1172	加拿大	489
		技規定		美國	
		, , , , <u> </u>		歐盟	
40	巴西	玩具	G/TBT/N/BRA/612	美國	478
				歐盟	
				加拿大	
41	韓國	木製産品	G/TBT/N/KOR/563 G/TBT/N/KOR/599	美國	491
42	中國大陸	商用炭		澳洲	477
43	印度	不鏽鋼產品		歐盟	486
44	歐盟	輪胎		中國大陸	480
45	印度	酒精飲料	G/TBT/N/IND/51	美國	494
				墨西哥	
				加拿大	

編號	遭關切會員 及產品	產品/措施	通知文件編號/措施簡介	關切會員	IMS ID
				歐盟	
46	中國大陸	嬰兒奶粉	G/TBT/N/CHN/1165	歐盟	493
				美國	
				韓國	
47	印尼	清真產品		美國	502
	','	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		歐盟	
				澳洲	
48	俄羅斯	水泥	G/TBT/N/RUS/48	歐盟	497
	145 4 (1) [127 9]	1.4.00	G/TBT/N/RUS/49		
49	阿拉伯聯合	電機及電子產品	G/TBT/N/ARE/265	歐盟	496
	大公國				
50	泰國	嬰兒食品	G/TBT/N/THA/471	美國	503
51	埃及	製造商登錄系統	G/TBT/N/EGY/114	土耳其	505
				歐盟	
				美國	
52	<b>肯亞</b>	酒精飲料	G/TBT/N/KEN/472	歐盟	510
	7 3 313	7 173 173 171	G/TBT/N/KEN/473	美國	
			G/TBT/N/KEN/474		
			G/TBT/N/KEN/475		
			G/TBT/N/KEN/476		
			G/TBT/N/KEN/477		
			G/TBT/N/KEN/479		
			G/TBT/N/KEN/482		
<i>5</i> 2		曲字口	G/TBT/N/KEN/483	수 IRI	510
53	歐盟	農產品	G/TBT/N/EU/139 G/TBT/N/EU/149/Add.1	美國	512
54	歐盟	菸品	G/TBT/N/EU/149/Add.1	印尼	413
55		有機農產品	G/TBT/N/TPKM/225	歐盟	511
33	我國		G/TBT/N/TPKM/225Add.1		311
			-2		
56	哥倫比亞	清潔劑及肥皂(磷	G/TBT/N/COL/214	墨西哥	506
	7 1117 2 111	及介面活性劑之	G/TBT/N/COL/214/Add.1		
		限值)			
57	中國大陸		G/TBT/N/CHN/1094	歐盟	509
			G/TBT/N/CHN/1095		
			G/TBT/N/CHN/1096		
58	祕魯	基因改造穀物		墨西哥	392

# 資訊/電機/電子產品:

1. 印度電子廢棄物管理規定 2016

韓國、日本及美國關切(1)2016年10月實施的電子廢棄物管理規定是2011的修改版,印度沒有提出通知,因此會員沒有評論的機會;(2)要求24個月的過渡期;(3)95%的電子廢棄物都走非正式管道進入二手市場,要達到目標相當困難;(4)印度一般家電生命週期是20年,新規定要求10年,要求修改法規的估算方法(estimation method)。印度回應基於氣候及環境的變化,要求製造商蒐集電子廢棄物、回收製造並以友善環境的方式處理廢棄物。本規定不屬於技術性法規或符合性評鑑程序,不應在TBT委員會討論,但仍會將評論帶回國內考慮。

# 2. 印度新通訊產品規則

加拿大、歐盟、美國及日本持續關切(1)國內測試要求會阻礙產品進口,應開放接受國外測試報告;(2)採用逐批測試造成過度負擔,建議採用型式試驗;(3)要求使用國際標準,如 ISO 27000、3GG;(4)未提出通知。印度說明本項規定已延後至 2017 年 4 月 1 日實施,至於國際標準尚不足以提供足夠的安全保護。

3. 印度電子及資訊科技產品強制性標示(G/TBT/N/IND/44, IND/44/Add.1-5, IND/47, IND/47/Add.1)

