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Item 5 of the provisional agenda

Regulation No. 90 (Replacement brake linings)

Proposal for amendments to Regulation No. 90

Submitted by the expert from the International Organization of Motor Vehicle Manufacturers*

The text reproduced below was prepared by the expert from the International Organization of Motor Vehicle Manufacturers (OICA) in order to introduce into Regulation No. 90 provisions for original replacement brake linings. The modifications to the current text of the Regulation are marked in bold for new or strikethrough characters for deleted.

* In accordance with the programme of work of the Inland Transport Committee for 2006–2010 (ECE/TRANS/166/Add.1, programme activity 02.4), the World Forum will develop, harmonize and update Regulations in order to enhance the performance of vehicles. The present document is submitted in conformity with that mandate.

I. Proposal

Paragraph 1.1., amend to read:

“1.1. This Regulation applies to the type-approval, as separate technical units, of brake linings and brake lining assemblies intended to be fitted in one or more types of vehicles as replacement parts. More specifically, it applies to:

1.1.1. Replacement brake lining assemblies ...”

[Paragraph 2.7., remains unchanged and is reproduced for ease of understanding the proposal:

“2.7. “Original brake lining” means a brake lining type referenced in the vehicle type approval documentation, Regulation No. 13, Annex 2, paragraph 8.1.1., Regulation No. 13-H, Annex 1, paragraph 7.1. 2/ or Regulation No. 78, Annex 1, paragraph 5.4.;”]

Insert a new paragraph 2.7.1., to read:

“2.7.1. “Original replacement brake lining” means an original brake lining offered in the market as separate technical unit by the holder of the vehicle braking system type-approval or, in the case of a trailer, by the axle manufacturer who owns the test report according to Annex 11 or Annex 12 of Regulation No. 13.”

Insert new paragraphs 4.1.2. to 4.1.2.2.3.1., to read:

“4.1.2. Original replacement brake linings or brake lining assemblies as defined under paragraph 2.7.1. do not need to be approved according to this Regulation provided they fulfil the requirements of paragraphs 4.1.2.1. and 4.1.2.2.*

4.1.2.1. Marking

Original replacement brake linings or brake lining assemblies shall bear at least the following identifications:

4.1.2.1.1. the vehicle and/or component manufacturer’s name or trademark, and

4.1.2.1.2. the type of the brake lining or brake lining assembly as referenced in the vehicle type approval documentation of Regulation No. 13, Annex 2, paragraph 8.1.1. or Regulation No. 13-H, Annex 1, paragraph 7.1. or Regulation No. 78, Annex 1, paragraph 5.4.

4.1.2.2. Packaging and documentation

Original replacement brake linings or brake lining assemblies shall be packaged in axle sets in accordance with the following requirements:

* *Note by the secretariat* : In our opinion, paragraphs 4.1.2.and 12.4. should be clarified. By definition, a UNECE Regulation is not mandatory. It is only rendered mandatory by the Contracting parties through their national law. Consequently, the issue whether a specific marking is enough or an approval is mandatory for the sale of these parts is a national matter and may not be dealt within a UNECE type approval Regulation. The only issue to be tackled within the Regulation is the following: Should it be possible to type approve original parts according to Regulation No. 90? (See the discussion on Informal document GRRF-67-02 at the sixty-seventh session of GRRF).

