

IS THE SKY FALLING IN?

A report regarding meetings in European Parliament - European Commission

Approval and market surveillance of two - or three-wheel vehicles and quadricycles



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Right To Ride

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On Tuesday 22nd November, I went to the European Parliament to observe the IMCO committee meeting. Although motorcycles were not on the agenda, there was a vote regarding trade between the European Union and China – which I will comment on later in this report.

Outside the meeting room I met with Malcolm Harbour, Chairman of the IMCO committee, responsible for putting together a report for the European Parliament in response to the Commission's proposal for the approval and market surveillance of 2 and 3 wheeled vehicles and quadricycles.

We discussed the proposal and the protest ride by some British motorcyclists which was to be held in the afternoon, outside the European Parliament and later on, outside the EU Commission's main building in Rue de la Loi.

Mr Harbour put out a press release later that day in which he stated:

“It is important that we listen to the views of bikers who also want safer and more environmentally-friendly bikes. We must ensure that the regulation takes into account their concerns.

We have already carried out a great deal of work to ensure that bikers can continue to make improvements to their bikes using a wide range of parts. I am confident that their viewpoint on ABS and on-board diagnostics will also be taken into account when we agree the final text.

Motorbikes are a passion for many people and EU legislation cannot, and will not, ruin that passion”.

Proposals

I had further discussions with Mr Harbour's assistant Stephane Reynolds regarding the proposals and we exchanged views about ABS brakes, modifications and Article 18.

Also mentioned was the time frame for the introduction of these measures which will apply only to new vehicles. ***(The proposal will not apply retrospectively to any vehicle).***

After lunch, I left to attend a meeting with the representative of the EU Commission who is the Policy Officer at DG Enterprise and Industry. The meeting took place at the Commission's Directorate General of Enterprise and Industry office in Avenue d'Auderghem.

We discussed the ABS issue, but we left that topic, agreeing to disagree, although I did express the view that technology by itself is not sufficient to ensure 20% reduction of casualties over 10 years, because there are too many other variables - not least under-inflated tyres, training - infrastructure - etc).

There was one important thing I picked up on. At a meeting of the Motorcycle Working Group in 2010¹, FEMA had brought the issue of an on/off switch into the equation, in spite of the fact that nobody had previously mentioned switches and indeed it was not part of the proposal and there was at that point in time, no intentions of prohibiting it.

¹ <http://www.righttoride.eu/?p=6472>

As we were discussing Enduros and Adventure Trailies etc, I got the impression that the Commission now prefers to **NOT** have a switch. However, my understanding is that the IMCO will press ahead with having a switch as a requirement.

"With regards to article 52 and modifications, I explained to the EC representative about the modifications required for disabled riders and infact gave him a list provided to me by Rick Hulse and showed him documents of the work that is done in the UK by the National Association of Bikers with a Disability.

He told me that the position of the Commission is that such **useful modifications** will be dealt with through the member states either through type approval or SVA as is the case today.

Anti-tampering

With regards to anti-tampering, I explained to him that because the Commission had not identified specifically what would be included in article 18, this had caused considerable concern amongst motorcyclists and in effect was the principle reason that a protest ride was being held in Brussels that day.

He said that he understood those concerns.

I also suggested that given that there was no concrete evidence that "tampering" was wide spread, it seemed that the Commission was using a sledgehammer to crack a nut. I also suggested a solution for moped tampering would be to increase the threshold of the speed limit from 45 kph to 55 or 60 kph.

I explained my reason for this was because at such a low speed, mopeds are at risk especially in busy cities. The EU representative felt that it would be improbable that anybody would agree to this option.

He told me that the Commission's position is to have anti-tampering measures specifically to prevent increasing the power output which would affect speed, noise and emissions - possibly on all (sub-) categories of L-vehicles, pending the outcome of the study that is currently being conducted by TRL.

However, he anticipates that L3 category motorcycle/A3 - full licence (high performance, > 35 kW, > 0.2 kW/kg) motorcycles **will not** be affected by any strict anti-tampering measures.

Again the outcome of the study will be used as base to draft such measures.

In general the anti-tampering measures will be limited only to prevent **harmful** modifications of the powertrain with regards to the functional safety and environmental performance of vehicles. (e.g. drilling holes in the exhaust pipe or modifying an exhaust for the purpose it was not intended for).

Customising vehicles will also remain possible after the new legal package to approve vehicles will become applicable and the national SVA schemes dealing with modifications of individual vehicles in the Member States will continue to exist as they do today.

I then raised the issue of the 3rd Driving Licence Directive A2 licence where in the case of a motorcyclist wishing to move up to an A licence, if the motorcycle has "anti-tampering" restrictions, he would have to thus go out and buy a new motorcycle.

The EC representative stated that if the motorcyclist had purchased a new motorcycle approved as a L3-A2e vehicle (medium performance, ≤ 35 kW, ≤ 0.2 kW/kg) that can also be configured as a L3/A3e vehicle – at a later stage, this is **perfectly acceptable** as long as the manufacturer has

demonstrated to the approval authorities that for each configuration the applicable approval requirements are fulfilled and that change of configuration will take place in a controlled way (not via tampering).

Other Issues

I asked him about 2 strokes, whether there was any intent to ban them or restrict them.

He said that the Commission has ***no intention*** of banning 2 strokes as all proposed measures have to be technology neutral to the extent possible, and this would be left to the manufacturers, however they would in any case need to comply with the appropriate environmental requirements".

Finally we discussed market surveillance and motorcycles imported from China. I explained that I felt that these regulations were partly due to the shoddy products that were coming in from China.

The EC representative thought it was not just China but the whole far eastern region. I told him that there does not appear to be a specific point of contact in member states for people to complain to. In the case of the UK, nobody seems to know who to contact.

We agreed to keep in contact and exchange further views on the proposals as they progress through the legislative process.

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