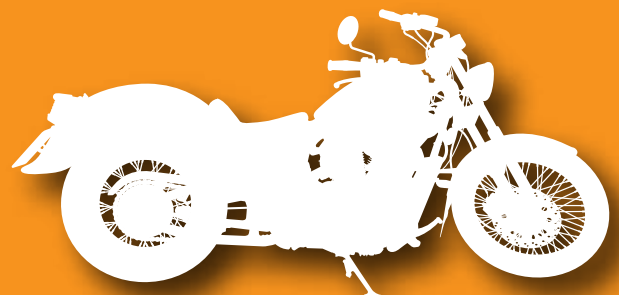
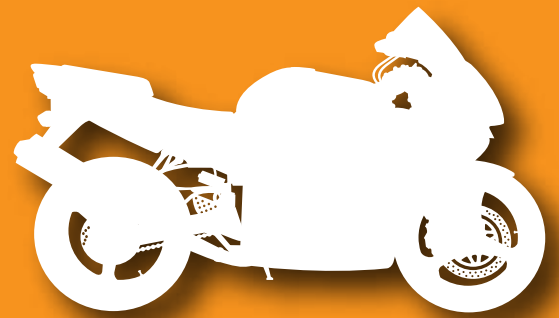


EU Proposals on motorcycles

Separating The Wheat From The Chaff

Regulation on approval and market surveillance
of two or three-wheel vehicles and quadricycles
COM(2010)0542



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Right To Ride

EU Proposals on motorcycles – Separating The Wheat From The Chaff

Riders in the UK and in Ireland are up in arms about the EU Commission's proposals for motorcycles. Protest demonstrations have been organised for the 25th September throughout the UK and Ireland.

There are many issues of which riders have justifiable reasons to express their anger and concerns regarding these proposals.

There is however a lot of misinformation out there and it seems to us that riders are getting mixed messages about what the European Commission is actually proposing and what the MEPs and the UK Government is doing in response to these proposals.

Right To Ride has aimed to provide clear and factual details of the progression of the Commission's proposals and the discussions that have taken place within the Internal Market and Consumer Protection (IMCO) Committee.

We have communicated to all the players in the Commission, Industry and IMCO expressing our views and concerns.

Yesterday we received from Malcolm Harbour, Chairman of the IMCO Committee and Shadow Rapporteur for the European Conservatives and Reformists Group (ECR) a follow up email in relation to the Commission proposal for an EU Regulation on the approval and market surveillance of two- or three-wheel vehicles and quadricycles.

Excerpts from his email:

"The amendments tabled by MEPs which are outside the scope of the Commission's proposal constitute political recommendations which are very unlikely to feature in the adopted text. If however there is majority support for any of these ideas, the amendments concerned can only feature in Recitals to the Regulation which means they have no legal effect".

"Even if these recommendations make it through the Committee stage, which I doubt, both Council and Commission would resist them featuring in the final text of the Regulation as they have no corresponding Article. The amendments concerned relate to driver/rider training, side visibility reflectors, roadside random spot-checks, technical examinations of motorbikes and liabilities in accident situations, and the harmonisation of driver licence schemes".

"In the context of this draft Regulation, *we are simply not engaged in a discussion on national debates concerning the mandating of high visibility jackets for riders, the banning of older motorcycles from urban areas, nor are we discussing EU funded research on throttle and speed control schemes. These are all considerations which are completely outside the scope of this legislative proposal.*

Furthermore, picking up on other concerns constituents have expressed, there are no proposals on the table about mandating the sealing of the power train from the air box or relating to setting a diameter and aspect ratio for the rear tyre".

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Malcolm Harbours Email

“This proposal is currently before the European Parliament in first reading with the Internal Market and Consumer Protection (IMCO) Committee in the lead. The Committee vote has been put back to 17th October with adoption by the Parliament expected in December to ensure better alignment with progress made on the dossier by the Council of Ministers.



