

(Categories A, B, D)

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#### 1 Introduction

These designation rules lay out the requirements and the procedure for the designation of organisations as technical services in categories A, B and/or D by the Kraftfahrt-Bundesamt (KBA).

The requirements for technical services are defined uniformly for all legal frameworks, unless stated otherwise in these rules.

All statements in this document, including the footnotes, annexes and associated documents/information, are binding, unless explicitly stated otherwise.

If a version is not explicitly cited, the versions valid at the time the service is provided or the evaluation is conducted apply.

The AND operation applies in all listings, unless otherwise stated.

The designation rules, their associated documents and additional information regarding the designation are published on the website of the KBA (www.kba.de).

All prospective clients have equal access to the procedures leading to designation.

#### 2 General

The KBA carries out the evaluation, designation, notification and surveillance of technical services. Existing accreditations and designations from other member states are taken into consideration.

The designation is mainly conducted on the basis of the following legal provisions:

- Regulation on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles Regulation (EU) 2018/858
- Regulation on the approval and market surveillance of agricultural and forestry vehicles Regulation (EU) 167/2013
- Regulation on the approval and market surveillance of two- or three-wheel vehicles and quadricycles
   Regulation (EU) 168/2013
- UNECE Agreement from 1958
- National regulatory acts

and relevant successor regulatory acts.

Among others, the German Administrative Proceedings Act (VwVfG, Verwaltungsverfahrensgesetz), the EU General Data Protection Regulation (GDPR), the German Federal Data Protection Act (BDSG, Bundesdatenschutzgesetz), the German Federal Fees Act (BGebG, Bundesgebührengesetz) and other relevant regulatory acts apply.

A proceeding to evaluate and designate a technical service by the KBA is conditional on:

- Legal registration in the European Union or in a third state in the sense of Regulation (EU) 2018/858 Article 68 (5); for designation regarding the individual approval procedure according to German Road Traffic Licensing Regulations (StVZO, Straßenverkehrs-Zulassungs-Ordnung), legal registration in the Federal Republic of Germany is required
- Proof of the legal identity of the technical service or of the superordinate body except for technical services of the approval authority
- Proof of liability insurance for the activities to be conducted
- Recognition of these designation rules, including the associated documents and information

A manufacturer laboratory that fulfils these conditions may only be designation as a technical service if the relevant regulatory acts allow.

The designation of technical services serves to prove the competence of these bodies to conduct tests according to German and international regulatory acts and to increase confidence in the test results of these bodies. This is certified by a notification in form of a designation certificate. Such designation is a precondition for activities in the procedures for approval and market surveillance of the KBA and in the individual approval procedures of the German federal states. The KBA supervises the technical services within the framework of the designation for tests in the individual approval procedure

Decisions on initial and re-designation, extension to new scopes (Prüfgebiete), suspension, and withdrawal of the designation, as well as on the designation proceedings, are taken by the KBA Designation Council.

#### 3 Definitions

The definitions pursuant to Regulation (EU) 2018/858 and, where reference is made by this regulation to EN ISO/IEC 17025, requirements of this standard apply for these designation rules, including the annexes and associated documents/information; if applicable, they are specified below. References in Regulation (EU) 2018/858 are always to be understood in relation to the currently valid version of EN ISO/IEC 17025.

In addition, the following terms are used:

**Accreditation:** Confirmation by an accreditation body pursuant to Regulation (EC) 765/2008, that the test laboratory/the inspection body is competent to carry out tests or inspections in a defined scope and applying a quality management system pursuant to EN ISO/IEC 17025 and/or EN ISO/IEC 17020.

**Approval-relevant requirements (ARR):** The KBA requirements for manufacturers and technical services in the German type approval procedure.

**Approval-relevant status of a regulatory act:** Status of a regulatory act according to which tests must be carried out in the approval procedure. Generally, this is the latest version of a regulatory act. It may differ from the designation-relevant status.

**Area of competency:** Unit of several subscopes (Prüfumfänge) from the same scope (Prüfgebiet) that differs significantly from the other competence requirements in this scope.

**Authorised signatory:** A person employed by a technical service or having a contractual relation with the technical service that fulfils the requirements of Annex 4. The authorised signatory is appointed and monitored by the head of the technical service. The authorised signatory is present during the most important phases of the test, bears full responsibility for the proper execution of the test, evaluates the result of the test and signs for the correctness and comprehensiveness of the information in the test report.

**BGebG:** German Federal Fees Act

**Branch:** Site of a technical service that works in accordance with a unified QM system of the technical service. Organisationally, the branch is assigned at least one authorised signatory for every scope for which the branch is designated. The branch is listed on the designation certificate with the corresponding scope and is included in surveillance activities.

**Branch region**: Geographic region with branches. Every geographic region in which authorised signatories spend significant amounts of time, includes at least one branch. Branches abroad form at least one additional branch region. Furthermore, at least one branch region is formed for each continent on which the technical service has branches. Details are agreed between the KBA and the technical service.

**Computerised method:** Computer simulations and other computer-assisted calculations that are permitted by the relevant for the approval procedure regulatory acts. They are not specified in the regulatory act as virtual methods. Specified calculation schemes (e.g. formulas) in the regulatory acts are not computerised methods under this definition. The use of computerised methods must be notified to the designation body.

Category (Activity category): see Annex 2

**Designation:** Granting of the authorisation to carry out or supervise tests in a defined scope as a technical service. As a result, the technical service is authorised to create test reports for the approval procedure and market surveillance of the KBA and the German federal states. The term "recognition" used in this context in the EC-VAO (EC Vehicle Approval Ordinance; EG-FGV) has the same meaning.

**Designation Council:** Body of the KBA that decides on significant aspects of the designation procedure.

**Designation procedure:** Procedure for evaluation, surveillance and re-evaluation of technical services by the KBA.

	Accre	Evaluation by the KBA	
Procedure	QMS (EN ISO/IEC 17025/17020)  Test procedure		
Designation based on full accreditation (BVA)	Full	Full	ARR
Designation with partial accreditation (BTA)	Partial	Partial	Delta <sup>1</sup> and ARR
Designation without accreditation (BOA)	No	No	Full <sup>1</sup>

If the technical service is fully EN ISO/IEC 17025 accredited, the methods of the BVA procedure are applied. The KBA verifies the additional requirements regarding the existing accreditation.

