

## BRAINWASHED IN BRUSSELS

Continuing saga regarding the proposal  
for a Regulation on approval and market surveillance  
of two or three-wheel vehicles and quadricycles  
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# *The Realm Of Safety*

Commenting on the Internal Market and Consumer Protection Committee (IMCO)  
meeting on 24th May 2011 presentation of rapporteur's report.

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**Right To Ride**

## Brainwashed in Brussels

Right To Ride – 29th May 2011

Writing an article about EU regulations is about as exciting as watching grass grow and as a result it is incredibly difficult to get attention with topics like “Advanced Braking Systems”, “On Board Diagnostics” and “Power Trains”.

In order to make it more palatable, we thought that we’d entitle this article “Brainwashed in Brussels” and summarize the last year and a half, during which there have been numerous articles, positions, comments, statements, BS and general posturing regarding the Commission’s proposals to regulate motorcycles from what was intended to be the reduction of bureaucracy of legislation on L category vehicles.

### The Scene

In Europe there are over 33 million motorcycles, scooters and mopeds, the vast majority of their owners reside in the south of Europe due to the climate, economics and habit. Accordingly, the use of these vehicles is a cultural affair, starting from 14 year olds on mopeds to get to school and to congregate with friends up to farmers in their Piaggio Ape carrying their goods to the market. In the middle there are motorcycles, the more elegant and leisure aspect of riding a two wheeled vehicle.

In the North of Europe the picture is entirely different. Climate influences the means of transport, thus the use of Powered Two Wheelers (PTWs), in terms of the overall number of these vehicles in circulation, is considerably less and generally motorcycles are more often preferred than scooters and mopeds.

### The Story So Far...

About a year and a half ago the European Commission (DG Enterprise and Industry) declared that they intended to simplify regulations for motorcycles, scooters and mopeds (aka L category vehicles), presumably to cut down on bureaucracy and save the European taxpayer millions of Euros.

They stated that the European Commission proposals have three objectives: simplification of the legislation (Better Regulation), new emission standards, and new safety measures. The simplification pillar consists of replacing the framework Directive and its separate Directives by a single framework Regulation.

The proposal is supposed to radically simplify the current legislative set of 15 Directives by replacing them with just 5 Regulations. At the same time, new emission and safety measures would be introduced in order to keep the legislation up to date with the latest technology developments.

Well that was the plan, but along the way, something went horribly wrong.

For those who have followed the debates on what was originally entitled “Framework Regulations” then changed to the more exhilarating, attention grabbing title of “EU Regulation on the approval and market surveillance of two- or three-wheel vehicles and quadricycles”, they will recall that within these proposals for regulations came a raft of “good ideas” for L category vehicles (that’s motorcycles, scooters, mopeds, ATVs and small cars) from the Directorate General of Enterprise and Industry.

Starting with the premise that motorcycles pollute, mopeds and scooters definitely pollute, the Commission set out their proposals to reduce emissions through a series of time lines to bring these vehicles in line with car emissions standards even though motorcycles are a completely different type of vehicle.

Their proposal then entered into the *realm of “safety”*.

The view of the Commission is by and large, a reflection of the general view held by the establishment with regards to motorcycles, scooters and mopeds, i.e. that this form of transport is dangerous and is responsible for a high proportion of deaths on European roads.

We could argue that these views are hugely misguided and subsequently misleading, however, what is true is that the motorcycle industry made a conscious decision around three decades ago to glamorize sports bikes and with the help of the motorcycle press, the scene was set. The industry promoted speed, doughnuts, wheelies and the image of the latest Moto GP hero on whatever bike of the moment became norm. The face of motorcycling underwent a huge transformation.

The result of this meant that year on year, more motorcyclists on sports bikes were being killed in a higher proportion than other categories of motorcycle riders and road users in general. We've all seen the typical sports bike "Crotch Rocket" in his leathers, riding his R1 or Gixxer.

With that image in mind, the Commission was in a fantastic position to set out their "safety" proposals in the knowledge that no member of the European Parliament would object to them.

Consequently the Commission proposed to make Advanced Braking Systems (ABS) mandatory, Automatic Headlights On (AHO) mandatory and introduce anti-tampering measures of the power train mandatory – to stop riders from modifying their motorcycles.

These proposals were all set out based purely and simply on the premise of "what a good idea", because the Commission had no concrete evidence that any of these systems or measures would actually reduce casualties.

