

Information system

Type approval procedure

Consequences of the BREXIT on the type approval procedure

Question or problem:

The intended exit of the United Kingdom (UK) on 29 March 2019 will have consequences for type approvals issued by the VCA based on European Union directives¹ and for national type approvals, which are issued to manufacturers located in the UK according to the Straßenverkehrs-Zulassungs-Ordnung (StVZO). The following questions arise:

1. How will e11 type approvals be transferred to e1 type approvals (Union type approvals)?
2. How national type approvals according to StVZO are be affected by the UK exit when the type approval holder is located in the UK?

Result:

Pertaining to 1.:

The transfer requirements are essentially defined in Regulation (EU) 2019/26 on the complementing Union type approval legislation with regard to the withdrawal of the United Kingdom from the Union and in the specifications issued by the KBA.

- The regulation applies only to new approvals based on UK type approvals (e11). Granting Union type approvals is possible up to the day on which Union type approval regulations cease to apply to and in the UK (hereinafter Exit Date). The complete application documentation must be submitted in order to grant such an approval.
 - All e11 type approvals will be invalid after the Exit Date.
 - Union type approvals enter into effect from the day they are granted or at a later date specified therein (effective date). The old type approvals will then automatically become invalid on the day before.
 - Applicants have to submit to the KBA a list of all e11 type approvals granted after 1 January 2008. The list will classify type approvals as follows:
 - Invalid type approvals and type approvals with are not intended to transfer to a Union type approval. The Union type approval authority selected to assume the obligations of the UK type approval authority must be named for each of these type approvals.
 - Type approvals for transfer to Union type approvals must also be listed. The selected Union type approval authority must be named for each type approval.
- The KBA must agree to this list before Union type approvals can be granted.

¹ (E11 type approvals pursuant to UN regulations thereof excluded)

Information system Type approval procedure

- A new type approval number will be issued. The KBA will accept dual marking/ labelling (e11 and e1 type approval numbers).
- Type designation can be maintained. The use of initial/ original type designations is recommended.
- Granting type approvals according to earlier versions is possible, provided that distribution is still permissible under these. The KBA approval number will reflect these versions.
- The test report from the Technical Services named by e11 will be accepted by the KBA for the "first approval" (no KBA designation required). The KBA will demand tests relating to the "first approval" only if necessary. In this case the tests must be performed by a Technical Service, who is designated by the KBA.
- The "first approval" will include a collateral clause that a designated Technical Service must be consulted when the next extension is due. This clause will fall away if the initial/ original test report is issued by a KBA designated Technical Service or if the Technical Service was designated by KBA at the time of issuance.
- The rules regarding the designation will apply in case the manufacturer wishes that a KBA designated Technical Service take over test results from the e11 Technical Service.
- In case of required changes a Technical Service designated by the KBA must issue a test report. Transfer and extension may take place simultaneously. The IST [Type approval procedure information system] No. 06-15 may need to be observed.
- The declaration according to Article 6 No. 2 BREXIT resolution, which must be submitted by the applicants, should read as follows:
We, < Name of applicant >, agree to cover the costs that the Union type approval authority incur as a result of exercising its powers and fulfilling its obligations in respect of the vehicles, systems, components and separate technical units concerned.
- Should a manufacturer not be known by the KBA, an initial assessment must be successfully completed in accordance with the information sheet on initial assessments (MAB) before the KBA may transfer e11 type approvals. The following documentation must be submitted:
 - Proof of legal identity (certified registration document)
 - MAB - Form 9.1 and if required MAB - Form 6.1 or 6.2 (manufacturer agreements)
 - A Statement of Compliance (SoC) issued by the VCA as QM proof
- When applying, the full documentation of the initial/ original type approval must be submitted.
- System approvals shall not contain e11 component approvals; vehicle approvals shall not contain e11 system approvals.
- The previous type approval number and date or the type approval reference (e11) shall be given as remarks in the type approval sheet of the Union type approval.

Pertaining to 2.:

National type approvals according to StVZO issued for type approval holders, who are located in the UK, will be invalid with regard to the withdrawal of the UK from the European Union.

As described in Regulation (EU) 2019/26 complementing Union type-approval legislation with regard to the withdrawal of the United Kingdom from the Union, these specifications are intended to describe the transfer of national type approvals.

The transfer to a new type approval holder will be possible up to the date of exit.

Information system Type approval procedure

Under the following conditions a transfer of national type approvals based on the supplementary procedure (supplement without test report) is possible:

- The approval object will be manufactured without changes and in compliance with the type approval.
- The current approval holder will apply for a transfer of the type approvals to a new approval holder. The following declaration of assignment shall be submitted:
We, Company A, hereby apply for transfer of type approval(s) to Company B. We, Company A, enter the rights to documentation related to type approvals to Company B for further use. We are in agreement with the transfer of these approvals to Company B as the new type approval holder. A list of type approvals affected by this declaration is attached.
- The new type approval holder must be located in the EEA, must have a completed initial assessment (see MAB) and must submit the following declaration:
We, official company name, agree to assume the obligations of Company < official company name of the current approval holder > related to type approvals, including with retrospective effect. A list of type approvals affected by this declaration is attached to the declaration of assignment. We accept responsibility for the products in terms of measures under the Product Safety Act (ProdSG). We shall also, as the responsible entity for the products, assume all obligations relating to approved objects in the course of the applied transfer of approval, including products already on the market and products, which are produced but have not been put in the market marketed (before transfer of approval).

A new national type approval, based on previous tests and the original/ initial approval number, may be granted after the date of exit under to the following conditions:

- The approved object will be manufactured without changes.
- The new approval holder must be located in the EEA and must have a completed initial assessment (see MAB).
- The previous approval holder must submit the following declaration to the KBA:
We, <official name of the original approval holder>, assign the rights to documentation associated with type approval to < official name of the new applicant > for further use. We agree to further use of the approval number/ reference. A list of type approvals affected by this declaration is attached.
- Should the new applicant intend to continue using the approval number/ reference, additional markings (e.g. part number, month of manufacture) on the approved object must clearly indicate when and under whose responsibility the part was manufactured.
- The Technical Service confirms compliance with the current regulations.
- Despite the use of the old approval number this is a new type approval in the legal sense.

Flensburg, 04.03.2019
Petra Baldenegger