

Legal concerns of the German Type-Approval Authority with Regulation No. 13

This paper should address the legal concerns of the German delegation with regard to Regulation No. 13 and the working document ECE/TRANS/WP.29/GRRF/2011/2, to introduce an alternative procedure getting a motor vehicle brake approval.

Problem:

The alternative procedure for getting a vehicle type-approval for a trailer brake system based on component test reports supplied by the component suppliers is installed for a number of years now (Annex 19 report in conjunction with Annex 20).

The proposed copy of this procedure to motor vehicles, the refusal of some motor vehicle manufacturer and the ongoing problems and questions of the German Type-Approval Authority (KBA) about the procedure and the test reports leads to many discussions in Germany and to the necessity to review the whole procedure again.

Some facts about the test reports and the procedure for trailers:

- The KBA signed hundreds of test reports in the last years for 4 manufacturer (2 Technical Services)
- Only few test reports were used in UNECE-R 13 brake type-approvals in Germany
- Many reports are used for individual approval in Germany
- The KBA does not know, for what other purposes and where else the reports are used

General Concerns in view of the procedure:

- The test reports for brake components, signed by a Technical Service and a Type-Approval Authority, are mandated by a component supplier. The responsibility and duty of the supplier is not defined in the Regulation. In particular a supplier is not mentioned in the regulation.
- The duty and responsibility of the signing Authority is not clear and not defined in the Regulation. Shall the authority check the content of the report or only certify that the Technical Service is allowed to sign the reports? Shall the authority perform an initial assessment and supervise the COP measures of the supplier?
- In which way a Technical Service -who is responsible for the vehicle test- is able to receive the component test report and could he trust the results and use them in the vehicle test report without having a special relation with the initial Technical Service or the component supplier?
- How shall the approval authority behave, when component test reports shall become part of the vehicle test report and the Technical Service of the component report is not designated by the authority?

Specific/additional concerns with regard to motor vehicles:

The aim of this proposal is, that brake component and system suppliers together with a Technical Service perform brake test on a number of motor vehicles from different manufacturers. This test reports could be used by all vehicle manufacturers within the type-approval process as presentable documents.

That means that a vehicle manufacturer (A) applies for an approval for vehicle (A1) and presents a test report, delivered by a supplier based on a comparable vehicle of manufacturer (B).

Brake systems are very complex systems particularly with regard to the ESC, which are dependent on the special character of the vehicle. It is doubtful if the general test report from the supplier for the ESC (based on vehicle (B1) from manufacturer (B)) could be used by the vehicle manufacturer without testing the single vehicle and to show that the legal and safety critical requirements are fulfilled. From our point of view can the manufacturer (A) of the vehicle and his Technical Service only be safe that the setting of all parameters is done correctly by close cooperation and exchange of information with the supplier and the initial technical service. But this is not required in the Regulation.

Conclusion:

Although the alternative procedures in the Regulation are installed many years ago, there are still a lot of open questions. The obvious well known process is not as clear as it seems to be and should be. Some type-approval authorities and Technical Services have different understandings how to handle the reports and what their responsibility is because of the lack of clarity in the regulation. Remarkable is, that this kind of test reports were mostly used for individual approval in the past.

Additionally there are still some discussions between some motor vehicle manufacturer, component supplier and Technical Services if and how the test results are transferable from a motor vehicle (A) to a vehicle (B) from another manufacturer.

The basic principles of the type-approval procedure are defined in the Regulation under no. 3. The manufacturer applies for the approval and he has to supply a vehicle to a (one) Technical Service who is responsible for the test. The approval authority supervises the COP measures of the manufacturer. These principles get hurt with the alternative procedure. It's a kind of multi-stage procedure or component approval without clear rules and responsibilities.

Both problems, the technical and the legal one, could be solved after further discussion and reconsideration with some amendments to the regulation.

A copying of the alternative procedure to the motor vehicles is from our understanding at the moment not acceptable without further adaptation of the Regulation. It must be secured in particular, that the procedures of the Regulation are clear understandable for all involved parties, approval authorities, Technical Services and manufacturer without the possibility for different interpretations. This is for legal questions and responsibilities in the type-approval process more crucial than for the technical matters.
