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Committee on the Internal Market and Consumer Protection

2010/0271(COD)

6.5.2011

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DRAFT REPORT

on the proposal for a regulation of the European Parliament and of the Council
on the approval and market surveillance of two-or three-wheel vehicles and
quadricycles
(COM(2010)0542 – C7-0317/2010 – 2010/0271(COD))

Committee on the Internal Market and Consumer Protection

Rapporteur: Wim van de Camp

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

In amendments by Parliament, amendments to draft acts are highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the draft act which may require correction when the final text is prepared – for instance, obvious errors or omissions in a language version. Suggested corrections of this kind are subject to the agreement of the departments concerned.

The heading for any amendment to an existing act that the draft act seeks to amend includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend. Passages in an existing act that Parliament wishes to amend, but that the draft act has left unchanged, are highlighted in **bold**. Any deletions that Parliament wishes to make in such passages are indicated thus: [...].

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a regulation of the European Parliament and of the Council on the approval and market surveillance of two- or three-wheel vehicles and quadricycles (COM(2010)0542 – C7-0317/2010 – 2010/0271(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2010)0542),
 - having regard to Article 294(2) and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0317/2010),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 19 January 2011¹,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on the Internal Market and Consumer Protection and the opinion of the Committee on Transport and Tourism (A7-0000/2011),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a regulation
Recital 1 a (new)

¹ OJ C ...

Text proposed by the Commission

Amendment

(1a) The internal market should be based on transparent, simple and consistent rules which provide legal certainty and clarity from which businesses and consumers alike can benefit.

Or. en

Amendment 2

Proposal for a regulation

Recital 3

Text proposed by the Commission

Amendment

(3) This Regulation aims to lay down harmonised rules for the approval of L-category vehicles, with a view to ensuring the functioning of the internal market. L-category vehicles are two-, three- or four-wheel vehicles such as powered two-wheel vehicles, tricycles, on-road quads and mini-cars. In addition, the objectives are to simplify the current legal framework, to contribute to a lower, more proportionate share in overall road transport emissions, to increase the overall level of safety, to adapt to technical progress and to strengthen the rules on market surveillance.

(3) This Regulation aims to lay down harmonised rules for the approval of L-category vehicles, with a view to ensuring the functioning of the internal market. L-category vehicles are two-, three- or four-wheel vehicles such as powered two-wheel vehicles, tricycles, on-road quads, ***all-terrain vehicles (ATVs)*** and mini-cars. In addition, the objectives are to simplify the current legal framework, to contribute to a lower, more proportionate share in overall road transport emissions, to increase the overall level of safety, to adapt to technical progress and to strengthen the rules on market surveillance.

Or. en

Amendment 3

Proposal for a regulation

Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) More than 70 % of the Union's

population lives in urban areas while approximately 85 % of the Union's GDP is generated in cities. All major cities in Europe aim to reduce congestion, accidents and pollution. Better type-approval requirements for L-category vehicles can facilitate the transition to more efficient, safe and clean urban mobility¹. New, innovative and technologically advanced two-, three- or light four-wheel vehicles can significantly enhance urban mobility, by taking up less space, using less energy, creating fewer emissions during production and operation, while at the same time offering connectivity, productivity and enjoyment.

¹ Also see the Commission communications entitled "Action Plan on Urban Mobility" (COM(2009)0490), "Thematic Strategy on air pollution" (COM(2005)0446), and "Towards a European road safety area" (COM(2010)0389).

Or. en

Amendment 4

Proposal for a regulation Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) Given the current economic climate, the capacities of the sector and the size of its operators, the industry should be allowed sufficient time to adapt to the new provisions laid down in this Regulation and to the technical specifications delegated to the Commission. Timely definition of requirements is pivotal to ensure sufficient lead time for manufacturers to develop, test and implement technical solutions on production vehicles, and for manufacturers and type-approval

authorities in the Member States to put in place the necessary administrative systems.

Or. en

Amendment 5

Proposal for a regulation Recital 11 b (new)

Text proposed by the Commission

Amendment

(11b) In the interest of clarity, rationality and simplification, this Regulation should not contain too many implementation stages for the introduction of stricter emission levels and safety requirements. Therefore a three-step approach should be used, with dates of application of 1 January 2014 (following the entry into force of this Regulation), 1 January 2017 (2018) and 1 January 2020 (2021).

Or. en

Amendment 6

Proposal for a regulation Recital 12

Text proposed by the Commission

Amendment

(12) Market surveillance in the automotive sector and in particular the L-category vehicle sector should be improved by enhancing the legal provisions governing conformity of production and specifying the obligations of the economic operators in the supply chain. In particular, the role and responsibilities of the authorities in the Member States in charge of type-approval and market surveillance should be clarified, and the requirements relating to

(12) Market surveillance in the automotive sector and in particular the L-category vehicle sector should be improved by enhancing the legal provisions governing conformity of production and specifying the obligations of the economic operators in the supply chain. In particular, the role and responsibilities of the authorities in the Member States in charge of type-approval and market surveillance should be clarified, and the requirements relating to

the competence, obligations and performance of the technical services that perform vehicle type-approval reinforced. Compliance with the type-approval and conformity-of-production requirements of the legislation governing the automotive sector should remain the key responsibility of the type-approval authorities, while market surveillance may be a competence shared between different national authorities.

the competence, obligations and performance of the technical services that perform vehicle type-approval reinforced. Compliance with the type-approval and conformity-of-production requirements of the legislation governing the automotive sector should remain the key responsibility of the type-approval authorities, while market surveillance may be a competence shared between different national authorities. ***Effective coordination and monitoring at Union and national level should be deployed to ensure that market surveillance and type-approval authorities make use of the new measures effectively.***

Or. en

Amendment 7

Proposal for a regulation Recital 13

Text proposed by the Commission

(13) In order to prevent misuse, ***any*** simplified procedure for small-series vehicles should be restricted to ***cases of very limited production***. It is therefore necessary to define precisely the concept of small series in terms of the number of vehicles sold, registered and entered into service.

Amendment

(13) In order to prevent misuse, ***the*** simplified procedure for small-series vehicles should be restricted to ***limited numbers of vehicles***. It is therefore necessary to define precisely the concept of small series in terms of the number of vehicles sold, registered and entered into service.

Or. en

Amendment 8

Proposal for a regulation Recital 17

Text proposed by the Commission

(17) ***The Commission should be empowered to adopt delegated acts in***

Amendment

(17) In order to supplement or amend certain non-essential elements of

accordance with Article 290 TFEU in respect of functional safety and environmental performance, testing, access to repair and maintenance information and appointment of technical services and their specific authorised tasks, in order to supplement or amend certain non-essential elements of legislative acts through provisions of general application. Such empowerment should not allow for amendment of the enforcement dates set out in Annex IV or emission limit values set out in Annex VI. Amendments to those dates or values should be established by the ordinary legislative procedure set out in Article 114 TFEU."

legislative acts through provisions of general application, *the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of functional safety and environmental performance, testing, access to repair and maintenance information and appointment of technical services and their specific authorised tasks*. Such empowerment should not allow for amendment of the enforcement dates set out in Annex IV or emission limit values set out in Annex VI. Amendments to those dates or values should be established by the ordinary legislative procedure set out in Article 114 TFEU. *It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.*

Or. en

Justification

Adapted to the latest used wording on delegated acts.

