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UN Regulation No. 90

Proposal for a Supplement 11 to the 02 series of amendments to UN Regulation No. 90 (Replacement braking parts)

**Submitted by the expert from the Federation of European
Manufacturers of Friction Materials***

The text reproduced below was prepared by the expert from the Federation of European Manufacturers of Friction Materials (FEMFM). It is based on GRVA-15-25, a proposal by the expert from the European Association of Automotive Suppliers (CLEPA) to include the option of using a QR code (or another type of digital data carrier) in UN Regulation No. 90, to replace the paper fitting instructions physically included in the packaging. The modifications to the existing text of the Regulation are marked in **bold** for new or ~~striketrough~~ for deleted characters. Modifications to the proposal in informal document GRVA-15-25 are marked in *italic*.

* In accordance with the programme of work of the Inland Transport Committee for 2023 as outlined in proposed programme budget for 2023 (A/77/6 (part V sect. 20) para 20.6), the World Forum will develop, harmonize and update UN Regulations in order to enhance the performance of vehicles. The present document is submitted in conformity with that mandate.



I. Proposal

Insert new paragraphs 6.3., 6.3.1., 6.3.2. and 6.3.3., to read:

“6.3. The competent authorities are authorized to grant permissions by means of respective releases that the fitting instructions required under paragraphs 6.1.4. to 6.1.4.4. and under paragraphs 6.2.1.4. to 6.2.1.4.2. may be provided by means of a QR code or a weblink or another type of digital data carrier that shall be placed, printed or engraved visibly, clearly legibly and indelibly on the packaging or included in the packaging. The competent authorities shall only make use of this authorization provided it is ensured that in the national territory a sufficient area-wide digital coverage is given that guarantees digital access to and use of the fitting instructions.

6.3.1. Near the QR code or weblink or other digital data carrier it shall be printed or engraved visibly, clearly legibly and indelibly the words “Read instructions first” and the ISO 2575 N.03 symbol (Operator's manual, operation instructions):



6.3.2. The digital instructions shall be edited in a printable format and available for the lifetime of the product, at least five years counted from the time when production is definitely discontinued. A statement, added to the approval documentation, confirming that this information will be available for at least five years after the production has been discontinued, shall be provided by the manufacturer.

6.3.3. The consumer shall not be required to submit any personal data before being able to access the digital fitting instructions.”

II. Justification

1. The purpose of the provisions in paragraph 6.3. of draft Supplement 11 to the 02 series of amendments to UN Regulation No. 90 is to ensure that the end user of the brake replacement part (brake pad, brake disc, brake drum) receives the corresponding fitting instructions. Hereby it is to be ensured that the end user has all the necessary information to be able to install the brake replacement part professionally and safely.

2. The current provision requires to have fitting instructions placed inside the packaging. By physically enclosing the fitting instructions in the packaging together with the brake replacement part (brake pad, brake disc, brake drum), it is at all times to 100 per cent ensured that the end user inevitably obtains access to the fitting instructions and is able to gain knowledge of the content of the fitting instructions so that therefore the information obligations of the respective manufacturer (or type-approval holder) is thereby fulfilled. UN Regulation No. 90 is recognised by 57 countries worldwide. Among these 57 countries, 47 are Contracting Parties signatory to this regulation, and 39 have designated type approval authority(ies) (source: United Nations ECE/TRANS/WP.29/343/Rev.30/Add.1, 1 March 2022).

3. FEMFM wants to firmly point out that it supports the digital transformation as promoted by the European Commission and by the proposed modification of UN Regulation No. 90 (GRVA-15-25), as this is forward-looking and decisive for the digital progress. However, it should also be taken into account that the referenced UN Regulation No. 129, which allows the alternative use of QR code or weblink to replace paper instructions is only applied by 29 countries (out of it, 16 European Union Member States) with designated type approval authority(ies) worldwide (source: United Nations ECE/TRANS/WP.29/343/Rev.30/Add.1, 1 March 2022). These figures and discrepancies among countries could lead to a significant difference. The individual contracting parties, which are signatory to UN

Regulation No. 90, present differences in their digital infrastructure expansion both in terms of time and geographical coverage.

4. Even if the digital infrastructure and access to the Internet within the European Union (EU) is good or high in average (according to studies, household internet access can be assumed to be 93 per cent), the difference within the EU alone is considerable. In two countries, for example, the difference between cities and rural areas is 14 per cent (source: Digital Economy and Society Statistics - households and individuals; European Commission 2022). The difference between countries outside of the EU, which are signatory to UN Regulation No. 90, can be even more extreme. In one of the most developed countries of another continent, 70 per cent of the population has internet access (as of 2020; source: The World Fact Book - CIA.gov). In another country of the same continent, also signatory to UN Regulation No. 90, the rate of those who have internet access is only 36 per cent (as of 2020, The World Fact Book - CIA.gov). With these differences in mind, that the infrastructural prerequisites are given in the respective applicable territory instead of applying a time-limited transitional period.

5. This is also in line with the interests of the spare parts manufacturers who are responsible for providing sufficient fitting instructions. When using fitting instructions exclusively by means of digital data carriers/formats, they need to rely on the fact that the end user can gain access to and knowledge of the contents of the fitting instructions in digital form so that they are properly, and sufficiently fulfil the information obligations incumbent on them and that they cannot be held liable because end users cannot access fitting instructions in digital form. Therefore, it must be ensured that the respective competent authority of each contracting party can decide for itself whether the digital prerequisites for the use of the fitting instructions in digital form are given and that such use must thus become approved and released by such authorities.
