

State of Play

Malcolm In The Middle

Right To Ride Reports



A report on the state of play regarding

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



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Meeting in Brussels

A “high level” meeting took place in Brussels on the 15th May between the European Parliament's negotiating team led by Chairman of the IMCO Committee Malcolm Harbour (MEP), the Danish Presidency of the EU Council of Member State Governments, and the European Commission, to thrash out the various positions and amendments to the proposed regulation “Approval and Market Surveillance of 2 or 3 wheeled Vehicles and Quadricycles

This informal but high-level strategy meeting, was one of a series of technical meetings between the three parties which are being held in the run up to negotiations known as "informal dialogues" where there will be a clear attempt at reaching an agreement on the final text of the regulation, and we have learnt that the shared objective is to finish this work before the European Parliament recess mid July.

Running in parallel are the Motorcycle Working Group (MCWG) meetings which are Chaired by the Commission (DG Enterprise and Industry) and currently focussing on thrashing out the Delegated Acts related to the regulation, and the Council Working Party meetings where the Danes coordinate the position of the Member States on the regulation and draft delegated acts before a mandate is given to formally negotiate with the Parliament.

This mandate is expected on 5th or 6th June.

These all have a purpose which are to ensure that whatever regulation is voted on by Parliament, motorcycles, tricycles, motorcycles with sidecars, quadricycles and minicars (which are all classified as L category vehicles, "L" standing for "light") will not only meet EU standards but also world standards in terms of emissions, durability, safety and vehicle construction specifications.

In simple terms, what this means is that Joe Citizen can go to a dealer anywhere in Europe and buy one of the above in the knowledge that this vehicle will be safe, clean and under warranty.

It will do exactly what it says on the tin and if it doesn't, then the manufacturer will be held responsible.

It is important to point out once again that these new regulations will only affect **NEW** vehicles.

State of Play

Part of the discussion that took place yesterday focussed on ATVs and quads. This is in part due to the fact that these vehicles should probably best fall under two categories (L and T) depending on their technical characteristics, T in this case referring to the draft agricultural vehicles regulation, also running in parallel.

This was not of great interest for us, but we understand that there is industry pressure which Parliament took into account, to have a dual categorisation system whereas the Commission and some Member States remained unconvinced initially, but could finally accept classification under both regulations based on robust classification criteria.

The motorcycle industry has been extremely irritated by the proposal put forward by the Commission – based on studies carried out by TRL (Transport Research Laboratory) regarding durability.

As ACEM has explained, durability testing is designed to ensure that the emissions of an aged vehicle continue to meet the required limits. Durability as a fundamental requirement is a codecision matter, as are the test distances.

The complex reduced test option is also part of codecision; All technical aspects of the subject are to be specified in a delegated act.

The options for vehicle manufacturers discussed previously within the MCWG were:

- 1) Test to the full test distance and accumulate mileage in the test by using either the US EPA test for motorcycles or a Standard Road Cycle (SRC) or
- 2) Test to half of the full distance, extrapolate results to the full distance AND re-use de-greened vehicle emission test data AND apply on them a fixed deterioration factor set-out in the Codecision act AND use only the SRC to accumulate mileage

However the cycles in this second option to manufacturers is based on theory using the World-harmonised Motorcycle Test Cycle (WMTC) representing average motorcycle driving conditions around the world resulting in a specially developed Standard Road Cycle (SRC) that similar as for cars is used to accumulate mileage in a short period of time .

This could help vehicle manufacturers to bring bikes faster to market and reduces cost and required test time significantly (10 – 40% in comparison to the US EPA test). However, this test has never been used in the real world, so understandably ACEM was not happy about this test.

ACEM's options were:

Option 1: Test to half of the full distance, extrapolate results to the full distance.

Option 2: Apply a fixed deterioration factor to the test results of a de-greened vehicle (as per car testing).

ACEM argued that for the industry, harmonization was key and indicated that the USA and Canada has used the EPA (Environment Protection Agency) test for many years and will continue to do so.