Amendment 9

Proposal for a regulation

Recital 18

Text proposed by the Commission

(18) *The Commission should be empowered to adopt an implementing act in accordance with Article 291 of the Treaty* in order to lay down uniform conditions for the implementation of this Regulation with regard to the list of information to be provided in applying for type-approval, type-approval procedures,

Amendment

(18) In order to lay down uniform conditions for the implementation of this Regulation with regard to the list of information to be provided in applying for type-approval, type-approval procedures, templates for manufacturers' additional plates, EU type-approval certificates, list of type-approvals issued, numbering system

templates for manufacturers' additional plates, EU type-approval certificates, list of type-approvals issued, numbering system for EU type-approvals, and procedures to ensure conformity of production. With regard to those items, uniform conditions for implementation in the Member States are needed in order to ensure the proper functioning of the internal market by facilitating the mutual recognition of administrative decisions taken in the different Member States, -in particular type-approvals-, and the acceptance of documents issued by vehicle manufacturers (in particular certificates of conformity).

for EU type-approvals, and procedures to ensure conformity of production, ***implementing powers should be conferred to the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers***¹. With regard to those items, uniform conditions for implementation in the Member States are needed in order to ensure the proper functioning of the internal market by facilitating the mutual recognition of administrative decisions taken in the different Member States, -in particular type-approvals-, and the acceptance of documents issued by vehicle manufacturers (in particular certificates of conformity).
¹ ***OJ L 55, 28.2.2011, p. 13.***

Or. en

Justification

Adapted to the latest used wording on implementing acts.

Amendment 10

Proposal for a regulation

Article 2 – paragraph 2 – point d

Text proposed by the Commission

(d) vehicles exclusively intended for ***on-road or off-road*** use in competition;

Amendment

(d) vehicles exclusively intended for use in competition;

Or. en

Justification

Editorial: deletion of non-relevant criteria for this exemption concerning competition.

Amendment 11

Proposal for a regulation

Article 2 – paragraph 2 – point e

Text proposed by the Commission

(e) vehicles exclusively intended for use by the armed forces, law enforcement agencies, civil defence services, fire brigades or **public-works bodies**;

Amendment

(e) vehicles exclusively intended for use by the armed forces, law enforcement agencies, civil defence services, fire brigades or **providers of public works or public services**;

Or. en

Justification

Clarification; vehicles exclusively intended for public works and public services are excluded.

Amendment 12

Proposal for a regulation

Article 2 – paragraph 2 – point g

Text proposed by the Commission

(g) vehicles **primarily** intended for off-road use and designed to travel on unpaved surfaces;

Amendment

(g) vehicles **exclusively** intended for off-road use and designed to travel on unpaved surfaces;

Or. en

Justification

Only L-vehicles exclusively intended for off road use should be excluded from this Regulation.

Amendment 13

Proposal for a regulation

Article 3 – point 11

Text proposed by the Commission

11. ‘certificate of conformity’ means a document that is based on the model set

Amendment

11. ‘certificate of conformity’ means a document that is based on the model set

out in the implementing act and which is issued by the **vehicle** manufacturer to certify that a vehicle, at the time of its completion, corresponds to a type of vehicle type-approved in accordance with this Regulation;

out in the implementing act and which is issued by the manufacturer to certify that a vehicle, at the time of its completion, corresponds to a type of vehicle type-approved in accordance with this Regulation;

Or. en

Amendment 14

Proposal for a regulation Article 3 – point 49

Text proposed by the Commission

49. ‘vehicle repair and maintenance information’ means all information required for diagnosis, servicing, inspection, periodic monitoring, repair, re-programming or re-initialising of a vehicle and which manufacturers provide to their authorised dealers and repairers, including all subsequent amendments and supplements to such information. This information shall include all information required for fitting systems, components or separate technical units on vehicles;

Amendment

49. ‘vehicle repair and maintenance information’ means all information required for diagnosis, servicing, inspection, periodic monitoring, repair, re-programming or re-initialising of a vehicle and which manufacturers provide to their authorised dealers and repairers, including all subsequent amendments and supplements to such information. This information shall include all information required for **identifying and** fitting systems, **parts**, components or separate technical units on vehicles;

Or. en

Amendment 15

Proposal for a regulation Article 3 – point 50

Text proposed by the Commission

50. ‘independent operator’ means **undertakings** other than authorised dealers and repairers which are directly or indirectly involved in the repair and maintenance of motor vehicles;

Amendment

50. ‘independent operator’ means **any natural or legal person** other than authorised dealers and repairers which are directly or indirectly involved in the repair and maintenance of motor vehicles, **in**

particular repairers, manufacturers or distributors of repair equipment, tools or spare parts, publishers of technical information, roadside assistance operators, operators offering inspection, testing and training services, and manufacturers and installers of equipment for alternative fuel vehicles;

Or. en

Justification

Fair access to repair and maintenance information (at reasonable costs) shall be ensured for all independent operators, not just "undertakings".

Amendment 16

**Proposal for a regulation
Article 3 – point 50 a (new)**

Text proposed by the Commission

Amendment

50a. 'authorised dealer or repairer' means any natural or legal person who is a member of the vehicle manufacturer's distribution system;

Or. en

Amendment 17

**Proposal for a regulation
Article 3 – point 53 a (new)**

Text proposed by the Commission

Amendment

53a. 'enduro motorcycle' means a powered two-wheeler with special use meeting the classification criteria for L3e-S1;

Or. en

Justification

Introduction of special sub-category for Enduro motorcycles, which are used both on road and off road.

Amendment 18

Proposal for a regulation
Article 3 – point 53 b (new)

Text proposed by the Commission

Amendment

53b. 'trial motorcycle' means a powered two-wheeler with special use meeting the classification criteria for L3e-S2;

Or. en

Justification

Introduction of special sub-category for Trial motorcycles, which are used both on road and off road.

Amendment 19

Proposal for a regulation
Article 3 – point 57 a (new)

Text proposed by the Commission

Amendment

57a. 'all-terrain vehicle' means a vehicle meeting the classification criteria for L7Ce;

Or. en

Justification

Introduction of special sub-category for All-terrain vehicles (ATVs), which are used both on road and off road.

Amendment 20

Proposal for a regulation

Article 4 – paragraph 2 – point c – point i – indent 1

Text proposed by the Commission

Amendment

– A1 vehicle (low-performance motorcycle);

– **L3e** - A1 vehicle (low-performance motorcycle);

Or. en

Justification

Editorial

Amendment 21

Proposal for a regulation

Article 4 – paragraph 2 – point c – point i – indent 2

Text proposed by the Commission

Amendment

– A2 vehicle (medium-performance motorcycle);

– **L3e** - A2 vehicle (medium-performance motorcycle);

Or. en

Justification

Editorial

Amendment 22

Proposal for a regulation

Article 4 – paragraph 2 – point c – point i – indent 3

Text proposed by the Commission

Amendment

– A3 vehicle (high-performance motorcycle).

– **L3e** - A3 vehicle (high-performance motorcycle).

Or. en

Justification

Editorial

Amendment 23

Proposal for a regulation

Article 4 – paragraph 2 – point c – point ii

Text proposed by the Commission

Amendment

(ii) maximum designed vehicle speed: deleted

– lower than or equal to 130 km/h;

– higher than 130 km/h.

Or. en

Justification

While maximum designed vehicle speed is relevant for emission testing it is not for classifying a vehicle type. This criterion is also not included in Annex I.

