

Code

on the Implementation of the
Geräte- und Produktsicherheitsgesetz
(GPSG - Equipment and Product Safety Act)
for Road Vehicles

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General Part

1 Introductory Remarks

The Kraftfahrt-Bundesamt (KBA) the German Federal Motor Transport Authority is the competent authority¹ for all products in terms of section 2 para. 1 of the Geräte- und Produktsicherheitsgesetz (GPSG - Equipment and Product Safety Act), provided that such products are subject to the Straßenverkehrsgesetz (StVG - Road Traffic Act). The GPSG is targeted at consumer protection and expects measures to be taken by product managers and authorities if unsafe products entail risks for the health and safety of persons. Pursuant to section 8 para. 4 GPSG, it is primarily the product managers who are responsible for averting any risks associated with their products (principle of subsidiarity).

The purpose of this document is to make the KBA's activities in implementing the GPSG transparent and to effectively comply with the law's requirements. It is also meant to support product managers in their efforts to make arrangements for a recall and/or risk management. This document sets forth procedural determinations, which in themselves, do not constitute legally binding requirements in addition to the GPSG. Everything contained herein applies to standard cases. In special cases, the KBA may decide differently.

2 General Information

2.1 Scope of Application

2.1.1 Demarcation to other products

The GPSG's product range to be examined by the KBA includes all vehicles intended for use on public roads. It also includes vehicle parts intended for use on such vehicles.

Furthermore, the KBA is responsible for examining any products, the features of which are regulated by the Road Traffic Act (e. g. motorbike helmets, child restraint systems). The same applies to items that, in themselves, do not constitute vehicle parts, which, however, have been intended by the responsible company or person to modify the characteristics of vehicles and vehicle parts.

The following are excepted:

- rail-bound vehicles²,
- vehicles that are not dedicated for use on public roads (e. g. enduro motorbikes used for motor sports),
- push and manual wheelchairs, toboggans, strollers, scooters, children's bicycles and similar unmotorized means of transportation³,
- devices in terms of Directive 98/37/EC that are assembled or affixed to vehicles, provided that risks only occur if such devices are operated off public roadways,

¹ Section 2 para. 1 no. 5a of the Gesetz über die Errichtung eines Kraftfahrt-Bundesamtes (KfBAG - Law on the Establishment of a Federal Motor Transport Authority)

² Section 1 para. 2 of the StVG - Road Traffic Act

³ Section 16 para. 2 of the StVZO - Road Traffic Type Approval Law

- items used on vehicles, the safety requirements of which, however, are defined in other legal provisions (e. g. fire extinguishers, car-jacks, tools, toys).

2.1.2 Demarcation to special provisions

The GPSG is a catch-all law. According to this law, any special provisions applicable to products shall take priority over the GPSG. Special provisions that apply to the products mentioned in the scope of application under 2.1.1 are the:

- Straßenverkehrsgesetz (StVG - Road Traffic Act)
- Straßenverkehrs-Zulassungs-Ordnung (StVZO - Road Traffic Type Approval Law)
- Verordnung über die EG-Typgenehmigung für Fahrzeuge und Fahrzeugteile (EG-TypV - Ordinance on the EC Type Approval for Vehicles and Vehicle Parts (EG-TypV))
- Verordnung über die EG-Typgenehmigung für zweirädrige oder dreirädrige Kraftfahrzeuge (Krad-EG-TypV - Ordinance on the EC Type Approval for Two or Three-Wheel Motor Vehicles)
- Verordnung über die EG-Typgenehmigung von land- oder forstwirtschaftlichen Zugmaschinen (LoF-EG-TypV - Ordinance on the EC Type Approval for Agricultural and Forestry Tractors)
- Verordnung über die Prüfung und Genehmigung der Bauart von Fahrzeugteilen sowie deren Kennzeichnung (Fahrzeugteilverordnung (FzTV - Ordinance on the Testing and Approval of Vehicle Component Types and their Identification (Vehicle Component Regulation))
- Framework Directives 70/156/EEC, 74/150/EEC (replaced by 2003/37/EC) and 92/61/EEC (replaced by 2002/24/EC) incl. all pertinent individual directives
- Directive 97/68/EC
- EEC Ordinance 3821/85

2.1.3 Demarcation to product liability

Manufacturers are obligated, within the framework of their product liability, to compensate injured parties for incurred damages if persons are fatally injured or if their body or health is harmed due to defectiveness of their products. The Produkthaftungsgesetz (Product Liability Act) regulates such matters strictly on a civil-law basis. The KBA is not entitled to support civil-law claims.

The GPSG is a public-law amendment to the civil Product Liability Act and is of preventive character. Among other things, it regulates claims brought by authorities against the manufacturer or other persons responsible for products in case of violation of public law obligations during production or distribution of unsafe products. The KBA is the competent authority for the public law domain.

2.2 Definitions

The following definitions apply to this document:

2.2.1 Product

Products in terms of this document are all vehicles, vehicle parts and items that fall under the scope of application under 2.1.1. The products mentioned under 2.1.1 are divided into consumer products and other products.

2.2.1.1 Consumer product

Consumer products in terms of this document are all products intended for use by consumers or usable by consumers under reasonably foreseeable circumstances even though such products may not be intended for use by consumers. Consumer products in terms of this document are also such products provided to consumers within the framework of service provision.⁴ Generally, such consumer products include the following:

- class M₁, N₁ vehicles as well as special-purpose vehicles with SA, SB or SE coding pursuant to Annex II of Directive 70/156/EEC,
- class L vehicles pursuant to Directive 2002/24/EC,
- bicycles.

Such vehicles/special-purpose vehicle parts (accessories or spare parts) are also deemed consumer products. Furthermore, products, the nature of which is regulated in the Road Traffic Act (such as motorbike helmets or child safety seats), are also deemed consumer products.

Spare parts, however, are only deemed consumer products if no special know how or skills are required for installing, replacing or handling such products.

2.2.1.2 Other products

Other products are any products, to which the definition of consumer product does not apply (e.g. technical equipment⁵).

2.2.2 Product manager

Product managers are all manufacturers, authorized agents, importers or dealers.

2.2.3 Unsafe product (serious danger)

A product is deemed unsafe if it does not comply with the safety and health requirements of applicable legal provisions or if jeopardizing the safety and health of its users or third parties when used as intended or if misused (and which misuse is foreseeable).⁶ The defect or endangerment occurs suddenly and unforeseeably. It poses an inevitable, direct threat to users or third parties.

⁴ Section 2 para. 3 GPSG - Equipment and Product Safety Act

⁵ Section 2 para. 2 GPSG - Equipment and Product Safety Act

⁶ Section 4 para. 1 and 2 GPSG - Equipment and Product Safety Act

2.2.4 Recall

A recall is only one of several options to eliminate safety and health risks that are inherent in products.

A recall is a measure to be performed by a product manager that aims at having consumers return products, permanently or temporarily, which products have already gotten into circulation. This includes all measures that serve to avert, eliminate, or minimize any risks inherent in such products. If recalls are the means of choice for eliminating risks, then such recalls can be performed either as voluntary recalls (possibly monitored by the KBA) or as ordered recalls.