Negotiations are about to start between the MEPs following the file in view of reaching a coherent set of compromise proposals on the amendments which were tabled. I would like to remind you that no decisions have yet been taken on the proposal by the IMCO Committee.

The key areas where compromises will be sought concern the appropriate categorisation of All Terrain Vehicles (ATVs) and Quads, the timeline for introduction and degree of sophistication of On-board Diagnostic systems (OBD), the appropriate categorisation of Electric Vehicles and E-bikes, Endurance Testing, and the introduction timetables for EURO standards.

I am sympathetic to some of your concerns about the legislative process in the European Parliament, but I would urge you not to panic and to have some faith in the MEPs working most closely on the file, whose common interest it is to draft good legislation, and who are working in consultation with experts to achieve this. Some disparaging allegations which have been made reveal just how unreasonably the work of the IMCO Committee - as well as the actual scope of the draft law - has been represented.

Indeed, a number of amendments tabled by MEPs in other political groups are quite vague or off-beam, but in all of our Committee deliberations, if there is anything worth saving in the more questionable ideas, these are eventually redrafted properly and included into consolidated amendments which are checked by our European Parliament legal service, including on whether they are actually admissible. Moreover, especially on a technical dossier such as this one, irrelevant, inappropriate or unclear amendments tend not to survive the sift at Committee stage, let alone when we enter into negotiations with the Council of Ministers.

Issues raised not relevant to this Regulation.

The amendments tabled by MEPs which are outside the scope of the Commission's proposal constitute political recommendations which are very unlikely to feature in the adopted text. If however there is majority support for any of these ideas, the amendments concerned can only feature in Recitals to the Regulation which means they have no legal effect. Even if these recommendations make it through the Committee stage, which I doubt, both Council and Commission would resist them featuring in the final text of the Regulation as they have no corresponding Article. The amendments concerned relate to driver/rider training, side visibility reflectors, roadside random spot-checks, technical examinations of motorbikes and liabilities in accident situations, and the harmonisation of driver licence schemes.

There is very little Conservative MEPs can do about motoring-related proposals which are outside the scope of this draft Regulation but which are being considered by the governments of other Member States as national legal measures. In the context of this draft Regulation, we are simply not engaged in a discussion on national debates concerning the mandating of high visibility jackets for riders, the banning of older motorcycles from urban areas, nor are we discussing EU funded research on throttle and speed control schemes. These are all considerations which are completely outside the scope of this legislative proposal.

Furthermore, picking up on other concerns constituents have expressed, there are no proposals on the table about mandating the sealing of the power train from the air box or relating to setting a diameter and aspect ratio for the rear tyre.

Focusing on those comments received which are relevant to our work in IMCO:

Mandatory ABS

It is already the case that motorcycle manufacturers are fitting ABS as well as traction control systems on high powered motorcycles, and this follows consumer demand. There is also strong political pressure to get the balance of interests right between riders, the industry, and safety, while not losing sight of improvements to motorcycle emissions.

The overall cost benefit of ABS is stacked in favour of mandatory ABS for higher powered motorcycles. However, riders have been arguing for an ABS off-switch for certain conditions such as driving on loose gravel. This concern is almost exclusively relevant for dual use rides (off and on-road), and please note here that Enduro and Trial motorcycles will have a separate category (L3e) under the revised rules without mandatory ABS. Furthermore, when negotiating compromises, we will be asking the lead (or Rapporteur) MEP to consider proposing an off-switch for ABS for those PTW categories where ABS will end up being mandatory. Finally, there is political pressure in IMCO to introduce ABS on lesser powered PTWs, but we are resisting this as there is a lack of consistent evidence that this would improve safety for these types of motorcycle.

Anti tampering and single vehicle approval

Clearly, the IMCO Committee does not support putting an end to aftermarket sales of spare parts for repairs and improvements. Anti-tampering measures are intended to stop alterations to the vehicle's power for safety purposes or to meet environmental performance requirements. These are currently limited to mopeds and motorcycles under 125cc producing less than 11kW.