ACEM pointed out that the test is an option for car makers to this day for homologation to Euro 5/6. Other countries where the EPA test and many other details in their proposal are used include China, Taiwan, Thailand, Brazil (from 1/1/14).

However, TRL and the Commission argued that this test is already obsolete since the eighties of last century, also for cars, as this test was developed to investigate carbon deposits on valves and on the engine head leading to knocking combustion.

TRL pointed out that nowadays thermal ageing of the catalyst is the most important aspect to investigate and that carbon deposits on modern bikes do not occur anymore owing to improved engine design and better fuel quality.

For that purpose the SRC was proposed to be custom-tailored for L-category vehicles, driving normally achievable traffic speeds (between 80 – 120 km/h for motorcycles).

The outcome of yesterday's meeting was to propose to the Parliament to give the industry three options:

- 1) actual durability testing with full mileage accumulation,
- 2) actual durability testing with partial mileage accumulation extrapolating the results to the full distance which we believe is the theoretical test put forward by TRL and,

3) a mathematical durability procedure which is desired by ACEM as it does not require any actual durability testing and is very cheap, but also significantly less precise than methods 1 and 2.

We understand that the industry will be inclined to use Options 2 and 3.

The Dreaded Article 18

Article 18 (which appears to be the source of extreme angst by many motorcyclists and the cause of concern which has led to furious letter writing to MEPs, meetings with MEPs, rideouts and general protests) was discussed.

Simply for those who may be concerned that their future as a motorcyclist is under threat, it was confirmed at this meeting, *what we already knew and have repeatedly told riders*, is that the higher powered motorcycles i.e. L3e equal to a full A licence and L4e (motorcycles and sidecars) also equal to a full A licence will be **excluded** from *anti-tampering measures*.

Furthermore, it was also made clear that the measures that would be introduced for restricted motorcycles – e.g. mopeds, 125cc and possibly for the new A2 licence, were **not** directed at users and had **absolutely nothing** to do with bikes in use, with the aftermarket and **any modifications** that motorcyclists may wish to apply to their motorcycles.

The focus of these “anti-tampering measures” on restricted motorcycles is on manufacturers in order to ensure that whatever modifications that they apply before type approval would meet regulation standards.

During prior discussions at technical meetings, it has already become clear that the Parliament's proposal for an *Article 18a* is unlikely to survive the negotiations because this does not fall within the scope of the regulation.

There has been pressure by some MEPs to safeguard some of the intentions of Article 18a, but the final outcome is not yet clear.

Anti-lock Braking Systems (ABS)

The Council does not want ABS on small motorcycles, scooters and mopeds, and nor does the Commission, presumably because of the cost factor, but also because there is no hard evidence to prove that this specific type of brake would improve safety.

The option of CBS seems more likely. Ms Kerstin Westphal, the Socialist MEP from Germany (ABS would certainly benefit her constituent Bosch) added this amendment which was voted on by the IMCO Committee.

It is a mystery why the majority of MEPs still voted in favour of this amendment in Committee. British Members from all groups were not happy with this result. The European Conservatives and Reformists and the Liberals voted against and unfortunately lost, but only just.

The full Parliament would clearly be divided on this issue. The revised Impact Assessment from London Economics still indicates that the cost benefit analysis does not clearly justify mandatory ABS fitment to light motorcycles between 50 and 125 cc.

More importantly, where ABS will be made compulsory - most probably on bikes over 125cc- a switch will remain at the discretion of the manufacturer as it is now. The Commission has no objections to a switch, because the “switch” is not included within the technical regulation of the UNECE, therefore it is up to the vehicle manufacturer to fit a switch or not.

On Board Diagnostics

The outcome of this meeting indicates that mopeds will be excluded from OBD II requirements.

With regards to the remaining categories of PTWs the Council's position is likely to come out in favour of OBD II, but only where feasible and cost effective.