The product manager must report any recall of consumer products (see 2.2.1.1), which serves to avert, eliminate, or minimize risks, to the KBA (see 2.2.10).⁷

2.2.4.1 Voluntary recall

Product managers may perform voluntary recalls if they gain information that a product does not comply with the safety and health requirements of applicable legal provisions or that it poses a risk to the safety and health of its users or third parties when used as intended or if misused (which misuse is foreseeable). Voluntary recalls always constitute a voluntary measure taken by a product manager and they are always initiated by the product manager himself.

If the KBA becomes aware of a voluntary recall, it will make an official investigation to find out whether the product in question is an unsafe product (poses a serious risk). If the KBA then finds that the safety and health of persons is seriously endangered it will check whether the measures proposed by the product manager are sufficient to eliminate the risks, and it will monitor the voluntary recall. In general, the KBA will find the product manager's measures sufficient and appropriate if complying with Annex I, paragraph 2.6.

Monitoring a voluntary recall means to monitor the applied measures' effectiveness and time sequence. The KBA expects a maximum performance rate which, in case of vehicles subject to license, can result in taking such vehicles off the road if the vehicle owner fails to follow the request to have the defect repaired in the prescribed period of time.

2.2.4.2 Ordered recall

A recall is ordered if the product manager fails to ensure that serious risks (unsafe products) are eliminated rapidly and effectively by way of taking own measures.⁸ Recalls are ordered by the KBA.

⁷ Section 5 para. 2 GPSG - Equipment and Product Safety Act

⁸ Section 8 para. 4 GPSG - Equipment and Product Safety Act

2.2.5 Other measures

Other measures are all risk elimination measures as listed in section 8 para. 4 GPSG (e.g. public alerts) – except recalls. In addition to that, the KBA is entitled pursuant to section 8 para. 4 clause 1 GPSG, to take all necessary measures (e. g. order to use the vehicle owner addresses listed in the Central Register of Motor Vehicles (ZFZR)). The measures described in section 8 para. 4 clause 2 GPSG are merely examples.

2.2.6 Maximum performance rate

A maximum performance rate is required if a product is unsafe. The performance rate as acceptable to the KBA depends on the respective product and the pertinent objective and practical facts (e. g. can such unsafe products or consumers of such unsafe products be reached).

2.2.6.1 Maximum performance rate for vehicles subject to license

In order to achieve a maximum performance rate, the owners of all affected vehicles, which - at the time of a recall - are entered in the Central Register of Motor Vehicles (ZFZR) as registered vehicles or as vehicles in circulation in the Federal Republic of Germany, must be notified.⁹ Even though it is primarily the product manager who is responsible for achieving a maximum performance rate, the KBA also expects adequate cooperation by the vehicle owners in the overall process.

If taking vehicles off the road is considered, and vehicle owners fail to cooperate in connection with defect removal or if they cannot be notified despite reasonable efforts by the product manager or the KBA, then the KBA may take measures pursuant to point 2.2.7.

2.2.6.2 Maximum performance rate for vehicles other than vehicles subject to license

A maximum performance rate exists if the product manager performs a recall or other measures and if it can be expected that all users will be reached if all necessary and appropriate means are utilized. If the product manager or the KBA issue a public alert, it can be assumed that all users will be reached thanks to sufficient coverage in the media. The KBA decides whether such coverage was sufficient.

2.2.7 Retirement of vehicles that are subject to license

Retirement means an operating ban in terms of section 17 of the Straßenverkehrs-Zulassungs-Ordnung (StVZO - Road Traffic Type Approval Law) issued by the competent registration authority. Retirement takes place for unsafe products if such measure is appropriate due to the risks inherent in such product and if the vehicle owner fails to comply with the request to have the defect repaired within the prescribed period of time. Generally, retirement is the appropriate measure if inevitable and direct risks resulting from a defect do not only endanger vehicle passengers, but also persons outside of the vehicle. The KBA decides on a case-to-case basis whether or not such measure will be initiated through the competent registration authority.

⁹ Until determination of the maximum performance rate at the end of a monitored voluntary recall, the product manager may generally decide himself on the data pool to be used, regardless of the thus achievable performance rate (see Annex I, no. 2.6.3).

2.2.8 Provision of vehicle owner addresses from the Central Register of Motor Vehicles (ZFZR)

At the request of the product manager (i. e. vehicle manufacturer or holder of the vehicle type approval), the addresses of the owners of vehicles that are subject to license, which addresses are required for recalls, may be provided from the ZFZR.¹⁰ In case of monitored voluntary recalls the product manager may be required to use data from the ZFZR.

Vehicle owner addresses from the ZFZR can only be provided to the above-mentioned product managers if a defect poses a serious threat to traffic safety or to the environment. Unsafe products are always deemed to include a defect that poses a serious threat to traffic safety.

2.2.9 Major traffic safety hazard

Major traffic safety hazards bear no relation to the provisions under the Equipment and Product Safety Act (GPSG). They are only important in connection with the provision of vehicle owner addresses from the ZFZR.

A major traffic safety hazard exists if the hazard caused by a defect affects the safety level as prescribed by the special provisions under the Road Traffic Act (see 2.1.2) or if there is a risk of deterioration. A major traffic safety hazard is deemed existent if such hazard may pose an indirect threat to the health and safety of persons, animals, or things.

2.2.10 Product manager's notification obligation

The product manager must notify the KBA if becoming aware of the fact that a consumer product on the market poses a risk to the health and safety of persons.¹¹ To that end, he shall apply decision 2004/905/EC¹² of the European Commission.

A German-based product manager must make such notification only once in Germany, in order to cover the area of the European Union (EU). For product managers based in another member state of the EU, the KBA assumes that the respective product manager will make such notification in such other member state based on Article 5 para. 3 of Directive 2001/95/EC. If an organization has product managers in several member states and if it is unclear whether or not notification about an unsafe product has been made in one of those member states, then the KBA should be informed about the hazardous consumer product.

The KBA will then check such notification and apply the risk rating procedure as set forth in decision 2004/418/EC of the European Commission¹³. If the measures initiated by the product manager, in order to eliminate the risks inherent in the consumer product, are insufficient, the KBA will decide on adequate measures by taking into account the product manager's arguments.

¹⁰ Section 35 para. 2 of the StVG - Road Traffic Act

¹¹ Section 5 para. 2 GPSG - Equipment and Product Safety Act

¹² Determination of guidelines for manufacturers and dealers when reporting hazardous consumer products to the member states' competent authorities pursuant to Article 5 para. 3 of Directive 2001/95/EC; Official Journal of the EU 2004 L 381 p. 63 et seq.

¹³ Determination of guidelines for managing the joint system for rapid information exchange (RAPEX - Rapid Alert System for Non-Food Products) and for notifications pursuant to Article 11 of Directive 2001/95/EC; Official Journal of the EU 2004 L 208 p. 73 et seq.

2.2.11 KBA's notification obligations

The KBA is obligated to report all measures, due to which a product is banned or restricted from being brought into circulation or due to which such product is ordered to be taken back or recalled (see 2.2.4.2), to the competent office for the Federal Republic of Germany (Bundesanstalt für Arbeitsschutz und Arbeitsmedizin (BAuA - Federal Institute for Occupational Safety and Health)).¹⁴

The KBA is furthermore obligated to report to the BAuA all other available information on consumer products that pose a serious risk (RAPEX notification).¹⁵ The prerequisite for a RAPEX notification is the existence of an unsafe product and/or serious risk. The KBA decides whether or not such prerequisites exist by applying the risk rating procedure as set forth in decision 2004/418/EC.