The Commission has now proposed to extend cover to all vehicles within the scope of the draft law and we are well aware that there is concern over the extent to which this may restrict the ability of aftermarket parts manufacturers to sell their products because of potential difficulties they may have in securing type approval, particularly for parts produced in small volumes. In any case, the European Parliament retains a right of scrutiny over any such future measures and it is absolutely not the case that the Commission will be able to design these technical specifications behind closed doors, nor is it in their interest, so drive train improvements or part replacements using aftermarket parts will continue to be allowed.

Furthermore single vehicle approvals (SVA) will continue to be possible for those who tune their own motorcycles or modify their rides with parts, which if not designed to work together, require individual approval. Under the new proposals, after modification or tuning of the power train, a motorcycle must still comply with applicable technical requirements set at EU level (Article 18(4) of the Commission proposal). For the rest, the matter is largely left to national rules, which means riders and repairers will continue to be able to modify motorcycles as per the applicable rules in the UK. There are amendments tabled in IMCO calling for any modifications to the motorcycle to be checked by a competent authority (setting up national agencies to inspect emissions in particular), but I strongly believe these ideas will not meet with majority support, neither in the European Parliament, nor in the Council of Ministers.

Mandatory Automatic Headlight-On

Indeed, in certain specific circumstances, there may be safety grounds for switching a motorcycle's headlight off, such as when the sun is behind the rider and the headlight blends into the bright background or when the motorcycle headlight is directly aligned and in front of one of the headlights on a car or van (and stays aligned over the period the rider is being looked at by other road users), making the rider almost invisible.

However, even in these circumstances, we are not at all convinced that there is clear evidence to support that the motorcycle is less visible to other road users. This depends on the precise colour and intensity of the bright background (the sun's colour and intensity varies, as do other vehicles' headlights in size, colour, glare and relative distance from the ground). If the blending is not a near perfect match, we believe that the rider would be more visible with his headlight on anyway. Overall, our position is quite clear that the benefits outweigh the drawbacks for this safety provision.

Mandatory on board diagnostic equipment (OBD)

The intention of OBD is not to affect the motorcycle's behaviour, but to provide the rider with information that there is a malfunction in the form of a warning light. This could be developed into OBD systems which provide more detail on the type and severity of the malfunction, but we are against any limp-home functions that may activate unexpectedly while riding. If the malfunction is so serious that the motorcycle runs a real and imminent risk of being seriously damaged, compromising rider security in the process, a limp home function might be welcome, but our proposal would be that it activates only once the motorcycle has been brought to a standstill first. We are supporting OBD Stage (I) requirements but proposing to delete OBD Stage (II) from the draft Regulation because these would entail significantly higher costs for manufacturers which would be reflected on retail prices, without demonstrating a good return on investment in terms of added benefits.

Furthermore, we understand that most PTW manufacturers already offer monitoring systems similar to what OBD Stage (I) would require, which may explain why some MEPs support the idea of bringing forwards the implementation date here (as part of Euro stage 4(5)). The Conservative MEPs have not tabled any amendment to that effect and will try to resist this to ensure all manufacturers can comply in time.

I do hope you find the follow up email useful.

Yours sincerely,

Malcolm Harbour MEP

Chairman of the Internal Market and Consumer Protection Committee.

Our response to Malcolm Harbour's email:

Thank you very much for this response. **We would be extremely grateful if you could give us permission to publish your email in order to put a halt to the misinformation that is now circulating in the motorcycling community, especially here in the UK, although not exclusively.**

Overall we are very aware of the processes and have been trying (without much success, I might add) to explain to the motorcycle community that issues such as those proposed by the French government (Hi Viz, motorcycles over 7 years banned from urban areas) are NOT within the EU Commission's remit, nor are being considered by the IMCO.

What did concern us, as we reported, was the sheer scale of amendments and our concern that what was intended as a simplification of regulations had taken on a new life within the IMCO Committee.

