

中国 WTO/TBT 国家通报咨询中心

China WTO/TBT National Notification & Enquiry Center

No.7, Ma Dian Dong Ave, Hai Dian District, Beijing, China, Tel: 86 10 8226 2420 Fax: 86 10 8226 2448

FAX

TO : WTO/TBT U.S. Inquiry Point National Center for Standards and Certification Information National Institute of Standards and Technology 100 Bureau Drive, MS-2160 Gaithersburg, MD 20899-2160	Fax: 301-926-1559 Tel: 301-975-4040 or 301-975-2921 E-mail: nesci@nist.gov or anne.meininger@nist.gov
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Copies: Department for WTO Affairs, Ministry of Commerce of P.R.China	Fax: +86 10 65197726;65128304 E-mail: wtonoti@mofcom.gov.cn liuna@mofcom.gov.cn
Permanent Mission of P.R. of China to WTO	Fax: +41-22-9097699/9097688 E-mail: guoxueyan9999@gmail.com
WTO Affairs Office, General Administration for Quality Supervision, Inspection and Quarantine, P.R.C.	Fax: +86 10 82260553 E-mail: wto@aqsiq.gov.cn
Department for Supervision on Inspection, AQSIQ of P.R.China	Fax: +86 10 82260168 E-mail: liwt@aqsiq.gov.cn
From: China WTO/TBT National Notification & Enquiry Center, Standard and Regulation Researching Center, AQSIQ, P.R.China.	Tel: 86-10-82260618 Fax: 86-10-82262448 E-mail: tbt@aqsiq.gov.cn
Subject: Comments from P.R. China on USA Notification G/TBT/N/USA/528 Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act ("Appliance Labeling Rule")	

Comments from P.R. China on USA Notification G/TBT/N/USA/528

Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act ("Appliance Labeling Rule")

Dear Sir or Madam,

We appreciate the opportunity to submit comments from the P. R. China on the notified regulation proposed by Federal Trade Commission (FTC) of the United States.

Enclosed please find comments in English and Chinese.

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

Thank you very much in advance for Federal Trade Commission (FTC) taking into account comments from the P. R. China. Your formal reply will be very much appreciated.

Best regards,

Wang Nini
Director General
China WTO/TBT National Notification & Enquiry Center
No. 18 Xi Ba He DongLi, ChaoYang District, Beijing
Post Code: 100028
Tel: 86-10-84603890
Fax: 86-10-84603813
E-mail: tbt@aqsiq.gov.cn

Comments from P.R. China on USA Notification

G/TBT/N/USA/528

Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act ("Appliance Labeling Rule")

The government of the People's Republic of China appreciates the efforts of the United States in energy conservation and thanks US Government for fulfilling WTO transparency obligation, to allow other WTO Members to make comments on the notification G/TBT/N/USA/528. According to the Clause 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*", China would like to put forward the following comments on the notified Rule for USA's consideration.

1. Regarding the television usage rate of 5 hours in on mode and 19 hours in standby (sleep) mode per day stipulated in this proposed 21 CFR Part 305.17 (f)(4),

We suggest that this stipulation is not appropriate for IPTV (internet protocol television). Data exchange is one of the functions of IPTV. As regards the energy consumption of televisions at standby mode, IPTV's energy consumption is usually higher than that of others as its standby mode may accompany data exchange. So it is prone to mislead consumers that this proposed rule treats IPTV as other types of televisions by using the same EnergyGuide label. We request USA to exempt IPTV from this proposed rule, or add description information on IPTV in the EnergyGuide label, or make an individual table for IPTV in this proposed 21 CFR Part 305.17 (f)(5), which lists IPTV's applicable ranges of comparability for estimated annual energy costs based on the labeled product's diagonal screen size.

2. Regarding televisions' estimated annual energy costs in this proposed 21 CFR Part 305.17 (f)(4),

We request USA to provide a calculating formula.

3. Regarding the label's placement in this proposed 21 CFR Part 305.17 (e),

We recommend that USA allow manufacturers to affix labels to the side and the back of televisions. This will not influence televisions' normal use and also provide a solution for the label's position of small screen televisions. Otherwise, we request USA to clarify the screen size that the label is exempted whenever a television is smaller than it.

4. Regarding this proposed rule will be effective in six months after its formal publication

The televisions sold in USA market mainly are imports. In addition to testing and affixing the label, the extra time for shipments and customs clearance is needed for the overseas manufacturers. Thus for the feasibility of this proposed rule, we request it will be effective in twelve months after its formal publication.

Comments in Chinese are as below:

中国政府非常赞赏美国在节能方面所做出的努力，同时感谢美国给予评议 G/TBT/N/USA/528 号通报的机会。根据 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，应请求讨论这些意见，并对这些书面意见和讨论的结果予以考虑”的规定，请美方对中方的评议意见予以考虑，中方评议意见的具体内容如下：

1. 本法规第 305.17 部分 (f) 中第 4 点规定电视机使用率 (usage rate) 为每天开机模式 5 小时和待机(休眠) 模式 19 小时，中方认为，该规定不适用于 IPTV (互联网协议电视)。IPTV 的一个主要功能是数据交换，与其它电视相比，IPTV 在待机模式时仍会进行数据交换，其能耗更高，而规则草案规定 IPTV 与其它电视加贴相同的能效指南标签(Energy Guide label)，易对消费者产生误导。因此，我方建议美方在本法规中对 IPTV 予以豁免，否则，在本法规的能效指南标签中增加 IPTV 的描述信息，或在 21Part 305.17 (f)(5) 另行规定，仅用于 IPTV 的基于屏幕尺寸的年电费预计值比较应用范围。

2. 本法规第 305.17 部分 (f) 中第 4 点中涉及的电视机年电费预计值，我方建议美方明确列出其计算公式。

3. 本法规中第 305.17 部分 (e) 中要求标签粘贴在电视机正面，我方建议美方允许该标签粘贴在电视机的侧面或背面，这样既不影响电视机的正常使用，也可解决小屏幕尺寸电视机的标签位置问题。否则，请美方明确规定屏幕小于多少尺寸的电视机可豁免本标签。

4. 本法规拟在公布后 6 个月生效，由于美国市场销售的电视机主要依靠进口，对于海外制造商来说，产品测试，标签加贴，产品装运和通关都需要时间，

因此,为了保证该规则的可执行性,我方请美方考虑将生效时间延长为 12 个月。