

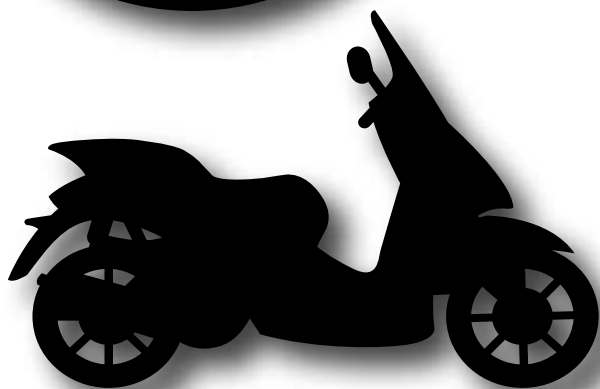
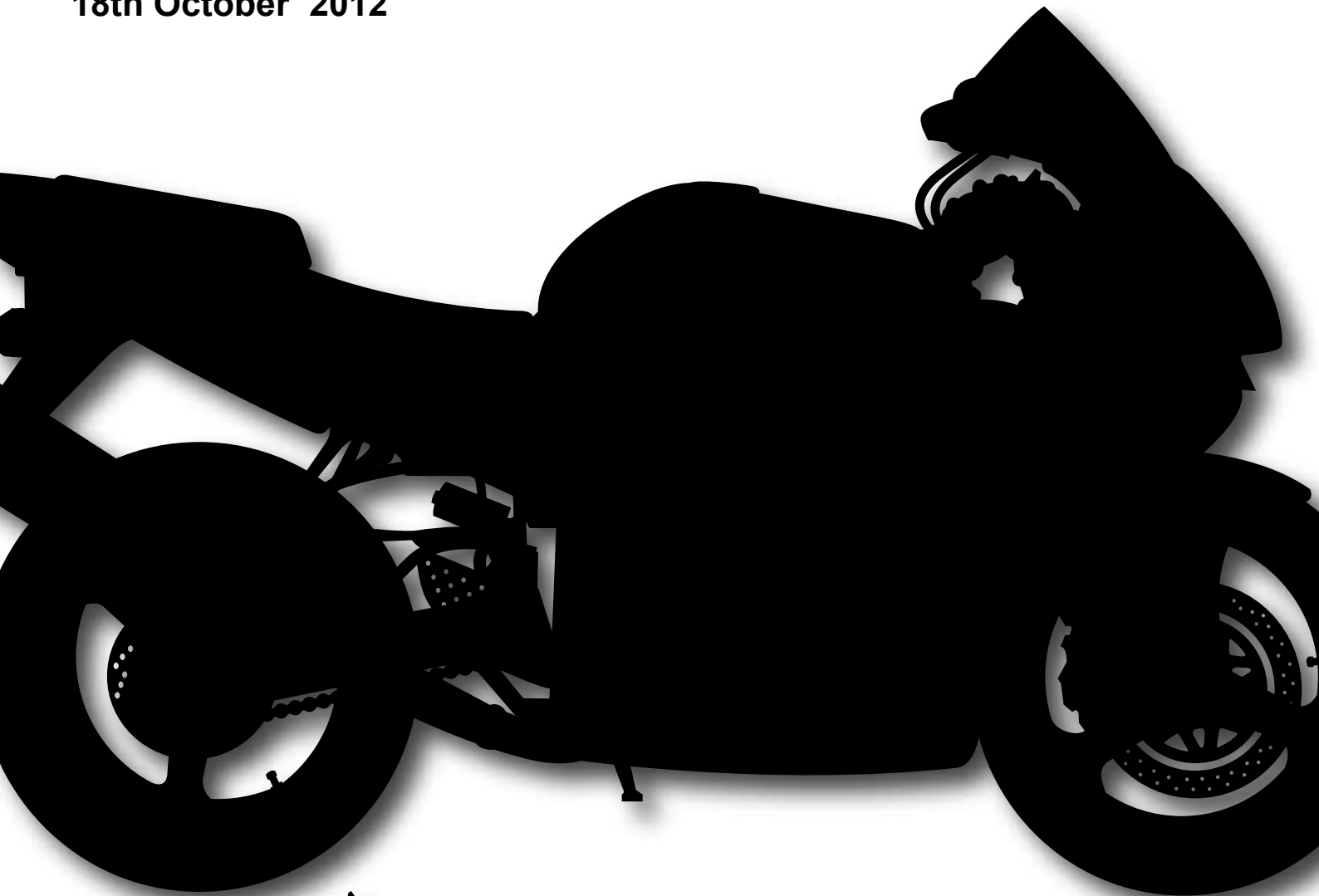
# Following Through Regulation

## IMCO Votes

Text agreed between the IMCO Committee of MEPs, European Council and European Commission



18th October 2012



“Without losing the spirit of motorcycling”

Right To Ride

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## **IMCO Follows Through!**

18th October 2012

On Thursday the 11th October 2012 without much fuss, the IMCO (Internal Market and Consumer Protection) voted on the *Approval and market surveillance of two – or three-wheel vehicles and quadricycles*.