Just to be clear, we have been very supportive of your position and amendments perhaps with the exception that we still believe that market forces should prevail with regards to technology, specifically ABS, because the industry has already developed ABS and the vast majority of motorcyclists actually believe that ABS is beneficial. With regards to a switch, motorcycles such as Adventure Trailies (e.g. BMW GS etc) already have a switch, thus we felt that the discussion was irrelevant, simply because it was never mentioned in the Commission's proposal, which ACEM pointed out. Equally the industry has introduced a voluntary system of AHO, accordingly the vast majority of motorcyclists agree with the use of AHO.

Whether these technologies actually reduce casualties is questionable. I am working on a study of motorcycle fatalities in Northern Ireland with the Road Traffic Accident Investigation Team and although there is a lot more to do before I complete the research, findings so far indicate that the vast majority of fatalities are simply due to behavioural issues by both the rider and car/van/truck drivers.

However, your email has undoubtedly given us a wealth of information which we believe would be extremely helpful in allaying the concerns in the motorcycle community.

Elaine Hardy

Right To Ride EU

Information

Proposal for a European Parliament And Council Regulation - 4th October 2011

Regulation (EU) No /2010 of the European Parliament and of the Council on the approval and market surveillance of two- or three-wheel vehicles and quadricycles. – pdf 633kb - www.righttoride.eu/regulationdocuments/commentsregulationproposaloctober2010.pdf

Amendments 95 – 304 - 22nd June 2011

Draft report — Approval and market surveillance of two-or three-wheel vehicles and quadricycles. Proposal for a regulation (COM(2010)0542 – C7-0317/2010 – 2010/0271(COD)) - pdf 492kb - www.righttoride.eu/regulationdocuments/regulationdraftamendments220611.pdf

Draft Report – Committee on the Internal Market and Consumer Protection - 6th May 2011

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. - pdf 403 kb -- www.righttoride.eu/regulationdocuments/commentsIMCOdraftreport060511.pdf

Since January 2010 we have been reporting on variety of proposals from Brussels that are afoot that could change the world of motorcycling as we know it.

Below is a list of documents that we have produced.

You can find all our articles on Right To Ride EU www.righttoride.eu

Response to DG Enterprise Regarding Framework Regulations for L vehicles - 26th January 2010 pdf 307kb – www.righttoride.co.uk/documents/Framework_regulations_Right_To_Ride_public_260110.pdf

Response to DG Enterprise Part 2 – February 2010 - pdf 275kb - www.righttoride.co.uk/documents/framework_regulations_right_to_ride_%20part%20two_100210.pdf

China Syndrome report – April 2010 - pdf 484kb - www.righttoride.co.uk/documents/The_China_Syndrome_Framework_Regulations.pdf

A RESPONSE TO Working Document on the proposal for a Regulation on approval and market surveillance of two or three-wheel vehicles and quadricycles COM(2010)0542 – pdf 586kb – March 2011 - www.righttoride.eu/documents/righttorideicomreport04032011.pdf

BRAINWASHED IN BRUSSELS - Continuing saga regarding the proposal for a Regulation on approval and market surveillance of two or three-wheel vehicles and quadricycles COM(2010)0542 - May 2011 - pdf 217kb - www.righttoride.eu/documents/BrainwashedinBrusselsv5.pdf

Amateur Bike Build – Brussels Style - 15 July 2011 - Regarding amendments 95 – 304 to the proposal for a Regulation on approval and market surveillance of two or three-wheel vehicles and quadricycles.

Commenting on the Internal Market and Consumer Protection Committee (IMCO) meeting on 12 July 2011 presentation of amendments.

pdf 795 kb –

<http://www.righttoride.eu/regulationdocuments/draftreportonmarketsurveillanceamendments150711.pdf>

From Damnation To Purgatory - A Response To – Working Document on the proposal for a Regulation on approval and market surveillance of two or three-wheel vehicles and quadricycles COM(2010)0542 Internal Market and Consumer Protection Committee (IMCO)

View pdf 586kb –

<http://www.righttoride.eu/regulationdocuments/draftreportonmarketsurveillanceamendments150711.pdf>