歐盟、美國、韓國及加拿大持續關切(1)產品測試僅能由印度標準局 (Bureau of Indian Standards, BIS)認可之印度實驗室進行,印度實驗室能量不足,已嚴重影響註冊申請案之進度,強力要求印度政府認可國外實驗室提供測試服務,特別是直接認可國際認證論壇(IAF)或國際實驗室認證合作(ILAC)相互承認協議簽署認證機構所認證之實驗室;(2)印度政府要求之測試標準與IEC標準相同,應擴大接受IECEE CB測試報告,

避免重複測試;(3)測試報告效期僅有 90 日,與國際作法不同;(4)註冊 的主體應為產品,而非工廠,因同型式的產品可能在不同工廠製造,卻 要重複註冊;(5)確認電源供應器及伺服器是否需要登錄。

印度回應並沒有要求國內測試,只是實驗室必須被 BIS 指定。IECEE CB Scheme 只跟國家驗證機構(NCB)有關係,對印度政府並沒有約束力,印度已成立工作小組解決相關問題。電源供應器需要強制登錄,實施日期也已延後至 2017 年 4 月 1 日。

4. 阿聯大公國電子電機產品限用有害物質(G/TBT/N/ARE/265)

歐盟關切法規草案附件 3、4 所列排除清單並未包含其他類似法規排除的物質,並請阿聯大公國澄清法規草案中的一些規定,但一直沒有接獲任何資料。由於阿聯大公國未有出席代表,主席請秘書處將歐盟關切轉達阿聯大公國。

# 化學品:

# 5. 歐盟 REACH 法規

加拿大關切歐盟法規關於 2018 年 5 月 31 日的登錄期限及 Letter of Access 條款對中小企業造成負面影響,特別是 1-100 噸進口量或製造量的業者,影響中小企業的競爭力。歐盟回應已採取數據分享等措施降低中小企業的負擔。

6. 韓國化學物質註冊及評估法規(G/TBT/N/KOR/305, 305/Add.1, 478, 547, 592)

美國、澳洲關切(1)法規制訂透明化不夠,有毒物質清單經常變動,導致沒有評論的機會;(2)指導文件沒有英文翻譯,導致資訊混淆;(3)要求設立單一窗口方便詢問;(4)業者機密資訊揭露的風險;(5)要求接受科學專家聲明(scientific expert statements)及歐盟 REACH 數據庫以避免

重複測試。韓國回應已建置化學品管制法專屬網站,接受線上評論意見, 英文版指導文件將置於網站上供外國業者參考,此外,韓國接受 QSAR 結果及 REACH 資料庫。

7. 歐盟 REACH 法規附件 17 有關輪胎限用多環芳香烴(PAHs)措施

中國大陸表示此法規用的 ISO 21461 測試方法不適當,費用高且容易誤導消費者,有其他更適合的標準,請歐盟說明採用該標準之理由。歐盟表示 ISO 21461 是國際標準,尚屬適當。

8. 中國大陸木製家具中揮發性有機物質(TVOC)遷移限量 (G/TBT/N/CHN/1094-1096)

歐盟關切通知的措施中(1)哪些是自願性,哪些是強制性;(2)標準與國際準有差異,有些測試方法過於特別,不清楚其作用。中國大陸回應其標準係以相關國際標準為基礎,並未有差異。

# 農產品/食品/醫療器材/化粧品/藥品:

9. 韓國有關菸品及飲料警語規定(G/TBT/N/KOR/664)

韓國於 2016 年 7 月 29 日發出通知文件,墨西哥、美國、紐西蘭、澳洲、加拿大、日本等提出關切,重點包含(1)該措施所規定的警語對貿易造成不必要的障礙,(2)沒有科學證據能證明飲酒與致癌的關聯,(3)評論期還未結束就實施,無意採納評論意見,(4)是否考量過其他對貿易影響較小的措施,(5)延後實施。韓國回應本項措施已提出通知,並給 12 個月的過渡期,韓國將就科學證據及英文翻譯部分與關切國溝通,並表示韓國政府有義務保障國民健康。

10. 印尼加工食品健康訊息標示及糖、鹽、脂肪含量資訊(G/TBT/N/IDN/84 及 IDN/84/Add.1)