The regulation proposal, (more commonly known in the motorcycle world as the “Anti-tampering proposal”) covering items such as, Type Approval, Emissions and Safety, received 31 votes in favour with one abstention.

The text agreed between the IMCO Committee of MEPs, European Council and European Commission, now sees the proposal going to the European Parliament for a plenary vote, scheduled at present for 19th November.

You may ask - where is the agreed proposal and can I get a hold of it?

The simple answer is that it is not publicly available at this stage.

We have been informed that a battalion of lawyer linguists from the Council and the European Parliament are scrutinising the text to weed out inconsistencies and linguistic errors and produce versions in all official European languages. There will also be shortly a review with experts from the Member States to ensure that the text has the same meaning in all these languages.

After the scheduled vote in the Parliament on the 19th November, the text will be publicly available and an official publication of the text in the Official Journal should be in place at the beginning of 2013.

### **Major Change**

One major change has occurred which is that the text was modified in such a way that makes it absolutely clear that the powertrain tampering prevention measures are directed at vehicle manufacturers at type-approval.

This means that L3e-A3 and L4e-A3 category motorcycles (full powered motorcycles and full powered motorcycles and sidecars) are, as we reported, explicitly excluded from the scope of Article 18 which lays out anti-tampering.

This Article 18 which was originally entitled, “Measures regarding modifications to the powertrain of vehicles...” caused much angst amongst riders and led to furious debate and demonstrations.

This text was changed significantly in a report from IMCO regarding the agreed IMCO amendments to the proposal which was published on the 4th January 2012.

The text reads, “Measures for manufacturers regarding tampering with L-category vehicles” so a modification, which we have always said refers to legal modifications by riders, has been removed and replaced with anti-tampering, which we have always said refers to the illegal tampering/modification of a motorcycle.

Although we had been assured by our contact in the IMCO Committee and subsequently reported that L3e-A2 category vehicles (medium powered) were not included in these anti-tampering measures, it would now appear that this was not quite the case and that this category is within the scope of the measures in Article 18.

### **Scope of the Regulation**

Before you throw your legislative teddy in the corner, you need to consider that this is for new motorcycles restricted to 35Kw which are included as a new category of motorcycle through the 3rd European Driving Licence to be introduced in January 2013.

Because the L3e-A2 category vehicle is within the scope of the regulation in Article 18, there will be certain rules concerning possible anti-tampering measures. The wording of the proposal in terms of anti-tampering measures includes the definition of the powertrain which is outlined as:

*“Powertrain’ means the components and systems of a vehicle that generates power and delivers it to the road surface, including the engine(s), the engine management systems or any other control module, the pollution control devices, the transmission and its control, either a drive shaft or belt drive or chain drive, the differentials, the final drive, and the driven wheel tyre (radius).”*

So by definition, not included in the powertrain are modifications to upgrade suspension, brakes, change the handlebars, fit a different screen or fit luggage.

However, the difference between the L3e-A2\* (medium performance motorcycle) and the L3e-A3 (high performance motorcycle) appears to be in the management system relating to the kilowatts, so for example, Kawasaki has already announced the introduction in 2013 of their brand new Z800E. The bike is "Available either as a 70kw machine or fully compliant with A2 licence regulation in its 35kw form".

This means that a rider on a full A licence with cash in their pocket or finance arranged, can buy the full power version which is not subject to anti-tampering measures or as and when the a rider has the new A2 licence (as of January next year) then they can purchase the 35kw version and when he or she gains a category A (full) licence, they can convert the bike to the full 70Kw, which according to Kawasaki, is a simple dealer job.

However what has not been agreed is what anti-tampering measures will be put in place on the powertrain for the L3e-A2 category. We've been in contact with the Commission representative who asked us for our recommendation which seems to be due to the specific difficulties identified in the Transport Research Laboratory (TRL) report on anti-tampering in relation to the L3e-A2 category.

### **Recommendation**

We wrote:

Having read the chapter 10.3 of the TRL report on anti-tampering and the specific difficulties that may arise:

*"A possible option would be to include a range of restriction measures within this legislation, defining certain design restrictions. However, due to the varying design of vehicles this may*

*become overly complex. Instead a level of difficulty in de-restricting could be described but this may be difficult to define for the type-approval authorities."*

and in consideration that the only real variation between the 35kw and 70kw motorcycle is the acceleration rate, which in any case may be de-restricted once the motorcyclist has gained his/her A licence, our recommendation is the following:

With regards to anti-tampering measures and restrictions, in the USA, there is a very simple way of identifying whether a motorcycle is restricted and the method of preventing tampering is equally simple: the Environment Protection Agency (EPA) has set out guidelines regarding installation requirements, which motorcycle manufacturers have to follow.

For example, provisions of installation include not exceeding the engine manufacturer's specifications for vehicle weight, gearing, induction, and exhaust back pressure. A permanent label must also be affixed to the bike's frame, which states the following phrase: "See engine owner's manual for information regarding emissions warranty, maintenance instructions, and tampering prohibitions."