Designation by another EU member state can be considered equivalent to accreditation.

**Designation-relevant status of the regulatory act:** Initial version or amendment with essentially other requirements to competence and/or equipment of the technical service. All following amendments of the regulatory act are enclosed into the designation until the KBA has published a new designation relevant status in the current Scope classification directory. Unless stated otherwise, earlier versions of the regulatory act are also deemed designated. The designation-relevant status may differ from the approval-relevant status.

**Evaluation:** Inspection of technical services through on-site assessment and other measures and analysis of the results.

**Finding:** Result of the evaluation of the collected evidence related to designation-relevant requirements. It indicates whether the requirements were fulfilled. In addition to the description of the fulfilment of a requirement, a distinction is made between major non-conformity, minor non-conformity, opportunity for improvement and positive finding:

#### Major non-conformity: Non-conformity regarding at least one of the following items:

- Lacking or insufficient implementation of requirements of the basic documents for designation
- Substantial impairment of confidence in an effective QM system that corresponds to the designation rules
- Substantial doubts about the quality of tests, about decisions on the results of tests or about test reports
- A non-conformity regarding the effectiveness of corrective measures from the previous
   5 years that has been repeatedly found

A major non-conformity results in a suspension procedure if it is not addressed in a timely manner, or it prevents (re-) designation. In general, settlement will be checked by an on-site assessment.

In case of first or re-designation together with a joint team.

**Minor non-conformity:** Shortcomings in the fulfilment of requirements of the basic documents for designation that do not fundamentally undermine confidence in the existence of an effective quality management system and in proper tests and test reports. Opportunity for improvement that has not been evaluated results in a minor non-conformity in relation to the improvement process. Minor non-conformities prevent initial designation. They lead to a suspension procedure if they are not settled in a timely manner. If the number of minor deviations indicates that the quality management system has failed, the consequences are the same as for a major deviation.

**Opportunity for improvement:** Requirements are in general fulfilled but there is room for improvement.

**Positive finding:** Fulfilment of the requirements beyond what is expected.

**Headquarters:** Location of the technical service from which the implementation of the rights and obligations of the technical service resulting from the designation are organised and monitored.

**ISGQ:** Systematic analysis of the quality of test reports (Informationssystem Gutachtenqualität)

Joint evaluation team: Assessor team pursuant to Regulation (EU) 2018/858 Article 73 para. 4

**Manufacturer laboratory:** Laboratory of an approval holder.

**Notification:** Reporting of the designation of the technical service to the European Commission for test procedures in accordance with EU regulatory acts and to the Secretariat of UNECE for test procedures in accordance with UNECE regulatory acts.

**On-site assessment:** Inspection in the premises of the technical service (headquarters and/or branch) or at a test site of the technical service.

**QM:** Quality management

**Restriction:** Temporary or permanent reduction of the scope of designation by the KBA or at request of the technical service.

**Scope:** Extent of activity categories, test procedures (Prüfverfahren) according to the scope classification directory and branches for which the technical service can request or has received designation.

**Scope classification directory:** Compilation of the test procedures for which designation by the KBA is possible.

**Surveillance**: Verification of the initial evaluation pursuant to Regulation (EU) 2018/858, Article 76. In addition to the continuous evaluation of the obligations resulting from the designation and the other information about the activity of the technical service, it includes onsite evaluations. The intervals in which on-site evaluations are carried out depend on the demonstrated stability that the technical service has achieved. They occur at the latest **after 30 months (Ü)**, less comprehensive than initial or re-evaluation, and after another 30 months as **Re-evaluation (ÜW)** based on the initial evaluation and taking into account the findings of previous evaluations for designation renewal. Additional measures may be defined by the KBA.

**Suspension:** temporary partial or full revocation of the rights associated with the designation by the KBA.

**TAP:** Type approval procedure

**Technical expert:** A person who is employed by a technical service or has a contract with one, possesses a special qualification or authorisation and is demonstrably authorised by the technical service to fulfil certain partial tasks. The technical expert signs in the test recordings for the proper execution and the correctness of the data in the part of the test for which he/she is responsible. The authorised signatory confirms that the overall test has been carried out correctly. This includes the confirmation of the involvement of the technical expert in this test.

If auditors for management systems are used as technical experts, they confirm with their signature that the examination (audit) was carried out correctly in accordance with the relevant standards for the assessment of management systems.

**Technical service (TS)**: Organisation or body that was designated by the approval authority to conduct and/or supervise tests that can be recognised in the KBA type approval and market surveillance procedures. Here and below, the term "technical service" also applies to applicants in the designation process.

**Termination of designation:** permanent and full revocation of the rights associated with the designation by withdrawal or revocation by the KBA (§§ 48 and 49 VwVfG) or termination at request of the technical service.

**Test data:** All data collected during the test and leading in a comprehensible manner to the result of the test. This also includes partial test reports, test reports etc.

**Test site:** Location at which a test procedure is carried out or supervised. This may be identical with the headquarters or with a branch.

**Third-party/external data:** Data from sources that are external to the technical service and that are used for the evaluation of the object to be tested

**UNECE:** United Nations Economics Commission for Europe

**VwVfG:** German Administrative Proceedings Act (Verwaltungsverfahrensgesetz)

**Virtual test method:** Computer simulation and calculation that is explicitly called virtual method in a regulatory act and is bound by specific conditions (cf. e.g. Regulation (EU) 2018/858, Annex VIII).

**Witness assessment:** Participation of employees of the KBA or its representatives in a test, with the aim of assessing the following:

- Execution of the test procedure
- Competence of the tester
- Test conditions
- Implementation of the other stipulations resulting from the QM system of the technical service
- Implementation of the requirements of these designation rules.

# 4 Evaluation, designation, renewal of designation and surveillance of technical services

The procedure for the designation of technical services by the KBA is described in Annex 1.

The applicant applies for designation as technical service and the following monitoring for 5 years.

On the basis of the submitted application documents and under consideration of existing accreditations and designations by other type approval authorities, a decision is made on whether an evaluation by a joint evaluation team pursuant to Regulation (EU) 2018/858 Article 73 or an evaluation only by assessors of the KBA should be conducted, and on the scope of the assessment.

