

# Road Worthiness Testing

## Rights And Responsibilities



*“...makes the motorcycle (Powered Two Wheeler) quite similar to a normal vehicle”*

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Right To Ride

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According to the latest information released by the European Commission, a recent agreement reached by ministers would substantially weaken proposed new rules by removing motorcycles and other two-wheelers from the scope of mandatory regular Road Worthiness Testing.

The Commission also suggests that the Member States are watering down the proposals which are aimed at toughening vehicle testing rules to save lives.

As previously reported, the Council of the European Union (Member States' Government Representatives) agreed recently not to retain the Commission's proposal to extend periodic tests to motorcycles and subsequently deleted the requirement for mandatory Road Worthiness Testing for all L3e (that's low-performance, medium and large size) motorcycles.

Although the UK would definitely retain the MoT (the annual Road Worthiness Test) for all PTWs, motorcycle organisations in those countries where there is no Road Worthiness Testing were delighted to have this news from the European Council.

For the UK and other countries with Road Worthiness Testing for motorcycles, there was the possibility that the Commission's proposals could have become very costly, impractical and unnecessary in the extent of the type of testing that the Commission proposed.

Motorcycle organisations from countries without Road Worthiness Testing for motorcycles voiced their displeasure throughout 2012. In response to the latest news MAG Ireland states, *"This then is good news for those of us who believe the original proposals by the Commission went too far, and were put forward based on flawed evidence....."* MAG Ireland states that *"The EU Commission claims 8% of motorcycle accidents are the result of mechanical failures on the motorcycle. To date they have refused to provide the evidence for this claim."* Other motorcycle organisations also say that the figures from the Commission are flawed.

Even here in the UK, the Motorcycle Action Group (UK) have stated that, *"The UK and other member states have "roundly ridiculed" the Commission for relying on a claim that defects were relevant in 8% of bike collisions. Claiming that, "Member states are generally very unhappy about the Commission's failure to present evidence (either at all, or of decent quality) to justify its recent proposals."*

In their press release, MAG Ireland adds,

*"It may very well be that an NCT style test (i.e. RWT or MoT), if introduced, will pick up faults like worn tyres, worn brake pads, leaking seals, or maladjusted lights. It may well be that an NCT style test results in "safer" or "cleaner" bikes. All well and good, but if we're going to have a test, let's at least be honest about the reasons.*

*Let's see the evidence. Let's quantify just what "safer" means. Let's do a proper cost/benefit analysis and let's have a discussion where all sides can be heard in a balanced rational and fair manner. MAG Ireland will work to make sure that any future test is proportionate to the problems it seeks to address and based on evidence of need using publicly available data."*

Meanwhile the EU Commission commented that, *“Ministers have backed measures with regard to two things: strengthened cross-border mutual recognition, and higher quality and harmonisation of testing, with minimum requirements on training, on equipment, on assessing deficiencies, on technical vehicle information and on supervision of testing.”*

Vice-President Siim Kallas, the Commissioner responsible for transport said: *“The agreement by Member States today is a step in the wrong direction for road safety. It removes some of the highest risk categories of users and vehicles on the road – motorbikes and older cars – from tougher mandatory vehicle checks. This is short-term thinking on the part of Member States. We cannot afford to compromise on safety and we look to the European Parliament to reinforce vehicle checks for the highest risk categories of vehicle on the road, and to save lives.”*

As you will read later in this report, MEPs question the data presented by the Commission and offer to look into it in more detail.