2.2.12 KBA's publication obligations

If consumer products pose a risk to the safety and health of consumers, the KBA will publish any pertinent available information by protecting any company and business secrets.¹⁶

2.2.13 Mailing service

The mailing service is a service provided by the KBA, in which the KBA forwards letters prepared by the product manager to vehicle owners, which forwarding takes place based on the addresses received from the ZFZR.

3 Performance of Measures by Product Managers and by the KBA

The KBA distinguishes between two product categories: vehicles subject to license and products other than vehicles that are subject to license. The procedure for vehicles that are subject to license is described in Annex I to the present document, and Annex II applies to all other products.¹⁷

¹⁴ Section 9 para. 1 clause 1 in conjunction with section 2 para. 14 GPSG - Equipment and Product Safety Act

¹⁵ Section 9 para. 1 clause 3 GPSG - Equipment and Product Safety Act

¹⁶ section 10 para. 2 GPSG - Equipment and Product Safety Act

¹⁷ Annex II shall remain open until adopted.

Annex I

Guideline for the Recall of Vehicles that are Subject to License

1 Introduction

This guideline refers to measures used, in order to eliminate defects that pose a serious risk to the traffic safety of consumer-owned vehicles that are subject to license, in particular if such defects pose a serious risk to the safety and health of persons (recall). It shall serve as a guideline for vehicle manufacturers, who are generally also the product managers, when initiating and performing voluntary recalls (see General Part, point 2.2.4.1). In general, this guideline is consistent with the KBA's expectations on the recall of vehicles that are subject to license and that do not comply with all requirements of section 4 GPSG.

The guideline does not exclude other measures (e. g. public alerts) or individual decisions of the KBA made on a case-to-case basis, which may be performed or enforced by the competent authority pursuant to the GPSG.

2 Recalls

2.1 Initiation of Voluntary Recalls

The product manager may have different options of how to initiate a voluntary recall.

If the vehicles affected by such recall are consumer products, the product manager must announce the measure by way of a notification pursuant to section 5 para. 2 GPSG, by using the form in Attachment 10. He declares whether he intends to perform such recall with or without provision of vehicle owner addresses from the ZFZR.

At the beginning of voluntary recalls, the recalling party may generally use the addresses of affected vehicle owners, to which he has access (e. g. addresses in possession of the product manager and/or his sales organizations). If the recalling party wishes to be provided with addresses from the ZFZR, the requirements set forth in Annex I, paragraph 2.3 and 2.4 must be met.

2.2 Examinations by the KBA

2.2.1 Tests pursuant to the GPSG

In connection with such notifications made pursuant to section 5 para. 2 GPSG and applications for the provision of vehicle owner addresses from the ZFZR, the KBA will check whether or not the product manager's measures for defect removal are sufficient given the requirements of the GPSG. If the risks resulting from such defect cannot be satisfactorily determined from the information at hand, the KBA will generally request any missing information from the product manager, in order to be able to assess the facts.

In those cases, in which the KBA monitors a voluntary recall, the special provisions of Annex I, paragraph 2.6 shall apply additionally.

2.2.2 Tests pursuant to section 35 para. 2 no. 1 of the Straßenverkehrsgesetz (StVG - Road Traffic Act)

With regard to the provision of vehicle owner addresses, the KBA will check the documents for completeness. It will also check, whether a serious hazard to traffic safety or to the environment in terms of section 35 para. 2 no. 1 Straßenverkehrsgesetz (StVG – Road Traffic Act) exists, and whether the applicant is the vehicle manufacturer or holder of a General Type Approval or holder of an EC Type Approval as issued by a member state of the European Union.

2.2.3 Priority regulation

The official assessment of facts performed by the KBA shall not interfere with any measures initiated by the product manager.

If provision of vehicle owner addresses has been properly applied for and if the examination pursuant to Annex I, point 2.2.1 could not yet be completed, then the application for provision of vehicle owner addresses shall be promptly approved if the necessary requirements exist.

2.3 Application and Documents to be filed

2.3.1 Application for the provision of vehicle owner addresses from the Central Register of Motor Vehicles (ZFZR)

The application for the release of vehicle owner data for the purpose of a recall is to be sent to the

Kraftfahrt-Bundesamt
Produktsicherheit/Rückrufe
24932 FLENSBURG
GERMANY

and applications for cost estimates and inquiries about the details of the order processing and implementation are to be sent to the Services and Order Processing Division.

A separate application for the provision of addresses must be filed for each recall, even if several recalls are to be performed simultaneously, which affect, in part but not in whole, the same range of vehicles. In order to speed up the examination for plausibility and admissibility, the collection and mailing of addresses and the settlement of expenses with the KBA, the application must contain the following information (see also the checklist in Attachment 8):

2.3.2 Information on the identification of vehicles

- Category of vehicle
- No. of the General Type Approval and/or EC Type Approval and/or vehicles with individual type approval
- Vehicle type/model/series
- Make/trade name

- Manufacturer's code number as shown in the vehicle documents (required only if no 17-digit vehicle identification number (VIN) is used)
- VIN areas or reference to delivered data carrier with complete VINs (note: for voluntary recalls that are monitored by the KBA, the worldwide-affected technical VIN area must be indicated. In that case, it is not sufficient to state the VIN area only of those vehicles that were sold in Germany through the internal sales organization.)
- Affected model years
- Number of vehicles probably affected by the recall in Germany

2.3.3 Description of the defect

for the material defect endangering traffic safety or the environment, which necessitates the inspection of the vehicles, including causes and consequences. Here, reference must also be made to any potential risks and consequences that may be caused by such material defect. If the defect has been caused by a supply part, the address of the supplier must be indicated.

- Enclose technical workshop instructions (incl. sketch, if available)
- corresponding template of the notification for the vehicle owner with the contents pursuant to Attachment 7, as required for such recall

2.3.4 Details on applications

- Indication, whether or not the KBA shall perform the mailing service (see Annex I, point 2.4.2.)
- **Original copy of the “Recall Declaration”** with clear identification of the defect and vehicle type, and signature (KBA template, see Attachment 1)
- **Original copy of the authorization** issued for the benefit of the applicant (see Attachment 2) by the responsible agent or company (vehicle manufacturer or holder of the type approval or EC type approval), unless the recall is performed by such person or company itself
- Confirmation that the costs incurred by the provision of vehicle owner addresses from the ZFZR will be borne by the recalling party
- Explanation about timing and confirmation that spare parts supply will be ensured at the time of the recall (see Attachment 9)
- Number of query records on the data carrier
- Data carrier, on which the addresses are to be delivered

2.3.5 Data transmission and data carriers

To the extent that the addresses are to be determined based on the VIN supplied by the recaller, lists printed on paper may still be used even today under special circumstances. In this case, the VIN must be collected with the disadvantage of the different media, additional cost and time at the KBA. The same is true for the vehicle owner addresses provided in the form of license plates and VIN on paper or printed on address stickers.

Especially in case of a large amount of data, commercially available electronic transmission systems are the contemporary procedure for data transfer. Attachment 3 summarizes the data carriers and remote data transmission systems, with which the KBA is currently working.

