

Kraftfahrt-
Bundesamt



Information sheet

regarding the exemption for end-of-series and
warehouse vehicles (MAS)

Status as of September 2014

Vehicle Technology



**Information sheet regarding the exemption for end-of-series
and warehouse vehicles (MAS)**

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1	19 June 2013	1.1	2.2.1, 2.2.6.1, 2.2.6.2, 3.2, Attachment 2	Adaptation to Regulation (EU) No. 167/2013, 168/2013	Pietsch	completed
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1 Preliminary notes

The KBA issues type-approvals for vehicles in accordance with national and international regulations. These regulations specify, amongst other things, when a vehicle type-approval becomes invalid and how vehicles whose vehicle type-approval has become invalid, may still be brought onto the market. On a national level, these vehicles are called factory vehicles whereas on an international level, they are called end-of-series. Hereinafter, both shall be referred to as “end-of-series”.

This document is aimed at people who want to apply to bring end-of-series vehicles onto the market. The purpose of this document is to determine a standardised process with the KBA and make this transparent for applicants.

The process described is not a legally-binding requirement in addition to the overall valid legal regulations. All explanations apply as a rule. In special cases, the KBA can make a different decision.

2 General

Procedures for end-of-series vehicles are described in the Straßenverkehrs-Zulassungs-Ordnung (StVZO ¹⁾ - German Road Traffic Licensing Regulations) and the EG-Fahrzeuggenehmigungsverordnung (EG-FGV ²⁾ - EC regulation on vehicle approval). The different procedures have fundamental similarities; however, they differ in the details. No matter in which of the regulations cited above the end-of-series vehicles are referred to, the standard procedure described in this document shall be used as standard. For the purpose of simpler and more uniform procedures, only the details which differ shall be described, where it is required and where no discretion exists (e. g. permitted number of units per production batch, approval periods).

2.1 Legal frameworks

The possessor of a type-approval (manufacturer) and/or those placing them on the market or offering them for sale are responsible for providing delivered cars with all documents which are required for the registration, such as a valid certificate of conformity (CoC) or a national registration document.

If these documents are no longer valid for registration purposes because deadlines relating to single regulatory acts have lapsed, the responsible person must check how they may restore the eligibility for registration of the vehicles. The manufacturer or their authorised representatives may apply for an exemption from all single regulatory acts concerned that covers all end-of-series vehicles and thus provide evidence for the eligibility for registration of the vehicles. If such evidence is not produced for even one single regulatory act, registration is impossible in spite of the exemption.

2.2 Clarification of terms and explanations

2.2.1 Scope of application of end-of-series

The procedure for end-of-series vehicles described in this document is valid for vehicles which are type-approved

- in accordance with the StVZO or
- in accordance with EC directives 2002/24/EC, 2003/37/EC and 2007/46/EC inclusive of small-series vehicles or
- in accordance with regulations (EU) No. 167/2013 and 168/2013

¹⁾ Article 70, Paragraph 1, no. 5 StVZO

²⁾ Article 8 Paragraph 2, Article 19 Paragraph 3 and Article 24 Paragraph 3 EG-FGV

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and whose type-approval has become invalid due to the fact that vehicles don't meet one or several of the individual regulations of the StVZO or the single regulatory acts.

The procedure for end-of-series vehicles does not apply to

- vehicles with exemptions,
- vehicles from manufactures who do not fulfil the requirements for being an applicant, and
- vehicles for which the approved period for end-of-series vehicles being brought onto the market has been exceeded.

2.2.2 Single regulatory acts

Directives or regulations from the EC, or rather EU, as well as regulations from the UNECE, all represent single regulatory acts, as long as they are used for vehicle type-approval.

2.2.3 Applicant requirements

An applicant is the manufacturer of the vehicle or the possessor of the approval, or someone given full power of attorney by them. If vehicle manufacturers, or those who possess approvals, have already appointed agents for all interests relating to the type-approval procedure with the KBA, then these agents shall be recognised for the exemption approval procedure. If no power of attorney has existed so far, then assigning power of attorney in accordance with the template in **attachment 1** is required.

2.2.4 Responsible authority

The authority responsible for the issuing of exemptions for end-of-series vehicles for the territory of the Federal Republic of Germany is the KBA.

2.2.5 Requirements for exemption approval

The applicant shall apply to the KBA for exemption approval for end-of-series vehicles. The vehicles which are the subject of the exemption must fulfil the following conditions:

The vehicles must

- be located within the European Union at the time of the EC vehicle type-approval becoming invalid, or with national vehicle approvals, be located in Germany, and
- be in possession of CoCs, or rather, of respective national vehicle documentation. These must have been issued at a time when the vehicle type-approval was still valid.

