



13 September 2022

Mercedes-Benz
Mercedes-Benz Vans
UK Limited

[REDACTED]
[REDACTED]
On behalf of Senior Coroner
West Yorkshire (Eastern)
Coroner's Office and Court
71 Northgate
Wakefield WF1 3BS

[REDACTED] Your reference: 24360

Re: Inquest touching the death of Michael SHUTTLEWORTH, (deceased)

Dear [REDACTED]

We write in response to the Coroner's Office and Court letter dated 25th July 2022, relating to the above reference, following the inquest touching the death of Michael Shuttleworth (deceased). Mercedes-Benz treats all requests of this nature with the highest of priorities and we were sorry to learn about the incident. Mercedes-Benz has thoroughly investigated this matter and our response is provided below.

The vehicle affected by the facts of the case was delivered by Mercedes-Benz AG (formerly Daimler AG) ("MBAG") as a so-called "wind runner" or "cowl" with a windscreen and mounted A-pillar. This is a "rolling chassis" to which the main drive components (engine and drive train) are attached only ("rolling chassis", see Figure 1). The sales code used for this is "F24 - Cowl with windshield high" (see Figure 2).

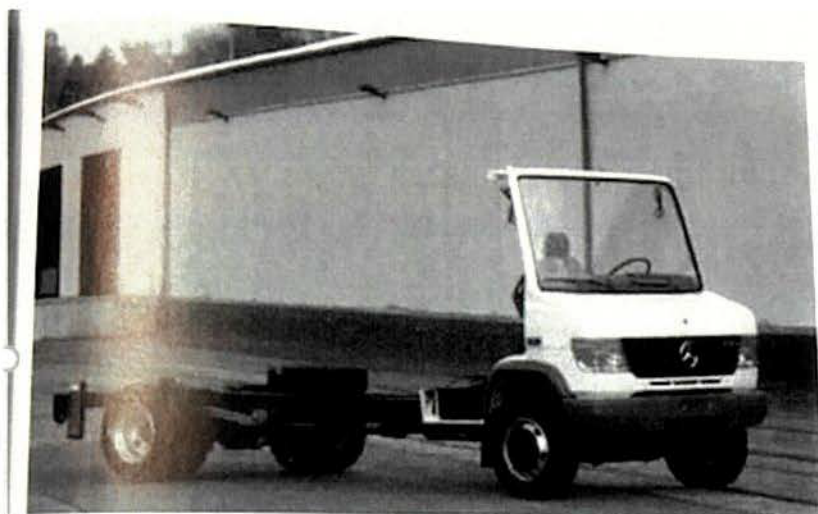


Figure 1: Cowl with windshield



The chassis supplied by MBAG was delivered with exterior mirror holders only to UPS and without exterior mirrors (see Figure 2).

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Status Delivered

Special equipment codes

| Special equipment code number | Designation | | |
|-------------------------------|--|-----|---|
| AF1 | Axle ratio i = 3,636 | | |
| AI6 | Rear axle H 2 , 5,6 t with crown wheel 312 | | |
| AJ4 | Front axle 2,5 t | S68 | Automatic seat belt driver |
| B02 | Anti-block system (ABS) for brakes | S91 | Deletion, co-driver's seat |
| B16 | Brake hydraulic 2-circuits/compr.-air 2-circuits | TE4 | Weight variant 7,49 t (2,5/5,6) |
| B65 | Compressed-air dryer, heated (1-chamber sys) | V28 | Underseal |
| B76 | Distributor fitting for auxiliary consumers | V45 | Floor covering, driver compartment |
| C43 | Stabilizer rear axle reinforced under frame | X36 | Name plate for fuse box in English |
| C49 | Front axle stabilizer reinf. f. extr. high load | X42 | Plates / booklets english |
| CL6 | Steering LS4 | X57 | Noise reduction to CM 92/97 |
| E04 | Electric equipment 24 V / starter 24 V | X89 | Set of door locks |
| E30 | Battery main switch single-pole | X92 | Deletion, company plate (Mercedes-Benz) |
| EE7 | Batteries, 2 x 12 V/100 Ah | | |
| F24 | Cowl with windshield high | XC1 | COC papers, incomplete |
| F41 | Windscreen, laminated glass, green, 30 % | XM0 | Facelift |
| F55 | Rear view mirror bracket extended | XZ0 | Model generation 0 |
| F62 | Rear view mirror heatable | Y44 | Warning triangle |
| F77 | Sound absorption additional | Y45 | Warning lamp |
| F82 | Cowl version short, fixed | | |
| GC4 | Gearbox G 56-6/6,29-0,78 | Z09 | Scope of delivery for UPS integral box body |