The vehicles are entered in the Central Register of Motor Vehicles (ZFZR) with differing registration status. At this time, vehicle owner addresses, VINs and license plates for currently registered vehicles (with the remark "found") and for "temporarily out of operation" vehicles are transmitted for recall measures. The number of vehicles, which are "permanently out of operation" ("cancelled"), is shown (see also Attachment 6). For "not found" vehicles, the query record is returned unchanged - except for searches via the VIN area. Further details about these matters are explained in Attachment 6. Indication of the license plate is appropriate when notifying the owner, in order to make it easier for companies as owners of large vehicle pools to assign the vehicles to the individual employees and locations.

The vehicle owners whose addresses are subject to a transmission blockage will be notified of the recall directly by the KBA. To avoid that owners are notified earlier than the repair shops, the mailing date should be agreed upon with the KBA.

2.3.6 Costs

The recaller shall bear the costs of data collection and provision. Upon request, a cost estimate can be provided before placing the order.

2.3.7 Appropriate search criteria and data protection

For reasons of data protection, the query for vehicle owner addresses by way of VIN, VIN areas and/or other suitable search criteria must be restricted to the actually affected vehicles. Special search criteria may be, for example: vehicle and body type, emission class, type of drive, permitted total weight, engine displacement, capacity, day of first registration; less suitable is the type classification number (TSN), because it often is not entered in the Central Register of Motor Vehicles for reimported vehicles and vehicles with an individual type approval.

A prior arrangement should be sought about the way, in which details, such as WMI, type and model characteristics, production period, production sites and delivery areas can be used for selection based on VIN elements.

Released addresses may only be used for notifying vehicle owners of the recall and may only be accessed by authorized employees. Reference is made to the Bundesdatenschutzgesetz (BDSG - Federal Data Protection Act) and to the general provisions on data transmission, processing, and utilization by its recipient set forth in section 43 para. 2 Straßenverkehrsgesetz (StVG – Road Traffic Act).

2.3.8 Timing

In order to ensure that notifications are mailed to vehicle owners' current addresses, the respective addresses should be supplied to the applicant within 14 days as of receipt of the respective application. Should it be necessary to notify vehicle owners in stages for logistical reasons - in particular for reasons of spare parts supply - then the ZFZR query should also be performed in stages. Also in these cases, delivery of vehicle owner addresses to the applicant should take place within 14 days as of receipt of the respective application.

Above deadlines apply as of the date, on which the KBA receives the complete application documents (see Annex I, points 2.3.1 through 2.3.5).

2.4 Notification of Vehicle Owners

2.4.1 Notification of vehicle owners by the product manager

In general, the product manager shall be at liberty to decide how often and based on what data he wishes to notify affected vehicle owners. The template in Attachment 7 shall be used for drafting notification letters.

If such notification is based on data supplied by the KBA (see paragraph 2.3), it shall be endorsed as follows:

"We have received your address from the Kraftfahrt-Bundesamt (KBA - Federal Motor Transport Authority) pursuant to section 35 para. 2 no. 1 of the Straßenverkehrsgesetz (StVG - Road Traffic Act), in order to be able to perform this recall."

In those cases, in which the KBA monitors a voluntary recall, the special provisions of Annex I, paragraph 2.6 shall apply additionally.

2.4.2 Notification of vehicle owners by the KBA (mailing service)

The KBA is offering to mail the recall letters directly to the vehicle owners (mailing service). The letter (see Attachment 7) can be reproduced either on white paper - with scanned-in company logo, however only in black ink - or on company letterhead with color logo. The company letterhead must allow thermal printing and it must be in DIN A 4 format. About 100 sheets are necessary for a possible test print run. At the recalling party's request, the space in the return address window or on the reverse of the envelope will carry either the logo of the KBA, plus the lettering "Kraftfahrt-Bundesamt" and pertinent address, or a neutral, white envelope will be used, which carries the Flensburg mailing address. Misdirected letters and replies of vehicle owners shall be mailed to the product manager. In the last-mentioned case, the recaller is asked to forward any replies to the KBA to bring the Central Register of Motor Vehicles up to date.

The costs in connection with the mailing service shall be borne by the recaller.

For the avoidance of doubt and in order to make it clear that the notification was prepared by and on account for the product manager, the mailing service must endorse the letter as follows if using KBA envelopes:

"We have received your address from the Kraftfahrt-Bundesamt (KBA - Federal Motor Transport Authority) pursuant to section 35 para. 2 no. 1 of the Straßenverkehrsgesetz (StVG - Road Traffic Act), in order to be able to perform this recall. We have agreed with the KBA that the KBA shall forward this letter."

2.5 Repair of Defects and Change of the Risk Rating

The product manager will examine and repair any defects to the vehicles affected by the recall. If the product manager has reason to believe that the risk is much greater than originally thought, he will notify the KBA. The product manager may also report findings to the KBA, which show that the risk is lower than originally thought.

In those cases, in which the KBA monitors a voluntary recall, the special provisions of Annex I, paragraph 2.6 shall apply additionally.

2.6 Special Conditions for Monitored Voluntary Recalls

2.6.1 Measures taken by the KBA

If a product defect poses a serious risk (unsafe product) and if the measures planned by the product manager to remove such defect are not sufficient, the product manager will be informed accordingly. He will be given a chance to submit comments in this respect. In general, such comments should be submitted to the KBA within six weeks.

Should the product manager and the KBA fail to agree on what measures would result in a maximum performance rate within a reasonable period of time, the KBA will order what measures need to be taken by complying with administrative provisions.

The KBA will report the defect and resulting risks to the Bundesanstalt für Arbeitsschutz und Arbeitsmedizin (BAuA - Federal Institute for Occupational Safety and Health) based on its internal assessment of facts (see General Part, point 2.2.10). Such notification will be agreed with the product manager on short notice.

2.6.2 Recall cycle

In general, monitoring of a recall by the KBA shall be completed within a period of 18 months. In case of a monitored voluntary recall that is performed in stages, as approved by the KBA, such period of time may be longer.

2.6.3 Notification of vehicle owners by the product manager

At the beginning of a monitored voluntary recall, the product manager shall be generally at liberty to decide how often and based on what data he wishes to notify affected vehicle owners.

The product manager must, however, have all defective vehicles, which are located in the registration territory of the Federal Republic of Germany, identified in the ZFZR in due time prior to expiry of the normally 18-month period (12 months are recommended after commencement of the recall). He shall report to the KBA the number all vehicles worldwide yet unprocessed at that point in time. The provisions applicable in this case can be found in Annex I, paragraphs 2.3 and 2.4. When planning the timeframe required for his recall, the product manager must take into account any delays resulting from unavailability of vehicle owners.

For monitored voluntary recalls, which may result in vehicles being taken off the road, the template in Attachment 7 shall be used for notification of vehicle owners, which carries the note that the vehicle may be taken off the road. If taking a vehicle off the road is not being considered, then the template in Attachment 7 shall be used again for notification of vehicle owners, but this time, it shall carry the note that the vehicle owner will be responsible for his vehicle's safe condition. Mailing of the notification by the product manager shall take place in such a way as to stand up in court.

2.6.4 Unavailability of vehicle owners

If the recalling party is unable to reach vehicle owners, this may have two reasons.

On the one hand, vehicle owners may not be reachable, because their postal address is no longer valid (e. g. deceased, address unknown) or because the vehicle is no longer in their possession (e. g. sold, scrapped). In most cases, the recalling party will get a respective reply within a period of about 6 weeks. In those cases, in which the recalling party has not become aware of the vehicle's new owner in the Federal Republic of Germany, he will forward such undeliverable letters to the KBA (see Annex I, point 3.2.3), in order to enable the KBA to initiate the respective correction procedures.