However the Commission side stepped the issue (of data) and refers to motorcycles – (Powered Two Wheelers) as, *“quite similar to a normal vehicle integrating a lot of new technologies”* that would lead for consideration on the same footing as other vehicles, *“in terms of regular inspections.”*

## **Rights And Responsibilities**

The comment made by the Commission’s representative at the last TRAN Committee meeting should not be put aside or treated lightly, because this underpins a discourse that has driven rider organisations over the last 40 odd years, which is to be treated equally in the transport mix. In fact each year FEMA (Federation of European Motorcyclists Associations) complains that they are not considered in the discussions on urban mobility, equally riders throughout Europe demand and expect privileged treatment by road authorities and governments based on their view that they offer a cleaner, more efficient means of transport. Furthermore, in light of the new Type Approval regulation which will come into effect in 2016, emissions will need some form of testing in order to ensure that standards are maintained – how would these rider organisations propose to do this?

In the UK, there is no major issue with a yearly MoT (i.e. RWT) the vast majority of motorcyclist accept that this annual check is a good thing.

However, just for the sake of discussion, let’s use the UK as an example of different methods of RWT. Let’s put aside the issue of data relating to accidents which may well be flawed because of the different methodologies of gathering the information around Europe and simply because DEKRA (German Motor Vehicle Inspection Association) whose figures the Commission uses, has a vested interest in beefing up the figures for its own advantage.

In the UK there are two distinct methods of carrying out the yearly Road Worthiness Test called the Minister of Transport Test (aka MoT). In Great Britain (England, Wales and Scotland) the test is carried out by private sector mechanics that in most cases do repairs as well.

The inference is of course that this may incentivise these mechanics to find defects that are minimal or not really serious for passing a MoT. The figures issued by VoSA (Vehicle and Operator Services Agency) suggest that annually 21% of motorcycles (PTWs) fail the MoT test in Great Britain. That

suggests that a significant proportion of motorcycles are not roadworthy. In Northern Ireland however, the MoT is carried out by a government authority, the Driver & Vehicle Agency (DVA).

The test is carried out at designated centres across Northern Ireland, which can mean delays compared to Great Britain because the vehicle owner is required to book a slot at these centres, also there have been concerns raised about the ability of some examiners to understand the specific technical or structural issues of motorcycles.

However, the failure rate is considerably less, 7% per annum and one observation could be that because the examiners are employed by the government, they have no reason to fail the vehicle unless it is genuinely not roadworthy.

The point of highlighting this difference is to raise the issues in relation to private enterprise and government agencies. Which of the two would provide a better more reliable service?

Whether 21% or 7%, in either case, these failure rates indicate that there is a considerable fleet of motorcycles in the UK which need attention and need to be brought up to an acceptable standard of roadworthiness.

In other words, as the Commission suggests – they are normal vehicles and accordingly, they need to have the same rights and responsibilities as other vehicles e.g. cars and commercial vehicles in order to be allowed to circulate on public roads.

## **TRAN Discussions**

As the Commission looks to the European Parliament to reinforce its proposal, the committee of MEPs representing the Parliament, TRAN (Transport and Tourism) committee, has still to make concrete moves towards a first reading by the Parliament, but the members have spoken in committee on the proposal.

The discussion took place on Tuesday 18th December on the three legislative proposals relating to periodic roadworthiness tests (RWT), technical roadside inspections of commercial vehicles, and vehicle registration.

Specifically on RWT for motorcycling, we picked up various comments from the video and the translation of the meeting (bearing in mind that this is not an authentic record of proceedings and that only the original speech or the revised written translation of that speech is authentic).

There were various comments from the MEPs in the TRAN Committee in relation to motorcycles (PTWs) which are included below, for those that have the time and inclination to read them, however the general gist is that they query the inclusion of motorcycles in road worthiness testing due to the discrepancies about the data.

MEPs who mentioned motorcycles concentrated mainly on accidents and casualties with reference to motorcyclists themselves and the questioning the figures from the Commission. These figures as previously mentioned, claim that 8% of motorcycle accidents are the result of mechanical failures on the motorcycle, while motorcycle organisations say the figures are flawed.

In a master move the Commission representative did not respond to the reference by MEPs to the data but instead used motorcycles as the clearest example as a “very very solid case” for their proposal to go beyond the “existing regime”.

