

QI NOBODY KNOWS



Right To Ride In-Depth



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QI – Nobody Knows?

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The “European Parliament Legislative Resolution” is the outcome of the raft of amendments submitted by MEPs to the European Commission’s proposal for a regulation on the approval and market surveillance of two- or three-wheel vehicles and quadricycles.

These amendments were finally voted on in the Internal Market and Consumer Protection (IMCO) committee on the 5th December 2011.

This document is the basis of the European Parliament’s position to the European Commission’s proposal for a First Reading in Parliament which is scheduled for the 19th April 2012.

This document has been forwarded to the Council (representatives of the governments of the Member States), the European Commission and the *national parliaments*.

Informal negotiations known as trilogues are presently taking place between the European Parliament, the Council and the Commission sorting any difference of opinions to the submitted resolution for a first reading.

The IMCO is carrying out its own Impact Assessment on amendments, specifically in relation to: Moving the ABS introduction date forward by a year; Extending ABS cover to Powered Two Wheelers more than 50cc; Earlier introduction of On Board Diagnostics II (OBD II).

We consider the Impact Assessment in the procedures to be advantageous and it should be allowed to run its course and not be used as part of any tactics calling for the Parliamentary vote to be delayed

In the UK we are waiting for DfT (Department for Transport) to publish the outcome of its public consultation on the UK’s impact assessment of the Commission’s proposal.

Now What?

This is where we are at the moment in the process of decision making in the Legislative Procedure, but what of the published resolution, the agreed amendments, the text?

To get a handle on the “European Parliament Legislative Resolution” document we compared this to the previously submitted amendments (304 of them) and our own document - *AMATEUR BIKE BUILD - BRUSSELS STYLE July 2011* - just to see what amendments were accepted and also amendments which may have been submitted at a late stage and made it through the vote.

To put these amendments in context, we checked through the original European Commission proposal from October 2010, bearing in mind that some of the amendments are deletions of text from the original proposal.

The problem is that the text in some of the amendments and indeed in the original proposal from the European Commission is open to interpretation, or refers to delegated acts (technical and implementation requirements) that are still in discussion.

As we reported in April last year, this EU Commission proposal is the first to be dealt with since the ratification of the Lisbon Treaty which includes these Delegated Acts.

In our opinion, this is a test case. Put simply, part of implementation of this proposal is all about Parliament and the Commission marking their territories in who has the “power” over European Legislation.

While these delegated Acts seem to be out of sync with any rational decision making, the proposal has been presented, MEPs have voted through their amendments, negotiations are taking place between Parliament – Council – European Commission – the EU Parliament is to vote on the proposal while these delegated acts are in draft format and being discussed within a separate stakeholders working group (MCWG).

This is the system of decision making that is in place.

There are different ways of getting to grips with this process and challenging this proposal. You can

- work through the system, with the risk of being accused of becoming part of it;
- take a position from the outside commenting on the flaws of the system and trying to beat it down;
- or try to do both as a balancing act

At Right To Ride we prefer the first option, because years of experience has taught us that direct confrontation and discussion with legislators is more effective and there is more chance that they will actually listen.

What we have found is that it is the interpretation of the proposal and IMCO amendments that is upsetting riders. Although we are giving our interpretation (see below), we will be sending this to the various players to get confirmation of what the text actually means for motorcycling.

Article 18 Measures regarding modifications to the powertrain of vehicles

The main angst for riders has been - Article 18 - Measures regarding modifications to the powertrain of vehicles – the so called anti-tampering.

A new Article 18a has been added, the main text in this article regarding - *substantial modifications to the powertrain components by users or by those acting on his behalf - shall be inspected and approved by the competent authorities of the Member States* – was introduced in July 2011.

Article 18 remains, though with some amendments. The new text is:

1. L-category vehicles shall be equipped with designated measures to prevent tampering with a vehicle's powertrain, with the aim

(a) to prevent modifications that may prejudice safety, in particular by increasing vehicle performance through tampering with the powertrain in order to increase the maximum torque and/ or power and/or maximum designed vehicle speed as declared by the manufacturer of a vehicle upon type-approval; and/or

(b) to prevent damage to the environment.