2.2.6 Content of the exemption approval

The exemption grants that

- a certain number of vehicles
- for a limited period of time
- in the Federal Republic of Germany

may be placed on the market for the first time although the relevant certificates of conformity or the national registration documents have become invalid.

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2.2.6.1 Number of vehicles

The number of vehicles which may be permitted by means of end-of-series is restricted, as described in directives 2002/24/EC ³⁾, 2003/37/EC ⁴⁾ and 2007/46/EC ⁵⁾ and also in regulations (EU) No. 167/2013 ⁶⁾ and 168/2013 ⁷⁾, as follows:

Directive 2002/24/EC

The applicant can choose one of the two procedures.

- The highest number of vehicles **from one of more types** may not represent more than 10% of all vehicles from vehicle types which have been brought into operation over the past year in Germany. Should this 10% percentile represent less than 100 vehicles, then a maximum of 100 vehicles are permitted to be brought into operation.
- The permitted number of vehicles is restricted to the number of vehicles whose certificate of conformity was issued at least 3 months before the individual single regulatory act became invalid.

Directive 2003/37/EC

- The highest number of vehicles **from one of more types** may not represent more than 10% of all vehicles from vehicle types which have been brought into operation over the past two years in Germany. Should this 10% percentile represent less than 20 vehicles, then a maximum of 20 vehicles are permitted to be brought into operation.

Directive 2007/46/EG

The applicant can choose one of the two procedures.

- The highest number of vehicles **from one of more types** may not represent more than 10% in class M1, and 30% in every other class, of all vehicles from vehicle types which have been brought into operation over the past year in Germany. Should this 10% or 30% percentile represent less than 100 vehicles, then a maximum of 100 vehicles are permitted to be brought into operation.
- The permitted number of vehicles is restricted to the number of vehicles whose certificate of conformity was issued at least 3 months before the individual single regulatory act became invalid.

Regulation (EU) No. 167/2013

- **For each vehicle type**, the number of end-of-series vehicles may not exceed 10% of the number of vehicles put into operation in Germany during the two previous years. If the 10% amount to less than 20 vehicles, a maximum of 20 vehicles can be approved for operation.

Regulation (EU) No. 168/2013

- **For each vehicle type**, the number of end-of-series vehicles may not exceed 10% of the number of vehicles put into operation in Germany during the two previous years. If the 10% amount to less than 100 vehicles, a maximum of 100 vehicles can be approved for operation.

³⁾ Article 16 in connection with attachment VIII.

⁴⁾ Article 10 in connection with attachment V, section B.

⁵⁾ Article 27 in connection with attachment XII, section B.

⁶⁾ Article 39, but only when the manufacturing had been stopped because of Article 32 Paragraph 2 Sub-paragraph a.

⁷⁾ Article 44, but only when the manufacturing had been stopped because of Article 37 Paragraph 2 Sub-paragraph a.

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Article 70 of the StVZO

If vehicles with a national type-approvals fall under the M, N or O vehicle classes in accordance with the 2007/46/EC directive, then there is a special requirement. Should such domestic vehicle type-approvals become invalid due to the mandatory implementation of the EC type-approval procedure in accordance with art. 45 and attachment XIX, then the quantitative restrictions from directive 2007/46/EC are valid. The same applies for vehicles which were approved in accordance with directive 70/156/EEC.

If vehicles with a national type-approval fall under the vehicle classification on the basis of the EU regulation no. 167/2013, the quantitative limitation of this directive shall be applicable from 1st January 2017.

2.2.6.2 Period of validity for the exemption approval

The exemption for vehicles under the EC-Directive 2007/46/EC ⁸⁾ is valid for 12 months for complete vehicles and for 18 months for incomplete or completed vehicles. Decisive for the calculation is the expiry date of the EC/EU whole vehicle type-approval.

If vehicles with a national type-approval belong to the vehicle category M, N or O under the EC-Directive 2007/46/EC, an exception applies. If such national vehicle type-approvals expire because of the compulsory application of the EC type-approval procedure according to Article 45 of Annexe XIX, the time limits of the Directive 2007/46/EC apply. The same applies to vehicles which have been approved according to Directive 70/156/EEC.

The exemption for vehicles under the directives 2002/24/EC ⁹⁾ and 2003/37/EC ¹⁰⁾, as well as under the regulations (EU) No. 167/2013 ¹¹⁾ and 168/2013 ¹²⁾ is valid for 24 months for complete and 30 months for incomplete or completed vehicles. Decisive for the calculation is the expiry date of the EC-/EU whole vehicle type-approval.

If the vehicles with a national type-approval fall under the vehicle categories of the regulation (EU) No. 167/2013, the time limits of the regulation (EU) No. 167/2013 (24 or 30 months respectively) apply after 1st January 2017.

2.2.7 Remarks for vehicles produced in stages

The end-of-series may also be approved for incomplete vehicles (such as vehicle chassis) which should be completed in the next stage. In this case, similar regulations as for completed vehicles apply.