On the other hand, the recalling party may be able to reach vehicle owners, but such vehicle owners fail to follow the invitation to have the defect removed. In those cases, usually after 4 months, the recalling party will have the information, as to which vehicles have not been repaired yet. He will record the respective VINs. It is recommended for the recalling party to once again compare the VINs of all vehicles, which have not been repaired, with the database of his own workshop network and to check them for accuracy before forwarding those VINs to the KBA.

2.6.5 Completion of monitored voluntary recalls

Monitoring of a voluntary recall by the KBA, which includes taking vehicles off the road, will be completed after the KBA has received the VINs of all vehicles that have not been repaired and the total number of vehicles identified as subject to a recall in Germany (see Annex I, point 3.2.1).

[Furthermore, the product manager will be obligated to file an application that all remaining VINs, which show a "retired" or "temporarily out of operation" status, be furnished with a search criterion. The pertinent costs must be borne by the product manager]¹⁸

If taking vehicles off the road is not considered under a monitored voluntary recall, a decision on the termination of recall monitoring will be made on the basis of the product manager's confirmation that all reachable vehicle owners have been addressed and on the basis of the notified defect removal performance rate.

In either case, the product manager will be notified in writing about the decision on the termination of recall monitoring.

¹⁸ This requirement must only be fulfilled after implementation of the procedure at the KBA.

2.6.6 Further measures by the authorities

For monitored voluntary recalls that include taking vehicles off the road, the license plates to the VINs as communicated by the product manager pursuant to Annex I, point 2.6.5 will be determined. The registration authorities will be asked to initiate an operating ban pursuant to section 17 of the Straßenverkehrs-Zulassungs-Ordnung (StVZO - Road Traffic Type Approval Law).

[Each VIN that shows "retired" or "temporarily out of operation" will be assigned a search criterion in the ZFZR. As soon as the status in the ZFZR changes to "found" (vehicle is registered), the new vehicle owner address will be notified to the product manager.]¹⁸

3 Communication Rules

3.1 Rules that apply to Product Managers

Product managers shall ensure constant updating of their communication addresses in connection with the fulfillment of the GPSG and they shall notify the KBA of any changes. This includes postal addresses, carried products, and contact persons with telephone and fax number and e-mail address.

3.2 Rules that apply to the KBA

The KBA shall ensure constant updating of its communication addresses in connection with the fulfillment of the GPSG and it shall notify product managers of any changes.

3.2.1 Addresses for product safety/recalls

The following contact addresses apply at the KBA:

Postal address:

Kraftfahrt-Bundesamt
Produktsicherheit/Rückrufe
24932 FLENSBURG
GERMANY

E-Mail: abt-technik@kba.de

Telephone: + 49 (4 61) 3 16-0
Fax: + 49 (4 61) 3 14-17 91

If a previous campaign has already involved correspondence with the Product Safety/ Recall Division, then the phone or fax numbers or email addresses indicated therein shall be used for efficiency reasons.

3.2.2 Addresses of the Services and Order Processing Division (Mailing Service)

For inquiries in connection with the mailing service pursuant to Annex I, point 2.4.2, the following contact addresses shall apply at the KBA:

Postal address:

Kraftfahrt-Bundesamt
Sachgebiet 314
24932 FLENSBURG
GERMANY

E-Mail: kba-sgb314@kba.de

Telephone: + 49 (4 61) 3 16-0
Fax: + 49 (4 61) 3 16-29 35

3.2.3 Addresses for the initiation of correction procedures

For inquiries in connection with the correction procedure pursuant to Annex I, point 2.6.4, the following contact addresses shall apply at the KBA:

Postal address:

Kraftfahrt-Bundesamt
Sachgebiet 221
24932 FLENSBURG
GERMANY

E-Mail: sachgebiet221@kba.de

Telephone: + 49 (4 61) 3 16-0
Fax: + 49 (4 61) 3 16-28 50

Attachment 1

D e c l a r a t i o n

on the Recall Action

I.

1. The transmitted data will be used exclusively for the recalls described below:

Type (according to type approval) _____

Reason: _____

Code of the recall: _____

2. We have made sure that only such employees of our company entrusted with carrying out the recall and sworn beforehand to data secrecy pursuant to section 5 of the Bundesdatenschutzgesetz (BDSG - Federal Data Protection Act) will have access to or process the data. Commissioned data processing (section 11 BDSG) remains unaffected.
3. Released addresses may only be used for notifying vehicle owners of the recall and may only be accessed by authorized employees. We are aware of the Bundesdatenschutzgesetz (BDSG - Federal Data Protection Act) and of the general provisions on data transmission, processing, and utilization by its recipient as set forth in section 43 para. 2 of the Straßenverkehrsgesetz (StVG - Road Traffic Act).
4. The Kraftfahrt-Bundesamt (KBA - Federal Motor Transport Authority) has the right to monitor compliance with the above obligations at any time and without prior announcement.
5. The Kraftfahrt-Bundesamt (KBA - Federal Motor Transport Authority) is pointing out in this context that obtaining personal data by false pretence will be prosecuted as a misdemeanor or felony under German law (Bundesdatenschutzgesetz (BDSG -Federal Data Protection Act)).

II.

The recaller(s) recognize(s) that the Kraftfahrt-Bundesamt (KBA - Federal Motor Transport Authority)

- does not assume any guarantee for the up-to-datedness of vehicle owner addresses,
- excludes any liability claims arising out of the transmission of vehicle owner addresses, in particular such claims arising out of the fact that such addresses may not be up to date,
- can process requests for address verification and replacement of addresses only against reimbursement of costs.

(Ort, Datum)

(Unterschrift(en) und Firmenstempel)

Attachment 2

Appointment of an Authorized Agent

I.

We, the Company
(Manufacturer or holder of the type approval)

.....
(Street)

.....
(Zip code - city - country)

herewith authorize
(Authorized agent)

.....
(Street)

.....
(Zip code - city - country)

- to perform each and every measure at the Kraftfahrt-Bundesamt (KBA - Federal Motor Transport Authority) required in connection with the fulfillment of the Geräte- und Produktsicherheitsgesetz (GPSG - Equipment and Product Safety Act) and/or Directive 2001/95/EC,
- to apply for the provision of vehicle owner addresses from the Central Register of Motor Vehicles (ZFZR) pursuant to section 35 para. 2 no. 1 of the Straßenverkehrsgesetz (StVG - Road Traffic Act) (please check as appropriate)

This authorization applies in general (please check as appropriate)
with restrictions

Restrictions:
.....

(Place, date)

(Signature(s) and company seal)

II.

Confirmation by the authorized representative

We agree to assume the function of authorized agent for above company and we undertake to fulfill all pertinent obligations vis-à-vis the Kraftfahrt-Bundesamt (KBA - Federal Motor Transport Authority).