### **Enter Wim "the Expert", stage left**

In our story "Brainwashed in Brussels", Wim van de Camp, MEP from the Netherlands, set out to become the hero for European motorcyclists. He presented himself as an aficionado of motorcycling, an expert, a friend of bikers (he's a member of both MAG Netherlands and whatever the other organisation is in the Netherlands). He became a patron of the Federation of European Motorcyclists Association (FEMA) and generally gave everybody the impression that he was a "good egg".

As Rapporteur for the Internal Market and Consumer Protection Committee (IMCO), Wim is effectively working on behalf of the European Parliament.

He put forward his counter proposals and give or take a few minor changes in the proposals that the Commission had presented, he surprised everybody by agreeing that ABS should be mandatory and even suggested bringing forward the dates to make them compulsory.

He agreed with the industry and Commission that AHO should become mandatory and he argued that OBD should be mandatory and that there should also be tough anti-tampering measures – to stop young bikers from modifying their bikes (in spite of the fact that the Commission, by its own admission, had no evidence that tampering was a wide spread problem).

On May 6<sup>th</sup> Wim published his draft report on behalf of the IMCO with numerous amendments to the Commission's proposals, mainly to counteract the Commission's desire to have complete control over the regulations for L category vehicles (motorcycles, mopeds, scooters, ATVs and small cars) through delegated acts. In fact the report reads more like a challenge to the Commission's powers.

However within the report there are amendments to the time scale of the introduction of the new regulations on emissions, the inclusion of enduro and trial bikes and an outline of which categories of motorcycles should have mandatory ABS, OBD and so forth.

The argument Wim put forward regarding mandatory ABS was that these systems (Anti-lock braking, Combined braking etc) would save lives – up to 20% more over ten years, he claimed.

On May 24<sup>th</sup> (2011) Wim presented his amendments to the Commission's proposals to the IMCO at a meeting in Brussels.

One of the discussions from this meeting was illuminating and gives an insight into the views of the MEPs and their groups. For example, the shadow rapporteur for the Social Democrats, Ms Westfahl stated with regards to mopeds and scooters:

*"I think that CBS is not an alternative to ABS, just a complimentary measure. You say a lot of companies would be removed from the market, your argument is not good enough – models may disappear, but not companies. If that (safety) is our objective we need to accept that certain types of vehicles will disappear from the market (..)"*

(NB: This is within the context that in Europe between 2001 and 2008, there have been 41% less moped fatalities, an important reduction in a quite stable circulating parc).

Wim replied, *"don't over estimate the advantages of braking systems – you have a young 16 year old boy or girl, they can die on a scooter with a nice ABS system, if they don't know how to operate them (sic!!). You have that human behaviour is a very important factor – responsible for 75% of accidents"*.

We need to ponder here and ask ourselves, why would Wim think that anybody older than 16 is less likely to die if they don't know how to operate ABS systems? Does he think that the rest of society is equipped with an inbuilt ABS instruction manual?

From Wim's original statement that ABS would save lives and reduce deaths by 20% over ten years to "well 16 year olds don't know how to use them, so they'll die anyway". That's a contradiction or simply – he's a politician!

What has been even more astounding is that experts and specialised institutes were consulted at great expense to the taxpayer e.g. the Laboratory of Applied Thermodynamics (LAT) Greece, Transport and Research Laboratory (TRL), UK, TÜV Germany as well as engineers from ACEM and other organisations, even government agencies were consulted including the Department for Transport (DfT) here in the UK

.....then they were completely ignored!

## **The End...**

The European parliament will decide in September on this raft of proposals and our prediction is that following a bit of posturing by the Commission and Parliament, the "brainwashed" MEPs will vote yes to all the safety measures, irrespective if they actually make a difference. They'll definitely vote yes to the emissions proposals. Our hero Wim will be congratulated on his sterling efforts and perhaps he may ride off into the sunset in his shiny Dainese leathers.

These regulations will only apply to new vehicles, which means that the industry will struggle even more to comply to these strangulating regulations, some companies will go under as bikes become more and more expensive.

In his amendments, Wim has excluded the L1Be category – i.e. mopeds from mandatory OBD and ABS (this category is restricted to 45 Km/ph or less) but he has included all PTWs with a design speed over 45 Km/ph which would also include scooters and light motorcycles which are the most popular categories for urban transport in Europe.