If an incomplete vehicle has an end-of-series exemption, then the manufacturer of the next stage can see by which date the completed car has to be registered in Germany for the first time.

If manufacturers of cars which have to be completed (such as manufacturers of platforms) did not receive an end-of-series exemption from the vehicle chassis manufacturer, the following applies: Unless the terms (see 2.2.6.2) have not yet expired, the platform manufacturer himself may file an application for an end-of-series exemption for his own cars. In general, the manufacturer may choose between the percentage and the three-month rule. Whether the three-month rule applies or not depends on the issuing date of the certificate of conformity relating to the basic vehicle (in general

⁸⁾ Article 27 Paragraph 2.

⁹⁾ Article 16 Paragraph 2.

¹⁰⁾ Article 10 Paragraph 1.

¹¹⁾ Article 39 Paragraph 2.

¹²⁾ Article 44 Paragraph 2.

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the vehicle chassis). If the certificate of conformity relating to the basic vehicle was issued less than 3 months before the regulation becomes invalid, only the percentage rule may be applied. The assessment basis for the admissible quantity is/are the type(s) put into circulation the year before by the platform manufacturer. However, this shall only be applicable to the extent to which the basic vehicle manufacturer themselves has not yet exhausted the quota on the basis of the percentage rule. This must be checked by the KBA, which requires increased efforts, and the step manufacturer would have to provide the KBA with adequate evidence (such as the manufacturer's certificates from the basic vehicle manufacturer). For this reason, we do not recommend this procedure.

3 Procedure with the KBA

3.1 Application

The applicant shall make a simple application in writing to the KBA in due time (recommended to be 3 weeks before the expiry of an approval period). With EC/EU vehicle type-approvals, it is irrelevant in which member state the EC/EU type-approval was issued. The application can be submitted by agreed electronic means (Typmaster, E-Typ) or by Email to following addresses:

Email: 421@kba.de (Class M₁ and N₁ vehicles)
 422@kba.de (Vehicles from all other classes)

If necessary, a power of attorney in accordance with **attachment 1** is to be attached (see 2.2.3).

3.2 Content of the application and the documentation to be submitted

When filing an application, the applicant has to provide the information mentioned in attachment 2 and sign the statement included therein.

To ensure a quick and faultless issuing of exemptions, we recommend the following procedure:

- Submission of all documents as a PDF file
- Lists of all vehicle identification numbers (VIN) of the vehicles involved including information on the vehicle type and the type denomination. In addition, these lists must be subdivided into vehicles in progress, completed and finished vehicles if different deadlines are used.

3.3 Issuing procedure at the KBA

3.3.1 Contents of the notification

The KBA shall inspect the application documentation and make a decision on the basis of it. With the approval of an application, an invoice and a notification shall be issued containing the following information:

- date of the time period of the exemption (see also 3.3.3)
- if necessary, the date when the last CoC or the last national registration document may be filled out
- the number of vehicles that may enter the market with this exemption approval
- text for recording in the registration documents
- collateral clauses
- information on the legal remedies available

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3.3.2 Calculating of the fees

The fees are usually made up of two elements.

The decision regarding the issuing of the exemption approval shall be calculated in accordance with fee number 151 of the Gebührenordnung für Maßnahmen im Straßenverkehr (GebOSt - German federal directive on fees for road traffic measures), which is currently €132.00.

The number of vehicles with this exemption approval to be brought onto the market determines the amount of the second element of the fee. The fees are charged in accordance with fee number 152. For 1 to 10 vehicles, the fee is calculated as a one-off payment of €102.00. For each further vehicle, the fee increases by €10.20. The scale is carried out in accordance with the agreement of the Bundesministerium für Verkehr und digitale Infrastruktur (BMVI) (German Federal Ministry for Traffic and Digital Infrastructure).

Remark: If several single regulatory acts are involved at the same time, we recommend applying for exemptions relating to all regulatory acts involved at the same time and together so that you must pay the fee only once. If we receive separate applications, the KBA must charge fees for each application individually.

If, during the period for the first issued exemption, additional single regulatory acts relating to these vehicles lapse, we recommend also applying in advance for an exemption from the single regulatory acts which will lapse at a later time so that you must only pay the fee once. However, the validity of such exemption is not extended by this.

3.3.3 Particularities relating to the exemption limitation

The exemption validity is limited. For each single regulatory act, a relevant limitation (such as exemption for seat belts until 30 September 20XX, exemption for EMC until 31 December 20XX) is approved, up until the date when vehicles which have this exemption can be registered for the last time.