(Place, date)

(Signature(s) and company seal)

Attachment 3

Data Carriers and Remote Data Transmission Standards

Data carriers and remote data transmission standards that the KBA is able to receive/send and accept/issue:

Magnetic tape cassette

Tape C1	3480	18 tracks	200 - 250 MB
Tape C2	3480	18 tracks compressed	up to 720 MB
Tape C4	3490	36 tracks compressed	up to 1.6 GB

Code: ASCII (ISO 8859-1) or EBCDIC (DF04)

Description formats: Magnetic tape standard according to DIN 66029

Diskette (operating system MS DOS or UNIX)

Size: 3.5 inch (HD)
Code: ASCII (ISO 8859-1) or EBCDIC (DF04)

Remote data transmission - timely and detailed agreement required -

1. Only for members of the German Association of the Automotive Industry (VDA): file transfer via ISDN with ODETTE protocol
2. ISDN-FT with cryptographic encoding (subject to agreement)
3. E-mail with up to 2 MB in transferable data (**must not be used for sending vehicle owner data**)

CD-ROM

Storage capacity: 650 MB
Code: ASCII (ISO 8859-1)

Zip drive

Storage capacity: 100 MB
Code: ASCII (ISO 8859-1)

Data compression with WinZIP or the insertion of end-of-sentence characters (CR/LF Hex“0D/0A“) and field separators for databases (standard is semi-colon) is possible, except for magnetic tapes and magnetic tape cassettes, but has to be agreed upon separately.

Attachment 4

Record description

File name: Search for recall by VIN from the database of the Central Register of Motor Vehicles

Type of record/description of record: fixed

Serial no.	Field-name	Position		Feld-length	F	F	A	W	Field content/remarks
		from	bis						
01	KENNZ	001	009	009	C	V		S	Enter space in field
02	HER	010	013	004	C	V		S	Enter manufacturer's code number
03	FIN25	014	038	025					Title: vehicle identification number (VIN)
03.1	FINRE	014	021	008	C	L		S	Enter space in field
03.2	FIN	022	038	017	C	R	S	S	Enter 17-digit VIN, right-aligned
04	FZBRF	039	058	020	C	L	S	S	Enter space in field
05	RECNM	059	063	005	C	V		S	Enter SURUE in field
06	AUFTG	064	074	011					Title: recaller
06.1	MINEX	064	064	001	C	V		S	Enter E in field
06.2	ORGBK	065	069	005	C	L	S	S	Enter space in field
06.3	ZISUN	070	074	005	C	L	S	S	Enter search number in field (assigned by the KBA as related to the recaller)
07.1	MM	075	076	002	C	V		S	Enter space in field
07.2	TT	077	078	002	C	V		S	Enter space in field
07.3	LFD05	079	083	005	C	V		S	Enter space in field
07.4	ANFZZ	084	084	001	C	V		S	Enter space in field
08	AKTZ	085	097	013	C	L	S	S	Enter space in field
09	ANFZW	098	098	001	C	V		S	Enter space in field
10	AUFRM	099	100	002	C	V		S	Enter 60 in field
11	DDTAT	101	108	008	C	V	0	S	Enter space in field
12	RE	109	120	012	C			S	Enter space in field

FF=field form C/N alpha-numerical/numerical
FO=field form R/L/V right-aligned/left-aligned, completed in full
A/Z/WL filler characters/if empty
S/SP = Space

Explanations to assist in completing the form:

Example for a sample record:

.....1234.....WMI45678901234567.....SURUEE.....70100.....60.....

Shown as sample: 1234 = manufacturer's code number
 WMI45678901234567 = VIN
 70100 = general search number for recaller without special
 . = Space

Attachment 5

Record description (effective as of 01 Oct. 2005)

File name: Search results for recall from the database of the Central Register of Motor Vehicles

Type of record/description of record: fixed

Serial no.	Field-name	Position		Feld-length	F	F	A	W	Field content / remarks
		from	bis						
01	FIN25	0001	0025	025					Vehicle Identification Number (VIN) 25 digits
01.1	FINRE	0001	0008	008	C	L		S	VIN reserve 8-digit (not yet in use at this point in time)
01.2	FIN	0009	0025	017	C	R	S	S	Vehicle Identification Number
02	HER	0026	0029	004	C	V		S	Manufacturer's code number
03	TYP	0030	0032	003	C	V		S	Type code number
04	KENNZ	0033	0041	009					
04.1	UZ3	0033	0035	003	C	L			3-digit distinguishing mark
04.2	BU	0036	0037	002	C	L			Identification letter
04.3	NR	0038	0041	004	C	R			Identification number
05	STBA	0042	0047	006					Statistical I.D. number of the respective registration office
05.1	LD	0042	0043	002	C	V		S	Country code number
05.2	REGBZ	0044	0044	001	C	V		S	Administrative district
05.3	KRS	0045	0046	002	C	V		S	District code number
05.4	ZUSZ	0047	0047	001	C	V		S	Additional figure for district
06	GEM	0048	0050	003	C	V		S	Municipality code number
07	KREN	0051	0054	004	C	V		S	Code identifying fuel and energy source
08	HUB	0055	0059	005	C	R	O	S	Cubic capacity
09	D1ZUL	0060	0067	008					Date of first registration YYYYMMDD
09.1	D1ZJA	0060	0061	002	N	R			Year of first registration part A/19 or 20
09.2	D1ZJB	0062	0063	002	N	R			Year of first registration part B/00 – 99
09.3	D1ZMM	0064	0065	002	N	R			Month of first registration 00 – 12
09.4	D1ZTT	0066	0067	002	N	R			Day of first registration
10	ANR	0068	0068	001	C	V		S	Code number for sex or form of address 0 = Company 1 = Mr. 2 = Mrs.
11	DRGRD	0069	0093	025	C	L	S	S	Doctor title
12	VNAME	0094	0153	060	C	L	S	S	First name(s)
13	NAMBZ	0154	0303	150	C	L	S	S	Name or title
14	PLZ08	0304	0311	008	C	R	S	S	Zip code
15	NATIO	0312	0314	003	C	L	S	S	Country code for address
16	WOHNO	0315	0354	040	C	L	S	S	Place of residence
17	STRAS	0355	0394	040	C	L	S	S	Street
18	HSNR	0395	0398	004	C	L	S	S	4-digit street number
19	HNZ15	0399	0413	015	C	L	S	S	Letter(s) or extension to street number, 15 digits
20	MKZUS	0414	0414	001	C	V			Attribute for registration status in the ZFZR S = vehicle has been taken off the road, last-known vehicle owner address has been supplied N = vehicle not found, field serial no. 01 and 02 will be supplied, all remaining fields are filled with space. L = vehicle is deleted, field serial no. 01 and 02 will be supplied, all remaining fields are filled with space. Space = w/o attribute, vehicle is registered, vehicle owner address has been supplied

FF=field form C/N alpha-numerical/numerical
FO=field form R/L/V right-aligned/left-aligned, completed in full
A/Z/WL filler characters / if empty
S/SP = Space

Attachment 6

Information on the Registration Status of Vehicles in the Central Register of Motor Vehicles

The vehicles are entered in the Central Register of Motor Vehicles (ZFZR) with differing registration status. As a result of the vehicle search for recall and service measures, the following summaries are used:

1. Records found

This data supply contains the **hits** when collating your query data with the data of the ZFZR. Aside from the **vehicle owner's address**, Vehicle Identification Number (VIN) and the license plate, it also contains technical details. In general, the vehicle is actively taking part in road traffic.

2. Records not found

This data supply contains the query records, for which there were **no hits** when collating the data of the ZFZR. These VINs are returned unchanged **in the format of the query record**.