儘管印尼已將本措施延後到 2019 年實施,歐盟及瓜地馬拉關切(1)本項

健康資訊的標示措施以強制性標示方式執行的必要性,(2)擴大接受實驗室的測試結果,不限於與印尼認證機構(KAN)簽有相互承認協議之認證機構所認證的實驗室。印尼回應將在互惠的基礎上承認測試結果。

# 11. 中國大陸醫療器材監督與管理(G/TBT/N/CN/1022-1026, 1029)

韓國、加拿大及歐盟關切的重點仍在於中國大陸不接受國際實驗室認證合作(ILAC)相互承認協議架構所認證之實驗室測試報告,以及免除臨床試驗評價之醫療器材清單。中國大陸回應第一批及第二批免於進行臨床試驗之醫療器材目錄分別於2015年10月及2016年9月公布。第二批目錄共有359個產品,其中第二類醫療器材267個、第三類醫療器材92個(http://www.sda.gov.cn/WS01/CL0087/164956.html)。實施優先審批的醫療器材主要有2種情況:一是診斷或治療罕見疾病、惡性腫瘤且具有明顯臨床優勢的醫療器材、診斷或治療老年人特有和多發疾病且目前尚無有效診斷或治療手段的醫療器材、專用於兒童且具有明顯臨床優勢的醫療器材、臨床急需且尚無同品種產品獲准註冊的醫療器材;二是列入國家科技重大專項或國家重點研發計劃的醫療器材。

# 12. 中國大陸藥品及醫療器材註冊費用

加拿大、韓國、澳洲持續對中國大陸藥品及醫療器材註冊費用不透明、輸入產品未區隔註冊費及工廠檢查費用、「省級價格」之定義、小型及微型企業的創新醫療器材產品免收首次註冊費的適用範圍等提出關切。中國大陸回應相關規定已公布於食品藥品監督管理總局(CFDA)網站(http://www.sda.gov.cn/WS01/CL0087/120201.html),目前無其他更新資料。

# 13. 印尼清直食品保證法

美國、歐盟、澳洲及紐西蘭繼續關切印尼未就本措施提出通知、非清真產品之適用問題及標示規定、清真食品管理制度是否可以 ISO 9001 制

度取代、過渡期太短(希望延後至2019年11月)、國外機構如何取得認可等。印尼回應本措施之實施將分為3階段,第1階段涵蓋食品及飲料,第2階段涵蓋化粧品、化學產品及基因工程產品,第3階段涵蓋藥品及生化產品,目前尚無進一步更新資料,將適時提出通知文件。

# 14. 歐盟農產品及食品品質系統(G/TBT/N/EU/139 及 G/TBT/N/EU/139/Add.1)

丹麥向歐盟提出保護 danbo 及 havarti 乳酪地理標示保護的申請,美國表示 Codex 分別在 50 年前及 30 年前針對該 2 用語制定生產標準,供各國遵循,詢問歐盟未來通過該申請案後(1)是否禁止依據 Codex 標準而使用該等名稱之乳酪的進口,(2)歐盟是否會尋求國際協定,禁止其他市場販售符合 Codex 標準使用該等名稱乳酪的販售,(3)歐盟是否考慮對貿易影響較小之措施,如加註 Danish,允許符合 Codex 標準之乳酪仍可使用該等名稱於歐盟市場販售。歐盟回應該向申請尚未完成審查,目前無其他說明,建議於與貿易有關之智慧財產權協定(trade-related aspects of intellectual property rights, TRIPS)會議討論。

# 玩具:

# 15. 印尼強制性玩具安全規定(G/TBT/N/IDN/64)

歐盟、日本及美國持續關切(1)要求印尼政府認可國外實驗室提供測試服務,不需要與印尼政府簽署備忘錄或相互承認協議作為前提(事實上印尼政府根本沒有簽署這樣的協議),促請印尼政府直接認可國際實驗室認證合作(ILAC)相互承認協議簽署認證機構所認證之實驗室,或允許印尼符合性評鑑機構與國外實驗室進行委託測試之合作;(2)進口玩具與國產玩具取樣方法不同,違反國民待遇(進口每批抽樣,國產每6個月抽樣);(3)要求印尼玩具檢測標準與國際標準調和。印尼回應會員國提供的意見仍在評估中,採用的標準皆與國際標準調和,歡迎與會員進一步討論。