Following a positive evaluation of the body and its branches, a decision is made on the designation as technical service for test procedures (Prüfverfahren) listed in the scope classification directory. The decision includes the classification on test procedures (Prüfverfahren) to the category A, B and/or D pursuant to the EU and UN regulatory acts. Upon request, the competence for testing with virtual and/or computerised methods may also be designated.

The designation is generally possible only for complete regulatory acts or parts thereof which lead to approvals.

If a regulatory act is replaced by another regulatory act, and this new regulatory act includes the previous requirements for competence of the technical service, the previous regulatory act is also deemed designated.

New versions of a regulatory act that do not include any new competence requirements are also deemed designated (see also definition of the designation-relevant status).

The designated technical service receives an information in form of a designation certificate and is notified.

Technical services are continuously monitored to ensure that the requirements given by the designation rules are observed. If the designation is based in full or in part on an accreditation or other designation, the technical service must submit the corresponding certificate and, if requested, the assessment reports of the respective body, in German or in English.

The KBA conducts an on-site surveillance at the latest every 30 months to ensure that the technical service continues to adhere to the requirements.

The validity of the designation is restricted to five years. If an accreditation or other designation was taken into consideration, the validity of the designation is bound to the validity of the accreditation or other designation in the relevant area.

At the end of its validity, the designation as a technical service is on request only renewed after the KBA has determined that the technical service continues to fulfil the designation rules of the KBA. For re-evaluation, the findings of previous evaluations are considered.

#### 5 Notification

The designated technical service is notified to the European Commission for test procedures pursuant to EU regulatory acts and to the UNECE Secretariat for test procedures pursuant to UN regulations. The designation for international regulations and for the testing of whole vehicles will be published online.

The designation and notification are for the regulatory act cited in the certificate. The designation includes, in addition to the status of the regulatory act cited in the certificate, all further statuses until the publication of a new designation-relevant status by the KBA.

# 6 Amendments to designation

Technical services may apply to amend an existing designation. For this purpose, they must use the form "Application for designation for technical services (A, B, D)". Amendments may be restrictions or extensions to the designation. The KBA decides on the extent of the assessment.

Amendments will be notified.

# 7 Restriction, suspension, termination of designation

The technical service may, at any time, by application, request the complete or partial suspension or termination of the designation with immediate effect.

If the KBA finds that a technical service no longer fulfils some or all of the requirements of the designation rules, it may restrict, suspend or terminate the designation depending on the extent of the failure to fulfil the requirements.

During the period of the restriction or suspension, the designated body has the opportunity to restore the necessary conditions for the designation.

A restriction or suspension procedure is initiated in particular when:

- The designation rules, in particular the obligations pursuant to chapter 9.2, were violated
- A non-conformity was not satisfactorily settled on time
- The number of minor non-conformities leads to the conclusion that the quality management system has failed
- The conditions for the designation given in the application documentation and/or in the assessment are no longer present in part or in full
- Surveillance measures could not be carried out in the planned time frame, and the designated body is responsible for this situation
- The operations of the designated body or of individual employees of this body raise serious doubts about their competence, independence, integrity or reliability.
- There are justified reasons to assume that fraudulent behaviour takes place in the scope of designation or in the approval procedure or that the technical service purposefully provided false information or withheld information.
- The technical service requests this.

A suspension is limited to at most one year. The KBA may define conditions in connection with a restriction or suspension of the designation and monitor their fulfilment. Generally, a restriction or suspension is lifted only after an on-site assessment has confirmed the effectiveness of the management system and, if applicable, the affected scope can be approved again. Additional on-site assessments or other surveillance measures may be required to verify the sustainability of undertaken corrective measures.

While a restriction or suspension is in force, the designation may not be referred to in the relevant area. Corresponding documents may no longer be used and may have to be withdrawn. Restrictions and suspensions are communicated by official notification.

The termination of the designation may be caused, amongst others, by the following reasons:

- After the end of the suspension of a designation, if the conditions necessary for the designation have not been restored
- Upon revocation or abandonment by the KBA. Revocation occurs when the conditions for the designation determined in the application documentation are no longer present in part or in full and were not restored within the specified period.
- Following an amendment to these rules, if the designated body has appealed the changes within one month but the appeal could not be satisfied
- As soon as the technical service or the organisation to which it belongs becomes a manufacturer, and the designation of a manufacturer is not explicitly permitted by the relevant regulatory acts.
- If the technical service ceases operations in the designated scope
- If changes to legislation require this.
- Upon the request of the technical service.

The Designation Council is always involved, except in cases where the technical service itself has requested the suspension or termination of the designation or parts thereof, or has ceased operations in the relevant scope in part or in full.

The KBA notifies the European Commission and the UNECE Secretariat of every restriction, suspension and termination of a designation.

In the event of suspensions and of terminations resulting from suspensions, the KBA submits to the EU Commission a report with the findings on the failure to observe the requirements within two months. If required for the safety of vehicles, systems, components or independent technical units that are already in circulation, the KBA will in its report ask the affected approval authorities to take any required measures.

If a designation is restricted, suspended or terminated, the (previous) technical service will administratively be informed about the procedure how to proceed with test records and items (including original data, worst-case scenarios, test samples etc.) which had been generated during the period of the (previous) designation.

# 8 Appeal

Decisions of the KBA may be appealed. Appeals should be submitted within a month of notification of the decision to the following address in writing or for record:

Kraftfahrt-Bundesamt Dienstsitz Dresden Postfach 12 01 53 01002 Dresden Germany

# 9 Rights and obligations of the technical service

# 9.1 Rights of the technical service

The technical service has the right to

- Access all services of the KBA related to the designation and type approval procedure of the KBA
- Unbiased, factual and competent information on the procedure
- Equal treatment with other applicants
- Well-trained, competent assessors and contact persons
- Reject the assessors proposed by the KBA
- Confidentiality and discretion regarding company documents and information that are disclosed, transmitted or submitted to the assessor as part of the procedure
- Designation and notification to the appropriate bodies
- Publishing of the designation by the KBA
- Use the certificate and the logo for the designation in documents and advertising material for the stated area of applicability
- Appeal decisions of the KBA.

