



Kraftfahrt-Bundesamt

(Federal Motor Transport Authority)
Your central provider of services and information concerning
vehicles and their users – Vehicle Technology -

Information Sheet on Approvals for “New Technologies or Concepts” (MTK)
Issue: July 2011



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1 Preliminary observations

The Kraftfahrt-Bundesamt (KBA, Federal Motor Transport Authority) grants type-approvals for vehicles, vehicle systems, components or separate technical units. Existing rules and regulations frequently ignore new/novel technologies or concepts. Therefore some individual approval items cannot fulfil the requirements of certain regulations. EC Framework Directives include regulations to allow for type-approval to be granted to such approval items despite any technical deviations/variations.

This Information Sheet is designed to allow applicants and technical services to achieve EC type-approval for novel technologies or concepts which do not conform to existing statutory legislation. The purpose of the Information Sheet is to establish a consistent KBA procedure and to make this transparent for both applicants and Technical Services.

The procedure described here does not constitute a legal requirement in addition to the existing relevant legislation. The information provided applies to standard cases. In special cases the KBA may take differing decisions.

2 General

If new technologies or concepts are used then these often result in non-compliance with various existing regulations. The EG-Fahrzeuggenehmigungsverordnung (EG-FGV, EC vehicle type-approval regulation¹ and the EC Framework Directives 2007/46/EC, 2003/37/EC and 2002/24/EC describe how to handle these cases. All these procedures have fundamental similarities. The Information Sheet is based on Directive 2007/46/EC; it does however also refer to Directives 2002/24/EC and 2003/37/EC. For the purpose of a simple and consistent procedure, differing features are only described when necessary and where discretion may not be applied.

In all cases it is recommended that the KBA be involved early so that fundamental positions may be discussed and any required tests be agreed in good time.

2.1 Regulatory framework and scope

An EC type-approval may be granted by way of exemption if new technologies or concepts used are incompatible with the requirements of individual EC Directives or EC Regulations. Such EC type-approval may be granted to types of systems, components and separate technical units for use

- In vehicles and their trailers according to Directive 2007/46/EC²
- In agricultural or forestry tractors according to Directive 2003/37/EC
- In 2- or 3-wheeled motor vehicles according to Directive 2002/24/EC.

¹ Section 8 par. 1 EG-FGV

² Section 20 par. 1



2.2 Definitions of terms and vital requirements

For the purpose of this Information Sheet, the following definitions of terms apply:

Single regulatory acts

EC or EU Directives or Regulations as well as UN-ECE Regulations constitute single regulatory acts, where applied to vehicle type-approvals.

Responsible Authority

For the Federal Republic of Germany, the KBA is the Authority responsible for issuing EC type-approval certificates for new technologies or concepts.

If another Member State has issued a provisional approval (see 3.2) for new technologies or concepts, the Federal Republic of Germany may, upon request, accept this provisional approval. In this case, the KBA is the responsible recognition authority.

Requirements for EC type-approval for new technologies or concepts

Deviations from existing regulations may only be approved if they do not fall short of the safety and environmental standards prescribed by the applicable single regulatory acts and if any other requirements of the respective Framework Directives are otherwise complied with.

Requirements to be met by the Applicant

The applicant is the manufacturer or a representative authorised by him who is responsible for all issues regarding the type-approval procedure and for ensuring production conformity towards the KBA. In case the applicant is not yet in possession of a type-approval certificate at the KBA, he must first meet the requirements of the Information Sheet for Initial Assessment (MAB).



3 Procedures

The flow diagram below illustrates the procedures explained in chapters 3.1 - 3.5 through to the granting of an EC type-approval for new technologies or concepts, the consequences of such approval as well as the process and consequences of possible changes initiated by the European Commission (hereinafter “Commission”) to single regulatory acts affected.