Figure 2: Selection of Sales codes/Special equipment codes

The delivery from MBAG was of an incomplete and not roadworthy vehicle chassis for which further modifications are required before being registered and placed on the public highway. The incomplete chassis (here specifically a "cowl") is considered an unfinished preliminary product, which is then extensively "converted" (see example Figures 3 and 4) by a third party body builder ("BB"), in this case, Firma Sommer GmbH, Kleine Ziegelohstraße 8, 06636 Laucha an der Unstrut (<https://www.sommer-online.de/index.php?id=3&L=1>).

The BB would then convert the cowl to become a roadworthy, homologated/registered vehicle and ready for end-customer.

Example of a UPS Vario



Figure 3: Example UPS Vario

MBAG supplied the chassis/"cowl" as ordered to UPS. UPS's nominated BB (Firma Sommer GmbH) carried out further construction/modification of the cowl independently of MBAG, on behalf of its customer UPS.

The BB makes significant modifications and changes, especially in the area relevant to the case (marked in red) of the A-pillar (outside mirror) and the entry area/door portal.



Figure 4: Example UPS Vario

Scope of certification:

In this case, MBAG only delivered the certified "cowl". The Certificate of Conformity (CoC) papers ex MBAG are therefore incomplete, this is indicated by the code "XC1 - COC papers, incomplete" (see Figure 2).

The attached CoC paper from MBAG shows that the chassis/cowl required additional type approval for registration ("Another type approval is required for registration"). See also Appendix 1.

The significantly modified A-pillar, the driver and front passenger sliding door and the exterior mirrors were not part of the supplied chassis/cowl by MBAG, and therefore were not certified by MBAG.

Conclusion:

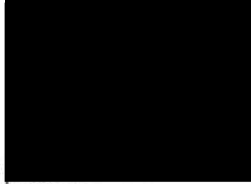
The BB changes the product significantly through structural modifications in line with its customer's (UPS) specifications and takes responsibility for the same.

There was no development or cooperation between the BB (Firma Sommer) and MBAG relating to any structural modification carried on the MBAG supplied chassis/cowl in this case. Further, MBAG did not modify, inspect or homologate the complete vehicle created by the BB.

As the entity that converts the chassis/cowl into a complete vehicle and placing the entire vehicle on the market, Firma Sommer is responsible for certification-related conformity and roadworthiness of the completed vehicle, along with ensuring compliance with any regulatory requirements for direct and indirect vision.

We hope the detail contained within our response assists the Coroner's Office and Court reach a satisfactory conclusion to this matter. If the Coroner's Office and Court requires any further information from Mercedes-Benz on this matter, we would be more than willing to assist.

Yours sincerely



Managing Director
Mercedes-Benz Vans UK Limited

Attachment:

Appendix 1 – Enclosed Certificate of Conformity (CoC) for the vehicle in question

Mercedes-Benz Vario 813D chassis cowl Long 7.49t; registration YG13 VCO ("the Vehicle")

Chassis number: WDB6703232N148699

Production date: 27.03.2013

Registration date: 19.06.2013

Incident date: 05.11.2020