#### 9.2 Obligations of the technical service

The technical service is obligated to

- Acknowledge these designation rules and to fulfil their requirements. In particular proof of its observance of the norms EN ISO/IEC 17025 or EN ISO/IEC 17020, depending on the designated activity category (Annex 2), and of the approval relevant requirements as well as of the relevant framework regulatory acts shall be provided. Additional conditions of the KBA regarding the type approval and market surveillance procedures must be fulfilled.
- Carry out the activities for which it is designated independently<sup>2</sup> and with the highest degree
  of professional integrity and to continuously maintain the requisite competence
- Use only competent staff with the requisite training and a sufficient level of experience. The
  minimum requirements for staff listed in Annex 4 must be observed. For every regulatory
  act included in the designation, at least one authorised signatory must be employed or be
  bound by an indefinite contractual relation.

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<sup>&</sup>lt;sup>2</sup> In the context of designation on the basis of EN ISO/IEC 17020, independence corresponding to type A of this norm is required.

- Dispose of all necessary means to carry out the tasks, and to have access to all necessary equipment and facilities required of its designation
- Bear full responsibility for the works that are carried out in its designated branches, regardless of where they are located.
- Only test at test sites that fulfil the relevant provisions of EN ISO/IEC 17025 and the relevant requirements of the regulatory acts
- Ensure that those who sign the test report have the requisite signing authority for the respective scope, conduct the test themselves or supervise it adequately on site, and ensure that the test is properly conducted. Sufficiently qualified employees may provide support provided that it is ensured that the authorised signatory can be called upon and can intervene in the test process at any time. If necessary, technical experts shall be involved in the testing or supervision.
- Fulfil the requirements for test reports arising from Annex 5 and to carry out a regular analysis of their quality. The feedback from the respective approval authority should be integrated in this process.
- Inform the KBA if it is determined that a manufacturer fails to fulfil the requirements of the relevant regulatory acts in connection with the test or if it appears that the test object behaves conspicuously outside the range to be tested.
- Do the testing in general himself, and only in exceptional justified cases
  - Subcontract in accordance with EN ISO/IEC 17025
  - Use third-party-data pursuant to Annex 6

The justification shall be documented.

- Only make use of "virtual test methods" when the designation was explicitly awarded for virtual testing in the respective scope
- Only make use of "computerised methods" when this has been notified to the designation body before first use
- If it was designated as a manufacturer laboratory to only supply its services to the manufacturer's company of which it forms part.
- Independently update internal procedures for conducting its activities in line with the state of
  the art and the designation rules and with any other requirements of the KBA, and to
  provide evidence of the transparency and repeatability of the procedures
- Determine causes for deficiencies together with the KBA and to remedy these
- Actively participate in the various forms of exchange of experiences, trainings and joint workshops
- Upon request by the KBA, to provide information on activities regarding its designation, including cross-border activities

- Inform the KBA of all circumstances that could be of significance to its designation in a timely manner, if possible before the event occurs. The KBA shall in particular be informed about
  - Changes and important events with regard to the accreditation or designation by other approval authorities and shall be provided, upon request, with assessment results of the respective body in German or in English
  - Initiated administrative or criminal proceedings
- Inform the KBA unrequested about designations and inquiries by approval bodies of relevance to the KBA designation as well as about inquiries from market surveillance authorities, and to make available assessment reports upon request. Copies of the replies to the inquiries should be sent to the KBA.
- Provide the KBA with the requisite collaboration, and in particular to grant to the assessors and other representatives of relevant approval authorities access to all business premises and information, insofar as this is required for the designation or the approval to be issued
- Enable the conducting of witness assessments at all test sites. This includes obligating "external test sites" to enable the participation of the witness assessor
- Not create any false impressions in public about the awarded designation and to observe the rules governing the use of the designation logo. Designated and not designated services must be clearly distinguished.
- Not use the designation in a manner that harms the reputation of the KBA
- Regularly carry out measures to ensure the quality of test results, based on internal evaluations and risk assessments; where appropriate, interlaboratory tests should be facilitated and participated in
- Conduct internal audits of the QM system and of test procedures at appropriate intervals.
   The aim should be to internally audit tests in all fields of competence within an appropriate period (as a rule, not more than 3 years)
- Review by the management the fulfilment of obligations of technical services, the observance of the approval-relevant requirements and the quality of tests at least once every twelve months
- Pay fees pursuant to chapter 12 without undue delay.

The KBA may define additional obligations, also upon request by other approval authorities that use the designation.

# 10 Obligations of the KBA

The KBA is obligated to

- Conduct the designation procedure according to these designation rules
- Guarantee the rights of the technical service
- Inform the technical service sufficiently and in a timely manner about changes to the procedure, changes to the designation rules, about interpretations of regulatory acts that are binding for the type approval procedure and the market surveillance of the KBA, and about other relevant issues as part of exchange of experiences, online at www.kba.de or in another manner
- Accept test reports of designated technical services that fulfil the requirements in the type approval procedure (Annex 5)
- Address complaints about the technical service if these are directly sent to the KBA
- Publish on the internet the status of the regulatory act that must be designated for the consideration of the test in the type approval procedure of the KBA.

# 11 Confidentiality, discretion, data protection

The employees of the KBA and external persons acting on its behalf deal confidentially with all information obtained in connection with the designation of the concerned technical service and analyse it only for the agreed purpose.

Unless otherwise agreed, submitted documents are saved (stored) at the KBA and destroyed once they are no longer needed there.

Documentation and information provided by the technical service, as well as any other information arising from the designation procedure, are not disclosed to third parties if the affected party has not explicitly consented to this, unless legal provisions or these designation rules require disclosure without explicit consent.

The required personal data collected to fulfil the task of designating the technical service are stored digitally and in other form in accordance with the German Federal Data Protection Act and the EU General Data Protection Regulation. Procedure-related data are also stored digitally and in other form. Data safety and data protection are ensured.

By signing the application for designation and the associated acknowledgement of these rules, the technical service consents to the storage, processing and disclosure of these data in the scope described here. Explicit consent is requested for any use of the data that goes beyond this.

As part of notification and publishing of the designation under www.kba.de, and upon request, the following data are disclosed.

- Name and address of the technical service,
- contact information (e-mail address, responsible persons of the technical service and their position)
- Scope of designation with activity category.

The relevant bodies of the EU and UNECE, the Ministry responsible for the KBA and other bodies may, upon instruction by the supervisor in charge of the organisational unit responsible for the designation or by the Ministry, be provided with additional information if there is a legal justification to do so.