The LAT report considered the "Effect of Legislation" specifically with regards to mandatory On Board Diagnostics, although the same considerations can be made for ABS brakes. The authors comment that *"Each policy option that will be adopted by the Commission to formulate a new legislation, contributes uniquely to a "common purpose", which is the reduction of pollutant emissions from PTWs. All policies related to pollutant emission reduction are associated with "General Social Impacts", which can be described by the following "chain reaction":*

*Any regulation/implementation of a policy option most probably leads to an upward pressure on the PTWs' direct costs (i.e. purchase price) or associated costs (i.e. maintenance, periodically scheduled checks, etc.). This cost increase may cause a decline in new PTW sales and especially in these categories that are popular to youngsters or low income consumers in general.*

The LAT report stated that the increased cost of motorcycles will drive those the Commission and the Rapporteur appear to be targeting, towards buying second hand motorcycles and keeping them for a longer period of time, thus defeating the purpose of the legislation they want to introduce.

That seems a pretty sensible observation.

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## **Market and Consumer Protection Committee (IMCO)**

On May 24th (2011) Wim Van De Camp presented his amendments in his draft report to the Commission's proposals to the Market and Consumer Protection Committee (IMCO) at a meeting in Brussels.

You can view the webstream/video of the meeting<sup>1</sup> noting the disclaimer that, "The interpretation does not constitute an authentic record of proceedings."

We have summarized the hearing below.

**Eija-Riitta Korhola** - Vice Chair IMCO - Group of the European People's Party (Christian Democrats) - Finland.

Opened the meeting with reference that the meeting date coincided with the 70th birthday of Bob Dylan. Ms Korhola quoted some of his song titles that could refer to the issues of a single market – Times They Are A Changing – Like A Rolling Stone – You Go My Way, I Go Mine – and for the energy debate she commented that the answer is not entirely – Blowing In The Wind.

Meanwhile back to motorcycles.

Opening comments by **Wim van de Camp – Rapporteur** - Group of the European People's Party (Christian Democrats) – Netherlands:

- We had the report and everybody has received it. Thanks to those involved. In the translation and printing, two mistakes have crept in - the Enduro and Trial bikes were wrong and will be amended. Annex 3 – small errors which will be corrected. New annexes have been circulated with errors corrected.
- Discussion about the scope of the EU proposal, we have widened the scope to include categories e.g. Enduro S1 and Trial bikes S2 and ATVs. Well received. We have simplified the time table (was complicated) and we have reduced the time frames down to three from 7 or 8. Although the Commission wants the interim stage kept in for emissions. Informally heard from them.
- Environmental requirements are important. Motorcycles are relatively polluting in terms of emissions per kilometre, it pains me to say that, but sadly they pollute. The Germans and Social democrats are critical but positive and we need to recognise that.

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<sup>1</sup> <http://www.europarl.europa.eu/wps-europarl-internet/frd/vod/player?eventCode=20110524-0900-COMMITTEE-IMCO&language=en&byLeftMenu=researchcommittee&category=COMMITTEE&format=wmv>

- Controversial is OBD whether it should be introduced with small bikes as well – that will roll on and no doubt subject of amendments.
- Safety issues also discuss in parliament involving the Transport Committee. ABS and CBS for all bikes, should be introduced for motorcycles as well. My suggestion is that we shouldn't there it's a big pressure to have them - special modern braking systems introduced.
- Cost element for mandatory introduction. Modification for engines – supe up the engine, that should not be possible for mopeds or scooters – but free riders should be able to.
- Small production series – factories or teams wanting to build specific engines etc. That should be modified to include type approval for them.
- Last sector – access to RMI, we do not want the manufacturers to protect vis a vis dealers etc we have asked to make this as broad based as possible. We know that the hearing was webstreamed and well received and comments have been received – TUV in Essen and KTM plant in Salzburg and BMW etc.

Social democrat shadow rapporteur **Mrs Kerstin Westfahl** – *Group of the Progressive Alliance of Socialists and Democrats in the European Parliament – Germany.*

I'm not a biker but find it interesting. A lot of my staff are getting into this issue – bikers – and two and three wheeled vehicles.

We welcomed your amendment to extend the scope to ATVs and enduros etc

Introduction date – we don't agree – deleting Euro 3 makes sense, with regard to introduction date, your proposal isn't ambitious enough – Euro norms 4 and 5 introduced on same date, why? It's interesting same goes for OBDs why should mopeds be exempted. Tuning and anti-tampering, could be dealt with better. Why should we be exempting the type of vehicles that are ridden by riders who customise their bikes to get more speed (mopeds and scooters).

