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

Committee on the Internal Market and Consumer Protection

Rapporteur: Wim van de Camp

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United in diversity

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I. Introduction

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. The proposal covers a wide range of different vehicle types belonging to the 'L-category vehicles', such as electric bicycles, two- or three-wheel mopeds, two- or three-wheel motorcycles and motorcycles with side-cars. Four-wheel vehicles in this 'light' category are known as quads, all-terrain vehicles (ATVs) and mini-cars. The number of L-vehicles currently in circulation in the EU is estimated at over 30 million.

II. Jobs and crisis

The largest sector of the industry for L-category vehicles is the powered two-wheeler segment (PTW: motorcycles, mopeds and scooters). In 2007, the PTW market in Europe amounted to 2.7 million vehicles. The EU produced 1.136 million motorcycles and scooters, with a turnover of € 4.1 billion. It is estimated that there are approximately 100 manufacturers of PTWs in the EU, about half of which are owned by European companies. Around 500 suppliers to the industry have a production value of € 1.6 billion. The sale, maintenance and repair sector accounts for approximately 72 % of the total industry's turnover. The total number of persons employed by the industry (including suppliers, manufacturers, distribution and repair), is estimated at 184000.¹

Compared with the automotive industry the PTW industry is smaller, more fragmented and more diversified. There have been increased imports from China and other Asian countries. The United States is the largest export market for the EU. The PTW industry was struck by the economic crisis. The data for 2009 and 2010 confirm the negative market trend (- 25%).

III. Proposal on the approval of L-category vehicles

Manufacturers can obtain approval from a national type-approval authority for new vehicles in the L category, or for new systems, components and separate technical units intended for such vehicles. If the technical requirements are met the manufacturer can market it EU-wide without the need for further tests or checks. Registration must be granted on simple presentation of a certificate of conformity.

The current type-approval requirements for L-category vehicles should be modernised. As a consequence, Directive 2002/24/EC and several related directives will be repealed and replaced by the proposal at hand. Furthermore, three delegated acts will contain technical specifications on environmental requirements, vehicle safety and vehicle construction. An implementing act will set the administrative provisions. The proposed date of entry into force of the Regulation is 1 January 2013.

¹ NACE 35.41 classification for 'the manufacture of motorcycles and cycles'

IV. Remarks by your rapporteur

1. General remarks

Business and consumers can benefit

Your rapporteur strongly supports the main objectives of the proposed Regulation given that it improves the functioning of the Internal Market. The regulatory framework should facilitate access of goods to the single market while protecting essential public requirements, such as environmental and safety aspects. This also means more effective European market surveillance.¹

Enhanced urban mobility

Furthermore your rapporteur believes that the proposed requirements for L-category vehicles can facilitate the transition to more efficient, safe and clean urban mobility.² More than 70% of the EU population lives in urban areas. Congestion, accidents and pollution are a common challenge.³ Your rapporteur is convinced that innovative and technological 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.

Ambitious and realistic goals

Your rapporteur proposes to adopt an ambitious and transparent timetable, with clear and decisive steps. However, given the current economic climate, this time table should also contain a degree of flexibility to enable the industry to adapt. Your rapporteur considers that the extra costs of the proposed measures will have to be proportioned in view of the overall objectives of the Regulation. On the bright side, early compliance may stimulate innovation which could lead to a competitive advantage for the European based PTW industry.

2. Scope of the proposed regulation

Light powered two-, three- and four-wheel vehicles

L-category vehicle technology has evolved very fast over the last decade, with the result that certain vehicles can no longer be allocated to the right L-vehicle category. These vehicles require specific legal requirements to be safe and comply with appropriate environmental standards. Your rapporteur applauds the increased clarity resulting from the refined vehicle categorisation by introducing more appropriate subcategories. However some remaining inconsistencies, in particular when excluding certain vehicles (article 2.2), should be removed as they contradict the purpose of the re-classification.

In general, the regulation should cover all vehicles fulfilling the safety, environmental and construction requirements. As a consequence, the proposed (sub)categories may need some reconsideration.

¹ See COM(2010)608: Towards a Single Market Act, proposal no.39; also see COM(2010) 614 on Integrated Industrial Policy

² Also in line with the European Strategy on air pollution, COM(2005) 446, and the European road safety action plan, COM(2010) 389

³ Action Plan on Urban Mobility, COM(2009)0490

3. Environmental measures

New emission steps: from Euro 3 to Euro 5 and 6

As L-category vehicles are responsible for only 3 % of total road transport mileage, their pollutant emissions are considered disproportionately high. Your rapporteur supports therefore the introduction of more severe emission limits. He calls on manufacturers to set out compliance as soon as possible. Some L-vehicles currently on offer already comply with the higher emission standards; this should be encouraged. He also acknowledges that the principle of proportionality should be applied and the lower purchasing costs of a majority of these vehicles need to be kept in mind. Anyhow, the proposed timetable for the introduction of the new emissions standards allows for further rationalisation (also see paragraph 7).

Durability requirements and eco-labelling

Your rapporteur is convinced that the proposed measures will help to improve the acceptance of L-vehicles in Europe. The new durability requirements should remain at the levels laid down in Annex VII to ensure a fair share of responsibilities and costs between the consumer and the manufacturer. He also welcomes the proposed eco-labelling of vehicles. Eco-labelling is considered a simple and effective instrument to assist the consumer to choose the most energy efficient vehicles.

