中国 WTO/TBT 国家通报咨询中心

China WTO/TBT National Notification & Enquiry Center

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Date: Sept.18, 2026	Number of pages: 2+3
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Department for WTO Affairs, Ministry of Commerce of P.R. China	Fax: [redacted]
Permanent Mission of P. R. of China to WTO	Fax: [redacted]
From:	
China WTO/TBT National Notification & Enquiry Center.	Tel: [redacted] E-mail: tbt@customs.gov.cn

Subject:

Comments from P. R. China on Notification
G/TBT/N/EU/1229

Draft Commission Implementing Regulation laying down rules for the application of Directive 2008/98/EC of the European Parliament and of the Council as regards criteria to determine when plastic waste ceases to be waste

Comments from P. R. China on Notification

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Draft Commission Implementing Regulation laying down rules for the applicati on of Directive 2008/98/EC of the European Parliament and of the Council as regards criteria to determine when plastic waste ceases to be waste

Dear Sir or Madam,

We appreciate the opportunity to submit comments on the notified draft proposed by EU.

Enclosed please find comments in English and Chinese.

Please acknowledge receipt of the comments by e-mail to tbt@customs.gov.cn and liu_jianhua@customs.gov.cn.

Thank you very much in advance for EU taking into account comments from P.R. China. Your formal reply will be appreciated.

Best regards,

[redacted]

[redacted]

E-mail: tbt@customs.gov.cn

Comments from P. R. China on Notification

G/TBT/N/EU/1229

Draft Commission Implementing Regulation laying down rules for the application of Directive 2008/98/EC of the European Parliament and of the Council as regards criteria to determine when plastic waste ceases to be waste

The People's Republic of China appreciates European Union for fulfilling the transparency obligation under WTO, as well as for the opportunities for other WTO Members to make comments on the notification G/TBT/N/EU/1229. According to Article 2.9.4 of the WTO/TBT Agreement "without discrimination, allow reasonable time for other Members to make comments in writing, discuss these comments upon request, and take these written comments and the results of these discussions into account", China would like to put forward the following comments on the notified regulations and hope EU take these comments into consideration. The detail comments as follows:

1. It is recommended that EU extend the comment period for this measure. The reasons are as follows:

According to Article 2.9.4 and Article 5.6.4 of the WTO/TBT Agreement concerning the requirement to allow other Members reasonable time to make written comments, Members should provide other WTO Members with a reasonable period to fully study the proposed technical regulation or conformity assessment procedure and submit written comments. This notification was issued on August 6, 2026, with a comment deadline of September 20, 2026. The comment period is only 45 days, which is shorter than the usual requirement of at least 60 days for other Members.

Furthermore, this draft not only involves the technical conditions for the end-of-waste status of plastic waste, but also involves multiple new requirements such as quality management system verification, declarations of conformity, and obligations for third-country recycling enterprises and importers. Enterprises involved in food-contact recycled plastics also need to further study the interface between the above requirements and food contact material regulations such as (EC) No 1935/2004 and (EU) 2022/1616. Sufficient time is needed to assess the impact on production, testing, quality management, and international trade. Therefore, **it is recommended that EU extend the comment period for this notification to at least 60 days, so as to provide other WTO Members and relevant stakeholders with sufficient time for study and comment.**

2. It is recommended that EU consider establishing a mechanism for the equivalent acceptance of conformity assessment results from third countries. The reasons are as follows:

According to Article 6.1 of the WTO/TBT Agreement concerning the acceptance, whenever possible, of the results of conformity assessment procedures of other Members, and Article 6.4 concerning encouraging the participation of conformity assessment bodies located in the territories of other Members in conformity assessment procedures, China notes that Article 5(8) of the draft provides that suppliers of recycled plastics from third-country recycling facilities shall establish a quality management system complying with the requirements of Article 5(1), (2), and (3), and

shall be verified by a conformity assessment body or environmental verifier as specified in Article 5(4); the body concerned shall be accredited or licensed in an EU Member State and be qualified to carry out verification activities for third-country organizations. Article 5(9) of the draft further provides that if the importer fails to meet the above requirements, the exported plastics shall still be regarded as waste.

