

WORLD TRADE ORGANIZATION

G/TBT/N/JPN/200

● August 2008

(07-2191)

Committee on Technical Barriers to Trade

Original: English

NOTIFICATION

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

<p>1. Member to Agreement notifying: <u>JAPAN</u> If applicable, name of local government involved (Articles 3.2 and 7.2):</p>
<p>2. Agency responsible: Ministry of Land, Infrastructure, Transport and Tourism Name and address (including telephone and fax numbers, e-mail and web-site addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above:</p>
<p>3. Notified under Article 2.9.2 [X], 2.10.1 [], 5.6.2 [X], 5.7.1 [], other:</p>
<p>4. Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable): Motor vehicles, Motorcycles, and Exhaust mufflers (HS: 87.02-05, 87.11, 87.08.92).</p>
<p>5. Title, number of pages and language(s) of the notified document: Partial amendment to The Announcement that Prescribes Details of Safety Regulations for Road Vehicles (Vehicle and motorcycle noise problem) and so on (1 page, available in English).</p>
<p>6. Description of content: Extending the scope of application of regulations on accelerated running noise for improving the Vehicle and Motorcycle noise problem.</p>
<p>7. Objective and rationale, including the nature of urgent problems where applicable: Vehicle and Motorcycle noise is becoming a big problem; therefore muffler's regulations are amended and created for the people.</p> <p>Last year we carried out TBT information about the muffler's regulations, collected the public comments and these regulations are changed a little, so we carry out the TBT information again.</p>
<p>8. Relevant documents: The Announcement that Prescribes Details of Safety Regulations for Road Vehicles (2002 Announcement No. 619).</p> <p>The Registration Rule for Entities Who Verify the Performances of Retrofit Mufflers, etc.(be issued in 2008)</p> <p>The amendments will appear in "KAMPO" (Official Government Gazette) when they'll be promulgated.</p>

<p>9. Proposed date of adoption: Proposed date of entry into force:</p>	<p>Issue Sometime in 2008 Enforcement : April 2010 The Strengthened Noise Regulation will be applied to vehicles, including imported vehicles, which will have been manufactured on or after the enforcement date. This Regulation will not be applied retroactively to vehicles manufactured before the enforcement date in consideration of the fact that some vehicle models will have technical difficulties achieving the compliance.</p>
<p>10. Final date for comments: 60 days after notification</p>	
<p>11. Texts available from: National enquiry point [X] or address, telephone and fax numbers, e-mail and web-site addresses, if available of the other body:</p>	

Partial amendment to The Announcement that Prescribes Details of Safety Regulations for Road Vehicles (Vehicle and motorcycle noise problem) and so on

1. Background

There has been the unceasing problem of automobiles and motor-driven cycles (hereafter referred to as "vehicles") having their mufflers replaced or modified and generating intense, offensive noise. The exhaust proximity noise standard was introduced for vehicles, and has been applied in the vehicle type approval (i.e., automobile type designation, etc.) in the periodic inspections (applied to those automobiles subject to the inspections or "inspection-applicable automobiles"), and in the provisions concerning maintenance orders and tampering prohibitions (applied to inspection-applicable automobiles and mini-sized motorcycles). [Note: The vehicle type approval applies, in addition to the exhaust proximity noise standard, also the accelerated running noise standard and the steady running noise standard.] Nevertheless, these restrictions have not been sufficient to fully eliminate intense noise emitting vehicles equipped with inappropriate mufflers and the like.

Under these circumstances, in July 2004 the Ministry of Land, Infrastructure, Transport and Tourism and the Ministry of the Environment initiated a joint "study group on automotive exhaust noise countermeasures" which discussed methods of eliminating muffler-tampered vehicles, centering on the introduction of a replacement muffler approval scheme (i.e., prior verification scheme on muffler performance). The current schedule of the Japanese government is to amend noise-related regulations on the basis of the discussion results obtained by this study group.

2. Outline of the Strengthening Noise Regulation

(1) Strengthening of the Controls on Mufflers

1) Ban on structures allowing easy change of noise muffling performance

Mufflers with the following conditions have been rejected as failing to comply: the whole or a part of the muffler is missing; the muffler has been cut apart; the muffler's internal noise-reducing mechanism is missing; the muffler has been damaged or corroded. In addition to these conditions, the Strengthened Noise Regulation aims to introduce another condition: "the muffler is so structured that the noise muffling performance can easily be altered". The Strengthened Regulation will be applied in connection with periodic inspections, maintenance orders and tampering prohibitions. Vehicles failing to comply with the Regulation will be screened through periodic inspections.

2) Mandatory accelerated running noise reduction for the mufflers of in-use vehicles and parallel-imported vehicles

While subjected only to the exhaust proximity noise standard previously, in-use vehicles will additionally be required to "have a capability to effectively prevent accelerated running noise". In addition to in-use vehicles, these two noise standards will be applied to parallel-imported and other vehicles not having received a type approval. Specifically, the mufflers satisfying item a. or b. below will be deemed compliant while the mufflers not satisfying either item will not pass the periodic inspection.

[Note: As exceptions, these two noise standards will not apply to mufflers equipped on automobiles with a seating capacity of 11 or more occupants, on automobiles with a gross vehicle weight of 5 tons or more, on large-sized and small-sized special automobiles.]

a. Mufflers bearing any of the following marks ("compliant muffler identification marks"):

- (i) Genuine product mark (marked on genuine mufflers equipped on type-designated vehicles)
- (ii) Type Designation Regulations for device mark
- (iii) Performance verification mark [marked on replacement mufflers of the types verified by registered performance verification entities; refer to (2)]
- (iv) ECE Regulation compliance mark (E mark)
- (v) EU Directive compliance mark (e mark)

b. Mufflers actually equipped on the following vehicles:

- (i) Vehicles whose accelerated running noise level does not exceed 82 dB (79 dB for motor-driven cycles)
- (ii) Vehicles whose accelerated running noise level is in compliance with the ECE Regulation or the EU Directive

The above conditions b.(i) and b.(ii) need be proved at the periodic inspection by a test report of a public testing institute and by documentation based on a foreign law, respectively.

(2) Establishment of a Replacement Muffler Approval Scheme

(Prior Verification Scheme on Muffler Performance)

Under an announcement of the Minister for Land, Infrastructure, Transport, and Tourism, a new scheme intended to enable appropriate selection of effective noise prevention mufflers in the replacement muffler market will be created whereby entities for verifying the noise prevention performances of replacement mufflers in advance ("registered noise verification entities") will be registered by the Minister and the same type of mufflers with the muffler verified by a registered noise verification entity will be allowed to bear a "performance verification mark". [Note: As exceptions, this scheme will not apply to mufflers equipped on automobiles with a seating capacity of 11 or more occupants, on automobiles with a gross vehicle weight of 5 tons or more, on large-sized and small-sized special automobiles.]

Replacement mufflers bearing this performance verification mark will be treated as complying with the accelerated running noise standard for mufflers at the periodic inspection.

(3) Amendments of the Noise Test Method

- 1) An exhaust proximity noise test method will be introduced for hybrid automobiles, etc.
- 2) Accelerated running noise tests on non-ISO road surfaces will be allowed for the time being.