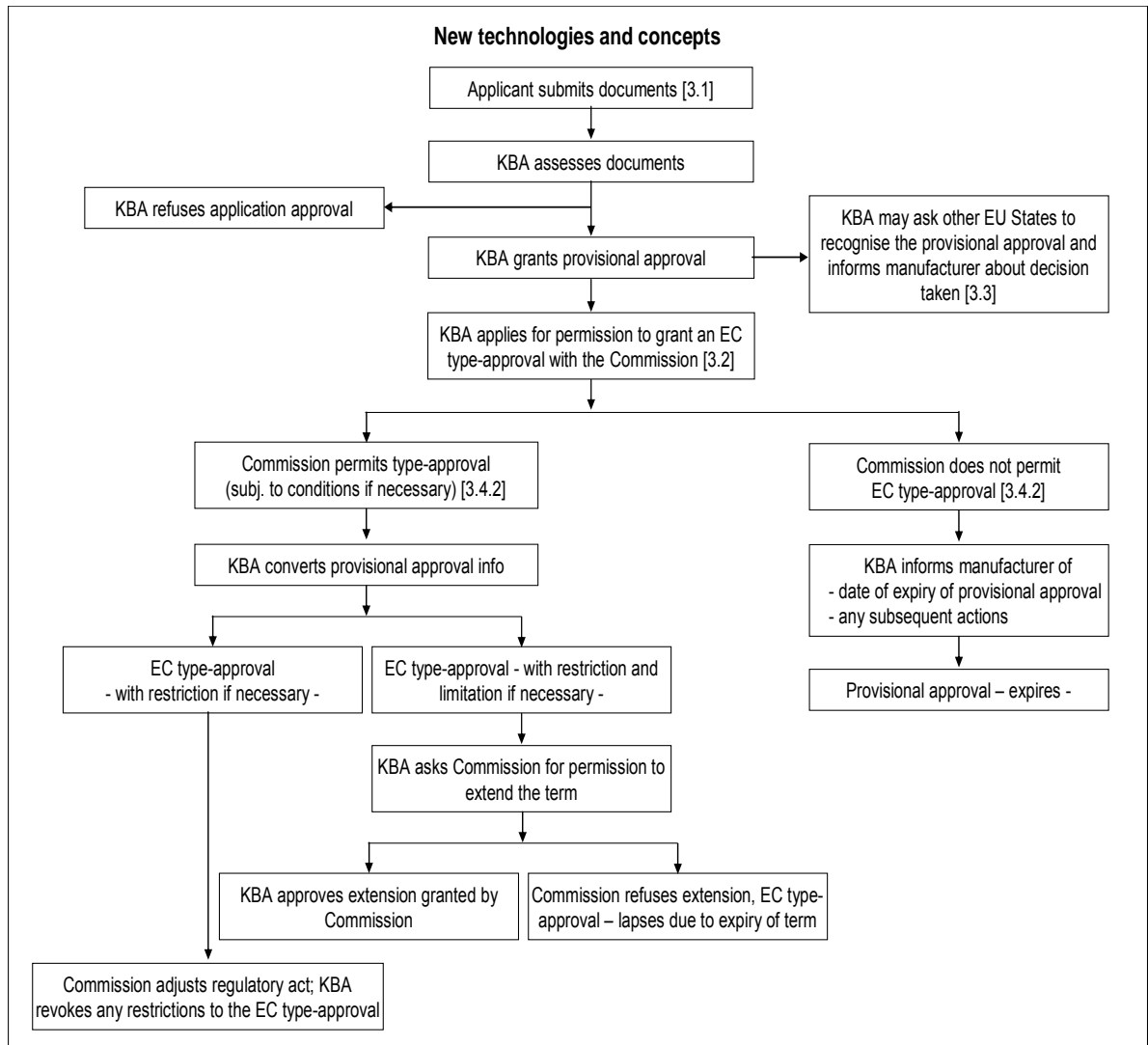


Figure 1: Granting of EC Type-approval for new technologies or concepts



3.1 Application of applicant for granting an EC type-approval

The applicant must send an informal application letter in good time (as early as possible) to the KBA. The application may be transmitted by way of agreed electronic means (Typmaster, FTP etc.) or be sent to the following addresses:

E-mail: kba-sqb421@kba.de (for class M1 and N1 vehicles)
kba-sqb422@kba.de (for vehicle classes other than M1 and N1)
kba-sqb423@kba.de (for components and separate technical units)

Postal address: Kraftfahrt-Bundesamt
Abteilung Fahrzeugtechnik
24932 Flensburg
GERMANY

The usual Information package (information folder and Test Report) which are customarily required for the normal type-approval procedure, must be attached to the letter of application. First time applicants will find additional information in the guidelines on Directives 2007/46/EC, 2003/37/EC and 2002/24/EC published by the KBA.