2. The Commission shall, by the date specified in Article 82(2), lay down the specific requirements regarding the measures referred to in paragraph 1 by means of a delegated act in accordance with Article 76.

Right To Ride Comment:

The changes here include the deletion of the meaning of what constitutes the powertrain, which has been moved **without** any additions or amendments to the original text, to:

Article 3 67a. 'Powertrain' means the components and systems of a vehicle that generate power and deliver 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).

There are a couple of deletions/changes in the text which leads to a referral in paragraph 2 for the specific date of introduction of designated measures to prevent tampering of the powertrain.

The specified date in Article 82(2) carries a proposed amendment to be applied from 1 January 2014 changed from 1 January 2013.

Delegated Acts

Paragraph 2 mentions that the specific requirements for measures to prevent tampering will be by means of a delegated act in accordance with Article 76.

Article 76 has major amendments added to it which include: *The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.* There are checks proposed in this amendment that the European Parliament and Council must be notified, can object to delegated acts.

At present the delegated acts (technical matters) are being discussed in the Commission's Motorcycle Working Group (MCWG). This is attended by stakeholders, including FEMA (Federation of European Motorcyclists Associations), FIM (Fédération Internationale de Motocyclisme), ACEM (The Motorcycle Industry In Europe), Member States Government representatives and others.

The Delegated Act which would include Anti-tampering measures – are being dealt with through the *Regulation on vehicle construction requirements (RVCR)*. There does not appear to be a draft document under discussion, the MCWG has the document listed to be completed by September 2012 and we assume that the delay is because there are studies on going, conducted by TRL (Transport Research Laboratory) that are supposed to identify powertrain tampering prevention measures.

This report is due for publication by the end of April and then followed by the publishing of a draft working document of the (RVCR).

Back to Article 18

The original Paragraph 4 (Art. 18) "*After a modification of the powertrain, a vehicle shall comply with the technical requirements of the initial vehicle category and subcategory, or, if applicable, the new vehicle category and subcategory, which were in force when the original vehicle was sold, registered or entered into service, including the latest amendments to the requirements*", has been deleted in the (IMCO) amendments:

However this paragraph appears in a modified format within the new amendment – Article 18a.

Article 18a

The full text of the Article 18a amendment states:

Measures and proceedings regarding modifications to L-category vehicles by the users or those acting on their behalf

1. If substantial modifications are made to the powertrain components by the user or by those acting on his behalf, the vehicle shall comply with the technical requirements of the initial vehicle category and subcategory, or, if applicable, the new vehicle category and subcategory, which were in force when the original vehicle was sold, registered or entered into service. Those modifications shall be inspected and approved by the competent authorities of the Member States.

2. Chapter XI shall apply without prejudice to this Article.

3. For the purposes of paragraph 1, a modification shall be deemed to be substantial when it affects the safety of the vehicle or its emissions to the environment, or when it renders the original type-approval obsolete.

The Article 18 amendments sets out for **all** L-category vehicles, the designated measures to prevent tampering, damage to the environment and to prevent modifications that may prejudice safety that are *produced and sold* by manufacturers.

The Article 18a amendment introduces measures and procedures, *substantial modifications*, that are made by users (motorcycles) or those acting on their behalf (mechanics – dealers) and that these modifications are required to be approved.

Paragraph 2 refers to *Chapter XI*, this includes amendments that have introduced exemptions on full type approval for *unique vehicles, built by private individuals*, provided that the member states approval authority imposes alternative requirements and has reasonable grounds for such exemption. For the UK the status quo is expected to remain regarding Motorcycle Single Vehicle Approval (MSVA).

It also introduces a further requirement – which is that if a competent authority intends to refuse the placing on the market, registration or entry into service of a vehicle which has been granted an individual approval by an approval authority from another Member State, regulations that any refusal must be explained in depth.