Amendment 24

Proposal for a regulation

Article 4 – paragraph 2 – point c – point ii a (new)

Text proposed by the Commission

Amendment

(ii a) special use:

- L3e - S1 vehicle (enduro motorcycle)

- L3e - S2 vehicle (trial motorcycle)

Or. en

Amendment 25

Proposal for a regulation

Article 4 – paragraph 2 – point e – point i

Text proposed by the Commission

Amendment

(i) **Subcategory** L5Ae vehicle (tricycle);

(i) L5Ae vehicle (tricycle);

Or. en

Justification

Editorial

Amendment 26

Proposal for a regulation

Article 4 – paragraph 2 – point e – point ii – introductory part

Text proposed by the Commission

Amendment

(ii) **Subcategory** L5Be vehicle (commercial tricycle), further sub-categorised in:

(ii) L5Be vehicle (commercial tricycle), further sub-categorised in:

Or. en

Justification

Editorial

Amendment 27

Proposal for a regulation

Article 4 – paragraph 2 – point g – point ii – introductory part

Text proposed by the Commission

Amendment

(ii) **Subcategory** L7Be vehicle (heavy mini-car), sub-categorised into:

(ii) L7Be vehicle (heavy mini-car), **further** sub-categorised into:

Or. en

Justification

Editorial

Amendment 28

Proposal for a regulation

Article 4 – paragraph 2 – point g – point ii a (new)

Text proposed by the Commission

Amendment

(ii) L7Ce vehicle (all-terrain vehicle);

Or. en

Amendment 29

Proposal for a regulation

Article 4 – paragraph 4 – point a

Text proposed by the Commission

Amendment

(a) category L1e with its subcategories L1Ae and L1Be and category L3e with its subcategories L3e - A1, L3e - A2 **and** L3e - A3;

(a) category L1e with its subcategories L1Ae and L1Be and category L3e with its subcategories L3e - A1, L3e - A2, L3e - A3, **L3Ae - S1 and L3Ae - S2;**

Or. en

Amendment 30

Proposal for a regulation

Article 4 – paragraph 4 – point c

Text proposed by the Commission

Amendment

(c) category L6e with its subcategories L6Ae and L6Be and category L7e with its subcategories L7Ae **and** L7Be;

(c) category L6e with its subcategories L6Ae and L6Be and category L7e with its subcategories L7Ae, L7Be **and L7Ce;**

Or. en

Amendment 31

Proposal for a regulation

Article 7 – paragraph 4

Text proposed by the Commission

4. **They** shall furthermore appoint a representative for the purposes of market surveillance, which may be the representative referred to in the **second** paragraph or one additional representative.

Amendment

4. **Manufacturers** shall furthermore appoint a representative for the purposes of market surveillance, which may be the representative referred to in the **third** paragraph or one additional representative.

Or. en

Justification

Correct cross-reference

Amendment 32

Proposal for a regulation
Article 10 – paragraph 3

Text proposed by the Commission

3. Where importers consider or have reason to believe that a vehicle, system, component or separate technical unit is not in conformity with the requirements of this Regulation, in particular does not correspond to its type-approval, they shall not sell or register the vehicle, system, component or separate technical unit until **it has been brought into** conformity. Furthermore, where they consider or have reason to believe that the vehicle, system, component or separate technical unit presents a risk, they shall inform the manufacturer, the market surveillance and approval authorities to that effect.

Amendment

3. Where importers consider or have reason to believe that a vehicle, system, component or separate technical unit is not in conformity with the requirements of this Regulation, in particular does not correspond to its type-approval, they shall **contact the competent authorities and shall** not sell or register the vehicle, system, component or separate technical unit until **they have received confirmation from the competent authorities that it is in conformity with this Regulation**. Furthermore, where they consider or have reason to believe that the vehicle, system, component or separate technical unit presents a risk, they shall inform the manufacturer, the market surveillance and approval authorities to that effect.

Or. en

Amendment 33

Proposal for a regulation Article 13 – paragraph 1

Text proposed by the Commission

1. Where distributors consider or have reason to believe that a vehicle, system, component or separate technical unit is not in conformity with the requirements of this Regulation, they shall not sell or register the vehicle, system, component or separate technical unit and shall prevent its entry into service until it has been brought into conformity.

Amendment

1. Where distributors consider or have reason to believe that a vehicle, system, component or separate technical unit is not in conformity with the requirements of this Regulation, they shall ***contact the competent authorities and shall*** not sell or register the vehicle, system, component or separate technical unit ***until they have received confirmation from the competent authorities that it is in conformity with this Regulation*** and shall prevent its entry into service until it has been brought into conformity.

Or. en

Amendment 34

Proposal for a regulation Article 18 – paragraph 4

Text proposed by the Commission

4. After a modification of the powertrain, a vehicle shall comply with the technical requirements of the initial vehicle category and subcategory, or, if applicable, the new vehicle category and subcategory, which were in force when the original vehicle was sold, registered or entered into service, ***including the latest amendments to the requirements.***

Amendment

4. After a modification of the powertrain, a vehicle shall comply with the technical requirements of the initial vehicle category and subcategory, or, if applicable, the new vehicle category and subcategory, which were in force when the original vehicle was sold, registered or entered into service.

Or. en

Justification

If a powertrain has been modified, the vehicle should still be compliant to the same

requirements as were applicable when the original vehicle was entered into service.

Amendment 35

Proposal for a regulation Article 19 – paragraph 1

Text proposed by the Commission

1. **Four years** after the date referred to in the second subparagraph of Article 82, all new vehicles in subcategories **L1Be**, L3e, L5e, L6Ae and L7Ae shall be equipped with the first stage of an on-board diagnostic (OBD) system which monitors and reports on electric circuit continuity, shorted and open electric circuits and circuit rationality of the engine and vehicle management systems (OBD I).

Amendment

1. **Three years** after the date referred to in the second subparagraph of Article 82, all new vehicles in subcategories **L2e**, L3e, **L4e**, L5e, L6Ae and L7Ae shall be equipped with the first stage of an on-board diagnostic (OBD) system which monitors and reports on electric circuit continuity, shorted and open electric circuits and circuit rationality of the engine and vehicle management systems (OBD I).

Or. en

Justification

While the proposed date for the entry into force of this Regulation (Article 82(2)) is amended to 1 January 2014, the introduction of OBD I shall remain obligatory for all L-vehicle categories, except L1e, as from 1 January 2017. OBD shall not be mandatory for two-wheel mopeds (L1Be) for reasons of proportionate costs.

Amendment 36

Proposal for a regulation Article 19 – paragraph 2

Text proposed by the Commission

2. **Six years** after the date referred to in the second subparagraph of Article 82, all new vehicles in subcategories L6Be and L7Be shall be equipped with OBD I.

Amendment

2. **Four years** after the date referred to in the second subparagraph of Article 82, all new vehicles in subcategories L6Be and L7Be shall be equipped with OBD I.

Or. en

Justification

See justification on amendment to Article 19(1). In addition, a limited number of deadlines is preferred, therefore the proposed date for this requirement is set at 1 January 2018 (Step 2).

Amendment 37

Proposal for a regulation

Article 19 – paragraph 3

Text proposed by the Commission

3. **Eight years** after the date referred to in the second subparagraph of Article 82, all new vehicles shall be equipped with OBD I.

Amendment

3. **Seven years** after the date referred to in the second subparagraph of Article 82, all new vehicles *referred to in paragraphs 1 and 2* shall be equipped with OBD I.

Or. en

Justification

See justification amendment on Article 19(1) and (2).

Amendment 38

Proposal for a regulation

Article 19 – paragraph 4

Text proposed by the Commission

4. Following confirmation in a decision adopted by the Commission in accordance with Article 21(4), **eight years** after the date referred to in the second subparagraph of Article 82, all new vehicles in (sub-)categories **L1Be**, L3e, L5e, L6Ae and L7Ae shall in addition also be equipped with the second stage of an on-board diagnostic system (OBD II) which, in addition to OBD I, monitors not only complete failures but also deterioration of systems, components or separate technical units during vehicle life under the condition that its cost-effectiveness is proven in the environmental effect study

Amendment

4. Following confirmation in a decision adopted by the Commission in accordance with Article 21(4), **seven years** after the date referred to in the second subparagraph of Article 82, all new vehicles in (sub-)categories, **L2e**, L3e, **L4e**, L5e, L6Ae and L7Ae shall in addition also be equipped with the second stage of an on-board diagnostic system (OBD II) which, in addition to OBD I, monitors not only complete failures but also deterioration of systems, components or separate technical units during vehicle life under the condition that its cost-effectiveness is proven in the environmental effect study

referred to in article 21(4) and (5).

referred to in article 21(4) and (5).

