

中国 WTO/TBT 国家通报咨询中心

China WTO/TBT National Notification & Enquiry Center

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From: China WTO/TBT National Notification & Enquiry Center.	Tel: 86-10-57954638 Fax: 86-10-57954689 E-mail: tbt@customs.gov.cn
Subject: Comments from P. R. China on United States Notification G/TBT/N/USA/2099 Federal Motor Vehicle Safety Standard (FMVSS) No. 213 Test Procedure (TP-213-11)	

Comments from P. R. China on United States Notification

G/TBT/N/USA/2099

Federal Motor Vehicle Safety Standard (FMVSS) No. 213 Test Procedure (TP-213-11)

Dear Sir or Madam,

We appreciate the opportunity to submit comments on the notified draft proposed by United States of America.

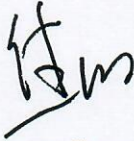
Enclosed please find comments in English and Chinese.

Please acknowledge receipt of the comments by e-mail to tbt@customs.gov.cn and pengdy_tbt@163.com.

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

Best regards,

Jiao Yang



Deputy Director General

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Comments from P. R. China on United States Notification

G/TBT/N/USA/2099

1. There are significant differences between the regulation and current international practices in terms of "test dummies, test requirements, and test conditions", especially in the use of dummies in CARB Section 1-12 and UN R1C29 regulations, which differ in terms of dummy head inclusivity, HIC corresponding index requirements, side collision speed, and acceleration. This leads to higher thresholds for design, technology, certification and other aspects of the relevant industry, resulting in a significant increase in production costs and supporting costs for relevant manufacturers. In order to avoid unnecessary trade barriers, according to the principle of harmonization in the TBT Agreement, China recommends adopting international common practices in key parts such as performance requirements and test methods for side collision protection that have a significant impact on the development of the relevant industry.

2. The draft regulation stated that "NHTSA enforces its standards by purchasing equipment from the market and conducting tests in independent testing laboratories in accordance with applicable standards, rather than testing every available product, applicable requirement, or manufacturer's statement.". This approach will inevitably increase the export uncertainty of automobile manufacturers, such as the inability to confirm whether the product needs to be tested before signing the contract, or whether the test results will serve as a basis for determining compliance with FMVSS NO. 213 and 231a, which poses a certain risk of breach of contract. To ensure the smooth implementation of the regulation, China recommends that USA provide necessary clarification and explanation on products, requirements or manufacturer's statement that must be tested based on actual circumstances.

Comments in Chinese are as below:

1.该法规草案在“试验假人、试验要求、试验条件”等方面与现行国际惯例存在较大差异，特别是 CARBI 12 月假人与 UN R1C29 等法规采用假人不同，假人头包容性和 HIC 相应指标要求、侧面碰撞速度及加速度等方面均不一致，导致相关产业的设计、工艺、认证等方面门槛更高，致使相关制造商的生产成本、配套成本大幅提升，为避免不必要的贸易障碍，中方建议，在侧面碰撞保护的性能力要求、试验方法等相关产业发展影响较大的关键部分采用国际通行做法。

2.该法规草案中提及：“NHTSA 通过从市场采购设备并在独立测试实验室按照适用标准的要求进行测试来强制执行其标准，而并非所有可用产品、适用要求或制造商提出的每项声明都会经过测试”。这种做法势必会增加汽车制造商出口的不确定因素，如在签订合同前无法确认产品是否需要经过测试、或者测试结果是否会作为判定符合 FMVSS NO.213 及 231a 的依据，存在一定的违约风险。为保障法规的顺利实施，中方建议美方根据实际情况，对必须经过测试的产品、要求或制造商声明予以必要的明确和说明。