中国标准化研究院
CHINA NATIONAL INSTITUTE OF STANDARDIZATION

ENERGY FOUNDATION
能源基金会

机动车环保召回制度实施关键问题研究报告

Study on the Key Issues Related to the Construction and Implementation of Motor Vehicle Emission Recall System in China

中国标准化研究院

2022.3.31

China National Institute of Standardization

March 31, 2022

摘要

实施机动车排放召回是国际通行做法，在美国、欧洲、日本等国家和地区已经实施数十年，对降低机动车排放水平、提高大气环境保护发挥了重要作用。为保障制度有效实施，相关国家和地区均出台了法律或指令，例如美国《清洁大气法案》、欧盟《机动车排放指令》（70/220/EEC 及 88/77/EEC）、日本《环境基本法》和《大气污染防治法》等。

我国于 2015 年 8 月 29 日修订通过的《大气污染防治法》第 58 条规定“国家建立机动车和非道路移动机械环境保护召回制度”，但未明确具体要求和实施细则。虽然我国 2004 年已开始实施汽车安全召回，并出台了《缺陷汽车产品召回管理条例》及其实施办法，但排放召回与安全召回管理涉及的主管部门、适用范围、召回条件、排放信息收集途径、调查与认定规范、召回监督管理、排放相关零部件信息报告义务等内容均存在一定差异。因此，如何开展机动车环境保护环保线索信息收集、调查分析与认定、召回实施、监督和效果评估等，如何明确市场监管部门和生态环境部门在召回管理中的职责分工等，成为制度制定及实施的重要课题。

在能源基金会的支持下，中国标准化研究院联合中国环境科学研究院开展项目研究，重点分析国外机动车排放召回制度法规及典型案例，梳理国内可能的排放风险线索信息源及挖掘

分析思路，以“沙场练兵”模式开展某典型案例模拟调查，探索召回全流程要素及配套资源体系，提出部委间高效会同、协作和共享工作机制建立的相关建议。

经过项目研究，项目组形成以下主要观点和认知：

一、**健全完善的召回法律法规制度是确保机动车排放召回制度实施的基础保障。**通过对国外典型案例分析发现，企业报告是识别潜在排放风险信息的有效数据来源，严厉的经济或行政处罚在国外召回制度实施中发挥了重要的威慑作用。同时，召回与其它相关制度衔接是提升完成率的重要手段，如日本实施的召回与 I/M 制度关联，有助于确保车辆实施排放召回维修。

二、**丰富多样的排放风险数据源和精准高效的数据挖掘方法是排放召回制度实施的基础和前提。**国内外排放风险信息源基本相同，而我国相对的更加丰富。我国主要数据源包括监督检查数据（生产一致性、在用符合性、监督检查）、企业报告数据（企业自查、排放零部件报告、技术服务活动）、投诉舆情数据（投诉举报、境外召回、信访、网络舆情）、环保大数据（定期检验、遥感监测、路检抽查、OBD 远程监控）等。针对每类数据源，应结合数据收集渠道和数据质量明确相应的数据内容、挖掘分析方法和流程，才能实现有效排放危害确定。其中，信息化和大数据挖掘是下一步排放危害多源数据融合分析的重点方向。

三、**公正科学的排放危害分析与调查是排放召回制度实施的关键环节。**借鉴汽车安全召回调查经验，充分发挥专家智力在排放调查案件启动、排放风险分析、排放危害认定、排放效果评估等全工作链条上的作用，采用联合会商、集体决策和环环相扣的工作模式，确保调查的公平公正和客观科学。排放危害调查与安全调查一致，结合风险严重程度分为生产者主动及被通知调查分析、监管部门调查两个层级。与国际基本一致，可采用的调查方法包括生产者技术交流、消费者问题回访、故障车辆现场勘察、专家分析评估、工程分析试验等等。

四、**市场监管总局生态环境部之间分工明确、协作共享是排放召回制度实施的必要条件。**《大气污染防治法》已明确排放召回由市场监管总局会同生态环境部负责，相关监管职能联合实施。结合两部门各自技术特长，基于已有信息资源、技术资源以及排放召回全链条工作流程，重点探索构建市场监管部门和生态环境部门间数据信息共享机制和联合信息会商机制，形成了“联合会商—信息共享—统一出口—联合调查—统一发布—联合监督”的工作模式，联合搭建了以数据信息为核心的机动车排放召回协同工作机制，最大化行政资源配置，尽量减少企业负担，提高监管效率。