There is a more ambitious approach on braking systems – I think that CBS is not an alternative to ABS, just a complimentary measure. You say a lot of companies would be removed from the market, your argument not good enough – models may disappear, but not companies. If that (safety) is our objective we need to accept that certain types of vehicles will disappear from the market and that Europe's auto industry can be innovative enough and not maintain the current price for vehicles.

We can come to an agreement on the points I have raised.

**Heide Ruhle** - *Group of the Greens/European Free Alliance – Germany.*

I would agree with the previous speaker on a number of points. With regard to emissions, we should be more ambitious re Euro 4 and 5 and could welcome coming in at the same time. The date should be brought forward. Personally we should make a distinction for small vehicles. I don't know if it should apply to mopeds.

My main problem is that different development in 2 3 and 4 wheeled vehicles is speeding up and electric vehicles are coming onto the market – e.g. pedalex – so we need to be careful with definitions and power. With regards to speed – we need to differentiate but could be covered by this regulation as we are talking about speed.

Also a review clause as this sector is developing fast - setting up barriers through the type approval system is not good. The Commission wrote the proposal before this was an issue (needs a review clause).

**Toine Manders** - *Group of the Alliance of Liberals and Democrats for Europe – Netherlands.*

Amendment – limited number needs clarification – series agree with categories. Needs clarification. Conformity of motor vehicles – mutual recognition is good. Amendment 50 – needs clarity. Visibility for the side of the PTW is important – reflectors needed on the side of the bike, due to car drivers not seeing the motorcycle.

Harmonised licence requirements throughout the EU – also for motorcycles....! More durability for batteries (e-bikes) and connections throughout Europe – also needs exchangeable batteries – an extra small battery.

For safety also a technical check up every five years by official maintenance companies not government to know if the vehicle is safe.

**Heide Ruhle**

Amendment 65 – you said about different rules for passenger and goods vehicles – why did you make that distinction?

**Andreas Schwab** - *Group of the European People's Party (Christian Democrats) – Germany.*

We will have compromises but there is one issue – equipping these 2 and 3 wheeled vehicles with ABS. We're saying that we need to improve safety levels, not all technical measures are available in these vehicles.

Young people might not be able to afford them if all these devices are installed.

What is the right balance – between safety and cost?

**Giacomo Mattino – European Commission**

Comments around three elements categorisation we are open and welcome the more detailed categorisation as this allows us to fine tune certain categories. With regards to safety and introduction date of ABS, we have made on the basis of impact assessment the right balance between safety and cost – delaying one year – each year 600 can lose their life and 6000 injured and we have proposed in this case because of the challenges, setting one date 1 January 2017 could rationalise the dates as this presents challenges.

Emissions – we want to maintain the first step – otherwise nothing will happen before 2017. All elements are concurrent too. It is important to fix ambitious levels and time is critical. 62% of the contribution to emissions is from these vehicles and these elements are bringing unacceptable bad effects of pollution in urban areas. We believe that the first objective is very important.

A number of Member states have already introduced measures to ban mopeds scooter and light motorcycles in city areas because they are not complying to the emissions levels and we want to promote use of 2 wheeled vehicles.

We welcome efforts to new technologies and allow whatever is possible in the type approval and our objective is to guarantee and make them safe and environmentally friendly as other vehicles. When it comes to the measures is when it comes to type approval and weight levels we don't count the weight of the batteries and are open to this discussion.

We are open to consider new technologies.

**Wim Van de camp – Rapporteur** - *Group of the European People's Party (Christian Democrats) – Netherlands.*

This is a follow up to the report and calls for technical details and I have worked with shadow rapporteurs and in the context of transparency and will continue and in September we'll see how this pans out.

On emissions and I do agree with the Commission that 2 wheeled vehicles pollute and I'm prepare to make clear steps forward of Euro 4 and 5 and talking to shadow rapporteurs regarding the dates but need to consider the industry's need to develop this as there is an economic crisis which is not simple and the industry is working and thinking with us to clarify the agreements on Euro 3 4 and 5 to get a majority in the commission and then in parliament.

Referring to the second comment by Mrs Westfahl on OBD and scooters, OBD can play a major role for these scooters as they have more stringent requirements for motors. But you are talking about a 1200 euro scooter you cannot add 400 euros of equipment on top of that on to the cost.

Her third point on braking systems – don't over estimate the advantages of braking systems – you have a young 16 year old boy or girl, they can die on a scooter with a nice ABS system, if they don't know how to operate them. You have that human behaviour is a very important factor – responsible for 75% of accidents.