- 4.1.2.2.1. Each package shall be sealed and constructed to show previous opening;
- 4.1.2.2.2. Each package shall display at least:
 - 4.1.2.2.2.1. The quantity of brake linings or brake lining assemblies contained;
 - 4.1.2.2.2.2. Vehicle and/or component manufacturer's name or trademark;
 - 4.1.2.2.2.3. Type of the brake linings or brake lining assemblies as referenced in the vehicle type approval documentation, Regulation No. 13, Annex 2, paragraph 8.1.1. or Regulation No. 13-H, Annex 1, paragraph 7.1. or Regulation No. 78, Annex 1, paragraph 5.4.
 - 4.1.2.2.2.4. Part number(s) of the axle set;
 - 4.1.2.2.2.5. Sufficient information for the customer to identify the vehicles/axles/brakes for which the contents are approved;
- 4.1.2.2.3. Each package shall contain fitting instructions with particular reference to ancillary parts and stating that brake linings and brake lining assemblies must be replaced in axle sets.
 - 4.1.2.2.3.1. The fitting instructions may alternatively be supplied in a separate transparent container together with the brake lining or brake lining assembly package.”

Insert new paragraph 4.8., to read:

- “4.8. The vehicle manufacturer shall provide, on request of the technical service and/or the approval authority, the necessary information which makes the link between the make and type of the brake lining or brake lining assembly and the vehicle braking system type approval.”

Paragraph 12., amend to read:

- “12. TRANSITIONAL PROVISIONS
- 12.1. No Contracting Party shall refuse to grant approvals under this Regulation as amended by the 01 series of amendments.
- 12.2. As from 1 January 1995, Contracting Parties applying this Regulation shall grant approvals only if the replacement brake lining assembly or the replacement drum brake lining approved meets the requirements of this Regulation as amended by the 01 series of amendments.
- 12.3. Contracting Parties applying this Regulation shall continue to allow fitting or use on a vehicle in use of a replacement brake lining assembly approved to this Regulation in its original, unamended form.
- 12.4. **Starting 24 months after the entry into force of the XX Supplement to the 01 Series of Amendments to this Regulation, Contracting Parties applying this Regulation may refuse the sale of a type of Original Replacement Brake Lining as defined under Paragraph 2.7.1. which does not meet the requirements of the XX Supplement to the 01 Series of Amendments to this Regulation.”***

II. Justification

1. It is felt appropriate to inspire the introduction of original replacement brake linings into the Regulation No. 90 via the solution already currently in application in Regulation No. 103 (replacement catalytic converters). The latter is indeed similar to the replacement brake lining regulation as it regulates replacement parts related to well defined type approved original components.
2. Following the spirit of the solution in application in Regulation No. 103 for the original replacement converters, the original replacement brake linings will be part of the scope of Regulation No. 90 and will have to fulfil requirements typically dedicated to them, namely:
3. Marking (paragraph 4.1.2.1.) in the form of the manufacturer's name or trademark and the type of the brake lining as referenced in the braking regulations.
4. Packaging and documentation (paragraph 4.1.2.2.) requirements as in the current EU braking directive.
5. Upon request of the technical services, the manufacturer will have to provide information linking the brake lining type with the vehicle braking system type approval (paragraph 4.8.).
6. The proposed means of identification is considered appropriate because it "copy/pastes" the means currently applied in Regulation No. 103, hence guaranteeing conformity with the 1958 Agreement, and it is conform to the solution adopted at GRRF for the identification of the discs and drums, whereby the components must be identified but need not be technically type-approved (ECE/TRANS/WP.29/GRRF/67, paragraph 23).
7. Some packaging and documentation requirements are added to permit the harmonization between the current EU braking directive and the UNECE legal platform.
8. A paragraph requiring the manufacturer to provide the necessary information linking the type of lining to the corresponding type of vehicle braking system was added for the sake of clarity. In theory, such requirement is not necessary as all information is contained in the braking system type-approval file kept by the competent authority which granted the braking system type-approval, and should be made available upon request from another competent authority per the 1958 Agreement (Article 5). However this procedure could well be improved in practice if the vehicle manufacturer himself provides the relevant information upon request from the competent authority.
9. A transitional period of 24 months is considered necessary in order to permit the suppliers of Original Replacement Brake Linings to make their production conform to the new requirements. The transitional provisions are inspired by the guidelines for transitional provisions in UNECE regulations (document WP29/1044), dedicated to separate technical unit (item C7).