4. Safety measures

L-category drivers face a much higher risk of fatal or serious accidents than other drivers. L-category vehicles accounted for 2 % of the distance travelled but 16 % of road deaths in the EU-25.¹ In 2008, 5 520 PTW riders died in road accidents. In contrast to other vehicle types these figures for L-category vehicles have remained static or even slightly increased. 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.

Obligatory fitting of Advanced Brake Systems

Advanced braking systems can help address the limitations in human performance. Your rapporteur supports the mandatory introduction of affordable advanced braking systems on all new motorcycles and scooters: anti-lock brakes systems (ABS) or a combined brake system (CBS) for all new L3e-A1 (low performance) motorcycles as well as ABS for all new L3e-A2 and L3e-A3 (medium and high performance) motorcycles. Research indicates that motorcyclists' annual fatality figures would be reduced by 20% in ten years time if ABS becomes mandatory. It will also reduce the number of accidents and will mitigate the risk of getting seriously injured.

High costs and the perception that ABS might reduce the “sporting” character of motorcycling have been a factor in consumer resistance. As a result, a voluntary approach has not been sufficient to ensure the introduction of ABS. However, suppliers of ABS have indicated that the price of these systems can become as low as 100 euro's if production volumes will grow. Also riders should be educated regarding use and benefits.

¹ ETSC, 2007

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 would - if feasible - even consider advancing the deadline for mandatory advanced braking systems (in the proposal: 1 January 2017). He also observes that advanced braking systems are not always compatible with the use of certain motorcycles during off road conditions. A switch-off mechanism may solve this problem.

Automatic headlight on (AHO)

Not seeing a PTW has been reported to be a common cause of collisions during both the hours of daylight and at night. The voluntary industry agreement on AHO does unfortunately not cover the increasing number of low-cost imported PTWs. In addition, all new car models will be fitted with 'daytime running lights' (DRL)¹, making the driver without headlights on even less visible in relative terms. Your rapporteur therefore welcomes the proposal to improve the visibility of PTWs by the automatic switching of lighting (AHO). In case of repair and maintenance works it should be possible to switch off the light.

Anti-tampering measures

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. However, 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. This often concerns low cost mopeds, scooters and quads which are mostly used by younger people. The technical measures aimed at reducing tampering should be accompanied by regular random spot checks by public enforcement authorities.

5. Other technical requirements

Small series and individual vehicle approval

The Commission restricts the simplified procedure for small-series to cases of very limited production (Annex III). Your rapporteur supports the great variety of L-vehicles and small and medium sized enterprises (SMEs) in the sector. Therefore he will investigate whether the proposed changes to the currently applying number of 200 units for small series for all L-vehicles are strictly necessary. He also suggests exploring other options, i.e. increased market surveillance, to prevent the misuse of the provisions on small series.

The individuality of their product is important for many users of L-vehicles. Consequently, your rapporteur supports the Commission proposal on individual approval (Article 42).

Mandatory introduction of on-board diagnostic systems

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

¹ Directive 2008/89/EC. As from 7 February 2011 all new types of passenger cars and small delivery vans will have to be equipped with DRL. Trucks and buses will follow suit in August 2012.

to mandatory introduce OBD systems, he questions the proportionality of the provision requiring the use of OBD on L1 and L2 mopeds.

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). The definition of “independent operator” or “repairer” may need further specification to ensure that the individual vehicle user and repairers will have sufficient access to RMI at reasonable costs.

6. Market surveillance

It is necessary to put in place increased market surveillance to prevent unsafe and polluting vehicles being placed on the EU markets. The proposal aims to reinforce national market surveillance and to ensure a more coherent level of intervention and controls throughout the EU. Your rapporteur underlines this approach and the measures aiming at the removal of inferior products from the market. Effective coordination and monitoring at EU and national level should be deployed to ensure that market surveillance and type-approval authorities make use of the new measures effectively.

7. Time table

Meeting the ambitious timetable proposed by the Commission will be challenging. In parallel with the ordinary legislative procedure for the proposal at hand, comitology work on the delegated and implementing acts is intended to start soon and will run until mid-2012. In addition, the Commission proposal results in a rather complex set of dates (2013 until 2021) separately addressing emissions and safety measures applicable on new registrations, new type-approvals, and old type-approvals. The European Economic and Social Committee recently called to set goals which the sector will be able to achieve.¹

As mentioned, the time table should be ambitious and realistic. Timely definition of technical and administrative requirements is pivotal to ensure sufficient lead-time for manufacturers to develop, test and implement solutions on production vehicles and for manufacturers and type-approval authorities in the Member States to put in place new administrative systems. In order to rationalise the time table your rapporteur may consider the bundling of provisions aiming for less deadlines and effectively providing for simplification. He also considers the deletion of the optional dates in regards to the emissions stages, which will allow the industry to voluntarily introduce cleaner vehicles at an earlier stage to accommodate the demands of society and consumers.

¹ EESC, INT/541, Approval and market surveillance / vehicles Lcategory (Rapporteur: Mr Ranocchiarì), 19 January 2011