The Commission representative said, in reference to motorcycles, (Powered Two Wheelers), that they have, “*experienced quite a significant change over the years and your institution (Parliament) has recently also modified the Type Approval regime which makes the motorcycle (the Powered Two Wheeler) quite similar to a normal vehicle, integrating a lot of new technologies, for example an ABS system and so on.*”

*The Commission representative continued, “this is the most telling case which pleads for considering those vehicles (motorcycles) also at the same footing in terms of regular inspections.”*

If Road Worthiness Testing is not an issue for the normal people, who drive normal vehicles, then interpreting the Commission Representative comments, one might say that although the motorcycle is considered quite similar to a normal vehicle, it is the user/rider who seems to be outside the norm, but then again hasn't that always been the case?

While on the one hand motorcycling has been pushed and undergone a “friendly” name change to Powered Two Wheeler (PTW) in order to have the motorcycle integrated into transport policy as practical transport and environmentally friendly congestion busting means of commuting, has this fight for equality now backfired?

As all sorts of technology are being integrated into motorcycling, not just ABS, these system will like other vehicles, have testing integrated into present Road Worthiness Testing regimes. So why would the Commission not want to have motorcycles and their new technologies included in the Commission's proposal?

If motorcyclists and their representative organisations are outside the norm in not wanting Road Worthiness Testing or improvements to the current Road Worthiness Testing in their own countries, are they being seen as luddites? On the one hand they accept new technology but on the other, consider themselves to be outside the scope of legislation.

The pan European position taken by motorcycle organisations is that, “the proposal is disproportionate and inadequate to the problems the Commission aims to solve, which is basically a reduction in fatalities and to prevent environmental damage.” Perhaps this position needs to be reconsidered, it either needs to offer an alternative or to simply support the European Council's position of deleting motorcycles from the proposal.

There needs to be clarification using sane and reasoned arguments for that position.

The time for hype and emotional pandering, which does not cut the mustard when the case is put to the politicians and the Commission, is past.

One could also argue that demos and protests by the orthodox rider organisations have left the normal motorcyclist and PTW commuter completely indifferent.

## Opinions, even if you don't want them!

The European procedure on proposals allows other committees to voice opinions. On the Road Worthiness Testing listed to give opinions are: the Environment, Public Health and Food Safety committee (which has decided not to give an opinion) – IMCO (Internal Market and Consumer Protection) chaired by Malcolm Harbour, which saw through the regulation proposal (anti-tampering) for motorcycles and in our opinion, will be interesting to read and the ITRE (Industry, Research and Energy) Committee. These committees are made up of elected MEPs.

On the 12 December, the European Economic and Social Committee (EESC) gave its views as well.

For those interested, the EESC strapline is that it is a bridge between Europe and organised civil society, it claims to promote the development of a more participatory European Union which is more in touch with popular opinion, its 344 members are drawn from economic and social interest groups in Europe (United Kingdom has 24 members) and are nominated by national governments and appointed by the Council of the European Union.

The problem with opinions is that often you don't ask for them, but more often they are given anyway and the EESC has given its opinion which may not be "popular" with the motorcycle community.

The EESC committee states:

*"The Committee endorses and supports the Commission's initiative which, the Committee fully agrees on the need to include motorcycles.*

*It is right that L-category vehicles be subject to periodic tests, to overcome the anomaly in many Member States where there has been no provision for testing "L" vehicles"*

However they do give a caveat of sorts by saying:

*"It believes, however, that the proposed test frequency (4-2-1) is excessive for these vehicles, which have a very low annual mileage. The Committee therefore proposes a reduced frequency (4-2-2) (Right To Ride – first test at 4 years and then every 2 years thereafter), at least initially."* Adding that *"This frequency could be reassessed in the future taking account of the data (finally with European coverage) collected during the periodic tests, with due regard here too to Member States' freedom to continue to carry out additional and/or more frequent tests."*

