



LICENCE 2ND AMENDMENT

(EU) 2017/2400 2ND AMENDMENT

LICENCE FOR INTERIM MANUFACTURERS

TCMV draft 2017/2400 Art. 9 §1:

- “[...] A vehicle manufacturer may operate the simulation tool for the purposes of this Article only if in possession of a licence granted for the application case concerned in accordance with Article 7. An interim manufacturer operates the simulation tool **under the licence** of a vehicle manufacturer.”;
- ➔ What does the term “under the licence of” exactly mean for all involved parties?
- From May 4th meeting:
 - the vehicle manufacturer referred to and under whose licence the interim manufacturer (“IM”) operates the simulation tool is the manufacturer of completed heavy buses and not the primary vehicle manufacturer
 - As a consequence primary vehicle manufacturer do not have responsibility related to its licence towards IM
 - ACEA to sketch principles related to this licence from legal aspects side (rather than operational procedure) which would be shared in the exchange forum

PRINCIPLES TO AGREE ON WITH THE FORUM

- The primary vehicle manufacturer do not have responsibilities related to its license towards an interim manufacturer (IM). The IM operates the simulation tool under the licence of a manufacturer downstream to the primary manufacturer (*).
- In case the IM have licence(s) for CO2 determination, the application case as IM should be covered.
 - Non-compliance and remedial measures with respect to the intermediate vehicle then lays with the IM
 - No separate measures are required for the CO2 licence of the downstream completed vehicles manufacturer
 - If the IM has been granted a CO2 certificate for components, separate technical units and systems, their responsibilities for the CO2 certificate, incl COP, also remains unchanged.
- In case the IM do not have any CO2 licence, in order to be able to operate under completed manufacturer licence for an interim vehicle, the TAA a should verify that completed vehicle manufacturer has
 - processes in place for communication with the IM
 - informed the IM that they need to fulfil the obligations as IM in 2017/2400

INTERIM MANUFACTURER LIABILITY

2017/2400

- As per TCMV draft 2017/2400 Annex I point 2.5: IM shall provide an “updated and hashed of the vehicle information file” which “shall be made available” to subsequent manufacturer in multi-stage process. Vehicle information file “covers the task of documentation towards approval authorities”.
- IM shall still comply where applicable with requirements of TCMV draft 2017/2400 chapter 4 and corresponding annexes.

2018/858

- IM are legally liable for components, separate technical units and systems they change or add as per multi-stage process according 2018/858
- Operating under licence of completed vehicle manufacturer does not change their legal requirements from type-approval process and obligations of conformity (Art. 14 2018/858)
- Completed vehicle manufacturer scope of responsibility to comply with licence requirements (TCMV draft 2017/2400 Annex II) shall not be extended to IM responsibility on components, separate technical units and systems

Example:

IM supplying bodywork in multi-stage heavy bus process shall comply with air drag certification requirements as per Annex VIII (including COP requirements). Completed vehicle manufacturer cannot be liable for potential non-compliance of IM on these requirements through its licence.

LICENCE REQUIREMENTS

- Requirements from Annex II for completed vehicle manufacturer on data management system :
 - **1.1.1 (“sourcing, handling and retrieving of the input information [...] for the simulation tool as well as handling certificates on CO2 emissions [...])”)**
 - **1.1.2 (“storing of the output data”)**
 - **1.1.3 (“process for consulting the dedicated electronic distribution platform [...])”)**
 - **1.1.4 (“appropriate training of staff working with the simulation tool”)**

Should be considered satisfied when solely related to the operation of the simulation tool by the IM for the generation of the VIF (data handling and hashing) corresponding to IM’s supplied components, separate technical units and system.

Completed vehicle manufacturer cannot be legally held responsible for data management system and operation from IM which is a separate company