

Type-Approval Procedure

Information System of the German Type-Approval Authority

Regulations (EU) 2018/858, (EU) No. 167/2013 and 168/2013

- Implementation of notification requirements by manufacturers as KBA approval holders

Issue/Statement of the problem:

If products¹ falling within the scope of the above regulations are non-compliant or pose a serious risk, obligations arise for approval holders (manufacturers)² and market surveillance and approval authorities. Approval holders (manufacturers) are obliged, among other things, to notify the competent authorities if they become aware that products are not compliant or pose a serious risk.

The following rules are provided for simple and practical implementation of the prescribed notification procedures to the KBA by manufacturers as KBA approval holders.

Result:

A - Product is not in conformity, there is no serious risk

A product is non-compliant if it

- does not comply with the above regulations or
- has been approved on the basis of incorrect data or
- does not comply with the approval issued, or
- in the case of a vehicle, does not have a correct certificate of conformity.

If the approval has been granted by the KBA and the product is non-compliant according to the assessment of the approval holder (manufacturer), the approval holder submits a notification to the Type Approval Department nichtkonform@kba.de. For this purpose, the information must be provided to the KBA in a specified notification form (Annex 1 (for the current version, see KBA website)).

This also applies to non-compliant products according to Article 9 (1) of Regulation (EU) No. 2016/1628.

B- Product poses a serious risk

If, according to the manufacturer's (approval holder) assessment, the product poses a serious risk to the health or safety of people or other aspects worthy of protection in the public interest (hazards relevant to the environment), the manufacturer shall submit a notification to marktueberwachung@kba.de as well as to all market surveillance authorities of the other member states. This applies regardless of the member state in which the approval was granted. The information must be provided to the KBA as specified by the Market Surveillance Department.

For reasons of simple, expedient and rapid implementation of the administrative procedure, the Type Approval Department does not require any additional notification.

The following principles apply to the notifications under A:

¹ Vehicles, systems, components and separate technical units as well as equipment as defined in Regulation (EU) 2018/858 are collectively referred to as "products" in this information notice.

² Notification of EU type-approvals by the importer can be waived if the manufacturer makes a declaration that all importers have been informed. Importers are free to make notifications independently (avoidance of suppression of information by the manufacturer).

The assessment to be made by the approval holder (manufacturer) is checked by the KBA. The KBA is not bound by the original assessment of the notifier and may deviate from it. Each notification may result in the KBA using the EU notification systems ICSMS (internet-supported information and communication system for the pan-European market surveillance of technical products) and - in case of a deviating assessment by the approval authority (serious risk) - RAPEX (Rapid Exchange of Information System) to inform the European market surveillance authorities or the public.

If a deviation from the type or from the regulations on the approval issued by the KBA is detected, a fee is charged in accordance with number 114.2 of the Gebührenordnung für Maßnahmen im Straßenverkehr (Fee Regulations for Road Traffic Measures) (GebOSt).

The regulations generally provide for the above notifications for each type of approval (component, system and vehicle approval). In this respect, in the case of a non-conforming product or in the case of a serious risk, it could arise that notifications would have to be submitted at the levels of component, system and vehicle approval for the same facts. In this respect, the KBA specifies the following with regard to the approvals issued by the KBA in addition to the regulations mentioned under A:

EU vehicle approval from the KBA

The vehicle manufacturer submits the notification at the level of the vehicle approval, irrespective of whether the component or system approval is concerned. If a component or system approval is affected and this was issued by the approval authority of another member state, a notification must also be submitted to the other approval authority.

System approval from KBA, EU vehicle approval not from KBA

The vehicle manufacturer submits the notification at the system approval level regardless of whether the component approval is affected. If a component approval is affected and this is issued by the approval authority of another member state, a notification must also be submitted to the other approval authority.

Component approval from KBA

The part manufacturer submits the notification.

For approvals according to UN regulations, this procedure for notifications under A is recommended to manufacturers as KBA approval holders.

The described procedure shall be applied with immediate effect.

Translated with www.DeepL.com/Translator (free version)

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