Their opinion on the frequency of the test is explained, *"these vehicles are often inexpensive and mostly used in cities, the changes should be kept simple so as to limit the required investment in test equipment, and their test frequency should be set at 4-2-2 instead of 4-2-1, given their much lower average annual mileage. The mileage of "L" vehicles is between 2 800 and 5 300 km per year, as against 15 000 km for cars."*

Then mixing in some Road Safety, the EESC says that a plan could be launched, *"working on the basis of the existence of the new rules, designed to raise public awareness, especially among young people, of the need for more careful and responsible use of motor vehicles, warning in particular against making any technical modifications that may alter safety features, particularly on motorcycles."*

At Right To Ride, our next step is to see the TRAN Committee Draft Report, scheduled for publication by the 7th March, with a deadline for amendments on the 22nd March and how that will tie in with the Council's position.

## Links & Information

European Commission - Road safety: Member States water down proposals for tougher vehicle testing rules to save lives - [http://europa.eu/rapid/press-release MEMO-12-1017\\_en.htm](http://europa.eu/rapid/press-release_MEMO-12-1017_en.htm)

MAG Ireland RWT – Good and bad news on possible NCT style testing - [http://www.magireland.org/2012/campaigns/rwt/rwt-good-and-bad-news-on-possible-nct-style-testing/?utm\\_source=twitterfeed&utm\\_medium=facebook](http://www.magireland.org/2012/campaigns/rwt/rwt-good-and-bad-news-on-possible-nct-style-testing/?utm_source=twitterfeed&utm_medium=facebook)

OPINION of the European Economic and Social Committee - <http://eescopinions.eesc.europa.eu/eescopiniondocument.aspx?language=EN&docnr=1906&year=2012>

European Economic and Social Committee (EESC) - [www.eesc.europa.eu](http://www.eesc.europa.eu)

Transport, Energy, Infrastructure and Information Society (TEN) - <http://www.eesc.europa.eu/?i=portal.en.ten-section>

## TRAN Committee

Bear in mind that this is not an authentic record of proceedings and that only the original speech or the revised written translation of that speech is authentic.

Chaired by **Brian Simpson, UK MEP, Group of the Progressive Alliance of Socialists and Democrats in the European Parliament (S&D)**

**Werner Kuhn, German MEP, Group of the European People's Party (Christian Democrats) and Rapporteur**, set out the proposal aims, *“More road safety to reduce fatalities and severe injuries, better environmental protection, better technical standards, ensure testing bodies are independent testing centres correct equipment.”*

In referring to motorcycles in the Commission's proposal he said, *“I think Two wheeled Vehicles that is something which is absolutely necessary”*

*“Important to get associations involved, testing bodies, manufacturers large bodies in motor vehicle representations.*

He commented on the recent position of the Europe Council, that the message from council was, *“not so positive, don't want regulation, want direct national laws” which would refer to the original Europe Commission regulation proposal to be changed to a directive.”*

**Ismail Ertug, German MEP, Group of the Progressive Alliance of Socialists and Democrats in the European Parliament (S&D)**, *“Technical tests on the smaller vehicles, I think this is important because we are talking about motorcycles for example which, have the most accidents so I think it is most important that we do look at that.”*

He went on to mention that, *“European Commission argued technical deficiencies cause 5.7% casualties German car lobby actually has a figure 0.5% of serious motor vehicle accidents related to technical deficiencies so that’s quite a big gap perhaps we can have some clarification on that point.”*

**Phil Bennion UK MEP, Group of the Alliance of Liberals and Democrats for Europe (ALDE) and Shadow Rapporteur,** *“Largely on board with the idea of the proposal however quite a few however” he said, “doesn’t really see any evidence of extending the scope to other forms of other vehicles or trailers” e.g. number defective trailers causing casualties “trailers should not be part of this”*

He also mentioned historic vehicles people and gave a reference to original parts, forcing vehicles to have original parts such as asbestos brake linings he said, *“a bit of redrafting (the text) I’m sure it is not beyond the wit of man to come up with something that is acceptable to all sides.”*