In accordance with the provisions of the KBA data protection concept the data are deleted or destroyed.

#### 12 Fees

An obligation to pay fees arises upon submission of the application and regardless of the result of the procedure. The amount of fee is defined by the German Federal Fees Act (BGebG) and associated regulations in the amendment valid at the time of service provision.

Sliding-scale fees are specified in Annex 7. The fees stated there may be adjusted within the defined sliding scale depending on the actual costs.

Expected fees may also be requested in advance.

Fees and travel expenses (transport, accommodation, daily allowance etc.) and other disbursements will be raised by invoice. Any due bank charges (e.g. for transfers from abroad) are to be paid by the technical service.

#### 13 Other

Side-agreements must be documented in writing.

The designation may not be transferred to another legal entity.

Except in cases of wilful intent or of gross negligence, the designated body must hold harmless the Federal Republic of Germany against all claims of third parties for damages that arise from the execution of activities associated with the designation.

#### Associated documents:

- Application for designation for technical services (A, B, D)
- Questionnaire on surveillance of designated bodies
- Scope classification directory
- Requirements catalogue Evaluation of technical services (A, B, D)
- Rules for usage of the designation logo
- Framework curriculum for authorized signatories for testing/assessing of a whole vehicle
- Application E-Typ (designation)
- Quick Guide E-Typ (designation)
- User manual E-Typ (designation)
- Retention periods for approvals and relevant quality records
- Protocols of test expert meetings
- KBA Privacy Declaration
- Stipulations at www.kba.de, in particular
  - Technical portal of the Type Approval Department including
    - Sanctioned interpretations for test laboratories/inspection bodies
    - Material for exchange of experiences with technical services
    - Test reports and descriptive standards
    - Type-approval procedure information collection
  - Market surveillance Department

# **Designation procedure for technical services**

# 1 Application for designation

Applications for a designation or for changes to or termination of a designation must be submitted using the form "Application for designation for technical services (A, B, D)" in writing to:

Kraftfahrt-Bundesamt Dienstsitz Dresden Postfach 12 01 53 01002 Dresden Germany

All documents must be submitted in German. They may also be submitted in English following the agreement of the BKA.

The forms and templates provided by the KBA for applications are available at www.kba.de.

The additional documents requested in the application, as well as applications to change the designation, may, unless explicitly required otherwise, be submitted by e-mail or in another manner.

The application must be signed by a properly authorised representative of the legal entity that is of relevance to the technical service.

The application documents must be plausible. The information must in any case reflect the fulfilment of the requirements in standards or other relevant regulatory acts. By submitting the application, these designation rules and the KBA's privacy declaration are acknowledged.

The application will be rejected if the conditions for the procedure for evaluation and designation pursuant to chapter 2 are not fulfilled or

- The KBA is not the responsible body or
- The demands of the applicant cannot be fulfilled by the KBA or
- No agreement on the services to be provided or the fees can be reached.

#### 2 Preparation of the evaluation

The submitted application and the associated documents are verified and evaluated by the KBA. The submitted accreditation certificates, designation certificates from other type approval authorities as well as the respective evaluation reports are considered. Consequently, the extent of further measures required for the evaluation is determined.

The fulfilment of the approval-relevant requirements is always be evaluated by the KBA in an on-site assessment. This does not preclude an evaluation pursuant to Regulation (EU) 2018/858 Article 73 paragraph 3.

Technical services are assigned to size categories depending on the number of applied-for subscopes (Prüfumfänge) and of the regulatory acts covered by accreditation or other designation certificates.

The classification of the technical services in size categories is based on the number of subscopes that are not sufficiently covered by an accreditation or designation. This classification is relevant to the extent of the evaluation and to the fees to be paid.

Category	Subscopes (Prüfumfänge)
L1	Up to 3
L2	4 - 9
L3	10 - 22
L4	23 - 40
L5	More than 40

If there is an accreditation or designation certificate for the full scope to be designated, the technical service is classified in category L1. The KBA then generally assesses only the fulfilment of the German approval-relevant requirements.

If the scope to be designated is not or not fully accredited, the evaluation is conducted by a joint evaluation team that is appointed by the KBA in accordance with Regulation (EU) 2018/858 Article 73. The KBA will request that the European Commission assign team members. If the technical service that is to be designated is not headquartered in Germany, the EU Commission is asked to consider this in the team building process.

The assessment may, upon the technical service's request, be split into parts of the relevant framework regulatory acts. In this case, a joint team shall be formed only if the relevant framework regulatory act requires this.

The technical service will, upon request, be informed of the current position of the assessors and technical experts if these are not employees of the KBA.

The KBA, in coordination with the technical service and the evaluation team, if such has been formed, sets date and schedule for the evaluation; this schedule is also in harmony with the surveillance and re-evaluation programme.

The technical service must provide the KBA with the documentation requested for the assessment at the latest one month before the date of the assessment. The documents are made available to the evaluation team. Non-conformities, found in the documentation, are reported to the technical service to be evaluated. The execution of the assessment may be conditioned on the remedy of these non-conformities.

#### 3 Evaluation

For initial and re-designation, the evaluation of the technical service always includes an on-site assessment by the KBA and a joint team to be formed if necessary.

As part of this assessment, the fulfilment of the designation requirements is checked and evaluated based on the criteria in the Requirements catalogue - Assessment of technical services (A, B, D).

Issues that have already been accredited or designated are generally only evaluated as part of a document review.

In general, the evaluation includes the following:

- The evaluation of approval-relevant requirements and requirements of standards on which the designation is based
- The evaluation of branches. The extent of the evaluation of the branches is determined at the discretion of the KBA.
- The assessment of a representative test procedure (Prüfverfahren) for every designated scope (Prüfgebiet) that is not covered by a valid accreditation for all subscopes (Prüfumfänge) of this scope (Prüfgebiet). The choice of test procedure is at the KBA's discretion.
- If applicable, the assessment of the method for virtual or computerised testing
- If the use of third-party test equipment or the supervision of tests is planned as part of the designation as a technical service, an assessment of at least one representative test procedure at external test sites.

The assessors will be provided all requested information and documents and shown all requested processes by competent employees of the technical service.

The technical service is informed of findings found during the on-site assessment. The on-site assessment concludes with a meeting of the evaluation team and the technical service. The evaluated technical service has the opportunity to ask questions regarding the findings and to comment on the assessment.

