

# 中国 WTO/TBT 国家通报咨询中心

## China WTO/TBT National Notification & Enquiry Center

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<b>Date:</b> May.26, 2023	Number of pages: 2+4
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China WTO/TBT National Notification & Enquiry Center.	Tel: 86-10-57954638 Fax: 86-10-57954689 E-mail: tbt@customs.gov.cn
<b>Subject:</b>  <b>Comments from P. R. China on USA Notification G/TBT/N/USA/1986</b>  Low Emission Vehicle Program	

## Comments from P. R. China on USA Notification

### G/TBT/N/USA/1986

Low Emission Vehicle Program

Dear Sir or Madam,

We appreciate the opportunity to submit comments on the notified draft proposed by UNITED STATES OF AMERICA.

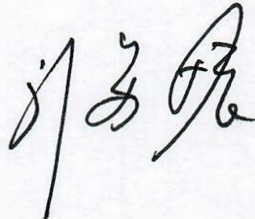
Enclosed please find comments in English and Chinese.

Please acknowledge receipt of the comments by e-mail to [tbt@customs.gov.cn](mailto:tbt@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,

Liu Suzhen



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## **Comments from P.R. China on USA Notification**

### **G/TBT/N/USA/953**

#### Low Emission Vehicle Program

The People's Republic of China appreciates UNITED STATES OF AMERICA 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/USA/1986. 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 UNITED STATES OF AMERICA take these comments into consideration. The detail comments as follows:

#### **1. It is suggested to extend the comment period.**

This notification was issued on May 2, but receive submission of comments before May 26, which violated the transparency obligation under WTO of giving no less than 60 days for the comment period. It is suggested to extend the comment period.

#### **2. It is suggested to clarify the following definitions:**

1) It is suggested to clarify the definition of "low emission" in subsection 1.1

Section 1.1 of this regulation refers to Cal. Code Regs. Tit. 13, §1900 - Definitions and Section 1962.4 "Zero-Emission Vehicle Requirements for Passenger Cars and light Trucks for 2026 and later model Years" of the California Code of Regulations without elaborating on the definition of "low emission" in the California Low Emission Vehicle Program, A clear definition of "low emissions" is recommended

2) It is recommended to clarify the definitions of "emission standard" and "environmental performance label" in Section 3.0

In Section 3.0, "Emission Standard" refers to the specified limitations on the discharge of air contaminants into the atmosphere, in which does not specifying the content of specific limits; and for "environmental performance label" , it refers to a paper or plastic decal securely affixed by the manufacturer to a window of all passenger cars, light-duty trucks, and medium-duty passenger vehicles which disclose the global warming and smog score for the vehicle in accordance with Title 13, CCR Section 1965 in Section 3.0. However "Cal. Code Regs. Tit. 13, § 1965 - Emission Control, Smog Index, and Environmental Performance Labels-1979 and Subsequent Model-Year Motor Vehicles" only mentions that light-duty trucks, and medium-duty passenger vehicles shall conform to the "California Environmental Performance Label Specifications for 2009 and Subsequent Model Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Passenger Vehicles"; medium-duty vehicles, except medium-duty passenger vehicles, shall conform to the "California Environmental Performance Label Specifications for 2021 and Subsequent Model Year Medium-Duty Vehicles, Except Medium-Duty Passenger Vehicles". There is no mention of how global warming and smog scores will be disclosed. It is suggested to



further clarify the relationship between environmental performance labels and global warming and smoke ratings to avoid ambiguity..

**3. In Recommendation subsection 2.3.2, add manufacturers of display vehicles.**

In subsection 2.3.2, only test vehicles and emergency vehicles are exempted in the scope of passenger cars, light trucks or medium vehicles in the new model year 2014 or subsequent model years exempted in subsection 2.1. It is suggested to add display vehicles (type of vehicle only for the purpose of display).

**4. It is recommended to delete subsections 5.1.1 to 5.1.7.**

Subsection 5.1 requires that any passenger vehicle, light truck, medium passenger vehicle, or medium vehicle of a model year of 2014 or later be both California certified and meet the requirements of sections 5.1.1 to 5.1.7, where subsection 2.1 expressly states "Except as set forth in subsection 2.3 of this regulation no person shall deliver for sale, offer for sale, sell, deliver, purchase, rent, acquire, receive, or register a new model year 2014 or subsequent model-year passenger car, light-duty truck, or medium-duty vehicle within Delaware unless the vehicle has been certified by CARB and has received a CARB Executive Order", it is recommended that subsections 5.1.1 to 5.1.7 be deleted.

**5. It is recommended to delay the submission of reports in sections 8.1 and 8.2 and to harmonize the reporting format.**

The format of the report was not mentioned in sections 8.1 and 8.2, and the report originally scheduled for 1 May was advanced to 1 March, while Section 8.3 still maintains the date of May 1. It is suggested to adjust the report submission date and unify the report format after confirming the test cycle with the testing institution that can perform the tests related to California regulations. It is recommended to maintain the original deadlines and harmonize the reporting format.

**6. It is suggested that subsections 14.4 and 14.5 be deleted.**

For the Proportional Credits mentioned in section 14.4 and the Early Action Credits mentioned in section 14.5, if an auto company has no corresponding credits or few credits fails to meet the requirements, it needs to pay a fine of \$5,000 per vehicle to California Air Resources Board (CARB), or purchase credits from other companies with surplus credits. Otherwise, the company could be ordered to leave the California market. This regulation imposes too strict requirements on automobile manufacturers and has a great impact on companies that export to the United States, meanwhile, it also violates the principles of fair trade and WTO international trade. It is suggested to delete the contents in sections 14.4 and 14.5.

**Comments in Chinese are in below:**

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