He also said that the, *“UK not willing to go back to two year testing”* in reference to a regulation required, *“only acceptable with it is a regulation of minimum standards and not a prescriptive regulation, it is too prescriptive as drafted.”*

And on local garages and specific testing stations, he said, *“Garages do testing and mending repairs in local garages, other member states have specific testing stations, draft text has to encompass in both systems, final draft has to take in and not prescribe to one or the other.”*

**Isabelle Durant Belgium MEP Group of the Greens/European Free Alliance (Greens/EFA) and Shadow Rapporteur,** *“On the question of motorcycles the motorcyclists themselves I think have objected a great deal, they are questioning the figures, so it would be very interesting to listen to them but the figures themselves are dramatic, in terms of the number of accidents and the seriousness of those accidents.*

*The question is whether these accidents are linked to driver behaviour, the way in which the vehicles are being driven or a mixture of the both so I think that is going to be very important to look further into that and to see whether increasing the strictness of the test would actually reduce accidents.*

*It will be interesting to hear experts at the hearings.”*

**Michel Dantin, French MEP, Group of the European People's Party (Christian Democrats),**

*“On the questions of motorcycles more specifically, yes it’s true that motorcycle riders are very agitated about this text. I have looked at some statistics myself which do differ from those of the commission and I would like us to go into more depth.*

*On the question of the season of year, the time of year that there are motorcycle accidents, I also think that you can say that to a certain extend you get a lot of motorcycles that hibernate during the winter and that come out in the spring but they are not necessarily properly maintained. The tyres are not necessarily pumped up again and as such it seems to be that there are more accidents in spring.*

*Now the commission has put forward a certain number of arguments on motorcycles and to a certain extend maybe I would endorse that but I think we need to look into this further.”*



**European Commission Representative,** *“On the scope of the proposal of course very important element we believe we have a very very solid case for the proposal to go beyond the existing regime.*

*Motorcycles are probably the clearest example, all the more so since we have one very, I think, telling data at our disposal, second because motorcycles, Powered Two Wheelers have, I mean, experience quite a significant change over the years and your institution has also recently modified the Type Approval regime which makes the motorcycle the Powered Two Wheeler quite similar to a normal vehicle integrating a lot of new technologies for example an ABS system and so on and this is the most telling case which pleads for considering those vehicles also at the same footing in terms of regular inspections.”*

Commenting on original parts, as mentioned by Phil Bennion regarding historic vehicles the Commission representative said, *“On the historical vehicle, indeed a little bit of clarity in the text would help in order to really make sure that we are not of course requesting original original parts but we are requesting type approval parts which makes the whole system of control worthy and in addition to this the current proposal introduces a very important precision in the sense that, we clearly say that all vehicles older than 30 years are exempted from the regime and that is another major change, compared to the current regime which is not that clear.”*

The Commission representative also clearly stated that the regulation is about minimum standards, that there would be no obligation for a new test if the vehicle changed ownership, that the proposal was to improve harmonization across the European Union in order to provide more room for mutual recognition.

He also said that, *“One idea that has been flagged and merits a lot of attention, we should indeed not only focus our attention on a possible annual test for all the vehicles but .....based on the actual mileage of the car could be an interesting way in order to find a good way out of this debate.”*

There were also comments on other aspects of the three proposals which would indirectly affect motorcycling in those countries that already have RWT and those that don't. Changes of vehicle ownership, transfer of a vehicle to another member state, requirement of new test, cross border data on validity of the Road Worthiness Tests, improvement of cross border database, liability of owner in cross border transfer, independence of testing stations, conflict of interest between those that maintain and those that inspect, standards of testing equipment, qualification of testers.....

View the full video – <http://www.europarl.europa.eu/ep-live/en/committees/video?event=20121218-1500-COMMITTEE-TRAN&category=COMMITTEE&format=wmv>