

Type-Approval Procedure Information System of the German Type-Approval Authority

Handling exceptions in national type approvals (ABE and ABG) according to § 70 of StVZO

Question or problem:

During granting of national type approvals according to §§ 20, 22, 22a of Straßenverkehrs-Zulassungs-Ordnung (StVZO) Kraftfahrt-Bundesamt (KBA) can grant exceptions from the requirements if they were empowered by Federal Ministry for Digital and Transport (BMDV) according to § 70 (1) No. 4 of StVZO.

In order to ensure transparency and uniformity in the execution of the procedure for granting these exemptions, the procedure should be published.

Result:

If an exception according to § 70 StVZO is requested in the ABE or ABG by the manufacturer, this has to be justified in detail and substantively in the type description by the Technical Service based on the design and intended use of the vehicle. An exclusively economically motivated justification is not permitted. In the case of a design-related requirement, reasons have to be explained why this design had to be chosen instead of a design that meets the provisions of the StVZO. The justification will be examined by the KBA.

If the exception is endorsed by KBA it will be reported to BMDV. BMDV decides usually on short notice if they empower KBA to grant the exception. Without the authorization of BMDV it is not possible for KBA to grant the approval with exceptions.

The authorization file number is included in the ABE or ABG approval document. The granting of exceptions is subject to a fee in accordance with "Gebühren für Maßnahmen im Straßenverkehr (GebOSt)".

In the case of exceptions in accordance with § 70 (2) StVZO, which concern the mass and dimension regulations, a federal state hearing has to be carried out by the KBA. Authorization can only be granted with the consent of all federal states. The federal state hearing process usually takes around five weeks.

The catalog of recommendations according to § 70 StVZO agreed upon by the highest federal state authorities does not apply when issuing ABE in accordance with § 20 StVZO, as this was only agreed upon by the federal state authorities. The exceptions and conditions mentioned there do not constitute a claim for granting an ABE.

In the case of extensions of ABE or ABG a renewed authorization is only required if there are changes or additions to the exceptions. However, the same requirements according to the quality of the justifications provided by the Technical Service (see above) will apply to all approval extensions, so that even without changes to the deviations, a justification in accordance with paragraph 1 has to be submitted if it is not already available.

The stated provisions apply immediately.

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