Informal document EFWG-01-03
(1\textsuperscript{st} meeting of the Enforcement Working Group, 28 June 2012, agenda item 8.9)
Product Safety and Recalls – Legal Basis

→ Law of KBA: KBA is responsible for the execution of ProdSG (German Product Safety Act)

→ German Product Safety Act is the implementation of Directive 2001/95/EC on General Product Safety and Regulation 765/2008/EC on market surveillance into Federal Law
Product Safety and Recalls – Task and Goal

→ In addition to European Type Approval System (Directive 2007/46/EC)

→ In addition to Periodical Technical Inspection (PTI, Directive 2010/48/EU)

**Identify** vehicle defects that can present a serious risk to health and/or environment.

**Evaluate** the level of risk and necessary counter measures

**Supervise** the execution of counter measures

**Eliminate** 100% of all serious risk defects on registered vehicles
Product Safety and Recalls – CVR

Central Vehicle Register (CVR) is a federal german register combining Vehicle Identification Number (VIN) and vehicle user information like name and adress.

But: use of CVR data is limited by German Data Protection Act

German Road Traffic Act enables use of CVR for the purpose of vehicle recalls, if the defect has a significant effect on road safety or environment.
Vehicle Technology

Product Safety and Recalls – Identification

→ Information by manufacturer (acc. to Directive 2001/95/EC Art. 5)

→ Information by vehicle users, public attorneys, insurance companies, police, etc.

→ RAPEX notifications (acc. to Directive 2001/95/EC Art. 12)
  (RAPEX = Rapid Exchange of Information between EU Member States and Commission)

→ Customs notifications at import to the European Market (acc. to Regulation 765/2008/EC Art. 27); especially for vehicle parts
Product Safety and Recalls – Evaluation

Complete necessary information by:

→ Close communication and cooperation with manufacturer
→ Interviewing effected authorities (Police, Customs)
→ Interviewing effected vehicle owners
→ Assigning external expertise by technical services
### Product Safety and Recalls – Evaluation

#### Significant effect on road safety vs. serious risk to health and safety

<table>
<thead>
<tr>
<th>Type</th>
<th>Description</th>
<th>Consequences</th>
</tr>
</thead>
<tbody>
<tr>
<td>Defect has a <strong>significant effect</strong> on road safety or environment</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Defect poses a <strong>serious risk</strong> to health and safety of vehicle users and others</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Example</td>
<td>Failure of power-assisted steering; necessary operating force stays within legal requirements</td>
<td>Complete failure of steering function</td>
</tr>
</tbody>
</table>
| Consequences | - Use of CVR **possible**  
- Recall recommended, but not mandatory | - Use of CVR **mandatory**  
- RAPEX notification to MS  
- Countermeasures supervised by KBA  
- Completion quote supervised by KBA  
- Withdrawal of vehicle registration if not completed |
Product Safety and Recalls – Supervision

Typical process of a supervised recall

1. **Defect emerges**
2. **Identification**
3. **Evaluation**
4. **Supervision**
   - **Countermeasures**
   - **Launch of Recall**
   - **Follow up 1**
   - **Follow up 2**
5. **Withdrawal of registration**

Average completion quote:
- 76%
- 90%
- 99%
- 100%
Vehicle Technology

Product Safety and Recalls – Statistics

Number of recall actions 2006 - 2011

- **Recalls**
- **Supervised Recalls**
  (subset of all recalls)

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of recalls</th>
<th>Number of supervised recalls</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2007</td>
<td></td>
<td></td>
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<tr>
<td>2008</td>
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<tr>
<td>2009</td>
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<td></td>
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<tr>
<td>2010</td>
<td></td>
<td></td>
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<tr>
<td>2011</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Product Safety and Recalls – Statistics 2

Number of withdrawn registrations

Year

Number of vehicles

2006  2007  2008  2009 2010  2011
## Product Safety and Recalls – Statistics 2011

<table>
<thead>
<tr>
<th>Description</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total number of registered vehicles</td>
<td>~52,000,000</td>
</tr>
<tr>
<td>Recalled vehicles</td>
<td>563,414 ~1.1% of all registered vehicles</td>
</tr>
<tr>
<td>Withdrawn registrations</td>
<td>7,543 ~1.3% of all recalled vehicles</td>
</tr>
</tbody>
</table>
Thank you for your attention!

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