

## **PROPOSAL FOR DRAFT AMENDMENTS TO REGULATION No. 90**

### **1 General Information regarding the status of discussion within the RD&D group**

The Informal Group held its 10<sup>th</sup> meeting in mid-January 2008 at Karlsruhe in Germany.

Good progress has been made and it is anticipated that the work will be finalised in 2008 and the Group will present their consolidated proposal for an amendment of ECE-Regulation No. 90 at the 65<sup>th</sup> session of GRRF in February 2009.

Also concerning the issue of marking, progress has been made. However, there is still disagreement inside the Group whether this marking should be of a permanent nature.

In order to resolve this issue, the Group seeks guidance from GRRF. It is intended to insert the provision stated in the following paragraph 2.

### **2 PROPOSAL**

Insert a new paragraph, to read:

"Original brake discs and brake drums, fitted at time of manufacturing of the vehicle are not subject to this Regulation.

Original brake discs and brake drums intended for replacement and servicing of the vehicle are not subject to this regulation if the manufacturer has [***permanently marked / affixed***] at least a replacement code as defined in paragraph 2.3.3."

CLEPA supports " <b><i>permanently marked</i></b> ", OICA supports " <b><i>affixed</i></b> "
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#### **Definition of "Replacement Code":**

"Replacement Code" identifies a brake disc or brake drum as an original replacement part. It contains at least the manufacturer's trade name or trade mark and an identification number.

The vehicle manufacturer shall provide to the technical service and/or approval authority the necessary information in electronic format, which makes the link between the replacement code and the braking system type approval documentation.

### **3 CLEPA - Justification**

- The prime objective of ECE-Regulation No. 90 is to help to prevent sub-standard brake discs and drums from being used in the replacement market for safety critical vehicle parts.
- The Approval Mark/Replacement Code identifies the product as being one which meets the minimum performance requirements as prescribed by the Regulation.
- The suggestion of "affixing" the replacement code implies that there would be a form of temporary identification, which may or may not, survive the storage and handling conditions at the point of sale, but almost certainly would not survive the service environment of a motor vehicle.
- In such circumstances, Best Practice dictates the use of permanent marking.

- In a post ECE-Regulation No. 90 era, anything less than permanent marking creates an avoidable risk of low quality, sub-standard parts continuing to find their way into the replacement market for safety critical parts.

#### **4 OICA - Justification**

##### 1. Scope of future ECE-Regulation No. 90

According to its Terms of Reference, the Informal Group on Replacement Discs and Drums aims for "replacement discs and drums **not** provided by the vehicle manufacturer as approved under an UNECE Regulation (Nos. 13, 13H and 78)". In consequence, the introduction of requirements for original replacement parts, which are provided by the vehicle manufacturer, is clearly out of the scope of the informal group and of the future ECE-Regulation No. 90.

##### 2. Necessity to identify original replacement parts in ECE-Regulation No. 90

As mentioned above, original replacement parts do not fall under the scope of the future ECE-Regulation No. 90. However, a reference to these original replacement parts is necessary in order to identify them at the selling point and as reference parts for eventual comparison testing for the type approval of non-original replacement parts (see Annexes 11 and 12 of draft text).

In consequence, OICA agreed to introduce a replacement code in the draft future ECE-Regulation No. 90, which identifies a brake disc or brake drum as an original replacement part.

In addition, OICA agreed that the vehicle manufacturer shall provide to the technical service and/or approval authority the necessary information in electronic format, which makes the link between the replacement code and the braking system type approval documentation.

OICA recalls that the aim of the replacement code in ECE-Regulation No. 90 is not to prescribe new requirements for original replacement parts (which would be clearly out of the scope of ECE-Regulation No. 90) but the **identification** of these parts at the **selling point** and for **comparison testing**.

##### 3. Alignment with new European Framework Directive 2007/46/EC

During an informal exchange with the chairman of the RD&D Informal Group, the European Commission mentioned that paragraph 2 of Article 19 of the new European Framework Directive will in the future also apply to original replacement discs and drums (as a separate technical unit) once the amendment of ECE-Regulation No. 90 has been adopted.

The above mentioned paragraph 2 requires that "the manufacturer shall **affix** at least his trade name or trade mark, and the type number and/or an identification number".

In consequence, the above OICA proposal suggests aligning the future ECE-Regulation No. 90 with the marking requirements of the new Framework Directive. This is consistent with the principle not to prescribe new requirements for original replacement parts and fully satisfies the need of the future ECE-Regulation No. 90. The word "affix" allows identifying original replacement parts at the selling point and for comparison testing. A durable marking may be foreseen by the manufacturer as one solution but cannot be mandated by the future ECE-Regulation No. 90 as mentioned above.

##### 4. Conclusion

The mission of the Informal Group is to define a type approval procedure for non-original replacement discs and drums. It may be necessary for this mission to refer to original replacement parts and to **identify** them via a **replacement code** at the **selling point** and for **comparison testing** but the prescription of any further requirements for original parts is clearly beyond this mission.