

## **Proposal for a supplement 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-16-14e, a proposal submitted by the expert from Italy and from the European Association of Automotive Suppliers (CLEPA) to include in UN Regulation No. 90 the option of using a QR code (or another type of digital data carrier) to replace, in case of necessity, some packaging information. The modifications to the current text of the Regulation are marked in **bold** for new and ~~strike through~~ for deleted characters.

## **I. Proposal**

*Add a new paragraph 6.2.1.5., to read:*

“6.2.1.5. ~~If necessary, it is allowed~~ **The competent authorities are authorized to grant permissions by means of respective releases to provide supplement** the information required under paragraphs 6.2.1.2. and 6.2.1.3. by means of a QR code or weblink or another type of digital carrier that shall be placed, printed, or engraved visibly, clearly legibly and indelibly on the packaging. **The competent national 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 abovementioned supplement information in form of a QR code or weblink or another type of digital carrier.**”

In case a digital carrier is used, near the QR code or weblink or other digital carrier it shall be printed the words “Full list of approved applications”. The digital application listing shall be edited in a printable format and available for the life time of the product, at least 5 years counted from the time when production is definitely discontinued. The consumer shall not be required to submit any personal data before being able to access the digital application listing.”

## **II. Justification**

### **A. Paragraph 6.2.1.5.:**

The FEMFM want to firmly point out that it supports the digital transformation as promoted by the experts from Italy and CLEPA and by the proposed supplementation of Regulation No. 90 (GRVA-16-14e), as this is forward-looking and decisive for the digital progress.

1. When using supplementary information as requested by the proposed new paragraph 6.2.1.5. by means of digital data carriers/formats, or other future technologies, it must be emphasized that not the commercial trademark owners or wholesalers are the responsible parties for fulfilling all marking and labelling requirements of UNECE Regulation No. 90 but exclusively the type-approval holder, which are the manufacturer of the replacement part or his duly accredited representative.

2. The type-approval holder (spare parts manufacturer) is the legally responsible party for providing the required information regarding his product. However, he needs to rely on the commercial trademark owners or wholesalers who as distributors of the product will in fact need to ensure the correct access to and notice of the contents of the supplement information in digital form so that the information obligations (incumbent on the type-approval holder) are properly and sufficiently fulfilled, and the type-approval holder cannot be held liable for any misuse or fraud. As

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\* 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.

stated, a fulfilment of these information requirements can only be guaranteed if the infrastructural prerequisites are given in the respective applicable territory that allows the end user to can gain access to and knowledge of the contents in digital form; otherwise it would lead to unforeseeable legal risks for the type-approval holder (replacement part manufacturer). Therefore, it must be ensured that the respective national competent authority of each contracting party can decide for itself whether the digital prerequisites for the use in digital form are given and that such use must thus become approved and released by such authorities.

3. The purpose of the provisions in paragraph 6.2.1.5. for a supplement of the 02 series of amendments to UN ECE Regulation No. 90 is to ensure that the end user of the replacement part (brake disc, brake drum) receives the corresponding supplement information. Hereby it is to be ensured that the end user has all the necessary information to be able to select the correct brake replacement part.

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