# 16. 巴西玩具驗證(G/TBT/N/BRA/612)

美國、歐盟及加拿大持續關切(1)每個系列產品的每家工廠都要接受稽核,增加不必要的複雜性及費用,建議採用供應商符合性聲明制度或由ILAC 認證機構認證的實驗室進行取樣工作;(2)產品追溯系統要求每一型式的產品都要登錄,對於廠商的負擔過重,建議改為製造商或進口商登錄即可,並允許製造商或進口商選擇適當的方法建立其內部追溯制度;(3)產品登錄要求測試實驗室拍攝測試過程,國際間並無其他前例的規定,不理解其目的;(4)要求法規通過後仍須通知WTO。

巴西回應針對該法規草案收到 68 件評論意見,所有的評論意見都還在檢視中,預計於 2016 年底公布最終法規。有關測試實驗室拍攝測試過程的要求,現階段無法確認是否刪除。

# 其他:

# 17. 歐盟原產地標示

美國及紐西蘭關切歐盟部分會員國要求肉類及乳品標示原產地(有些會員國 2017 年 1 月 1 日即實施),詢問是否適用到其他農產品,並要求歐盟提出通知,以利業者評論。歐盟說明內部正進行討論中,願與會員雙邊諮商。

# 18. 印度車輛輻射型輪胎

歐盟及日本關切(1)印度標準機構(Indian Standards Institute, ISI)標籤費用過高;(2)強制性驗證的必要性;(3)要求境外工廠支付銀行擔保費造成歧視;(4)以生產量為基礎進行測試對部分業者造成測試頻率過高,改為每年1次就足夠。印度回應有關銀行擔保費用及測試頻率都不是新的規定,相關說明請詳2015年3月及2016年3月的會議紀錄,此外,驗證制度則是符合 ISO/IEC 第5類制度的要求,無須進行通知。

# 19. 印度不銹鋼產品(G/TBT/N/IND/50)

歐盟於 2015 年 10 月 23 日提出評論意見,就 BIS 強制性驗證要求、重複測試及費用提出關切,要求以 ISO 9001 驗證取代工廠檢查。印度回應工廠檢查及臨場測試是 BIS 符合性評鑑制度的一環,而且 ISO 9001 是品質管理系統,與產品驗證制度不同,因此無法取代。



# G/TBT/N/IDN/103/Rev.1

17 March 2016

Original: English

# **Committee on Technical Barriers to Trade**

#### **NOTIFICATION**

#### Revision

The following notification is being circulated in accordance with Article 10.6.

1. Notifying Member: <u>INDONESIA</u>
If applicable, name of local government involved (Articles 3.2 and 7.2):

2. Agency responsible: Directorate General of Postal and Information and Communication Technology (ICT) Resources and Equipment, Ministry of Communication and Information Technology

Name and address (including telephone and fax numbers, email and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above:

Center of International Affairs

Medan Merdeka Barat Streer No.9 Jakarta 10110

Phone: +62 021-3848104 Fax: Fax: +62 021-3500959 Email: sunardi@postel.go.id Website: http://www.kominfo.go.id

Directorate of Standardization of Postal and ICT Equipment

Sapta Pesona Building

Medan Merdeka Barat Street No. 17 Jakarta 10110

Phone: +62 021-3835815 Fax: +62 021-3835845 Email: hadiyana@postel.go.id Website: http://www.postel.go.id

Center for Cooperation on Standardization

National Standardization Agency of Indonesia (BSN)

BPPT I Building, 12th Floor Jl. M.H. Thamrin No.8 Jakarta – Indonesia 10340

Telephone: +62 21 3927434 ext. 127

Facsimile: +62 21 3927527

E-mail: tbt.indonesia@gmail.com/tbt.indonesia@bsn.go.id

Website: http://bsn.go.id/

# 3. Notified under Article 2.9.2 [X], 2.10.1 [ ], 5.6.2 [X], 5.7.1 [ ], other:

4. Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable): IT products

5. Title, number of pages and language(s) of the notified document: Regulation of Minister of Communication and Information Technology No. 27 Year 2015 concerning Technical Requirements of Equipment and/or Telecommunication Devices Standards-Based of Long Term Evolution Technology (31 pages, in Indonesian)