These may also be vehicles that have been out of operation for more than 5 years and in respect of which data is no longer stored in the ZFZR, or vehicles that are not operated with a StVZO license plate (e. g. vehicles shipped abroad).

If **VIN fields or type series** of the affected vehicles are specified, no data records are supplied!

3. Records on vehicles that are permanently taken out of operation

The concept defines vehicles that pursuant to section 27 para. 5 or 6 Straßenverkehrs-Zulassungs-Ordnung (StVZO - Road Traffic Type Approval Law) - have been permanently taken off the road. The data of these vehicles will be stored for a period of 5 years. After such 5-year period, the data will be removed from the ZFZR.

No information is available on why they were taken off the road permanently. Therefore, no information can be provided as to whether the vehicle has been scrapped, exported or taken out of operation for longer than 18 months pursuant to section 27 para. 6 Straßenverkehrs-Zulassungs-Ordnung (StVZO - Road Traffic Type Approval Law).

4. Records on vehicles that are temporarily taken out of operation

In the future, records on vehicles that are temporarily out of operation will be supplied separately. In the large majority of cases, these are vehicles that are up for sale at a dealer, or vehicles that have been taken out of operation for seasonal reasons (e. g. motorcycles or convertibles without seasonal license plate for winter months). For vehicles that are temporarily out of operation, the **last** vehicle owner remains registered in the ZFZR until re-registration, even though he might no longer own the vehicle.

There is no information available on the actual locations of vehicles that are temporarily out of operation.

The record corresponds to releases under 1), thus with indication of the **last known address of the vehicle owner**. On account of the separate identification, an amended text is feasible for the letters sent to vehicle owners.

Attachment 7

Examples of vehicle owner notifications:

Vehicle owner notifications in case **the mailing service** of the KBA is used.

(Company name, place of business)

.....
.....
.....
.....

<Category of vehicle, make and, if applicable: company name and place of business>;
- Recall*¹⁹ due to (short description of the defect)

License plate:
Vehicle Identification Number:

Dear Vehicle Owner,

<company name> has determined that your above-mentioned vehicle may have a defect that poses a serious risk to traffic safety <and possibly to the environment>.

There is a possibility that <the defect*> may occur in your vehicle and therefore, it needs to be repaired. Otherwise, there is a risk of <consequence of the defect*>.

Please be so kind and make an appointment as soon as possible with <the workshop in charge of repairing the defect*>, so that your vehicle can be inspected and possible defects repaired, free of charge. If you have any questions, please contact our telephone hotline at <telephone number*>

We appreciate your understanding in this matter and we assure you that the measure is carried out for your own safety and for the safety of other road users.

[Please note that you will not receive any further notifications from us in this matter. In case that your vehicle is not presented at <the workshop in charge of repairing the defect> by <date>, the Kraftfahrt-Bundesamt (KBA - Federal Motor Transport Authority) may take further action together with the competent registration offices, in order to ensure that the vehicle is taken out of operation until implementation of the recall measure.]²⁰

If you have sold or permanently retired the vehicle from use, please fill out the enclosed reply card and return it to us.*

Sincerely,

Note*:

We have received your address from the Kraftfahrt-Bundesamt (KBA - Federal Motor Transport Authority) pursuant to section 35 para. 2 no. 1 of the Straßenverkehrsgesetz (StVG - Road Traffic Act), in order to be able to perform this recall. We have agreed with the KBA that the KBA shall forward this letter.

If you have any questions, please contact the manufacturer of your vehicle exclusively.

* Element must be indicated in the letter to the vehicle owner

¹⁹ For monitored voluntary recalls always state "Recall Campaign"

²⁰ This wording shall apply only to monitored voluntary recalls that include taking the vehicles off the road. It shall be used for letters mailed in the vehicle manufacturer's final follow-up stage.

Attachment 7 (continued)

Vehicle owner notifications w/o using the KBA's **mailing service**

(Company name, place of business)

.....
.....
.....
.....

<Category of vehicle, make and, if applicable: company name and place of business>;
- <Recall*> due to <short description of the defect>

License plate:
Vehicle Identification Number:

Dear Vehicle Owner,

<company name> has determined that your above-mentioned vehicle may have a defect that poses a serious risk to traffic safety <and possibly to the environment>.

There is a possibility that <the defect*> might occur in your vehicle and therefore, it needs to be repaired. Otherwise, there is a risk of <consequence of the defect*>.

Please be so kind and make an appointment as soon as possible with <the workshop in charge of repairing the defect*>, so that your vehicle can be inspected and possible defects repaired, free of charge. If you have any questions, please contact our telephone hotline at <telephone number*>

We appreciate your understanding in this matter and we assure you that the measure is carried out for your own safety and for the safety of other road users.

[Please note that you will not receive any further notifications from us in this matter. In case that your vehicle is not presented at <the workshop in charge of repairing the defect> by <date>, the Kraftfahrt-Bundesamt (KBA - Federal Motor Transport Authority) may take further action together with the competent registration offices, in order to ensure that the vehicle is taken out of operation until implementation of the recall measure.]²¹

If you have sold or permanently retired the vehicle from use, please fill out the enclosed reply card and return it to us.*

Sincerely,

Note*:

We have received your address from the Kraftfahrt-Bundesamt (KBA - Federal Motor Transport Authority) pursuant to section 35 para. 2 no. 1 of the Straßenverkehrsgesetz (StVG - Road Traffic Act), in order to be able to perform this recall.

* Element must be indicated in the letter to the vehicle owner

²¹ This wording shall apply only to monitored voluntary recalls that include taking the vehicles off the road. It shall be used for letters mailed in the vehicle manufacturer's final follow-up stage.

Attachment 7 (continued)

Sample of a reply card as issued by the recaller when using the mailing service

Front

Sender:	Postage paid Recipient!
Reply card	
Vehicle manufacturer	
12345 Sample City	

Back

Recall measure:	
Please fill out and return only if the recall request <u>cannot</u> be complied with for the following reasons.	
The vehicle with the 17-digit vehicle identification number	
----- (Important, please enter) has been:	
<input type="checkbox"/> sold to:	<input type="checkbox"/> a new vehicle owner
	<input type="checkbox"/> a dealer
Name:	_____
Street address:	_____
Zip code and place:	_____
<input type="checkbox"/> stolen	
<input type="checkbox"/> scrapped	
<input type="checkbox"/> permanently retired	
<input type="checkbox"/> _____	
Date: _____	Signa- ture:
<i>Thank you for your assistance !</i>	

Attachment 8

Checkliste der erforderlichen Herstellerangaben zu Rückrufaktionen

Identification of the vehicles	Basic measure	Follow-up measure
Category of vehicle		*
No. of type approval or EC type approval		*
Vehicle type		*
Make/trade name		*
Manufacturer's code number (n/a if 17-digit VIN is provided)		*
Affected model years		*
Number of vehicles probably affected (Attachment 9)		
Indication of technically affected VINs or VIN areas (possibly reference to supplied data carriers)		

Description of the Defect

Reason for the recall (description of the defect and consequences)		*
Letter to vehicle owner enclosed: (for sample see Attachment 7)		
<ul style="list-style-type: none"> ▪ identified as recall measure 		
<ul style="list-style-type: none"> ▪ telephone hotline 		
<ul style="list-style-type: none"> ▪ reply card (if desired; see Attachment 7) 		
<ul style="list-style-type: none"> ▪ reference to section 35 para. 2 no. 1 StVG (see Attachment 7) <small>(If mailing service is used, make following note: For questions, please contact the vehicle manufacturer)</small> 		
Workshop instructions (incl. sketches)		*

Information and Attachments to the Application

Mailing of vehicle owner notifications through KBA (mailing service)	yes <input type="checkbox"/> no <input type="checkbox"/>	yes <input type="checkbox"/> no <input type="checkbox"/>
Original copy of the Recall Declaration (Attachment 1)		*
Authorization issued by the manufacturer or holder of the type approval (Attachment 2) (required only if the applicant is not the manufacturer / holder of the type approval)		*
Confirmation of cost assumption		*
Statement on the timing of spare parts supply (Attachment 9)		*
Data carrier	yes <input type="checkbox"/> no <input type="checkbox"/>	yes <input type="checkbox"/> no <input type="checkbox"/>
Number of query records on the data carrier		

*) may be omitted if there have been no changes as compared to the basic measure.