In this respect the Council highlights Article 21 paragraph 5 (g) of the proposal which states *“to determine the feasibility, the associated enforcement date and for which (sub-)categories off-cycle emission requirements shall be introduced beyond the Euro 5 level (Euro 6 for L3e motorcycles).”*

What this means is that if there is no evidence for the need, cost-benefit or technical feasibility of OBD II then no action will be taken to introduce this requirement.

Emissions

The discussion on emissions reportedly focussed on a new compromise proposal whereby only new models would be affected by the Euro 4 and 5 stage requirements¹.

New vehicles from existing models/types would only have to comply with the Euro 5 stage when that comes into play, and the suggested date would be from 2018. Again, this only concerns new vehicles and not vehicles that are already sold before then.

Until then existing models would only have to comply with current emissions requirements.

Single Vehicle Approval (SVA)

There was a short discussion regarding single vehicle approvals covering individual builds, imports on the EU market or an extremely limited production run by a specialist SME (Small Medium Enterprise).

Note that this is different to small series rules, where the vehicle numbers, although still small, are typically higher than say 3 or 4 vehicles produced.

Reportedly, some Member States would readily do away with the whole provision in the draft regulation and are inclined to leave SVA procedures to be determined at national level, while others would prefer harmonisation of the system at EU level in this regulation.

UK Conservative MEP Malcolm Harbour leading on this file for his group, and Chair of these negotiations, is keen on ensuring general EU rules on mutual recognition apply to SVA certificate recognition. This would oblige the relevant Member State authorities to recognise each others' SVA certificates or justify why not.

This approach appears to be gaining support. But we'll have to see what happens here.

On a separate note, Art 52, Paragraph 3 of the Commission's proposal, which refers to racing parts: in the original Commission proposal the description was indeed too restrictive, but following recent negotiations between Member States, the wording of the Council's draft has now reverted to the basic text of the Framework Directive for motor vehicles (Article 31(3) of Directive 2007/46), which the Commission does not object to, and as matters stand, *it will no longer be forbidden to sell parts for racing vehicles so long as these are type-approved.*

¹ Step 1 (Euro 3 all categories, but Euro 4 for L3e motorcycles);
Step 2 (Euro 4 all categories, but Euro 5 for L3e motorcycles);
Step 3 (Euro 5 all categories, but Euro 6 for L3e motorcycles);

Safety and Perfection

Is this proposed regulation perfect?

Not in our opinion.

We do not believe that there will be a 20% reduction in fatalities because ABS will become compulsory. Our own study with the Collision Investigation Team here in Northern Ireland highlights the fact that out of 41 fatalities, only two may have benefitted from ABS. That's not to say that the technology will not improve.

From a cost perspective, we believe that the industry will have to significantly reconsider their pricing of ABS and CBS. Using the example of the Indian Apache 180 (which costs around £1000 in India) with Bosch ABS brakes, we would expect lower prices to become the norm.

Also based on evidence, we do not believe that compulsory headlights on (AHO – Automatic Headlights On) will have any effect on the reduction of casualties (NB: The industry already introduced AHO in 2003) and the reason for this is that evidence from our study demonstrates that although car drivers look for other road users at junctions etc – they do not see them, simply because they are not expecting them, even, as the evidence from our report demonstrates, if the motorcycle has its dipped beams switched on.

Where to Now?

As mentioned above there are still quite a few technical meetings and further dialogues to take place.

The simplification of the 13 regulations to 4 regulations was and still is a good idea, because it will mean that manufacturers, dealers and consumers will have an easier ride (no pun intended) in terms of what they can expect, e.g. cleaner bikes with better technology and guarantees that will protect the consumer.

Because there are still many issues to resolve, it seems unlikely that there will be a first reading agreement before the summer break.

The Council has made a commitment to provide their input and parliament would like to see this proposal closed as would of course the Commission.

It seems more likely that a deal will be struck shortly after the summer break and a possible date for the Plenary vote would be October with the European Council adopting the final text shortly afterwards. This makes sense as it would give everybody time to finalise all the details and compromises.

This is Brussels at its best (or worst, depending on your point of view).

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