Or. en

Justification

See justification on article 19(1) and (2)

Amendment 39

Proposal for a regulation
Article 21 – paragraph 4

Text proposed by the Commission

4. By 1 January 2016 ***at the latest***, the Commission shall carry out a comprehensive environmental effect study. The study shall evaluate the air quality and the share of pollutants contributed by L-category vehicles and shall cover the requirements of test types I, IV, V, VII and VIII listed in Annex V. It shall collate and evaluate the latest scientific data, scientific research findings, modelling and cost efficiency with a view to establishing definitive policy measures ***by confirmation of the Euro 5 enforcement dates (Euro 6 dates for L3e motorcycles) laid down in Annex IV and the Euro 5 (Euro 6 for L3e motorcycles) environmental requirements laid down in Annexes V, VI(A3), VI(B2), VI(C2) and Annex VII concerning Euro 5 (Euro 6 for L3e motorcycles) durability mileages and deterioration factors.***

Amendment

4. By 1 January 2016 the Commission shall carry out a comprehensive environmental effect study. The study shall evaluate the air quality and the share of pollutants contributed by L-category vehicles and shall cover the requirements of test types I, IV, V, VII and VIII listed in Annex V. It shall collate and evaluate the latest scientific data, scientific research findings, modelling and cost efficiency with a view to establishing definitive policy measures ***on issues referred to in paragraph 5.***

Or. en

Justification

Deletion of duplication with paragraph 5

Amendment 40

Proposal for a regulation

Article 21 – paragraph 5 – introductory part

Text proposed by the Commission

5. **Based** on the findings of the environmental effect study **the Commission shall confirm**:

Amendment

5. **The Commission shall report to the European Parliament and to the Council** on the findings of the environmental effect study **and proposed definitive policy measures as regards**:

Or. en

Justification

On the bases of the environmental effect study the Commission shall either confirm or propose modifications to the environmental requirements listed in this paragraph.

Amendment 41

Proposal for a regulation

Article 21 – paragraph 5 – point b

Text proposed by the Commission

(b) the Euro 5 emission limits (Euro 6 for category L3e motorcycles) referred to in Annex VI(A3) and the OBD thresholds in Annex VI(B2);

Amendment

(b) the Euro 5 emission limits (Euro 6 for category L3e motorcycles) referred to in **Annex V**, Annex VI(A3) and the OBD thresholds in Annex VI(B2);

Or. en

Justification

See justification on amendment to paragraph 4

Amendment 42

Proposal for a regulation

Article 23 – paragraph 1 – subparagraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) mixed type-approval;

Or. en

Justification

A mixed type approval is necessary for manufacturers that use supplier's approvals but use the single step for vehicle related items under their own control.

Amendment 43

Proposal for a regulation

Article 23 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Mixed type-approval shall consist of a step-by-step type-approval procedure for which one or more system approvals are achieved during the final stage of the approval of the whole vehicle, without it being necessary to issue the EU type-approval certificates for those systems.

Or. en

Amendment 44

Proposal for a regulation

Article 36 – paragraph 3

Text proposed by the Commission

Amendment

3. Unless a different agreement has been concluded with the buyer of the vehicle, the certificate of conformity shall be drawn up in the official language of the Member State where the vehicle is purchased.

3. The certificate of conformity shall be drawn up in one of the official languages of the Union. Any Member State may request the certificate of conformity to be translated into its own language or languages.

Or. en

Justification

Reducing administrative burdens.

Amendment 45

Proposal for a regulation
Article 36 – paragraph 7

Text proposed by the Commission

7. The certificate of conformity, as set out in the implementing act adopted under this Regulation, shall, for vehicles approved in accordance with **Article 39(2)**, display in its title the phrase ‘For complete/completed vehicles, type-approved in application of **Article 39** (provisional approval)’.

Amendment

7. The certificate of conformity, as set out in the implementing act adopted under this Regulation, shall, for vehicles approved in accordance with **Article 38(2)**, display in its title the phrase ‘For complete/completed vehicles, type-approved in application of **Article 38** (provisional approval)’.

Or. en

Justification

Correct cross-reference

Amendment 46

Proposal for a regulation
Article 36 – paragraph 8

Text proposed by the Commission

8. The certificate of conformity, as set out in the implementing act adopted under this Regulation, shall, for vehicles type-approved in accordance with **Article 41**, display in its title the phrase ‘For complete/completed vehicles type-approved in small series’, and in close proximity thereto the year of production followed by a sequential number, between 1 and the limit indicated in the table set out in the implementing act, denoting, in respect of each year of production, the position of that vehicle within the

Amendment

8. The certificate of conformity, as set out in the implementing act adopted under this Regulation, shall, for vehicles type-approved in accordance with **Article 40**, display in its title the phrase ‘For complete/completed vehicles type-approved in small series’, and in close proximity thereto the year of production followed by a sequential number, between 1 and the limit indicated in the table set out in the implementing act, denoting, in respect of each year of production, the position of that vehicle within the

production sequence for that year.

production sequence for that year.

Or. en

Justification

Correct cross-reference

Amendment 47

**Proposal for a regulation
Article 41 – paragraph 4**

Text proposed by the Commission

4. Applications for individual approval shall cover a maximum of **5 vehicles** of the same type.

Amendment

4. Applications for individual approval shall cover a maximum of **20 vehicles** of the same type.

Or. en

Amendment 48

**Proposal for a regulation
Article 46 – paragraph 4**

Text proposed by the Commission

4. The amount of end-of-series vehicle shall not exceed 10 % of the number of vehicles registered in the two preceding years or **10 vehicles** per Member State, whatever is the highest.

Amendment

4. The amount of end-of-series vehicle shall not exceed 10 % of the number of vehicles registered in the two preceding years or **50 vehicles** per Member State, whatever is the highest.

Or. en

Amendment 49

**Proposal for a regulation
Article 49 – paragraph 1 – subparagraph 1**

Text proposed by the Commission

1. Where, during the procedure set out in **Article 41**, objections are raised against a measure taken by a Member State, or where the Commission considers a national measure to be contrary to the legislation of the Union, the Commission shall without delay evaluate the national measure after consulting Member States and the relevant economic operator or operators. On the basis of the results of that evaluation, the Commission shall decide whether the national measure is justified or not.

Amendment

1. Where, during the procedure set out in **Article 48**, objections are raised against a measure taken by a Member State, or where the Commission considers a national measure to be contrary to the legislation of the Union, the Commission shall without delay evaluate the national measure after consulting Member States and the relevant economic operator or operators. On the basis of the results of that evaluation, the Commission shall decide whether the national measure is justified or not.

Or. en

Justification

Correct cross-reference

Amendment 50

Proposal for a regulation
Article 52 – paragraph 3 – subparagraph 3

Text proposed by the Commission

Paragraph 1 shall not apply to systems, components or separate technical units produced for vehicles intended exclusively for **racing on roads**. If systems, components or separate technical units on a list in a delegated act to this Regulation have a dual use, for vehicles intended exclusively for **racing on roads** and for vehicles intended for use on public roads, they may not be sold or offered for sale to consumers.

Amendment

Paragraph 1 shall not apply to systems, components or separate technical units produced for vehicles intended exclusively for **sport activities not taking place on the public road**. If systems, components or separate technical units on a list in a delegated act to this Regulation have a dual use, for vehicles intended exclusively for **those sport activities** and for vehicles intended for use on public roads, they may not be sold or offered for sale to consumers.