Following the assessment, the technical service will get a comprehensive written evaluation report. This report contains information on the competence and on the observance of the requirements as well as significant findings. If no desired changes have been enforced within two weeks from the report's reception, the report is deemed accepted.

In case of non-conformities, a root cause analysis as well as corrections and corrective measures must be reported within the given time, and the agreed evidence of execution must be submitted. If necessary, a follow-up on-site assessment will be carried out.

The evaluation in the re-procedure must generally be concluded by the end of the validity of the designation. In justified exceptions, the procedure may be concluded up to 3 months later if the designating body agrees.

#### 4 Decision

If the framework regulatory acts foresee this, after the evaluation report has been accepted by the technical service and the Reports of findings are completed, a summary report is submitted to the respective bodies as required by the respective regulatory acts. Upon request, it is also submitted to the type approval authorities of other member states. The KBA will answer the open questions and concerns and will send, if applicable, any additional information within four weeks.

Based on these submitted documents, within four weeks the EU Commission and/or the other type approval authorities may submit a recommendation regarding the designation of the technical service. After this deadline, the KBA decides on the designation of the technical service. The KBA takes into account any recommendation that was possibly received. Within a period of two weeks an explanation is provided to the EU Commission or to the member state if a recommendation was not followed.

The KBA's Designation Council decides on the designation based on the evaluation report and all other relevant information

- In the initial procedure
- In re-procedures, if any recommendations that were received are not to be followed
- In case of extensions of the designation that include a new Scope (Prüfgebiet)

The technical service receives notification of the granted designation in form of a designation certificate. This certificate is valid for five years from the date of designation.

In cases where the evaluation for re-designation is finished after the end of the validity of the designation, the validity of the new designation certificate is limited to the time remaining from the date of expiry of the previous designation.

The annex to the certificate lists the designated test procedures (Prüfverfahren).

#### 5 Surveillance

Information on the activities of the technical service is evaluated continuously and through on-site surveillance by the KBA.

In such on-site surveillance, the KBA evaluates whether the technical service continues to fulfil the designation requirements.

The sampling of test procedures and test sites is made according to the same principle as for the evaluation pursuant to chapter 3 of this Annex.

On-site evaluations for surveillance purposes are generally less comprehensive than those prior to designation or associated with re-designation.

On-site surveillance of the headquarters must generally be finished by the end of the surveillance period of 30 months. Additional branches are assessed on-site at least once during the validity of the designation.

If the technical service also supervises tests in which a foreign language must be used, such a supervision is generally assessed at least once in 5 years.

Additional surveillance activities, in particular to verify compliance with the designation rules at external test sites or during supervision of tests as well as for a specific reason, may be take place in order to ensure the necessary confidence in the designation or in order to determine whether the technical service has introduced effective processes as a result of the changes to the designation basis or after non-conformities.

In result of surveillance, a decision is made on the continuance of the designation.

At the latest two months after the conclusion of an on-site assessment for surveillance after 30 months, the KBA will report to anybody foreseen by a respective framework regulatory act.

# Classification criteria for the activity categories

Classification is made upon application and based on the definition in the relevant EU and UNECE regulatory acts. The following criteria apply in addition to the criteria in those regulatory acts:

The test laboratory of a manufacturer can only be designated for Category A (possibly in connection with Category V or R). Such a designation can only be awarded for test procedures for which this is permissible according to the respective regulatory acts.

#### Category A

(Tests performed in own facilities)

The necessary test equipment is mainly owned by the technical service. In exceptional cases, third-party test equipment may be used if a legally enforceable agreement exists with the owner of the test facility. This agreement must be suitable and appropriate for the intended use. It must ensure that the technical service has sole power of disposition over this test equipment and facilities, and if applicable also authority over the external staff executing the test. The technical service must be authorised to have an appropriate say regarding access to the test location and the surrounding conditions.

#### Category B

(Supervising tests)

As for Category A, but test equipment is not required. A contractual agreement regarding equipment and facilities, as described for Category A, is not required.

#### Category D

(Conducting and supervising tests/inspections for official CoP surveillance)

As for Category B

Category D is designated if the technical service is also designated for Category A or B in the respective scope.

## **Designation for virtual testing (V)**

The classification as competent for testing with virtual methods in relation to a particular test procedure (Prüfverfahren) is awarded, provided that the respective regulatory acts allow it, if the technical service has demonstrated its competence to apply virtual methods, and if a validation for this test procedure has been successfully concluded at the KBA.

# Designation for the computerised method (R)

The classification as competent for testing with computerised methods in relation to a particular test procedure (Prüfverfahren) is awarded if the respective regulatory act allows computerised methods and the technical service has demonstrated its competence to apply virtual or computerised methods.

# Criteria for designation in scope 01 "Whole vehicle"

Preconditions for the designation of a test procedure (Prüfverfahren) from Scope 01 "Whole vehicle" according to the scope classification directory is the designation (insofar as it is relevant for the respective subscope (Prüfumfang) of at least

- One procedure (Prüfverfahren) for engine/toxic emission from subscopes (Prüfumfänge) 02-01 to 02-04
- One procedure (Prüfverfahren) each from scopes (Prüfgebiete) 03, 07, 08, 10, 11, 12 respectively
- One procedure (Prüfverfahren) from subscope (Prüfumfang) 04-01
- One procedure (Prüfverfahren) from subscopes (Prüfumfänge) 04-02 to 04-09
- One procedure (Prüfverfahren) from subscope (Prüfumfang) 05-03
- One procedure (Prüfverfahren) each from subscopes (Prüfumfänge) 09-03, 09-05 and 09-10 respectively.

Classification into Category A for procedures from Scope (Prüfgebiet) 01 is awarded if at least one procedure in each of the elements defined above was classified in Category A (in addition at least 13 test procedures).

The authorised signatory for the whole vehicle must fulfil the specific requirements pursuant to Annex 4.

# **Basic requirements for personnel**

#### 1 General information

The technical service must deploy competent personnel with appropriate training and experience.