If several single regulatory acts which have different termination dates terminate in quick succession and if the applicant does not want to file applications for exemptions for all these single regulatory acts at the same time, the following applies:

If the applicant was unable to register all vehicles which have the relevant exemption before the expiration of the deadline and another single regulatory act becomes invalid, the applicant may have his original exemption which has not expired yet extended by another single regulatory act from the KBA. This extension does not extend the expiry date, but it ensures that certificates of confirmation relating to cars which have not been registered yet remain valid until the deadline for the original exemptions expires.

For incomplete or completed vehicles, longer deadlines may be granted than for finished vehicles. If, during the application procedure, longer deadlines for vehicles in progress or for completed vehicles are to be made use of, such deadlines must be applied for separately from the finished vehicles.

3.3.4 Text for entry into the registration documents

The registration documents for end-of-series vehicles must contain a "special entry". The content of this entry is determined by the KBA. The entry of the text into the vehicle registration documents is to be carried out without exception by the person in possession of the approval exemption.

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3.3.5 Compliance with admissible and approved numbers of items

Each Member State must ensure that end-of-series only include the admissible number of items. This responsibility is transferred to the applicant when the KBA approves the number of items applied for. The applicant must ensure that, within the deadline, not more than the admissible and approved number of items of vehicles is placed on the market for the first time.

On the basis of the Zentralen Fahrzeugregister (ZFZR – German central vehicles register), the KBA randomly checks the number of vehicles placed on the market for the first time which have such an exemption. If the exemption was applied not only for certain vehicle registration numbers (VIN), information which is required to limit the search query must be clearly visible from the application (e. g. variant/version, type-approval number and extension situation).

If type-approvals must be completed with information regarding exemptions through changes without incrementing the extension serial numbers (revisions), the applicant may have to submit additional information for identification purposes (e.g. the date of the revision or other data in the CoC).

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Attachment 1

Naming of power of attorney

I.

We, the company

.....
(Manufacturer or possessor of the approval)

.....
(Address)

.....
(Town/city - Postcode - Country)

hereby assign:

.....
(Agent)

.....
(Address)

.....
(Town/city - Postcode - Country)

with full power of attorney to carry out all measures required by the Kraftfahrt-Bundesamt (KBA) for the exemption approval procedure for end-of-series vehicles and to pay the fees for these measures

The power of attorney is full

(Please tick as applicable)

has restrictions

Restrictions:

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

.....
(Location, date)

.....
(Signature(s) and company stamp)

II.

Confirmation of the agent with power of attorney

We declare ourselves to be ready to undertake the tasks of the above-mentioned company as agent and commit to fulfilling all obligations connected with this regarding the Kraftfahrt-Bundesamt (KBA) and to pay the fees.

.....
(Location, date)

.....
(Signature(s) and company stamp)

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Attachment 2

	To be filled in by the applicant	
For which technical or economical reasons is the application filed?		
Which legal acts become invalid?		
Manufacturer		
Type		
Vehicle type-approval number		
Concerned variant(s)/version(s) (EC) or model(s) (StVZO, German Road Traffic Registration Ordinance) <i>(if limitation of vehicles is necessary)</i>		
Additional characteristics to limit the number of vehicles involved, if necessary		
Complete vehicles OR		
Incomplete/completed vehicles		
Expiry Date of the type-approval		
Number of vehicles with identification the type(s) which were newly registered in Germany during the reference period <i>(required for the percentage procedure)</i>		
Specification of the method used for calculating the maximum number ¹³⁾		
Directive 2002/24/EC		
• 10% rule		
• Up to 100 vehicles		
• All CoC older than 3 months		
Directive 2003/37/EC		
• 10% rule		
• Up to 20 vehicles		
Directive 2007/46/EC / § 70 StVZO		
• 10% rule (M1)		
• 30% rule (other than M1)		
• Up to 100 vehicles (all categories)		
• All CoC older than 3 months		

¹³⁾ For each legal requirement only one method can be chosen.

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	To be filled in by the applicant	
Regulation (EU) No. 167/2013		
• 10% rule		
• Up to 20 vehicles		
Regulation (EU) No. 168/2013		
• 10% rule		
• Up to 100 vehicles		
Number of vehicles of the type/types which have been registered in Germany for the first time during the concerned reference period (only required with percentage method)		
Number of vehicles that should be approved by way of exemption		
Last date of issue of the CoC (only required with CoC provision)		
Vehicle identification numbers (VIN) or VIN range; add list, if necessary ¹⁴⁾		

The undersigned declares that the vehicles are located in the area of the Community (for vehicles with EC type-approvals) respectively in Germany (for vehicles with national type-approvals) and no other legal acts than the ones being applied for are concerned.

.....
(Place, date)

.....
(Signature/s and company stamp)

¹⁴⁾ The VIN can be stated in blocks. These can also contain vehicles that had already been registered when the vehicle type-approval expired. Hence, the approved number does not have to be identical with the number of the listed VIN.

Legal notice

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● ● ● ● ● We score with road safety!