Or. en

Amendment 51

Proposal for a regulation Article 60 – paragraph 1

Text proposed by the Commission

1. Manufacturers shall provide unrestricted access to vehicle repair and maintenance information to independent operators through websites using a standardised format in a readily accessible and prompt manner. In particular, this **access** shall be **granted** in a manner which is non-discriminatory compared to the **access granted** to authorised dealers and repairers.

Amendment

1. Manufacturers shall provide unrestricted access to vehicle repair and maintenance information to independent operators through websites using a standardised format in a readily accessible and prompt manner. In particular, this **information** shall be **made available** in a manner which is non-discriminatory compared to the **repair and maintenance information provided** to authorised dealers and repairers.

Or. en

Amendment 52

Proposal for a regulation Article 60 – paragraph 3 – point b

Text proposed by the Commission

(b) service handbooks including repair and maintenance records;

Amendment

(b) service handbooks including repair and maintenance records **and service schedules**;

Or. en

Amendment 53

Proposal for a regulation Article 60 – paragraph 3 – point c

Text proposed by the Commission

(c) technical manuals;

Amendment

(c) technical manuals **and technical service bulletins**;

Amendment 54

Proposal for a regulation Article 60 – paragraph 7

Text proposed by the Commission

7. For the design and manufacture of automotive equipment for alternative-fuel vehicles, manufacturers shall provide the relevant OBD and vehicle repair and maintenance information on a non-discriminatory basis to any interested manufacturer, installer or repairer of equipment for alternative-fuel vehicles.

Amendment

7. For the design and manufacture of automotive equipment for alternative-fuel vehicles, manufacturers shall provide the relevant OBD and vehicle repair and maintenance information on a non-discriminatory basis to any interested manufacturer, **distributor**, installer or repairer of equipment for alternative-fuel vehicles.

Or. en

Amendment 55

Proposal for a regulation Article 60 – paragraph 11

Text proposed by the Commission

11. Where the repair and maintenance records of a vehicle are kept in a central database of the vehicle manufacturer or on its behalf, independent **repairers** shall have access free of charge to such records and shall be able to enter information on the repair and maintenance which they have performed.

Amendment

11. Where the repair and maintenance records of a vehicle are kept in a central database of the vehicle manufacturer or on its behalf, independent **operators** shall have access free of charge to such records and shall be able to enter information on the repair and maintenance which they have performed.

Or. en

Amendment 56

Proposal for a regulation Article 74

Text proposed by the Commission

1. The Commission shall be assisted by the Technical Committee – Motor Vehicles established under Article 40 of Directive 2007/46/EC.

2. Where reference is made to this paragraph, Article 5 **and Article 7 of Decision 1999/468/EC** shall apply, **having regard to the provisions of Article 8 thereof. The period referred to in Article 5(6) of Decision 1999/468/EC shall be set at three months.**

Amendment

1. The Commission shall be assisted by the Technical Committee – Motor Vehicles established under Article 40 of Directive 2007/46/EC. ***That committee is a committee within the meaning of Regulation (EU) No 182/2011.***

2. Where reference is made to this paragraph, Article 5 **of Regulation (EU) No 182/2011** shall apply.

Or. en

Amendment 57

**Proposal for a regulation
Article 76**

Text proposed by the Commission

Exercise of delegation

1. The powers to adopt the delegated acts **referred to in Articles 16, 18, 19, 20, 21, 22, 30, 52, 56, 57, 60, 66 and 75 shall be conferred on the Commission for an indeterminate period of time.**

Amendment

Exercise of **the** delegation

1. The power to adopt the delegated acts **is conferred on the Commission *subject to the conditions laid down in this Article.***

1a. The delegation of power referred to in Articles 16, 18, 19, 20, 21, 22, 30, 52, 56, 57, 60, 66 and 75 shall be conferred on the Commission for an indeterminate period of time from ... * .

1b. The delegation of power referred to in Articles 16, 18, 19, 20, 21, 22, 30, 52, 56, 57, 60, 66 and 75 may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall

2. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

3. *The powers to adopt delegated acts are conferred on the Commission subject to the conditions laid down in Article 77 and 78.*

take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

2. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

3. *A delegated act adopted pursuant to Articles 16, 18, 19, 20, 21, 22, 30, 52, 56, 57, 60, 66 and 75 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.*

** OJ: please insert the date of entry into force of this Regulation.*

Or. en

Amendment 58

Proposal for a regulation Article 77

Text proposed by the Commission

Article 77

Revocation of delegation

1. The delegation of power referred to in Articles 16, 18, 19, 20, 21, 22, 30, 52, 56, 57, 60, 66 and 75 may be revoked at any time by the European Parliament or by the Council.

Amendment

deleted

2. The institution which has commenced an internal procedure for deciding whether to revoke the delegation of power shall endeavour to inform the other institution and the Commission within a reasonable time before the final decision is taken, indicating the delegated powers which could be subject to revocation and possible reasons for a revocation.

3. A revocation decision shall put an end to the delegation of the powers specified in that decision. It shall take effect immediately or at a later date specified therein. It shall not affect the validity of the delegated acts already in force. It shall be published in the Official Journal of the European Union.

Or. en

Amendment 59

Proposal for a regulation Article 78

Text proposed by the Commission

Amendment

Article 78

deleted

Objections to delegated acts

1. The European Parliament and the Council may object to a delegated act within a period of two months from the date of notification. At the initiative of the European Parliament or the Council, this period shall be extended by one month.

2. If, on expiry of that period, neither the European Parliament nor the Council has objected to the delegated act, or if, before that date, the European Parliament and the Council have both informed the Commission that they have decided not to raise objections, the delegated act shall enter into force at the date stated in its provisions.

3. If the European Parliament or the Council objects to a delegated act, it shall not enter into force. The institution which objects shall state the reasons for objecting to the delegated act.

Or. en

Amendment 60

Proposal for a regulation Article 82 – paragraph 2

Text proposed by the Commission

Amendment

2. It shall apply from **1 January 2013**.

2. It shall apply from **1 January 2014**.

Or. en

Justification

This modification, together with other amendments, aims to rationalise the time table for the application for the requirements in this Regulation. Postponement with one year will provide manufacturers and national administrations sufficient time to adapt to the proposed requirements, including those in the delegated acts. At the same time, the final deadlines for the obligatory safety and environmental requirements are not compromised and remain as in the Commission proposal.

Amendment 61

Proposal for a regulation Annex I – Subcategory L1Ae – criterion (6)

Text proposed by the Commission

Amendment

(6) the auxiliary propulsion has a maximum continuous rated power(1) \leq 1 kW and

(6) the auxiliary propulsion has a maximum continuous rated power⁽¹⁾ **$>$ 0.25 kW and \leq 1 kW** and

Or. en

Justification

Clarification. As a consequence of Article 2(g) electric bicycles \leq 0.25 KW fall outside the

scope of this Regulation

Amendment 62

Proposal for a regulation

Annex I – Subcategory L1Be – criterion (3)

Text proposed by the Commission

Amendment

(3) maximum design speed ≤ 25 km/h and

(3) maximum design speed ≤ 45 km/h and

Or. en

Justification

Editorial mistake: correction to bring the category in line with current definitions.

Amendment 63

Proposal for a regulation

Annex I – Category L3e – Subcategory L3e-S1 (new)

Text proposed by the Commission

Amendment

L3e - S1 – Enduro motorcycle

(5) maximum seat height: 700 mm;

(6) minimum ground clearance: 280 mm;

(7) maximum fuel tank capacity: 4 l;

(8) minimum overall gear ratio in the highest gear (primary ratio * gear ratio * final drive ratio) of 7,5;

(9) mass in running order (without driver) of not more than 100 kg and

(10) no seating position for a passenger.