In addition to the personnel requirements of EN ISO/IEC 17025 or EN ISO/IEC 17020, at least the approval-relevant requirements listed below must be fulfilled:

- The process of authorization, maintenance and monitoring of qualification for authorized signatories for specific test procedures and of qualification of other personnel involved in designation related activities (managing personnel, personnel involved in the test, administrative personnel) is to be defined and documented by the technical service considering the requirements given in these Rules. As a minimum, there must be defined regarding knowledge, abilities and skills:
  - Required competence
  - Competence criteria
  - Ways to obtain and maintain required competence
  - Kind of initial evaluation of competence and of evaluation of continuing competence
  - Documentation of evidence.
- The head of the technical service appoints the authorized signatories in writing.
- Evidence for the fulfilment of the criteria and for implemented measures must be stored for at least five years.

The fulfilment of the requirements for the authorisation criteria (chapter 2 of this annex) and for maintenance of the competence (chapter 3 of this annex) is monitored under the responsibility of the head of the technical service.

The KBA may set further requirements for the approval and the continuous monitoring of the competence. In justified individual cases, the KBA may approve modifications.

If these designation rules are not observed, the KBA may require that individual persons have their authorization to sign test reports withdrawn.

#### 2 Criteria for authorisation

- 2.1 Head of the technical service and his/her deputy
  - Completion of a higher education degree at a university, applied university or equivalent institute of higher education.
  - Basic knowledge of approval-relevant requirements
  - Basic knowledge of the evaluation of management systems

#### 2.2 Authorised signatories

- Completion of a higher education degree in a subject relevant to the scope of testing at a university, applied university or equivalent institute of higher education
- Up-to-date knowledge of the approval-relevant requirements and the formal process of the type approval procedure of the KBA, demonstrated through successful completion of a corresponding training given by the KBA or by a training provider confirmed by the KBA. The training shall not have been completed more than 36 months before the appointment.
- Authorised signatories in Scope (Prüfgebiet) 01 (Whole vehicle) must demonstrate knowledge, abilities and skills in accordance with the "Framework curriculum for authorized signatories for testing/assessing of a whole vehicle" (www.kba.de).
- Authorised signatories in the other scopes (Prüfgebieten) must be trained according
  to a curriculum that is created in the technical service. In relation to the requirements
  of EN ISO/IEC 17025 and EN ISO/IEC 17020, the respective scope and the
  specificities of the technical service, they must demonstrate knowledge, abilities and
  skills in the following areas:
  - Quality management system of the technical service
  - Requirements for the technical process of testing and quality assurance, in particular
    - Handling test objects
    - Requirements for test methods and test environment, selection of appropriate test and measurement tools
    - Consideration of measurement uncertainty
    - Metrological traceability
    - Test execution (including possible problems)
    - Evaluation of third-party sites and supervision of tests (if applicable)
    - Test records, test reports

Knowledge, abilities and skills in the above areas must be demonstrated in a test. If no specific requirements exist, the results of previous tests may be considered.

 Authorised signatories in procedures involving management system audits must comply with separate supplementary requirements (www.kba.de, sanctioned interpretations for test laboratories/inspection bodies). Experience in the regular execution or supervision of tests in the respective scope covering a time period at least corresponding to that of the determined requirement class in the scope classification directory for the respective test procedure (Prüfverfahren) is required. Testing experience may not be more than five years old. The demonstrated test experience may be considered for other test procedures (Prüfverfahren) from the same subscope (Prüfumfang).

The requirement class given in the scope classification directory refers to the test of a component/system. In general, for the test of the assembly/installation, the following requirement class applies. The Head of the technical service may allow exceptions in justified exceptional cases. The justification must be on record.

Requirement category	Characteristic of the test procedure	Risk exposure/Environ- mental relevance	Minimum test experience
1	Very simple test procedures	not significant	6 months
2	Between category 1 and 3	small	1.5 to 2 years
3	Sophisticated test procedures	high	3 years
4	Analogue to category 3, but additional specific expertise/ authorization required		

In case of fundamentally new test procedures, the head of the technical service shall submit a concept for the development of competence before the minimum test experience required for the relevant requirement class is acquired.

 The authorised signatory must be fully competent for the evaluation of the test process and of the result. This also includes ensuring the safety of the test process (e.g. securing the area, interrupting the test on time etc.) and applies for both test execution and test supervision.

#### 2.3 Technical expert

- Completion of a training of relevance to the field
- If typical for the field: state-issued or other certification

#### 3 Additional competence criteria after appointment

- 3.1 Head of the technical service and his/her deputy
  - Dealing with at least one procedure in the context of the KBA designation within 12 months.

#### 3.2 Authorised signatories

 Regular execution or supervision of tests in the awarded subscope (Prüfumfang) or evidence of other measures to maintain the qualification; at least one test per year and per field of competence should be aimed for. A field of competence may cover several subscopes (Prüfumfänge) from the same scope (Prüfgebiet).

# Requirements for test reports

Test reports must fulfil the following requirements:

- The technical service is designated for the respective scope at least according to the designation-relevant status.
- The tests were conducted according to the requirements of the relevant regulatory acts in the approval-relevant status and of the state of the art.
- The test report fulfils at least the general requirements for test reports pursuant to EN ISO/IEC 17025 and to Regulation (EU) 2020/683 Amendment VII.
- The test report fulfils the requirements determined in the respective regulatory acts and in the KBA type approval procedure or the requirements of the approval authorities for individual approvals.
- The test report refers to the designation by stating at least the registration number of the technical service.
- The test report is signed by the authorised signatory, who is approved for the relevant scope and attended the testing bearing the responsibility for it.
- If a document is signed in digital form, the name of the signatory must be given explicitly in clear. The KBA recommends using a statement like the following: "This test report has been signed by xxx (if applicable also registration/seal number) using a qualified digital signature."
- The test report must be readable on its own without references.
- The test report must have no errors.
- When adopting third-party test data:
  - The source is mentioned
  - The third-party test data are
    - Adopted in the test report; a separate annex is not necessary or
    - are not adopted in the test report. In this case, it must be clear from the test report
      for what tests these data were used. All test reports/protocols or type approvals on
      which the third-party test data is based, with the exception of the approvals to
      which reference is made in the whole vehicle or system approvals, must be
      appended to the test report as annexes.
  - The concluding statement refers also to the third-party data.

The KBA may determine additional criteria.

# Acceptance of third-party data

#### 1 General

The acceptance of third-party test data is only permitted in exceptional cases. The reasons for this must be recorded.