These complement the original European Commission proposal.

Interpretation of “Substantial Modification”

A modification is explained as being substantial when it affects the safety or its emissions or the original type approval is rendered obsolete.

While at some stage the designated measures that the motorcycle industry is required to put in place to prevent tampering with a vehicle's powertrain will be published, there does not appear to be similar specific requirements to be set out regarding substantial modifications, especially what is considered to affect the safety of the vehicle.

Right To Ride's Position On Article 18 and Article 18a?

Since 2010 we have produced various documents explaining our views on modification (positive modification) tampering (illegal modification). Excerpts of these are below

Both Articles as they stand encompass all L category vehicles including

- Mopeds (which are already covered by present anti-tampering regulations);
- Low-performance, medium-performance, and high-performance motorcycles; .
- Tricycles; commercial tricycles; utility tricycles;
- Light quadricycles; light mini-cars; heavy quadricycles; heavy on-road quads; heavy mini-cars;

L category vehicles propelled with:

- An internal combustion engine;
- An external combustion engine;
- A turbine or a rotary piston engine;
- An engine that runs on pre-compressed air - gaseous fuel or an electric engine.

Also included in L category vehicles are the amendments to introduce the new categories: L3e-S1 - Enduro motorcycle and L3e-S2 - Trial motorcycle. These two categories will be exempt from the mandatory fitting of ABS (Antilock Braking Systems).

In their present form, both these articles (18 and 18a) do not take into consideration the variety of L Category vehicles, their various use by riders and drivers nor the positive modifications that take place throughout Europe without any "danger" to the user or other road users.

These have been removed from one of the original intentions of the European Commission's proposal of, improving the technical safety aspects of the motorcycle and thus the safety of the rider as the "operator". They are removed from reality *because there is no proven reason for their existence*.

From our interpretation, if Article 18a remains, it would require the competent member state authority to have an inspection facility, a fee structure and a booking system in place and it would require that the vehicle is taken to a place of inspection.

How would a rider ride to that place of inspection if by implication the vehicle is no longer legally road worthy? Would they be able to "road test" the vehicle so that to the best of their knowledge the vehicle is safe to ride to an inspection facility? Would their insurance be invalidated before it passes any inspection?

We consider this amendment unnecessary, because it is offering a solution to a problem that does not exist for the majority of motorcycles. It puts a financial burden on motorcyclists, it has no justification on the grounds of safety and is counter-productive for motorcyclists who wish to improve their motorcycles through positive modifications, which from our conversations with the Commission representative, are wholly supported and welcomed.

As set out above, informal negotiations known as trilogues are presently taking place between the European Parliament, the Council and the Commission to sort any difference of opinions to the submitted resolution for a first reading.

We believe that Article 18 and Article 18a should receive major attention within these negotiations, taking into consideration the interests of the consumer.

All political manoeuvring and vested interests should be left outside of the negotiations. Only those aspects which may “prevent harmful modifications of the powertrain in relation to the functional safety and environmental performance of vehicles” should be taken into account.

See Appendix for Right To Ride’s documents.

Article 52 Systems, components or separate technical units which pose a significant risk to the correct functioning of essential systems

We reported on this amendment in July 2011. Although there have been some changes to the accepted amendment, the basis of it remains the same, which is that any product in compliance with type-approval rules and also appropriate for racing vehicles cannot be sold to consumers – the “ordinary” motorcyclist. Thus it is open to interpretation but we need to work through the article.

Paragraph 1 *Systems, components or separate technical units that may pose a significant risk to the correct functioning of systems that are essential for the safety of the vehicle or for its environmental performance may not be sold, registered or enter into service shall be prohibited unless they have been **authorised** by an approval authority in accordance with paragraph 4 and Article 53(1) and (2).*

(Paragraph 4 and Article 53(1) and (2) concerns submission to type authorities and certification.) ..