Or. en

Justification

Certain motorcycles are intended for both off road and on road use. Therefore they make use of public roads and should be included in this Regulation. However their specific off road characteristics also have to be taken into account. For this reason a special use ("S") sub-category is proposed.

Amendment 64

Proposal for a regulation

Annex I – Category L3e – Subcategory L3e-S2 (new)

Text proposed by the Commission

Amendment

L3e - S2 – Trial motorcycle

(5) minimum seat height of 900 mm;

(6) minimum ground clearance of 310 mm;

(7) minimum overall gear ratio in the highest gear (primary ratio * gear ratio * final drive ratio) of 6,0;

(8) mass in running order (without driver) of not more than 140 kg;

(9) no seating position for a passenger.

Or. en

Justification

Certain motorcycles are intended for both off road and on road use. Therefore they make use of public roads and should be included in this Regulation. However their specific off road characteristics also have to be taken into account. For this reason a special use ("S") sub-categories is proposed.

Amendment 65

Proposal for a regulation Annex I – Category L6e– criterion (3)

Text proposed by the Commission

(3) **the** mass in running order ≤ 350 kg, **not including:**

(a) mass of batteries in case of a hybrid or fully electric propelled vehicle or

(b) weight of gaseous-fuel system including tanks for gaseous fuel storage in the case of mono-, bi or multi-fuel vehicle or

(c) weight of tank(s) to store compressed air in case of pre-compressed air propulsion.

Amendment

(3) mass in running order:

(a) ≤ 350 kg for transport of passengers;

(b) ≤ 400 kg for transport of goods.

The mass in running order does not include:

(1) mass of batteries in case of a hybrid or fully electric propelled vehicle or

(2) weight of gaseous-fuel system including tanks for gaseous fuel storage in the case of mono-, bi or multi-fuel vehicle or

(3) weight of tank(s) to store compressed air in case of pre-compressed air propulsion.

Or. en

Justification

The current directive 2002/24/EC uses the concept of 'unladen mass'. In the proposal this has been replaced by 'mass in running order' for reasons of clarity and coherence with related vehicle regulation. To compensate the difference a small increase of mass for utility vehicles is proposed.

Amendment 66

Proposal for a regulation Annex I – Category L6e– criterion (3 a) (new)

Text proposed by the Commission

Amendment

(3a) engine capacity ≤ 50 cm³ if a PI engine forms part of the vehicle's propulsion configuration.

Or. en

Justification

This specification applies to all L6e subcategories. Therefore it is moved from L6Ae and L6Be to L6e.

Note: Requires renumbering of the criteria for L6Ae and L6Be.

Amendment 67

Proposal for a regulation

Annex I – Subcategory L6Ae– criterion (6)

Text proposed by the Commission

Amendment

(6) engine capacity $\leq 50 \text{ cm}^3$ if a PI engine forms part of the vehicle's propulsion configuration. **deleted**

Or. en

Justification

This specification applies to all subcategories under L6e. Therefore it is moved to L6e.

Amendment 68

Proposal for a regulation

Annex I – Subcategory L6Be– criterion (6)

Text proposed by the Commission

Amendment

(6) engine capacity $\leq 50 \text{ cm}^3$ if a PI engine forms part of the vehicle's propulsion configuration and **deleted**

Or. en

Justification

This specification applies to all subcategories under L6e. Therefore it is moved to L6e.

Amendment 69 Proposal for a regulation

Annex I – Category L7e– criterion (3) - point (b)

Text proposed by the Commission

Amendment

(b) $\leq 550 \text{ kg}$ for transport of goods. **(b) $\leq 600 \text{ kg}$ for transport of goods.**

Justification

The current directive 2002/24/EC uses the concept of 'unladen mass' In the proposal this has been replaced by 'mass in running order' for reasons of clarity and coherence with related vehicle regulation. To compensate the difference a small increase of mass for utility vehicles is proposed.

Amendment 70

Proposal for a regulation

Annex I – Subcategory L7Ae – criterion (5)

Text proposed by the Commission

(5) category L7e vehicles not complying with the specific criteria for subcategory L7Be vehicles and

Amendment

(5) category L7e vehicles not complying with the specific criteria for subcategory L7Be **or L7Ce** vehicles and

Or. en

Justification

Follows the introduction of the new L7Ce category for ATVs.

Amendment 71

Proposal for a regulation

Annex I – Subcategory L7Be – criterion (6)

Text proposed by the Commission

(6) equipped with **two, three or** four passenger seating positions, including the seating position for the **rider**.

Amendment

(6) equipped with **one to** four passenger seating positions, including the seating position for the **driver and all seating positions being equipped with seat belts**.

Or. en

Justification

Heavy mini-cars should be equipped with at least one and no more than four seating position. All seating positions should be equipped with seating belts.

Amendment 72

Proposal for a regulation

Annex I – Subcategory L7Be-P– criterion (7)

Text proposed by the Commission

(7) vehicles mainly designed **and used** for passenger transport, **characterised by being equipped with less than or equal to four passenger seating positions, including the seating position for the driver and all seating positions being equipped with seat belts.**

Amendment

(7) vehicles mainly designed for passenger transport.

Or. en

Justification

Removal of duplication; this specification is already indicated in subcategory L7Be, criteria (6).

Amendment 73

Proposal for a regulation

Annex I – Category L7e – Subcategory L7Ce (new)

Text proposed by the Commission

Amendment

L7Ce– All-terrain vehicle (ATV)

(5) Maximum speed by design: 60 km/h

(6) Straddled seat;

(7) Thumb throttle control;

(8) Coupling device rear: Towing weight > 4X own weight > 274 kg as strength test, not to be considered as permitted trailer weight.;

(10) Ground clearance > 180 mm;

(11) Wheelbase to ground clearance ratio < 6.

(This amendment applies throughout the

text. Adopting it will necessitate corresponding changes throughout, i.e. re-numbering to place this new category in between L7Ae and L7Be.)

Or. en

Justification

Certain quads are intended for both off road and on road use. Therefore they make use of public roads and should be included in this Regulation. However their specific off road characteristics should be taken into account. For this reason this specific sub-categories is proposed.

Amendment 74

Proposal for a regulation

Annex II (throughout) - Vehicle categories – Row 2 – sub-column 10

Text proposed by the Commission

Amendment

L7Ae

L7Ae and L7Ce

Or. en

Justification

ATVs (sub-category L7Ce) should comply with similar general requirements of EU vehicle type approval as Heavy on-road quads (L7Ae). The details of these requirements can be tailored to each subcategory separately in a delegated act.

Amendment 75

Proposal for a regulation

Annex II - III Vehicle construction requirements – point 8 - on-board diagnostics - column 6 L1Be

Text proposed by the Commission

Amendment

X

deleted

Or. en

Justification

OBD shall not be mandatory for the L1Be category (two wheel mopeds) for reasons of

proportioned costs.

Amendment 76

**Proposal for a regulation
Annex III – Row 11 a (new)**

Text proposed by the Commission

Amendment

L7Ce - All-terrain vehicle - 20

Or. en

Justification

Necessary adaptation for creating the new subcategory for ATVs. Limits similar to L7Ae.

Amendment 77

**Proposal for a regulation
Annex IV – Enforcement dates - Column 3**

Text proposed by the Commission

Amendment

***New types of vehicles Optional - 1 July
2013 - 1 January 2015 - 1 January 2018*** ***deleted***

Or. en

Justification

While voluntary compliance with more strict emission levels at an earlier date than obliged is certainly being applauded, this cannot be enforced. Therefore these optional dates should be deleted from this table.

Amendment 78

**Proposal for a regulation
Annex IV – Row 3**

Text proposed by the Commission

Amendment

***Euro 3⁽⁴⁾ - 1 July 2013 - 1 January 2014 -
1 January 2015*** ***deleted***

Justification

Modification of the timetable: the Euro 3 stage is removed for reasons of clarity and simplification.