The technical service using such data must be designated by the KBA for the relevant test scope. It is responsible for the correctness, plausibility and completeness of the adopted test data and it must reassure itself of the competence and integrity of the tester before using the test data.

The test data may only be used if they were collected in accordance with the applicable technical regulatory acts.

The adopted test data may have originally related to another type and/or another manufacturer, provided that the test object is technically identical or is confirmed as being representative. In particular, in tests for nationally valid approvals, it should be checked whether procedures, limits etc. correspond to the requirements for the intended use.

The source of the adopted data must be clearly indicated in the test report; see also Annex 5.

Any existing rights of third parties must be observed.

In the context of the assessments, it is checked on the basis of records of the technical service that

- A necessity for the use of external data in the respective individual case existed
- Appropriate methods and criteria have been applied to prove compliance with these rules
- The result of the check is sufficient.

# 2 Acceptance of third-party data of another technical service

In general, third-party test data may only be used for a test report in an approval procedure if they are passed on by a technical service that is designated by an EU designation authority for the respective scope.

In the exceptional case of indirect adoption (e.g. from the manufacturer), explicit confirmation of the correctness of the data must be obtained from the technical service that originally created the data.

#### 3 Acceptance of third-party data of other information sources

In exceptional cases, data from other sources may be used, if the data have been evaluated by the technical service as sufficiently neutral.

If databases are used, the plausibility of the data must be verifiably checked in each case. For reasons of neutrality, such databases should be maintained by EU type-approval authorities, industry associations or similar institutions.

In all other cases, a subcontract in accordance with EN ISO/IEC 17025:2018 shall be awarded for each individual case by the technical service responsible for the test report.

## 4 Acceptance of third-party data from virtual or computerised methods

When adopting data in accordance with section 2 and 3 from virtual methods, the following shall additionally be observed:

- The source that is providing the data generally must be designated as technical service in the relevant scope for virtual methods by an EU designation authority.
- If data from virtual processes of the manufacturer are accepted, appropriate precautions must be taken to ensure their integrity.
- The technical service that is providing the data must inform upon handover that the data result from virtual methods. It must provide sufficient information to the adopting technical service to allow the latter to evaluate the limitations of the mathematical model and the usability of the data.
- The adopting technical service does not have to be designated for virtual testing, but must be capable of evaluating the adopted data (to bear the responsibility).
- If other rules are stated in a regulatory act, the provisions of that regulatory act apply (e.g. for individual approval).
- The same requirements apply as applicable for data from computerised methods.

#### **Fees**

The amount of the basic fee depends on the number of subscopes (Prüfumfänge) at the time of the assessment.

		L 1	L 2	L 3	L 4	L 5	
Designation based on a full	Initial assessment	€ 7,560					
accreditation	Ü		€ 1,800				
(BVA)	ÜW	€ 3,150					
Designation with	Initial assessment	€ 7,560	€ 10,710	€ 15,860	€ 23,100	€ 32,290	
partial accreditation (BTA)	Ü	€ 1,800	€ 2,130	€ 2,610	€ 3,310	€ 5,350	
,	ÜW	€ 3,150	€ 3,740	€ 4,590	€ 5,820	€ 9,370	
Designation without	Initial assessment	€ 9,870	€ 13,800	€ 24,060	€ 37,700	€ 48,630	
accreditation (BOA)	Ü	€ 2,730	€ 3,800	€ 6,630	€ 10,370	€ 13,380	
,	ÜW	€ 4,120	€ 5,520	€ 9,100	€ 14,000	€ 18,790	

The basic fee is invoiced together with the assessment of the headquarters.

The basic fee includes, amongst others:

- Fixed designation costs
- The assessment
  - Of approval relevant requirements in one branch (headquarters) (without travel expenses)
  - Of the QM system for all categories
  - One test procedure (Prüfverfahren) per designated scope at one branch that is also a test site (2 hours each; only in BTA/BOA procedures)
- One A4 certificate each, in German and English (initial procedures, re-procedures)
- Notification and publishing on the KBA website
- Annual exchange of experiences between the KBA and technical services (travel expenses and meals not included).

If the QM system extends to other branch regions, the assessment of the QM system in this branch region and the necessary preparation and follow-up time is calculated with an hourly rate. For the assessment of additional test procedures (Prüfverfahren) two hours are invoiced for each.

Additional costs are invoiced based on hourly rates, e.g. for

- Evaluation at additional sites
- Assessment costs exceeding 2 hours per test procedure (Prüfverfahren)
- Additional measures (e.g. surveillance of additional samples and branches, surveillance in the event of findings etc.)
- Preparation and follow-up of the additional evaluations cited here.
- Any expenses that go beyond the standard measures covered by the basic fee (e.g. assessments in a foreign language, frequent changes to applications etc.)
- Training measures
- Meetings outside the KBA premises.

Break times are included in additional expenses, and started hours are rounded up.

## Procedure for the restriction, suspension, or termination of the designation

In the event of proceedings initiated by the KBA regarding the restriction, suspension or termination of the designation, a processing fee in the amount of at least five hourly rates is charged regardless of the outcome of the proceedings. Additional costs and evaluations are also invoiced.

#### **Amendments**

_	Bas	sic fee for amendment	€ 50.00
_	Add	ditionally	
	_	For each changed scope (Prüfgebiet)	€ 70.00
	-	Change of administrative data (e.g. name, address, logo, accreditation number)	€ 70.00

If the amendment requires an additional assessment, the fee is calculated based on the hourly rate. In addition to the on-site time, generally five hours each are calculated for the preparation and follow-up of the evaluation.

#### Certificates

_	1 certificate A4, German	free
_	1 certificate A4, English (only on request)	free
-	Additional certificates A4, German or English (without annex), each	€ 10.00

# **Travel expenses**

The actual travel time, but no more than the following hourly rates, is invoiced:

Region Germany: 5 hours per assessor and direction Region Europe<sup>3</sup>: 8 hours per assessor and direction

For other destinations, no upper limits apply.

Travel expenses and disbursements are invoiced pursuant to the German Federal Travel Expenses Act (Bundesreisekostengesetz).

#### Other

Additional costs incurred by the KBA for the work of joint teams are invoiced to the technical service.

The fees are free of value-added tax (VAT).

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<sup>&</sup>lt;sup>3</sup> Mainland, United Kingdom, Ireland, Malta, Cyprus

# Legal notice

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• • • We score with road safety!