Paragraph 2 is amended to read: *The Commission shall establish a list of the systems, components or separate technical units covered by paragraph 1 by means of delegated acts in accordance with Article 76, on the basis of the following elements:*

(a) the seriousness of the risk to the safety or environmental performance of vehicles fitted with the systems, components or separate technical units in question;

(b) the effect on consumers and after-market manufacturers of the imposition under this Article of a possible authorisation requirement for systems, components or separate technical units.

Article 76 has major amendments added to it which include: *The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.* There are checks proposed in this amendment that the European Parliament and Council must be notified, can object to delegated acts.

The main amendment is to paragraph 3 – subparagraph 3: *“Paragraph 1 shall not apply to systems, components or separate technical units produced for vehicles intended exclusively for **sport activities not taking place on the public road**. If systems, components or separate technical units on a list in a delegated act to this Regulation **have a dual use**, for vehicles intended exclusively for **those sport activities** and for vehicles intended for use on public roads, they may not be sold or offered for sale to consumers”.*

The Commission has to establish a list of the systems, components or separate technical units through a delegated act. However, these will need to have been authorised for use by an approval authority and these delegated acts have not been agreed on. Until this is all sorted out, nobody knows what these will be.

But we do know that the list will take into consideration the seriousness of the risk to the safety or environmental performance of vehicles and the effect on consumers and after-market manufacturers of the imposition under this Article.

Interpretation

However this is open to interpretation, for example, what is dual use for systems, components or separate technical units that will be in a delegated act for vehicles intended exclusively for those sport activities not taking place on the public road?

For the normal road going bike, our interpretation is that this article is to stop tuning parts from exhausts to high flow air filters to electronics that are designed for “race bikes” being fitted on normal road going motorcycles.

However typically, these tuning parts are designed for road going motorcycles. These are fully approved when fitted by riders or somebody acting on their behalf.

It is normal practice to have the motorcycle “checked out” on a dyno/rolling road. This is to ensure that the parts fitted are not going to destroy the rider’s machine. Thus power, torque, emissions, electronics are all checked for the optimum safest, cleanliness and running of the engine for the drive-ability of the motorcycle.

With regards to “race bikes”, if we take the example of Northern Ireland of short circuit racing and especially road racing, the majority of race classes are for motorcycles that are based on road going bikes, that have been at one stage fully type approved. This includes heavy modifications to modifications with parts or removal of, to make the bike safer, lighter, with gearing, and usable power for race conditions.

The dual use does not fit into the real world, there are very few motorcycles designed exclusively for sport activities which are not used on the public road, perhaps with the exception of Moto GP and similar.

The original text¹ has been amended for this proposal, yet we have lived with this Directive for ten years and it has had no effect on riders and modifications, nor is there any evidence relating to safety and emissions problems that require this Article.

It is all supposition and interpretation and until there is a definitive explanation – **nobody knows**.

We will leave this part with comments from ACEM, the Motorcycle Industry in Europe from July 2011 that stated,

“Article 52 is not applicable, it is highly controversial as it is unclear why any product in compliance with type-approval rules and also appropriate for racing vehicles should be prohibited. All systems, components and separate technical units meeting type-approval requirements have to comply with strict limits and prescriptions. A ban of such products, if their use can be also adapted to racing vehicles, is unfounded”. This prohibition will furthermore hurt a thriving industry of aftermarket components which puts considerable resources in marketing products meeting every legal requirement. Equally article 52 has the effect of prohibiting the sale of parts necessary for motorcycle sports activities not taking place on public roads. Access to these parts must remain possible.”

¹ DIRECTIVE 2002/24/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 18 March 2002 relating to the type-approval of two or three-wheel motor vehicles and repealing Council Directive 92/61/EEC

Conclusion

These are a couple of issues we felt we needed to comment on as they are a major concern for riders.

Certainly if you have the urge, write to your MEP and ask for his/her opinion on the European Commission's proposal, their own position and what their political groups position is on the "European Parliament Legislative Resolution" document - A7-0445/2011.

What many have not really appreciated about the European Parliament and MEPs is that although they are allowed to vote individually, as a rule of thumb, it is common practice for MEPs to vote along Group lines.

