NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

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| **1.** | **Notifying Member:** United States of America **If applicable, name of local government involved (Article 3.2 and 7.2):**  |
| **2.** | **Agency responsible:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT) [1711]**Name and address (including telephone and fax numbers, email and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above:** Please submit comments to: USA WTO TBT Enquiry Point, Email: usatbtep@nist.gov |
| **3.** | **Notified under Article 2.9.2 [****],** **2.10.1 [****],** **5.6.2 [****],** **5.7.1 [****],** **other** **[X]:**  |
| **4.** | **Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable):** Motor vehicle test procedures; Test conditions and procedures in general (ICS 19.020), Road vehicles in general (ICS 43.020), Road vehicle systems (ICS 43.040) |
| **5.** | **Title, number of pages and language(s) of the notified document:** Notice Regarding the Applicability of NHTSA FMVSS Test Procedures to Certifying Manufacturers (10 page(s), in English) |
| **6.** | **Description of content:** Notice of interpretation; request for comments - The National Traffic and Motor Vehicle Safety Act (Safety Act) prohibits the sale, manufacture for sale, import or introduction into interstate commerce of a motor vehicle or item of motor vehicle equipment, unless fully compliant with all applicable Federal motor vehicle safety standards (FMVSS). The FMVSS set a threshold of performance that a vehicle or equipment item must attain, at a minimum, to meet the need for safety. The Safety Act also requires a manufacturer or distributor of a motor vehicle or motor vehicle equipment to certify that the vehicle or equipment complies with applicable FMVSS. This notice reestablishes NHTSA's longstanding position that the FMVSS test conditions and procedures apply to NHTSA's compliance testing, and that manufacturers are not required to ensure that their vehicles are designed in such a manner as to ensure that the vehicles are capable of being tested pursuant to such standards as a condition of self-certification. This notice also discusses NHTSA's enforcement with respect to vehicles with novel or innovative designs that preclude them from being tested for FMVSS compliance using NHTSA's FMVSS test procedures. This notice supersedes prior contrary statements the Agency has made--including those in NHTSA's 2016 letter of interpretation to Google, Inc.--stating that manufacturers could not validly certify FMVSS compliance unless NHTSA could verify compliance using the FMVSS test procedures. |
| **7.** | **Objective and rationale, including the nature of urgent problems where applicable:** Protection of human health or safety |
| **8.** | **Relevant documents:** 85 Federal Register (FR) 83143, 21 December  2020:<https://www.govinfo.gov/content/pkg/FR-2020-12-21/html/2020-28107.htm><https://www.govinfo.gov/content/pkg/FR-2020-12-21/pdf/2020-28107.pdf>This Notice of interpretation; request for comments is identified by Docket Number NHTSA-2020-0119. The Docket Folder is available on Regulations.gov at <https://www.regulations.gov/docket?D=NHTSA-2020-0119> and provides access to primary documents as well as comments received. Documents are also accessible from [Regulations.gov](http://www.regulations.gov/) by searching the Docket Number. WTO Members and their stakeholders are asked to submit comments to the USA TBT Enquiry Point. Comments received by the USA TBT Enquiry Point from WTO Members and their stakeholders will be shared with the regulator and will also be submitted to the [Docket](https://www.regulations.gov/docket?D=NHTSA-2020-0119) on Regulations.gov if received within the comment period.  |
| **9.** | **Proposed date of adoption:** To be determined**Proposed date of entry into force:** To be determined |
| **10.** | **Final date for comments:** 20 January 2021 |
| **11.** | **Texts available from: National enquiry point [** **]** **or address, telephone and fax numbers and email and website addresses, if available, of other body:** <https://members.wto.org/crnattachments/2020/TBT/USA/20_7863_00_e.pdf> |