Amendment 79

Proposal for a regulation

Annex VI – Tables (A), (B) and (C) - Column 3 (Propulsion class) - occurrences of "PI" alone

Text proposed by the Commission

Amendment

PI

PI / Hybrid

Or. en

Justification

In the current proposal the emission limits for hybrid vehicles are linked only to diesel engines (CI/Hybrid). However the limits for hybrid vehicles should logically be related to the fossil fuel causing the emission: petrol (PI) or diesel (CI).

Amendment 80

Proposal for a regulation

Annex VI – Table (A) - (A1) Euro 3⁽⁴⁾

Text proposed by the Commission

Amendment

Table deleted

Or. en

Justification

Modification of the timetable: for reasons of clarity and simplification the Euro 3 stage (complete table A1) is removed.

Amendment 81

Proposal for a regulation

Annex VI – Table (A) – (A1) Euro 3⁽⁴⁾ – Columns 1 and 2 – Row 6 - point 4a (new)

Text proposed by the Commission

Amendment

L7Ce - All-terrain vehicles

Or. en

Justification

Necessary adaptation for creating the new subcategory for ATVs.

Amendment 82

Proposal for a regulation

Annex VI – Table (A) – (A2) Euro 4⁽⁵⁾ – Columns 1 and 2 – Row 6 - point 4a (new)

Text proposed by the Commission

Amendment

L7Ce - All-terrain vehicles

Or. en

Justification

Necessary adaptation for creating the new subcategory for ATVs.

Amendment 83

Proposal for a regulation

Annex VI – Table (B) – (B1) Euro 4⁽⁵⁾ OBD stage I – Columns 1 and 2 – Row 3

Text proposed by the Commission

Amendment

L1Be - Two-wheel moped

L2e - Three-wheel moped

L2e - Three-wheel moped

L6Ae - On-road light quad

L6Ae - On-road light quad

Or. en

Justification

OBD shall not be mandatory for two wheel mopeds for reasons of costs.

Amendment 84

Proposal for a regulation

Annex VI – Table (B) – (B2) Euro 5⁽⁶⁾ OBD stage I and OBD stage II – Columns 1 and 2 – Row 3

Text proposed by the Commission

Amendment

L1Be — L7e ⁽⁶⁾- All L category vehicles except category **L1Ae**

L2e — L7e ⁽⁶⁾- All L category vehicles except category **L1e**

Or. en

Justification

OBD shall not be mandatory two wheel mopeds for reasons of costs.

Amendment 85

Proposal for a regulation

Annex VI – Table (C) – (C1) Euro 4⁽⁵⁾ – Column 1 – Row 5

Text proposed by the Commission

Amendment

L7Ae

L7Ae
L7Ce

Justification

Necessary adaptation for creating the new subcategory for ATVs.

Amendment 86

Proposal for a regulation

Annex VI – Table (C) – (C2) Euro 5⁽⁶⁾ – Columns 1, 2, 4 and 7 – Row 11a (new)

Text proposed by the Commission

Amendment

***L7Ce - All-terrain vehicles - Euro 5 -
1500***

Or. enJustification

Necessary adaptation for creating the new subcategory for ATVs.

Amendment 86

Proposal for a regulation

Annex VI – Table (D) – Columns 3 and 4 (Euro 3⁽⁴⁾ sound level (dB(A)) - Euro 3⁽⁴⁾ test procedure)

Text proposed by the Commission

Amendment

Two columns deleted

Or. en

Justification

Modification of the timetable: the Euro 3 stage is removed (columns 3 and 4) for reasons of clarity and simplification.

Amendment 87

Proposal for a regulation

Annex VI – Table (D) – Column 1, 2 and 3 and 5 – Row 11 a (new)

Text proposed by the Commission

Amendment

L7Ce - All-terrain vehicles -80 -80

Or. en

Justification

Necessary adaptation for creating the new subcategory for ATVs.

Amendment 88

Proposal for a regulation

Annex VII – Table (A) – Columns 1 and 2 - Row 4 – Point 4 a (new)

Text proposed by the Commission

Amendment

L7Ce - All-terrain vehicle

r. en

Justification

Necessary adaptation for creating the new subcategory for ATVs.

Amendment 89

Proposal for a regulation

Annex VII – Table (A) – Column 3 – Row 3

Text proposed by the Commission

Amendment

30000

25000

en

Justification

The durability requirements are calculated in relation to the assumed useful life (in km) of the different L category vehicles subject to type-approval emission limits. To allow for a smooth introduction the mileage is increased with every new Euro-step (similar approach as for passenger cars). However, with an average useful life of 10 years, the proposed increase of mileage in the Euro 5/6 stage is considered too stringent for motorcycles (L3e) and comparable vehicles.

Amendment 90

Proposal for a regulation

Annex VII – Table (A) – Column 3 – Row 4

Text proposed by the Commission

Amendment

50000

40000

en

Justification

The durability requirements are calculated in relation to the assumed useful life (in km) of the different L category vehicles subject to type-approval emission limits. To allow for a smooth introduction the mileage is increased with every new Euro-step (similar approach as for passenger cars). However, with an average useful life of 10 years, the proposed increase of mileage in the Euro 5/6 stage is considered too stringent for motorcycles (L3e) and comparable vehicles.

Amendment 91

Proposal for a regulation

Annex VII – Table (B) – Column 3 (Euro 3⁽⁴⁾ DF(-)) and subcolumns

Text proposed by the Commission

Amendment

deleted

Or. en

Justification

Modification of the timetable: the Euro 3 stage is removed (column 3 including subcolumns) for reasons of clarity and simplification.

Amendment 92

Proposal for a regulation

Annex VIII – Column 2 – Row 1

Text proposed by the Commission

Amendment

Four years after the date referred to in the second subparagraph of Article 82.

Three years after the date referred to in the second subparagraph of Article 82.

Or. en

Justification

While the proposed date for the entry into force of this Regulation (Article 82(2)) is amended to 1 January 2014, the date for the obligatory introduction of advanced braking systems shall remain 1 January 2017.

Amendment 93

Proposal for a regulation Annex VIII – Column 3 – Row 1

Text proposed by the Commission

- (a) new motorcycles of the L3e–A1 subcategory which are sold, registered and entering into service are to be equipped with either an anti-lock or a combined brake system or both types of advanced brake systems, at the choice of the vehicle manufacturer;
- (b) new motorcycles of subcategories L3e–A2 and L3e–A3 which are sold, registered and entering into service to be equipped with an anti-lock brake system.

Amendment

- (a) new motorcycles of the L3e–A1 subcategory which are sold, registered and entering into service are to be equipped with either an anti-lock ***on both wheels*** or a combined brake system or both types of advanced brake systems, at the choice of the vehicle manufacturer;
- (b) new motorcycles of subcategories L3e–A2 and L3e–A3 which are sold, registered and entering into service to be equipped with an anti-lock brake system ***on both wheels***.

Or. en

Justification

Anti-lock brakes are most effective if fitted on both wheels.

Amendment 94

Proposal for a regulation Explanatory notes to Annexes I to VIII – note 3

Text proposed by the Commission

- (3) Advanced brake systems are only mandatory on ***L3e*** vehicles, as stipulated in Annex VIII.

Amendment

- (3) Advanced brake systems are only mandatory on ***L3e-A1, L3e-A2 and L3e-A3*** vehicles, as stipulated in Annex VIII.

Or. en

Justification

Advanced braking systems shall not be mandatory for L3e Enduro and Trial motorcycles as these systems may not always be appropriate during off road conditions.