In other words, if there is to be no tampering, a label is required to spell it out. If the motorcycle is then tampered with, this would be picked up by enforcement agencies.

The devil is in the details and those are going through the democratic process through the Delegated Acts and stakeholders Motor Cycle Working Group (MCWG) which riders organisations are part of.

*\*L3e-A2 Motorcycle up to 35Kw, power/weight ratio not exceeding 0.2Kw/kg and not derived from a vehicle of more than double its power.*

## **IMCO Meeting**

The Chair of the IMCO Committee, Malcolm Harbour explained that it has been, "*Long and arduous on the documents and dialogue process.*" (see notes below)

Dutch MEP Wim Van De Camp, the Rapporteur in charge of the proposal for the IMCO committee, gave an overview of the process.

*"November 2010 when we started through various presidency Belgium Hungary Poland Cyprus and Denmark cooperation so, a very European experience*

*"Regulation will contribute to a safer and greener but also a more modern two wheelers industry in Europe. Setting standards for the internal market and the international market and in particular our colleagues and opposite numbers in China and Korea will be able to apply these rules as well and our own powered two wheel industry will get enough time to meet the requirements in the regulation."*

*"One big point of debate is the braking systems for lighter motorbikes and scooters."*

*"Agreed that the European Commission over the next four years would carry out a cost effective analysis on the anti-lock system on lighter motorbikes and scooters less than 125 cc."*

*“A lot of discussion with British motorcyclists who were worried that they wouldn’t be able to modify things anymore because we were not in favour of boosting power so we made an agreement on allowing changes but not allowing boosting the power of a vehicle.”*

We have contacted Mr van de Camp to clarify these discussions with British motorcyclists, which may have been lost in the translation, on what agreement this would be and where this would be referred to in the text of the proposal, as regards an agreement in allowing changes – modify things – but not allowing boosting the power of the vehicle. As we know not all modifications to a motorcycle are to boost power.

*“We also talked about durability tests and I think that the commission will come up with a further analysis by December 31st 2016 regarding the final steps in emissions Euro 5.*

*Engines will be greener we were able to ensure that as by January 1st 2016 emission standard four will be introduced. Five for more powerful engines and of course scooters which also cause a lot of pollution, they have got a little longer and will have to meet Emission standard three.”*

*“The industry will get enough time to confirm to these new requirements the whole thing will come into force in January 1st 2016 not 2014.”*

Mr van de camp finished by saying, *“It’s all taking too long because I like motorbikes to and I like fast ones but anyway that is the outcome of our deliberations.”*

The European Commission representative gave her overview of the process and outcome:

*“Enormous benefit for the environment and safety for citizens in general I believe we have really reached a very good balanced compromise.”*

*“The main controversial issues which were discussed and on each and every one of them we have really reached a very good text.”*

*“Ambitious in terms of environment and safety protection and at the same time enough lead time has been provided to manufacturer’s there’s a bigger simplification benefit for both the industry and public authorities and last put not least we have introduced market surveillance provisions and repair and maintenance provisions especially for the benefit of citizens.”*

The Council representative gave her overview of the process and outcome:

*“A long two and a half years of exhaustive discussions in council and we are happy to have achieved an agreement with you..”*

*“I have to admit that this long delay was due to the council which wanted to align the two proposals and to fine tune technical details”* (The second proposal mention was the Approval of Agricultural or Forestry Vehicles.)

Talking of discussion between Council commission and the IMCO committee she said we, *“Have taken place in a very positive spirit, always having in mind the need to secure the interest of the European Consumers and of the Industry.”*

*“Tractor regulation was unanimously approved, as for the motorcycle regulation only one member state indicated that they will abstain and this is due to a more general reservation*

*that they have. In fact they have also indicated that they very much welcome the two and three wheels and quadtricycle regulation.”*

*“This proves that we have achieved a high quality result and the quality of the amendments that you (IMCO) have tabled and negotiated.”*

*“I would like to stress out that this excellent result has been achieved on two highly technical and highly complicated texts and it is my strong belief that we have produced two very useful regulations which will set out the framework for the coming years in terms of consumer protection, protection of the environment, industrial innovation and competitiveness.”*

The discussion and vote ends with thanks from the Chair of IMCO, Malcolm Harbour, to all involved and a round of congratulatory applause.

## **Notes**

### **IMCO Text**

Please note that the text attributed to people at this meeting is dictated from the European Parliament video of the meeting and their text may have been through an interpreter.

So as their disclaimer says, “It does not constitute an authentic record of proceedings.”

However we consider we have reported accurately what was said, in reporting the salient issues and any queries we have asked the participants to clarify.

Official minutes will be available on the IMCO website and the meeting video is available on the IMCO website -

<http://www.europarl.europa.eu/committees/en/imco/home.html#menuzone>

## **Thanks**

Our continued thanks to those who we have been in contact with, from Magazine Editors, to MEPs, to representatives of different bodies and organisations for the continued dialogue.