The applicant must state whether he/she is requesting the acceptance of the provisional approval (see 3.3) from other Member States and is attaching the additional documentary evidence and papers as described below.

3.1.1 Description of deviations

The approval of any new technologies or concepts used requires that these are described in-depth and any pertinent drawings attached as needed.

The following statements are required:

- Any deviations, stating the respective single regulatory act as amended.
- Any relevant safety and environmental aspects and the measures taken to comply with them.
- The tests conducted and the test results ascertained.

It must be explained and reasons be given why the implemented technologies or concepts are incompatible with the requirements of a single regulatory act.

3.1.2 Safety and environmental aspects

Deviations from the requirements of single regulatory acts may only be approved if the relevant safety and/or environmental requirements are met.

The **safety requirements** may also be achieved by ways other than the prescribed manner. For verification purposes, documentation in the form of a test report from an appointed technical service including positive final decision is required.

With regard to environmental protection aspects, deviations from prescribed measurement methods and tolerances are only permissible if the applicant can at least demonstrate equivalence with the existing regulations and these are backed by validation from a technical service. Additional environmental impact/damage in areas other than those defined by the single regulatory acts is not permissible.



Documentation must be prepared that contains an in-depth description of the tests undertaken and the results achieved, and the comparability between the procedures used and the prescribed measurement methods must be demonstrated.

3.1.3 Proposals for changing or establishing single regulatory acts³

When sending the report to the Commission, it makes sense to attach suggestions for changing and/or creating new single regulatory acts, which take into account the new technologies or concepts requested.

The applicant should submit proposals for corresponding changes to the KBA. The content of such proposals may also extend to current changes and updates in the area of comparable UN-ECE Regulations.

With regard to the creation of new EU single regulatory acts, the following should be elaborated on in particular:

- The scope,
- Definition of terms,
- Definition of the criteria, as well as
- Possible test procedures and
- Tolerance limits.

3.2 Application to the Commission and provisional approval

The KBA shall apply to the Commission for permission to grant an EC type-approval. Furthermore, the KBA shall send a draft to request the change of an existing regulation, including any suggestions submitted under 3.1.3, if applicable. Overall, the report must include the following information:

- Presentation of the deviations and the reasons for these
- Description of the safety and environmental aspects affected hereby and any measures implemented
- Description of the tests and results including proof of equivalence regarding safety and environment
- Proposals to change the single regulatory act and/or to create a new single regulatory act

The Bundesministerium für Verkehr, Bau und Stadtentwicklung (BMVBS, Federal Ministry of Transport, Building and Urban Development) shall receive a copy of the report sent to the Commission.

Before the Commission takes a decision on granting an EC type-approval, the KBA may grant provisional approval. In this case, the national approval (including any enclosures) shall be attached to the report sent to the Commission.

³ Such a request can no longer be derived from the existing regulations (e.g. sections 20 and 21 of Directive 2007/46/EC). The procedure was included in the “Predecessor Directive” 70/156/EEC and has proved helpful. It is therefore recommended to continue to use it.



3.3 Granting of a provisional approval by the KBA⁴

A provisional approval shall initially have only national validity.⁵ Other EU States may recognise the provisional approval for use in their territory. The KBA shall therefore inform the Member States for which the applicant has requested acceptance of the provisional approval. (See 3.1).

3.4 Decision of the Commission

The Commission should issue a decision within 3 months with regard to permission for granting the corresponding type-approval, or on its refusal.

The KBA shall inform the applicant of such decision and its consequences.

3.4.1 Positive decision of the Commission: Granting of the EC type-approval

Following a green light from the Commission, the KBA shall, without requesting a new application from the applicant, immediately convert the provisional approval with national validity into an EC type-approval.

This effects a change in section 1 of the type-approval number: DE will change to e1. In order to give the applicant sufficient time for arranging all the conversions necessary (approval mark, type plate), a mutually agreed transition period will be determined by the KBA.