EXPLANATORY STATEMENT

I. Commission proposal

The Commission adopted on 4 October 2010 a proposal for a new regulation on the approval and market surveillance of two- or three-wheel vehicles and quadricycles. A wide range of vehicles fall under the 'L-category': electrical bicycles, mopeds, two- or three-wheel motorcycles, quads and mini-cars. The number of L-vehicles currently in circulation in the EU is estimated at over 30 million.

With the proposal the European Commission aims to simplify the current legal framework and to establish new administrative and technical requirements, for example on environmental and safety aspects and market surveillance. Type-approval requirements for new, L-category vehicles are currently set out in Framework Directive 2002/24/EC and 14 other Directives referring to it. These will be repealed and replaced by the proposal laying down the fundamental provisions and scope. Detailed technical requirements will be defined at a later stage in delegated acts.

II. Working visits, working document and public hearing

Your rapporteur has spoken extensively with different stakeholders in order to gain a complete overview as regards the consequences of the proposed regulation. He conducted working visits to the *RDW Test Centrum* in Lelystad (NL) and *TÜV Nord, Institut für Fahrzeugtechnik und Mobilität* in Essen (D) to be informed about the new safety and environmental requirements in the proposal. Vehicle innovation and the economic aspects of the proposal were discussed during a working visit to manufacturers of L-vehicles in Italy, where he was joined by two shadow rapporteurs, Mr Harbour and Mr Manders. Finally, a working visit to manufacturers in Austria is scheduled to take place by mid June 2011.

The amendments to the Commission proposal, as presented in this report, are in line with the political thoughts and remarks your rapporteur already presented in his working document of 15 February 2011¹. This working document was also debated during the Public Hearing on "Clear Internal Market Rules for Mopeds, Scooters and Motorcycles" organised in the European Parliament on 22 March 2011. Your rapporteur wishes to express his gratitude to all participants, including the shadow rapporteurs, in these useful and interesting debates and meetings so far.

III. Rapporteur's position

General remarks

As already underlined in his working document, your rapporteur strongly supports the main objectives of the proposed Regulation given that it improves the functioning of the Internal Market, while protecting essential public interests. This also means more effective European market surveillance.² Furthermore your rapporteur believes that the proposed requirements for

¹ 857524EN

² See COM(2010)608: Towards a Single Market Act, proposal no.39; also see COM(2010) 614 on Integrated Industrial Policy

L-category vehicles can facilitate the transition to more efficient, safe and clean urban mobility.¹

Scope of the proposed regulation

Your rapporteur applauds the increased clarity resulting from the refined vehicle categorisation by introducing more appropriate subcategories. However some remaining inconsistencies should be removed. The proposed Article 2(1) correctly limits the scope to L-vehicles "intended to travel on public roads". Therefore only L-vehicles *exclusively* intended for off road use should be excluded from this Regulation, besides for instance agricultural vehicles (Article 2(2)). Consequently, your rapporteur proposes new sub-categories for L-vehicles that are intended for both off road and on road use, having those also properly categorised. This concerns the special use motorcycles Enduro (S1) and Trial (S2) and All-terrain vehicles (ATVs).

The proposal opens up the possibility for L-vehicles with new hybrid technology to be type-approved. Being very sympathetic to these innovations and related new mobility concepts, your rapporteur has struggled with the idea to also create new sub-categories for small (electric) passenger cars. However he considers this would involve overstretching the criteria for L(light)-vehicles, for instance on maximum mass or maximum continuous rated power. This would in the end diminish the distinction between light vehicles (L-category) and passenger cars (M1) resulting in inconsistencies and puzzlement. For similar reasons he also decided not to introduce a new category for so-called side-by-side vehicles.

Simple and clear time table for application

The Commission proposal results in an ambitious but rather complex set of dates and deadlines (2013 until 2021). In the interest of clarity, rationality and simplification, your rapporteur aims to adopt a more transparent timetable, with clear and decisive steps as regards better market surveillance, more severe emission levels and mandatory safety requirements. To achieve this, your rapporteur introduces a three-step approach (see table). This provides the industry and national administrations a bit more time to properly adapt to the new requirements and responsibilities, while not compromising on the overall ambition as regards safety and environment.

Three-step approach for the application of the Regulation		
Step 1	Step 2	Step 3 (After Commission effect study)
Entry into force: 01.01.2014	Application date: 01.01.2017: new type approvals 01.01.2018: new registrations	Application date: 01.01.2020: new type approvals 01.01.2021: new registrations
Provisions: - Re-categorisation - Type approval 'new style' - Market surveillance - Automatic headlight on - Anti-tampering - Repair and maintenance information	Provisions: - Euro 4 emission and durability levels (Euro 5 for L3e) - Advanced braking L3e - A - On board diagnostics (OBD I)	Provisions: - Euro 5 emission and durability levels (Euro 6 for L3e) - On board diagnostics (OBD II)

¹ Also in line with the European Strategy on air pollution, COM(2005) 446, and the European road safety action plan, COM(2010) 389

Environmental requirements

As L-category vehicles are responsible for only 3 % of total road transport mileage, their pollutant emissions are considered disproportionately high. Your rapporteur supports the introduction of more severe emission limits. He calls on manufacturers to set out compliance as soon as possible, turning this into a competitive advantage. Several L-vehicles currently on offer already comply with the higher emission standards. For this reason the so-called "optional" application dates should be deleted. Your rapporteur supports in this respect the proposed durability requirements. However, the increase of the mileage in the final Euro 5/6 stage is considered too stringent and these should thus be slightly modified.

On-board diagnostic (OBD) systems can make information on engine and vehicle management (i.e. emissions) easily available so that the vehicle can be repaired effectively and efficiently. While your rapporteur in principle agrees with the proposed stepped approach to mandatory introduce OBD systems, he however questions the proportionality of the provision requiring the use of OBD on mopeds.

Safety measures

L-category drivers face a much higher risk of fatal or serious accidents than drivers of other vehicles. L-category vehicles accounted for 2 % of the distance travelled but 16 % of road deaths in the EU-25.¹ While your rapporteur fully acknowledges the importance of human behaviour when it comes to safe driving as well as the impact of the driving conditions, he is determined to properly address the safety issue related to the technical features of the vehicle. He therefore supports the mandatory introduction of affordable advanced braking systems (combined brake system (CBS) or anti-lock brakes systems (ABS)) on all new motorcycles in line with the Commission proposal, with the exception of the Enduro and Trial motorcycles. Your rapporteur calls on the industry to offer optional ABS in all motorbike categories as soon as possible and to encourage consumers to opt for ABS equipped bikes. Your rapporteur also welcomes the proposal on the automatic headlight on (AHO) in order to improve the visibility of L-vehicles.

Your rapporteur observes that within the motorcycle community a well established culture of modification exists, to improve the performance of their vehicles. Preventing this will disadvantage many qualified riders. It should therefore be left to the discretion of Member States to deal with this kind of modifications. On the other hand, your rapporteur calls for a tough line of action against tampering aimed at illegally increasing the maximum vehicle speed at the cost of pollutant emissions, fuel consumption and safety.

Small series and individual vehicle approval

Your rapporteur supports the great variety of L-vehicles and small and medium sized enterprises (SMEs) in the sector. Therefore he proposes to adapt the numbers for small series for all L-vehicles to allow for this diversity (Annex III). The individuality of their product is important for many users of L-vehicles. For this reason, your rapporteur supports the Commission proposal on individual approval (Article 42).

¹ ETSC, 2007

Access to repair and maintenance information (RMI)

Your rapporteur is strongly in favour of any measure ensuring a level playing field as regards the access to repair and maintenance information (RMI). He proposes to further clarify the definition of “independent operator” or “repairer” in order to ensure that the individual vehicle user and repairers will have sufficient access to RMI at reasonable costs.

IV. Conclusion

Your Rapporteur presents these proposals to the Committee and looks forward to further suggestions.