The above provisions already specify the pathway for third-country enterprises to complete quality management system verification through the EU accreditation or licensing system. However, the draft does not contain provisions on accepting verification results issued by conformity assessment bodies with relevant technical competence under the accreditation systems of other WTO Members. For enterprises in third countries such as China, if their quality management systems have already been audited by domestically accredited conformity assessment bodies with relevant technical competence, they may still need to separately commission a body that meets EU Member State accreditation or licensing conditions to carry out verification in order to comply with this draft, which may result in duplicate verification and additional compliance costs.

Therefore, **it is recommended that EU, on the premise of ensuring that verification results provide equivalent assurance of conformity, consider establishing a mechanism for the equivalent acceptance of conformity assessment results from third countries. For third-country conformity assessment bodies that are accredited in accordance with relevant international standards and can demonstrate relevant technical competence, clear conditions and pathways for the acceptance of their verification results should be specified, so as to reduce unnecessary duplicate conformity assessment and the resulting trade costs.**

Comments in Chinese are in below:

中国对 G/TBT/N/EU/1229 通报的评议意见

中国赞赏欧盟履行 WTO 透明度义务，给予其他 WTO 成员评议 G/TBT/N/EU/1229 号通报的机会，根据 WTO/TBT 协定 2.9.4 条“无歧视地给予其他成员合理的时间以提出书面意见，并对这些书面意见和讨论的结果予以考虑”的规定，请欧盟对中方的评议意见予以考虑并作出答复，中方意见及论述如下：

1.建议欧盟延长该措施的意见反馈期限。理由如下：

根据 WTO/TBT 协定第 2.9.4 条、第 5.6.4 条等关于给予其他成员合理时间提出书面意见的要求，成员方应给予其他 WTO 成员合理时间，以便就拟议的技术法规或合格评定程序充分研究并提出书面意见。本通报于 2026 年 8 月 6 日发布，意见反馈截止日期为 2026 年 9 月 20 日，评议期仅为 45 天，少于通常给予其他成员的至少 60 天评议期限的要求。

同时，本草案不仅涉及塑料废物终止废物属性的技术条件，还涉及质量管理体系验证、符合性声明、第三国回收企业及进口商义务等多项新要求，食品接触再生塑料相关企业还需进一步研究上述要求与 (EC) No 1935/2004、(EU) 2022/1616 等食品接触材料法规之间的衔接关系，需要较充分的时间评估其对生产、检测、质量管理和国际贸易的影响。因此，建议欧盟将该通报意见反馈期限至少延长至 60 天，为其他 WTO 成员及相关利益方提供充分的研究和评议时间。

2.建议欧盟考虑建立第三国合格评定结果的等效接受机制。理由如下：

根据 WTO/TBT 协定第 6.1 条关于在可能情况下接受其他成员合格评定程序结果，以及第 6.4 条关于鼓励允许位于其他成员境内的合格评定机构参与合格评定程序的相关规定，中方注意到，草案第 5 条第 8 款规定，来自第三国回收设施的再生塑料供应商应建立符合该条第 1 款、第 2 款和第 3 款要求的质量管理体系，并由第 5 条第 4 款规定的合格评定机构或环境验证机构进行验证；有关机构应在欧盟成员国取得相应认可或许可，并具备对第三国组织开展验证活动的资格。草案第 5 条第 9 款进一步规定，如进口商未满足上述要求，相关输出塑料仍将被视为废物。

上述规定已经明确了第三国企业通过欧盟认可或许可体系完成质量管理体系验证的途径，但草案未见关于接受由其他 WTO 成员认可体系下具备相应技术能力的合格评定机构所出具验证结果的规定。对于中国等第三国企业而言，如其质量管理体系已经由本国具备相应技术能力并获得认可的合格评定机构审核，为满足本草案要求，仍可能需要另行委托符合欧盟成员国认可或许可条件的机构进行验证，从而可能产生重复验证及额外合规成本。

因此，**建议欧盟在确保验证结果能够提供等效符合性保证的前提下，考虑建立第三国合格评定结果的等效接受机制，对于依据相关国际标准获得认可并能够证明具备相应技术能力的第三国合格评定机构，明确其验证结果获得接受的条件和途径，以减少不必要的重复合格评定及由此产生的贸易成本。**