We will see what TRAN (Transport Committee) has to say about that and how we can work with this point.

To be clear these systems are getting cheaper each year. We've been talking to Bosch and HD about their ABS systems and it's not a 600 euro profit for HD, so people say we need to have an ABS system – it's only 80 euros, but putting it on the bikes, that is a cost of 300 to 400 euros and needs to be considered.

So we'll be listening to Mrs Westfahl on emissions, OBD and braking systems and Ms Ruhel will agree with that point.

With regards to ebikes I've been talking to stakeholders in the sector and the Commission on this and producers of electric bikes want to look at cost benefit analysis and some of them can go very very fast and for example if you have younger or older people 45 Km down a hill without a helmet, we need to create some limitations. We are talking with relevant parties about that.

With regards to 2,3 and 4 wheeled electrical vehicles, I would agree with Mrs Ruhle with technical issues here. We need to make development possible but we run into a wall when we talk about restrictions of the weight. With regards to restrictions to the weight the current batteries are very heavy and if somebody can develop a small lightweight battery that would mean a quick take up quickly. Electric cars they are above 800 kilos. I don't know if we should be using L category for M category vehicles.

We need to take a look at the L category vehicles and technical development in the regulations and room should be left for those developments.

On amendment 65, in reference to Mrs Heidi Ruhle's comments - We are talking about the delivery vehicles, we talked with Piaggio and these vehicles need more weight for delivery due to the goods carried – up to 750 kg – but the problem goes into the M category.

With regards to Mr Manders' point, Amendment 50 should be considered sports, off and on road but not limited to various requirements of locking systems – you need to be able to have these vehicles used for sports purposes and all the restrictions that apply for sports vehicles. We need to find a different solution.



With regards to visibility on the side – I don't like that but I understand the point that visibility is important. With regards to charging points, and uniformity of charging points (for electric vehicles) may be a problem. Piaggio may come up with for example plug A and another company (Yamaha) with plug B etc and that may create difficulties.

On the technical review every five years, I see that amendment but I wouldn't vote for such an amendment. I say that most scooter and motorcycle riders take their vehicle to the dealers on a regular basis.

Then there were the comments by Mr Schwab I basically responded to, in my comments by Mrs Ruhle and Mrs Westfahl.

TRAN has come up with their opinions on ABS, OBD and how we should work with those.

**According to Wim van de Camp's deadline, any amendments must be in by 20<sup>th</sup> June. However, according to Malcolm Harbour, voting on the report will take place on 15th June.**

## **MEPs' Attendance**

We do not know who was in attendance from the members of IMCO <http://www.europarl.europa.eu/activities/committees/membersCom.do?language=EN&body=IMCO> however the membership of IMCO includes several UK MEPs:

### **UK MEPs**

**Trevor Colman:** *Member IMCO - United Kingdom Independence Party - Non-attached Members.*

**Catherine Stihler:** *Member IMCO - Labour Party - Group of the Progressive Alliance of Socialists and Democrats in the European Parliament.*

**Ashley Fox:** *Substitute Member IMCO - Conservative Party - European Conservatives and Reformists.*

**Ian Hudghton:** *Substitute Member IMCO - Scottish National Party - Group of the Greens/European Free Alliance.*

**George Lyon:** *Substitute Member IMCO - Liberal Democrats Party - Group of the Alliance of Liberals and Democrats for Europe.*

**Emma McClarkin:** *Substitute Member IMCO - Conservative Party - European Conservatives and Reformists.*

**Claude Moraes:** *Substitute Member IMCO - Labour Party - Group of the Progressive Alliance of Socialists and Democrats in the European Parliament.*

As you can see from our report those MEPs that seem to be involved in the debate are from Germany, Finland and the Netherlands and there does not seem to be any involvement by UK MEPs apart from the Chairman Malcolm Harbour, maybe they are working behind the scenes?

In Northern Ireland we have three MEPs, these are:

**Bairbre de Brun:** *Sinn Féin - Confederal Group of the European United Left - Nordic Green Left.*

**Diane Dodds:** *Democratic Unionist Party - Non-attached Members.*

**James Nicholson:** *Ulster Conservatives and Unionists-New Force - European Conservatives and Reformists.*

They are not members of the IMCO committee, however when the adoption expected in September is voted on by the European Parliament, where will our MEPs stand on this issue and how will they vote?

Perhaps the answer is blowing in the wind!