

CLEPA response to OICA's Informal document GRRF-75-19 Comments on Regulation No. 90 (Identical discs/drums and identical linings)

BACKGROUND:

CLEPA acknowledges the content of Informal document GRRF-75-19

The Joint CLEPA, OICA and FEMFM GRRF-75-18 document was prepared following the UN GRRF R90 task force discussions and subsequent exchanges of views between CLEPA, OICA and FEMFM which included the issues now raised by OICA

The three organizations are now convinced that in GRRF-75-18 we have achieved a technically far more robust proposal compared to the original document from FEMFM i.e. GRRF/2013/4.

OICA, nevertheless, seemingly still has concerns regarding the philosophy of identical parts that were raised by them and discussed during the GRRF R90 Task Force activities. These are stated as follows:

- *The issue of property rights of UN R13/R13H certificates still exists, and may be creating a competition issue. Indeed, Vehicle Manufacturer (VM) certificates are used for the benefits of a competitor on the replacement market.*

- *In spite of the good improvements in the technical proposal, identical parts are adding a risk on the image of VM, with potential liability issues: VM have no control on identical linings; however VM's name is engaged, since the R90 approval of identical parts is based on VM R13/R13H approval tests on the original parts.*

CLEPA Comments

CLEPA is not in agreement with the OICA comments

With regard to the first of the OICA comments we would point out the following

- a) As a part of the ECER90 approval process a comparison with the OE product must be made
- b) For this comparison to occur it is fundamental to verify precisely which product was fitted as OE when the vehicle was type approved
- c) This requirement was recognised many years ago and is included as a footnote in Appendix 2 of R13 viz.

At the request of (an) applicant(s) for Regulation No. 90 approval, the information shall be provided by the Type Approval Authority as contained in Appendix 1 to this annex.

However, this information shall not be provided for purposes other than Regulation No. 90 approvals

This gave rise to Appendix 1 of Annex 2 of UN R13 and the Appendix of Annex 1 of UN R13H certificates

- d) This is the only use of the information contained within the VM communication sheets and is fundamental to the approval process. It is not used for any direct commercial benefit

With regard to the second of the OICA points we also do not agree and would comment as follows

- a) It is important to recognise that the “Identical “category of approval does not confer added or superior status to a product that is approved by this route
 - b) Straightforwardly, the UN R 90 Approval process is classless; it does not identify to the market place the category under which an approval was granted.
 - c) So, once approved, there is no direct linkage in any way to the Original product, and, hence, no possible liability risk for the Vehicle Manufacturer.
 - d) Nor is there any marketing benefit to be gained by the Applicant from seeking approval by this route; it is the Applicants brand which appears on the product and hence his liability.
 - e) It should also be recognised that the Applicant must still submit all the necessary ECER90 Conformity of Production data at the point of application, and, in the same way as with all other approval categories, this will be used to ensure compliance is maintained in production to ensure no reduction of the on-going consumer safeguards that arise from the ECER90 approval process
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