# 6. Description of content:

- This regulation states that any devices and/or telecommunications equipment standards-based for LTE technology (referred to Base Station and Subscriber Station) that have been made, assembled, imported for trade and/or used in Indonesia must fulfil the technical requirements. The Scope of mandatory technical requirements is applied to Working Frequency, Channel Bandwidth, Transmitter, Receiver, Power Supply and EMC requirement as stated in Annex 1 and 2 of this Regulation
- The assessment of mandatory technical requirement for devices and/or telecommunications equipment standards-based for LTE technology is carried out by testing in accordance with rule and legislation based on International Standard ETSI TS 36.101 and ETSI TS 36.104

## 7. Objective and rationale, including the nature of urgent problems where applicable:

1.To ensure interconnectivity, interoperability, and security for telecommunication network and information 2.To avoid interference among telecommunication equipments

#### 8. Relevant documents:

- Decree of Minister of Communication and Information No. 18/2014 concerning Certification of Telecommunication Equipment (G/TBT/N/IDN/81)
- Decree of Minister of Communication and Information No. 1/2015 concerning The amandement of Decree of Communication and Information No. 18/2014 concering Certification of Telecommunication Equipment
- 9. Proposed date of adoption: 7 July 2015

Proposed date of entry into force: 7 July 2015

10. Final date for comments: 60 days from notification

11. Texts available from: National enquiry point [X] or address, telephone or fax numbers and email and website addresses, if available, of other body:

Center for Cooperation on Standardization National Standardization Agency of Indonesia (BSN) BPPT I Building, 12th Floor Jl. M.H. Thamrin No. 8 Jakarta – Indonesia 10340

Telephone: +62 21 3927434 ext. 127

Facsimile: +62 21 3927527

E-mail: tbt.indonesia@gmail.com/tbt.indonesia@bsn.go.id

Website: http://bsn.go.id/

https://members.wto.org/crnattachments/2016/TBT/IDN/16 1085 00 x.pdf

# Statement by the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu at the Regular Meeting of the Committee on Technical Barriers to Trade November 2016

Agenda: Indonesia — MOI 69/2014 Article 3: LCR Requirements for LTE Devices –

Requirement that Domestic Component Level (TKDN) of LTE TDD & FDD broadband services equipment

Thank you, Madam Chair.

We would like to raise our serious concern regarding Indonesia's local content requirements for 4G smartphones.

In July 2015, Indonesia's Ministry of Communications and Information Technology issued regulation No.27. The regulation requires all LTE smartphones to increase the quantity of locally produced content for their phones and packaging. In September 2016, Indonesia's Ministry of Industry further released a domestic content calculation method. Based on our research, Indonesia's measure violates its obligations under Article 2.1 of the TBT Agreement. Smartphones from other Members are treated less favorably than Indonesian ones, because importers must comply with the local content requirements to import smartphones. In other words, smartphone companies have to purchase a threshold value of Indonesian-produced components and packaging in order to obtain an import license.

Since Indonesia is one of our major trading and investment partners in Southeast Asia, we have a substantial interest in this case. We hope Indonesia could bring the measure into consistency with the TBT Agreement.

Thank you, Madam Chair, for giving me the floor.



# G/TBT/N/TPKM/225

8 December 2015

Original: English

# **Committee on Technical Barriers to Trade**

#### **NOTIFICATION**

The following notification is being circulated in accordance with Article 10.6

1. **Notifying Member:** THE SEPARATE CUSTOMS TERRITORY OF TAIWAN, PENGHU, KINMEN AND MATSU **If applicable, name of local government involved (Article 3.2 and 7.2):** 

# 2. Agency responsible:

Agriculture and Food Agency(AFA)

Council of Agriculture

8, KUANG-HUA ROAD, CHUNG-HSING NEW VILLAGE, NANTOU, 54044 TAIWAN

TEL: (886-49) 2332-380 ext 2429

FAX: (886-49) 234-1092

E-mail: hsiuhui@mail.afa.gov.tw

Name and address (including telephone and fax numbers, email and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above:

- 3. Notified under Article 2.9.2 [ X ], 2.10.1 [ ], 5.6.2 [ X ], 5.7.1 [ ], other:
- 4. Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable): Organic agricultural products

AGRICULTURE (ICS: 65)

5. Title, number of pages and language(s) of the notified document: Draft of the Organic Agriculture Act (9 pages, in Chinese)

# 6. Description of content:

To maintain the ecological balance, enhance the quality of organic agricultural products, improve the public health and protect consumer rights, the AFA intends to promulgate "The Organic Agriculture Act" (hereinafter "the Act"). The Act will come into effect one year after adopted by Taiwan Legislative Yuan, and the AFA will propose implementing measures based on the Act.

Organic agriculture is an important part of the sustainable circulation system of the nature and also the key production method for providing safe source of food. For this reason many countries in the world deem organic agriculture as a national green industry policy and provide support and management through legislation. Currently the management of Taiwan's organic agriculture relies on the provisions related to production of agricultural products and the certification

management regulations. Although Taiwan stipulates explicit regulations governing the requirements for organic production process, certification management, and the penalties for organic agricultural product inspections, Taiwan is also facing challenges for changes in the environment of domestic agricultural production, rigorous requirements for quality from organic consumers, and discretions over the product trade regulations for international organic equivalence.

The Act is drafted with 41 articles to promote the sustainable development of Taiwan's organic agriculture and improve the quality of organic agricultural products, in order to maintain national health, take consideration of the interest and rights of producers and consumers, and achieve the objectives in organic ecology of environment, farmers' organic production, and the organic live of consumers.

# 7. Objective and rationale, including the nature of urgent problems where applicable:

Prevention of deceptive practices and consumer protection

Protection of the environment

#### 8. Relevant documents:

**9. Proposed date of adoption:** To be determined

Proposed date of entry into force: One year after the legislative adoption and announcement

## **10. Final date for comments:** 60 days from notification

# 11. Texts available from: National enquiry point [X] or address, telephone and fax numbers and email and website addresses, if available, of other body:

TPKM-WTO/TBT Enquiry Point

Bureau of Standards, Metrology and Inspection

Ministry of Economic Affairs

No.4, Sec. 1, Jinan Rd.

Zhongzheng Dist., Taipei City 100, Taiwan

Tel: (886-2) 33435191 Fax: (886-2) 23431804 E-mail:tbtenq@bsmi.gov.tw

http://www.afa.gov.tw/organicAgriculture.aspx?CatID=809

1 file(s) attached



# G/TBT/N/TPKM/225/Add.1

2 February 2016

Original: English

# **Committee on Technical Barriers to Trade**

# Addendum

**NOTIFICATION** 

The following communication, dated 2 February 2016, is being circulated at the request of the delegation of The Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu.

Since the English translation of the Organic Agriculture Act (G/TBT/N/TPKM/225, hereinafter "the Act") is in progress, the Agriculture and Food Agency under the Council of Agriculture would like to extend the comment period to 31 March 2016. The English translation will be notified to the WTO Members as soon as it is available.

The Act (in Chinese) is still available on the website <a href="http://www.afa.gov.tw/organicAgriculture.aspx?CatID=809">http://www.afa.gov.tw/organicAgriculture.aspx?CatID=809</a>

TPKM - WTO/TBT Enquiry Point Bureau of Standards, Metrology and Inspection Ministry of Economic Affairs No.4, Sec. 1, Jinan Rd. Zhongzheng Dist., Taipei City 100, Taiwan

Tel: (886-2) 33435191 Fax: (886-2) 23431804

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# WORLD TRADE ORGANIZATION

# G/TBT/N/TPKM/225/Add.2

15 March 2016

# **Committee on Technical Barriers to Trade**

Original: English

#### **NOTIFICATION**

Addendum

The following communication, dated 14 March 2016, is being circulated at the request of the delegation of <u>The Separate Customs Territory of Taiwan</u>, Penghu, Kinmen and Matsu.

