

REPORT ON CONFERENCE CALL 27/01/09

Meeting Participants:

- Lorenza Jachia, UNECE WP 6, Geneva
- Jan Mimer, Volvo, Sweden
- Bob Noth, Deere, USA
- Dan Roley, Caterpillar, USA

The draft proposal for continuing the UNECE WP EMM Project was discussed and several improvements were proposed to add clarification. The improvements discussed at the meeting have been added to the draft proposal – see below.

UN/ECE WP 6 – Proposal for Common Regulatory Objectives (CRO) Applicable to Earth-Moving Machinery Safety: Current Status and Proposal for Continued Work

Current Status: Countries are generally willing to use the ISO/TC 127 standards as national standards and as the technical requirements for national regulations. In some cases, some regional differences must be recognized due to the current levels of technology and the cultural demands for safety.

However, third party conformity assessment testing is required for some countries, which may take several months and duplicates the testing that has already been undertaken. And adequate test facilities may not be available for some of the complex testing, especially for the larger sizes of earth-moving machines.

Current Challenges: The CRO does not adequately consider the current conditions and demands in developing countries with regard to conformity assessment and certification. Supplier's Declaration of Conformity (SDoC) is acceptable for Europe, Japan, the USA, and many other countries. However, SDoC currently does not seem to be acceptable for some of the developing economies for the following reasons:

1. Manufacturers so far are not trusted to do their own conformity assessment and certification;
2. Some small and medium manufacturers are considered to need help with conformity assessment and certification;
3. Resources for market surveillance are limited and a third party conformity assessment and certification process is considered as a way to compensate for the challenges with market surveillance.

Compliance Options: The current CRO Clause 4 "Compliance Clause" needs to allow for more options for conformity assessment and certification to address the different needs for conformity assessment and certification:

In accordance to the current conditions and demands in some countries, different options for conformity assessment and certification may be applied when using the CRO for earthmoving machines:

1. Compliance testing by the manufacturer and supplier's declaration of conformity;
2. Third-Party conformity assessment testing and issuance of certificate;
3. Cooperation between the Third-Party and the manufacturer.

Guidelines for additional conformity assessment and certification options need to be developed to minimize machine testing and documentation. For Third-Party testing and certification mutual recognition should be strived for.

With the competition on the global market for earth-moving machines, it is in the manufacturers' own interest to provide products in conformity to relevant regulations and standards. Therefore supplier's declaration of conformity should remain the final goal when using the CRO for earth-moving machines. Third-Party conformity assessment and certification that repeats testing done by the manufacturer will create additional costs and therefore increase the price of the product.

Current "Compliance Clause":

The Compliance Clause of the CROs currently reads as follows: "Compliance with this CRO shall be by Suppliers Declaration of Conformity (SDoC), as it is currently being done in the USA, the EU and Japan. If specific safety risks exist due to safety or environmental reasons not specifically covered, such as cold conditions or air quality for underground applications, other compliance methods may be needed, as determined by national regulators."

Proposed Improvement for the "Compliance Clause"

We suggest that the above text be replaced with the following:

"Compliance with this CRO shall be by Suppliers Declaration of Conformity (SDoC), as it is currently being done in the USA, the EU and Japan. If the current practices in a country require third-party conformity assessment and certification, the following alternate conformity assessment and certification process can be implemented until the Suppliers Declaration of Conformity is proven to be acceptable".

Alternate Conformity Assessment and Certification Process

The manufacturer and an accredited third-party for conformity assessment cooperate to determine the conformity assessment that may need to be done by the third-party to supplement the testing done by the manufacturer. Conformity assessment testing that has already been done by the manufacturer can be used if the manufacturer has the following:

1. A quality plan that is at least equivalent to ISO 9000;
2. A documented conformity assessment process;
3. A conformity assessment group to manage the conformity assessment;
4. Access to conformity assessment facilities (internal or external).

The third-party would determine the capability of the manufacturer to perform conformity assessment and would accept the conformity assessment testing that has already been done according to the above guidelines.

Summary

The alternate conformity assessment and certification process would minimize the duplication of the test work that has already been done by the manufacturer while

insuring that machines comply with the appropriate requirements. The benefits for the alternate conformity assessment and certification process would be:

- Lower cost machines without the duplication of conformity testing
- Higher quality machines if all machines have proven conformity assessment
- Less time required during the development process for conformity assessment
- Good learning experience to help manufactures become global manufacturers