The Commission may impose a limit to the validity period of the EC type-approval granted. However, the minimum validity period of the new EC type-approval is 36 months.

Time limits or other restrictions imposed may be revoked or extended. (See 3.5).

3.4.2 Negative decision of the Commission: Withdrawal of the provisional approval

Should the Commission refuse the application, then the KBA must revoke the provisional approval within six months after the date of the decision taken by the Commission.

Any products already manufactured that are based on the provisional approval may still be placed on the market and operated in Germany. This is also true for those Member States that have recognised the provisional approval. In order to ensure that no products other than those already manufactured are placed on the market, suitable product identification features (such as Vehicle Identification Numbers) must be made available to the KBA upon request.

⁴ According to Directive 2003/37/EC, a “Provisional EC Type-approval” shall be formally granted. Insofar, the validity of this provisional approval (as per 2003/37/EC) does not necessarily appear to be limited to one country.

⁵ Section 20 Par. 2 Directive 2007/46/EC.



Following withdrawal of a provisional approval, the KBA may, upon request of the manufacturer and considering the merits of each case individually, review whether it is possible:

- To grant the respective vehicle a national type-approval for small series production according to Article 23, or
- To grant the respective component or separate technical unit a national type-approval in accordance with paragraph 22 Straßenverkehrs-Zulassungs-Ordnung (StVZO, National vehicle safety standard) or in accordance with paragraph 22a StVZO.

3.5 Adjustment or non-adjustment of the single regulatory acts by the Commission

Where the Commission takes a positive decision, it will as a rule upgrade any single regulatory act affected to take technological advances into consideration.

Once the single regulatory acts have been changed, any restrictions imposed on the EC type-approval granted will be withdrawn immediately.

In case of any failure to take the steps required to adjust the EC regulatory act, the KBA may, upon request of the manufacturer, apply to the Commission to obtain a further extension to the EC type-approval with limited validity.⁶ The procedure described in chapter 3.4 shall apply.

4 Type-approval Documents

4.1 Provisional approval

The provisional approval with national validity granted during the first stage corresponds formally to the “EC type-approval certificate for vehicles” according to Annex VI of Directive 2007/46/EC and/or the requirements of the single regulatory acts. The approval number starts with “DE”. The provisional approval carries the following heading:

Type-approval⁷ for

- Vehicles^{*},
- Systems^{*},
- Components^{*},
- Separate technical units^{*},

that cannot fulfil the requirements of one or several single regulatory acts due to certain technologies or features employed, according to [2007/46/EC][†], [2002/24/EC][†], [2003/37/EC]^{*} up to [as amended][†].

- This approval certificate is only valid in the Federal Republic of Germany -

⁶ Section 21 par. 2 last sentence of Directive 2007/46/EC

⁷ In the case of Directive 2003/37/EC, the term “EC Type-approval” rather than “Type-approval” is still currently used.
^{*} Use term as applicable



4.2 EC Type-approval

If the Commission agrees to the granting of EC type-approval then the provisional approval with national validity will be converted into an EC type-approval by the KBA and a new approval certificate with the following heading will be created in line with Annex VI of Directive 2007/46/EC:

EC Type-approval certificate for

- Vehicles^{*},
- Systems^{*},
- Components^{*},
- Separate technical units^{*},

that cannot fulfil the requirements of one or several single Directives due to certain technologies or features employed, according to [2007/46/EC]^{*}, [2002/24/EC]^{*}, [2003/37/EC]^{*} up to [as amended]^{*}.

[The type-approval is granted according to section 20^{*}. Its validity is limited until DD/MM/YY.]^{**}

5 Type-approval fees payable

Fees levied by the KBA are in accordance with the “Scale of fees and charges for road traffic related services” plus expenses (copies, postage etc.). The scale of fees is posted on www.kba.de. Fees are calculated depending on what item is to be approved and on what legal ground (respective international legislation).

Aside from the fee payable for the extension (endorsement), the fee payable is calculated according to No. 151 for granting an exemption.

^{*} Use term as applicable

^{**} If applicable

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