本项目研究一定程度上支撑了《机动车排放召回管理规定》法规的制定，研究组对法规亮点进行了梳理。主要有以下几方面：1、生产者责任、召回实施相关时限要求与安全召回保持一

致，确保生产者在履行召回义务时，保持召回监管工作的连续性和协调性。2、监管体制具有中国国情，尽量融合市场监管总局和生态环境部各自技术特长，又明确了监管职责分工及会同机制。3、创新性地提出了排放召回要与机动车排放监督检查、排放检验衔接，督促生产者配合排放危害调查，督促车主积极配合完成召回，切实减少排放危害。4、强化召回违规法律责任执行，召回违规与企业信用挂钩。为了进一步保障机动车排放召回贯彻实施，项目组基于理论研究和召回实战演练经验，从保障配套政策工具供给、完善技术支撑保障体系和依法严格排放召回监管等方面，研究提出了制度实施的政策建议。

特别提示：本项目仅为研究思考，形成的以上观点和引用的相关分析案例不带有任何倾向性，实际召回管理工作以 2021 年 7 月 1 日实施的《机动车排放召回管理规定》（国家市场监督管理总局、中华人民共和国生态环境部 第 40 号令）的要求为准。最后，感谢项目组研究团队的辛苦付出，感谢能源基金会对中国机动车排放召回和环境保护相关制度的支持和关注！

Abstract

Motor vehicle emission recall is an international practice which has been implemented for decades in the United States, Europe, Japan and other countries and regions, playing a crucial role in reducing the emission level of motor vehicles and better protecting the atmospheric environment. In order to ensure the effective implementation of the system, relevant countries and regions have issued laws or regulations, such as the *Clean Air Act* (the United States), the*Directives on Motor Vehicle Emission*(the European Union) (70/220/EEC and 88/77/EEC), the *Environmental Law* (Japan), the *Law on the Prevention and Control of Atmospheric Pollution* (China), etc.

According to Article 58 of China's *Law on the Prevention and Control of Atmospheric Pollution* which was revised and adopted on August 29, 2015, the state shall establish a recall system for environmental protection of motor vehicles and non-road mobile machinery. Yet, the specific requirements and detailed implementation rules have yet to be specified. Although China began to implement the automobile safety recall in 2004, and issued the *Management Regulations on the Recall of Defective Automobile Products* and its implementation measures, there are some differences between the management of emission recall and safety recall in terms of departments in charge, scope of application, conditions for recall, methods for collecting emission information, investigation and identification regulations, recall supervision and management, emission-related parts information reporting obligations, etc. Therefore, how to carry out information collection of environmental protection clues of motor vehicles, investigation, analysis and identification, recall implementation, supervision and effect evaluation, and how to clarify the division of

responsibilities between market regulators and ecological environment departments in recall management have become important issues for the formulation and implementation of the system.

With the support of the Energy Foundation, the China National Institute of Standardization and the Chinese Research Academy of Environmental Sciencesjointly carried out project research, focusing on the analysis of foreign systems, regulations and typical cases on motor vehicle emission recall, sorting out the possible sources of emission risk clues in China, delving into the directions of analysis, conducting a typical case simulation investigation in a hands-on manner, exploring the elements of the entire recall process and its supporting resource system, and putting forward relevant suggestions on the establishment of a working mechanism of efficient collaboration and sharing among ministries and commissions.

Through research, the project team reached a consensus on the following ideas:

I. A sound recall legal and statutory system is the basic guarantee to ensure the implementation of the vehicle emission recall system. The analysis of typical foreign cases shows that enterprise reports are an effective data source for identifying potential emission risk information, and severe economic or administrative penalties play an important deterrent role in the implementation of foreign recall systems. At the same time, the link between recall and other related systems is an important means to raise the completion rate. For example, in Japan, the implementation of recall is related to I/M system, whichhelps ensure the implementation of emission recall and maintenance.