For example within the IMCO there is the rapporteur Wim van de Camp from the EPP (European People's Party) and shadow rapporteurs each representing their own group, as a consequence, the voting positions within the IMCO Committee were taken along Group lines.

When writing to your MEPs, we suggest that you ask them what their position is but also what their Group position is.

As mentioned, nobody knows what will be presented for a First Reading in the EU Parliament, scheduled for April 19th (which could be postponed until May), whether there will be agreement at the First Reading or the procedure moves into a Second Reading or even to a conciliation procedure with a Third Reading.

Until the text is published for a First Reading, we should keep questioning what is being proposed.

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Information

Right To Ride EU – Regulation Documents - http://www.righttoride.eu/?page_id=7511

Right To Ride EU – Regulation Articles & News - http://www.righttoride.eu/?page_id=8367

European Parliament Procedure File -

<http://www.europarl.europa.eu/oeil/popups/ficheprocedure.do?lang=en&reference=2010/0271%28COD%29>

Decision-making in the European Union –

<http://www.europarl.europa.eu/parliament/expert/staticDisplay.do?language=EN&id=55&pageRank=1>

Treaty of Lisbon - http://europa.eu/lisbon_treaty/index_en.htm

Political Groups EU Parliament

European People's Party (Christian Democrats) www.eppgroup.eu Progressive Alliance of Socialists and Democrats www.socialistsanddemocrats.eu Alliance of Liberals and Democrats for Europe www.alde.eu European Conservatives and Reformists www.ecrgroup.eu Greens/European Free Alliance www.greens-efa.eu European United Left – Nordic Green Left www.guengl.eu Europe of Freedom and Democracy www.efdggroup.eu

Right To Ride - Previous Text On Tampering And Modification

Response to DG Enterprise Regarding Framework Regulations for L vehicles – January 2010:

Based on the information that we have provided, we believe that there is no concrete evidence to determine the extent of illegal tampering of motorcycles which may affect safety and emissions – apart from the TUV study which clearly suggests that illegal tampering is very limited. Therefore, if we accept the findings of the TUV report, we believe that the limited extent of illegal tampering does not warrant further anti-tampering measures.

Any illegal tampering which may alter either the safety or the emissions of PTWs must remain the competence and responsibility of law enforcement agencies.

The China Syndrome – April 2010: It is ironic that on the one hand, the EU Commission wishes to consider anti-tampering measures to “guarantee that after a modification to the type approved vehicle by the end-user the type approval emission limits continue to be respected for the remaining vehicle life after the repair/modification”.

Yet at the same time does not prohibit the flow of polluting and unsafe motorcycles and scooters to enter the EU market from China.

Perhaps it is time that our EU civil servants recognise that the modification of motorcycles using type approved parts is an important and profitable European industry, which does not need restricting through anti-tampering legislation.

Rather than destroying our motorcycle aftermarket industry and way of life with unnecessary legislation, our civil servants would do far more for Europe by halting shoddy non-compliant products arriving on our shores from China.

Response to DG Enterprise – February 2010: With regards to the TUV study “the study results may not be completely obsolete”, we would agree. However, the 272 page document appears to propose a

variety of anti-tampering measures based on data that effectively demonstrate that the “problem” is disproportionate to the suggested anti-tampering measures.

Furthermore, modified vehicles (PTWs) are not a "style" of bike. There are a vast range of modifications from smaller indicators to more powerful headlights, different seats, paint jobs, aftermarket silencers and the like. Modifications are present on every style of bike.

The reason for our additional document is to explain that from what we have been able to find, there is no relevant evidence that tampering (in the illegal sense) is a widespread problem and until such time as evidence can be found otherwise, hearsay or inconclusive research, should not be a reason to introduce legislation.

A RESPONSE TO Working Document on the proposalInternal Market and Consumer Protection Committee (IMCO) March 2011: Furthermore anti-tampering measures as outlined by the Commission, will not only affect exhaust systems but it will cover the whole powertrain including tyres, spark plugs, indeed any device that up until now, can be modified or replaced with independent products.

