Ref. Ares(2026)2446971 - 05/03/2026

Supplementary comments from P. R. China on the Notification G/TBT/N/EU/1181

The government of the People's Republic of China appreciates EU's fulfilment of WTO transparency obligations and the opportunity EU has provided other members to comment on notification G/TBT/N/EU/1181. According to Article 2.9.4 of 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", we kindly request that you consider China's comments and provide a response. China submitted six comments on February 9, 2026, and now supplements them with four additional comments. The specific comments are as follows:

1. Multiple provisions within the draft regulation, including Articles 1, 2 and 5, explicitly restrict the provision of digital access to "QR codes", which is suspected of constituting a compulsory designation of specific commercial technical solutions. Mandating the exclusive use of a single type of QR code may restrict the adoption of other solutions that comply

with international standards and are technically equivalent or even superior, thereby hindering technological innovation and industrial development. For global manufacturers, particularly those with diverse technological capabilities and supplier ecosystems, this requirement may incur additional compliance and coding conversion costs. Pursuant to Article 2.8 of the WTO/TBT Agreement, China proposes expanding the scope of digital access beyond QR codes to include Data Matrix, Hanxin code, and other such formats.

2. The draft regulation stipulates that “this Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union” and shall be formally applied 18 months after its entry into force. However, the draft regulation fails to adequately consider the retrospective compliance burden faced by existing products and those covered by trade contracts already concluded following the regulation’s implementation. For instance, requiring batteries manufactured prior to the effective date of this Regulation but not yet placed on the EU market, as well as those produced under contracts concluded between manufacturers and EU importers or distributors before the Regulation’s entry into force,

to comply with its labelling requirements could result in substantial quantities of legally produced batteries – including those in transit but not yet arrived at EU ports – being compelled to withdraw from the EU market. This would cause significant economic losses and disrupt market order. Pursuant to Article 2.1 of the WTO/TBT Agreement, China proposes that EU should grant exemptions for products manufactured prior to the effective date of this regulation and arriving at EU ports after the implementation date, provided that enterprises can furnish evidence verifying the product's date of manufacture.

3. Annexes I, II, and III of the draft regulation require that critical raw materials which are present in the battery in a concentration of more than 0.1% weight by weight be labeled on the packaging of battery products. China understands that this requirement aims to enhance supply chain transparency. However, China believes that mandating its implementation on product labels is unnecessary and impractical, and may impose unreasonable burdens for three reasons: first, labeling critical raw materials will severely crowd limited label space, hindering access to core information. Second, product labels are designed to help consumers understand key information such as product

safety and environmental performance, thereby facilitating the selection of safe and compliant products. In contrast, information about critical raw materials is not essential for consumers when making purchasing decisions. Third, the formulation of critical raw materials constitutes core battery manufacturing technology. Mandating its disclosure on product labels undermines the protection of commercial secrets and harms the innovative environment essential for fair market competition. Pursuant to Article 2.2 of the WTO/TBT Agreement, China proposes to remove the mandatory disclosure requirement for critical raw material information on labels.

4. Annex V of the draft regulation specifies the detailed color scheme for carbon footprint labels. China understands that unified color standards facilitate rapid identification of label content, but believes this proposal fails to adequately account for the diversity, complexity, and costs of actual production, potentially imposing unnecessary burdens. For instance, battery casings come in a variety of colours, yet there is a mandatory requirement to print a pure white background on all base colours. For batteries with dark casings, this necessitates either applying an additional layer of white primer or employing specialised

processes. This increases corporate expenditure on inks, manufacturing techniques, and quality control, while also limiting the possibility for companies to adopt alternative colour schemes that could achieve the same identification effect at lower cost or with greater aesthetic harmony with the product. Pursuant to Article 2.2 of the WTO/TBT Agreement, China proposes that EU refine the colour scheme for the carbon footprint label printed or engraved on the surface of batteries, as specified in the final paragraph of Annex V, permitting companies to employ flexible colour scheme for labels provided they meet high contrast and easy distinguishability requirements; black-and-white formats are not mandatory.