Attachment 9

Statement on the Timing and Confirmation of Spare Parts Supply

According to current estimates, the following number of vehicles will be affected by the recall action with code

- worldwide
- in Germany

The recall shall be conducted in phase(s).

The 1st phase will take place on and involve vehicles.

The 2nd phase will take place on and involve vehicles.

Further phases will take place at intervals of and involve vehicles.

Spare parts supply will be ensured at the beginning of each recall phase.

(Place, date)

(Signature(s) and company seal)

Attachment 10

Notification by the Product Manager pursuant to section 5 para. 2 GPSG

1. Name and address of the manufacturer, authorized agent or dealer (incl. phone and fax number)	
2. Product (e.g. motor vehicle)	
3. Type/model/series	
4. Make/trade name	
5. Identifier (e. g. vehicle identification number)	
6. Affected model years	
7. Number of affected units	
8. Information on product traceability*	
9. Short description of the defect	
10. Short description of the risk inherent in the product	
11. Relevant test results*	
12. Accidents*	
13. Description of measures taken, in order to avert risks for consumers*	
14. Is the hazard limited to the territory of the Federal Republic of Germany? (yes/no)	

*) Should this information include company or business secrets, then they must be disclosed to the KBA and identified as such.

**Services of Kraftfahrt-Bundesamtes (KBA)
for the holders of (or applicants for) approvals
(State: 01/06)**

- Granting of type approvals for ¹⁾:
 - vehicle types
 - National Type Approvals
 - EC-type approvals
 - EC-type approvals for systems
 - EEC-approvals (for systems)
 - types of vehicle parts
 - National Type Approvals for parts
 - National Type Approvals
 - EC-type approvals for technical units
 - EC-type approvals for vehicle parts
 - EEC-type approvals for vehicle parts
- on the basis of submitted:
 - applications
 - Technical reports of technical services with confirmed competence,
 - preconditions concerning administrative law
 - Initial assessment by the KBA
- Performance of Initial assessment ¹⁾:
 - on the basis of a manufacturer's assessment (assessment of the quality-ensuring measures of the manufacturer relating to interests of the authority)
 - on the basis of certificates of authorised bodies
 - performance of verification / certification by the KBA
- Certification of quality systems in vehicle building according to EN ISO 9001/9002, QS 9000, VDA 6.1 or an equivalent standard ¹⁾
- Establishment of manufacturer's capacity in case of external production
- Check of conformity of production
- Issue of blanks of vehicle titles
- Assignment of WMI-(World Manufacturers Identification)- numbers
- Preparation of data for filling in of vehicle titles as well as sample data records for CoC-papers (EC-type approval for vehicles according to Directive 70/156/EEC)
- Recognition and accreditation of Testing Laboratories
- Accreditation of Certification Bodies

¹⁾ It is recommended to applicants, to agree an information meeting at the KBA, which is free of costs.

Further information can be requested from KBA under tel. + 49 (4 61) 316-0, fax + 49 (4 61) 3 16-28 61, e-mail: kba@kba.de :

- Guidance for applications for granting type approvals for vehicles and systems according to the EC-directive 70/156/EEC (**LEG 70/156/EWG**) (State: November 1997)
 - Information sheet Multi-stage Type approval based on directive 98/14/EC (**MMT**) Supplement to the guideline for applications for granting of Type approvals for vehicles and systems according to the EC-Directive 70/156/EEC (LEG 70/156/EEC) (German/English, State: March 2002)
 - Information sheet to directive 70/156/EEC, in the version 98/14/EEC "New technologies or characteristics" (**MTM**), according to art. 8, par. 2, letter c (German/English, State: July 1998)
 - Guide for the German approval for vehicles produced in small series (**LKS**), to directive 70/156/EEC, in the version 95/54/EEC, in conjunction with § 20 StVZO (German/English, State: December 1996)
 - Information sheet to directive 70/156/EEC, in the version 98/14/EEC "Discontinuing series", according to art. 8, par. 2 letter b (**MAS**) (German/English, State: July 1998)
- Guideline in accordance with the Directive 2003/37/EC (**LEG 2003/37/EC**) (German/English, State: October 2005)
- Guidance for applications for granting of Type approvals for engines to be installed in non-road mobile machinery (exhaust gas emissions) according to the EC-Directive 97/68/EC (LEG 97/68/EC) (German/English, State: February 1999)
- Guideline for test of conformity of vehicles in operation in connection with the EC type approval (exhaust emission) (LEG 98/69/EC) (German/English, State: December 2003)
- Guideline for applications for the issue of type-approvals for two or three-wheeled motor vehicles in accordance with the Directive 2002/24/EC (LEG 2002/24/EC) (German/English, State: August 2003)
 - Guideline small-series (**KS**), to the directive 2002/24/EC and § 20 StVZO as supplement to LEG 2002/24/EC (German/English, State: August 2004)
- Information sheet for preparation of Test reports including type description (**MGT**), for granting of National Type Approvals and extensions for vehicle types according to § 20 StVZO (State: May 1994)
- Draft of a contract for establishment of manufacturers capacity (German/English, State: March 1997)
- Information sheet for applications for granting of type approvals (**MAT**), for vehicles and vehicle parts (German/English, State: July 2003)
- Information sheet to Initial Assessment (**MAB**) (German/English, State: November 2005)
- Requirements catalogue (**ANK**) on the applicant / holder of a type approval to establish the capacity as manufacturer for vehicles, systems, components and independent technical units, manufactured in the production plant of an external, legally independent company (German/English, State: May 1999)
- Information sheet for preparation of Technical reports for special wheels, identical wheels and imitated wheels for passenger cars (**MR**) (German/English, State: February 2005)
- Results of emission – tests of motor vehicle types with National Type Approval, EC-type approval (in the respective topical state: at the moment 53,30 EUR)
Request: tel. + 49 (4 61) 3 16-0, fax + 49 (4 61) 3 14-17 31

For requests concerning the following information sheets and lists you get information at the branch office of the KBA, at Dresden under tel. + 49 (3 51) 4 73 85-0, fax + 49 (3 51) 4 73 85-36, e-mail asd@kba.de

- Short information concerning Initial Assessment (State: December 2000)
- Current list of companies verified or certified by the KBA*) (in the respective topical state)
- Current list of Technical Services recognised or accredited by the KBA *) (in the respective topical state)
- Current list of Certification Bodies accredited by the KBA *) (in the respective topical state)

***) also available in English**