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The Agriculture and Food Agency under the Council of Agriculture would like to notify to the WTO Members that the English translation of the Organic Agriculture Act (G/TBT/N/TPKM/225, hereinafter "the Act") is now available.

The Act (both in Chinese and English) can be found on the website <a href="http://www.afa.gov.tw/organicAgriculture.aspx?CatID=809">http://www.afa.gov.tw/organicAgriculture.aspx?CatID=809</a>

TPKM-WTO/TBT Enquiry Point Bureau of Standards, Metrology and Inspection Ministry of Economic Affairs No.4, Sec. 1, Jinan Rd. Zhongzheng Dist., Taipei City 100, Taiwan

Tel: (886-2) 33435191 Fax: (886-2) 23431804 E-Mail: <a href="mailto:tbtenq@bsmi.gov.tw">tbtenq@bsmi.gov.tw</a>

 $\underline{https://members.wto.org/crnattachments/2016/TBT/TPKM/16\ 1055\ 00\ e.pdf}$ 

# Response from Chinese Taipei to comments from the EU on G/TBT/N/TPKM/225 regarding draft Organic Agriculture Act

2016.11.10-11

We appreciate comments from the EU on our draft Organic Agriculture Act. The draft was proposed for purpose of setting a specialized law for the management of organic agricultural products, and to make the legislative framework clear and easy to understand. The draft is also designed to address challenges arising from rapid changes to the domestic production environment of agricultural products, to the heightened expectations from consumers and also to problems of cross-border trade of our organic agricultural products. As the draft is only a framework, it does not affect the implementation details, which are currently specified in the regulation titled "Management Regulations for Certifying Organic Agricultural Products and Processed Products". EU's inquiry about the coverage of products and process stages are prescribed in the Regulations mentioned, we are willing to provide a copy of it for EU's reference.

The draft is still under administrative review and we have no updates at this moment. The comment on extension of the timeframe for concluding new bilateral equivalency agreements, together with other comments received, is under careful consideration. In the meantime, as it is difficult to predict when the legislative process will be completed, the timeframe may not be an issue. We welcome bilateral discussions or consultations with interested Members for equivalency so that trade of organic agricultural products can benefit from the arrangement immediately after the adoption of the Act.

# Proposal for a Thematic Session on Risk Assessment in 2017

Article 2.2 of the TBT Agreement requires that "technical regulations shall not be more trade-restrictive than necessary to fulfill a legitimate objective, taking account of the <u>risks</u> non-fulfillment would create. ... In assessing such <u>risks</u>, relevant elements of consideration are, inter alia: available scientific and technical information, related processing technology or intended end-uses of products" Article 5.1.2 also requires that "conformity assessment procedures shall not be more strict or be applied more strictly than is necessary ..., taking account of <u>risks</u> non-conformity would create." Although these are the only three places that the term "risk" appears in the whole text of the Agreement, it seems to be an important factor for determining how restrictive a technical regulation or a conformity assessment procedure would be.

We tried to look at the concerns raised by Members in STCs, and found that quite a number of arguments involved the concept of risk, for examples, to request for a risk-based approach to conformity assessment requirements, to inquire about how risk assessment was conducted, to emphasize on differences between hazard identification and risk analysis, to question the risk level of products, to seek definitions of different levels of risk and to urge that risks are analyzed based on scientific evidence. This shows that Members also use "risk" as a critical element of assessing whether a measure proposed or adopted by other Members is disproportionate and unnecessarily trade restrictive to address the legitimate objectives.

As identified by Members in their concerns, there are different aspects of "risk," the definition, identification, assessment and analysis, management, etc. Even though each of these aspects can be scientifically addressed, the fact that Members adopted different approaches to reduce risks indicates gaps along the decision-making process. We are of the view that exchanges of experiences on the way risk assessment is conducted may help fill the gaps and further provide best practices. Meanwhile, we noticed that the OECD published a "Report on International Consumer Product Safety Risk Assessment Practices" on 20 September 2016, which can also be a good resource for our discussion here.

# Recommendation

We would like to propose a thematic session on risk assessment in 2017 to enable exchanges of experience among Members and facilitate implementation of Articles 2.2 and 5.1.2 of the TBT Agreement.