

Summary: Interim Report of the Study Group on Future Vehicle Certification

1. Major Opinions at Study Group Meeting

- * A majority of the Study Group members recognized a need to introduce new requirements or measures in addition to the existing type approval examination.
- * Rather than suspending type approval for a certain period of time, a majority of the members favored stricter examination capable of eliminating recall risks, in which a corporate ability to correct defects in the event of a recall, and a corporate system of precluding the recurrence of recall violation are confirmed. It is anticipated that, by imposing these requirements, the speed of type approval will be slowed down, thereby in effect penalizing the recall violator.
- * Some members thought that the recall violator should be ordered to stop business operation temporarily until all the hazards are removed, while some other members were against utilizing type approval as a means of penalizing recall violators.

2. Conclusions by the Study Group

- * There is no precedent in the U.S. and Europe for temporarily or indefinitely rejecting type approval applications merely for the reason of recall violation.
- * Looking at Japanese regulations for various products other than automobiles, there is no scheme of temporarily or indefinitely suspending type approval due to a violation committed outside the sphere of type approval.
- * In the light of the above observations, it will be unreasonable to temporarily suspend type approval in order to penalize automobile manufacturers/importers who commit recall violation.
- * However, to ensure automotive safety, protect the environment and regain the confidence of people, it is necessary to impose certain additional requirements at the time of type approval examination of application by automobile manufacturers/importers who commit a grave recall violation.
- * Such additional requirements should be the following which are intended not to penalize recall violators but to ensure automotive safety and environmental protection. Unless these additional requirements are observed, type approval will not be performed for recall violators.

(1) Stricter Examination of Compliance with Safety Regulation (already underway)

Information materials submitted by the automobile manufacturer/importer shall be strictly examined and, if their credibility proves questionable, additional materials shall be demanded for strict examination.

(2) Check on Corrective Actions of the Recall Violator

If the recall violator's actions prove questionable as to their effectiveness in correcting and preventing the violation, more effective actions shall be demanded of the recall violator.

3. Members of the Study Group on Future Vehicle Certification

Kenichi YOSHIMOTO	Honorary Prof. at University of Tokyo
Kikuo KISHIMOTO	Prof. at Tokyo Institute of Technology
Hisakazu Hirose	Prof. at University of Tokyo
Kenichi TSURUOKA	Yomiuri Daily News
Hiroko ISOMURA	Nippon Association of Consumer Specialists
Takao FUJIWARA	Japan Automobile Federation
Eiji TOYODA	Japan Trucking Association
Seita KANAI	Japan Automobile Manufacturers Association
Masanobu WADA	Japan Automobile Importers Association

Chairman: Mr YOSHIMOTO

4. History of the Study Group on Future Vehicle Certification

- * 1st Meeting, 26 October 2004
 - 1) Briefing on the Study Group
 - 2) Explanation of past recall violations and corrective actions
 - 3) Introduction to the certification/recall systems of Japan and other countries
 - 4) Introduction to Japanese certification/recall systems in non-automobile industrial fields

- * 2nd Meeting, 16 November 2004
 - 1) History of Japan's recall system - initiation and expansion
 - 2) Vehicle type designation suited to recall violators

- * 3rd Meeting, 26 November 2004
 - 1) Interim report

(Draft)

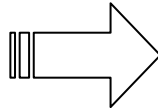
Partial Amendment to Type Designation Regulations for Motor Vehicles, etc.

[Road Vehicles Act]

[Regulations on Motor Vehicle Type Designation]

Article 75 (Type Designation of Motor Vehicles)

1. The Minister of Land, Infrastructure and Transport shall designate a motor vehicle's type upon receipt of an application for the purpose of promoting the safety of motor vehicles, the prevention of environmental pollution caused by motor vehicles and other environmental conservation efforts.
2. (omitted)
3. The type designation provided for in Paragraph 1 shall be made by judging whether the construction, devices and performance of the motor vehicle concerned conform to the Safety Regulations and whether the motor vehicle concerned has uniformity. (Remainder is omitted.)



(Application for Type Designation)

Article 2 · Article 3 (omitted) (current type regulation)

Article 3-2 The judgment criteria set forth in Paragraph 3 of Article 75 of the Act are as follows.

- 1 The construction, devices and performance of motor vehicle presented at the Laboratory pursuant to the provisions of Paragraph 1 of Article 3 shall conform to the Safety Regulations, covering each item given in each Item of Article 40 of the Act and each device given in each Item of Article 41 of the Act.
- 2 Quality control shall be exercised so that motor vehicles having the same construction, devices and performance as motor vehicles presented at the Laboratory pursuant to the provisions of Paragraph 1 of Article 3 are manufactured uniformly.
3. Of the applications for type designation made by motor vehicle manufacturers, etc., (motor vehicle manufacturers, etc., prescribed in Article 57-2 of the Act) who have committed serious illegal acts respecting notification of corrective actions prescribed in Paragraph 1 of Article 63-3 of the Act (hereinafter referred to in this Item as "notification of corrective actions"), in the case of motor vehicles using the same types of parts as the motor vehicle subjected to the said corrective action, appropriate measures must be taken to prevent a recurrence of illegal acts respecting the said corrective action and notification of the corrective action.

(hearing of opinions)

Article 4 (omitted) (current type regulation)

[Road Vehicles Act]

Article 76 (Entrustment to Ministerial Ordinance)

The forms and the procedures for the re-issuance of motor vehicle inspection certificates, extraordinary inspection stickers, inspection stickers, motor vehicle preliminary inspection certificates and limited motor vehicle inspection certificates, the form of certificates of return of motor vehicle inspection certificates, matters concerning the vehicle number plate provided for in Paragraph 1 of Article 73, the procedures for designation provided for in Paragraph 1 of Article 75, the inspection standards provided for in Paragraph 4 of the said Article, the form for termination certificates for completion of inspections of the same Paragraph, the procedures for designation provided for in Paragraph 1 of Article 75-2 and other detailed enforcement procedures for inspection of road vehicles provided for in this Chapter shall be prescribed by MLIT Ordinances.