Mr van de Camp's position seems to come from a national interest rather than looking at the whole picture, which is that these anti-tampering measures will monopolise the products that manufacturers sell and ultimately drive up costs. Consequently in this respect, we believe that his position as Rapporteur has been compromised.

In conclusion, it is our view that what was originally intended as the simplification of regulations to reduce bureaucracy has turned into a labyrinth of proposals which will have little or no safety benefit and will inevitably turn what should be a simple and efficient means of transport into the privilege of the select few due to the increase in cost that the consumer will be obliged to pay.

BRAINWASHED IN BRUSSELS – The Realm Of Safety Commenting on the Internal Market and Consumer Protection Committee (IMCO) May 2011: In Europe there are over 33 million motorcycles, scooters and mopeds, the vast majority of their owners reside in the south of Europe due to the climate, economics and habit. Accordingly, the use of these vehicles is a cultural affair, starting from 14 year olds on mopeds to get to school and to congregate with friends, up to farmers in their Piaggio Ape carrying their goods to the market. In the middle there are motorcycles, the more elegant and leisure aspect of riding a two wheeled vehicle.

AMATEUR BIKE BUILD - BRUSSELS STYLE Commenting on the Internal Market and Consumer Protection Committee (IMCO) July 2011: “A small number of European citizens enjoy the hobby and culture of building their own two or three wheel vehicles (unique amateur built vehicle). Unique amateur build vehicles perform excellently in accident statistics and do not represent a danger to the environment due to negligibly low numbers registered annually as well as low annual mileage. Therefore, unique amateur built vehicles should be exempted explicitly from expensive testing procedures and standards.”

Separating The Wheat From The Chaff September 2011: 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.

Moving The Goal Posts! EU Commission and the TRL Anti-tampering study September 2011: In April this year, Right To Ride reported that the Commission had contracted the British research institute TRL to initiate a so called anti-tampering study on their behalf.

“If TRL have not yet identified 1) the extent of tampering and 2) the types of tampering, is it not the case that this competition is putting the cart before the horse? In other words, would it not be better if TRL were to provide information relating to specific areas of tampering based on their findings before having a competition on anti-tampering measures?”

According to TRL, the response to the competition was insufficient and it was cancelled because there were “Not enough valid entries to run the competition”. So they failed to fulfil that part of their contract with the Commission.

Advanced Braking Systems The Great European Poker Run October 2011: Until now, we have stayed away from the “safety” debate regarding ABS, because there is a general agreement that overall, they do help in certain conditions to stop the motorcycle and help to stop loss of control.

However, there seems to be a belief amongst our friends in Brussels (Commission and MEPs) that ABS is THE panacea and will reduce fatalities by at least 20% over the next ten years.

In our opinion, such a statement is reckless because it may lead motorcyclists and safety organizations to believe that ABS will reduce casualties in all braking scenarios, rather than do what it is intended, which is to stop the motorcycle safely in specific scenarios.

DfT Response – Nightmare Scenario October 2011: In September 2011, we reported on the failure of the Transport Research Laboratory to identify “harmful tampering” which we offer as further evidence that the so-called problem does not justify the anti-tampering measures that the Commission aims to introduce⁵. Further to this, we would like to highlight the fact that the Commission has yet to define the anti-tampering measures and subsequently the identification of positive modifications which are allowed.

Therefore in our opinion, all these issues need to be formulated before any agreement or alignment within the Council of Ministers and before any vote within the EU parliament takes place regarding the Commission’s proposal and subsequent amendments put forward by the IMCO committee.

Failure to do so would create an impossible situation whereby the motorcycle industry, consumers and member state governments are not able to have a clear understanding of what the simplification of this regulation actually entails.

Is The Sky Falling In? November 2011: “With regards to article 52 and modifications, I explained to the EC representative about the modifications required for disabled riders and in fact 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 (...).

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).