II. Rich and diverse emission risk data sources and accurate and efficient data mining methods are the basis and premise for the

implementation of the emission recall system. The information sources of emission risk at home and abroad are basically the same. The difference is that China has slightly richer information sources.China's main data sources include supervision and inspection data (production consistency, in-use compliance, supervision and inspection), enterprise report data (enterprise self-inspection, emission parts reports, technical service activities), complaint and public opinion data (complaint and tip-off, overseas recall, letters and visits, network public opinion), environmental protection big data (regular inspection, remote sensing monitoring, road inspection & spot check, OBD remote monitoring), etc. For each type of data source, the data content, mining analysis methods and processes should be defined in combination with data collection channels and data quality so as to effectively determine emission hazards. Specifically, informatization and big data mining are the key directions of the multi-source data analysis of emission hazards for the next step.

III. Fair and scientific analysis and investigation of emission hazards is the key to the implementation of the emission recall system. It is necessary to draw on the experience in the investigation of automobile safety recall, give full play to the role of experts' wits in the work chain of emission investigation case launch, emission risk analysis, emission hazard identification and emission effect evaluation, and adopt the working mode of consultation, collective decision-making and close connection of all links to ensure the fairness, justice and objectivity of the investigation. Emission hazard investigation should be consistent with safety investigation, and combined with risk severity, divided into two levels: producer initiative and informed investigation and analysis, and investigation by regulators. Basically consistent with the international practice, the available investigation methods include technical exchanges

of producers, return visits related to consumers' questions, on-site investigation of faulty vehicles, expert analysis and evaluation, engineering analysis and test, etc.

IV. Clear division of labor and collaboration and sharing between the State Administration for Market Regulationand the Ministry of Ecology and Environment are the necessary conditions for the implementation of the emission recall system. The *Law on the Prevention and Control of Atmospheric Pollution* has made it clear that the State Administration for Market Regulation and the Ministry of Ecology and Environment are responsible for the emission recall and that relevant regulatory authorities should work together to implement the emission recall system.Combining the technical expertise of the abovementioned two departments and based on the existing information resources, technical resources and the entire work chain of emission recall, the paper focuses on exploring the building of the data information sharing mechanism and the joint information consultation mechanism between market regulators and ecological environment departments, forming a working mode of "joint consultation-information sharing-unified output -joint investigation-unified release-joint supervision", and jointly building a collaborative working mechanism of vehicle emission recall with data information as its core, maximizing the allocation of administrative resources, minimizing the burden of enterprises, and improving the efficiency of regulation.

The research of the project supports the formulation of the *Regulations on the Management of Vehicle Emission Recall* to a certain extent, and the research group has sorted out the highlights of the Regulations, which mainly include the following aspects: 1. The responsibility of producers and the time limit related to the

implementation of recall are consistent with the safety recall to ensure the continuity and coordination of recall supervision when producers are fulfilling their recall obligations. 2. The regulatory system suits China's national conditions and integrates the technical expertise of the State Administration for Market Regulation and the Ministry of Ecology and Environment as much as possible. At the same time, ithas defined the division of regulatory responsibilities and the collaboration mechanism.3. It has creatively put forward the idea that emission recall should be based onthe supervision and inspection of motor vehicle emission, urging producers to cooperate with emission hazard investigations and urgingvehicle owners to actively assist the relevant departments in completing the recall to effectively reduce emission hazard. 4. Strengthen the enforcement of legal liability for recall violations and link recall violations with corporate credit. In order to further ensure the implementation of motor vehicle emission recall, the project team, based on theoretical research and hands-onrecall experience, put forward policy suggestions for the implementation of the system from the following aspects: ensuring the supply of supporting policy tools, improving the technical support guarantee system and strictly supervising emission recall according to law.

Notes: The project only serves asa reference for the research, and the above views formed and the cases cited are not tendentious. For the actual recall management, the requirements of the *Management Regulations on Motor Vehicle Emission Recall* (No.40 Order of the State Administration for Market Regulation and the Ministry of Ecology and Environment of the People's Republic of China) that came into effect on July 1, 2021 shall prevail. In conclusion, special thanks should be given to the research group of the project team for their hard work, and to the

Energy Foundation as well for its support and attention to China's motor vehicle emission recall and environmental protection systems!