

## **Position Statement on the European Commission Proposal for a Regulation on periodic roadworthiness testing for motor vehicles and their trailers (2012/0184 (COD))**

The Federation of European Motorcyclists' Associations (FEMA), without opposing the general objectives of improving road safety and environmental protection behind the proposal, is of the opinion that the proposal:

- fails to justify the harmonisation of testing frequencies;
- is based on evidence which is neither representative nor sufficient to justify the economic and regulatory burdens involved;
- is disproportionate to the size of the problem;
- works against the principle of subsidiarity which enables Member States to design specific national measures answering national road safety priorities.

FEMA therefore opposes a text which increases charges for motorists, and which creates new charges for motorcyclists.

In Brussels, Dublin, Helsinki and in many French cities on 22nd September 2012 tens of thousands of motorcyclists demonstrated against the proposal and expressed their disappointment with the European Commission, which is trying to solve a non-existing problem at a very high cost. The opposition to the expansion of vehicle inspections is mounting, and should not be ignored.

**FEMA therefore calls the European Parliament and Member States to reject the Proposal for a Regulation on periodic roadworthiness testing for motor vehicles and their trailers (2012/0184 (COD)).**

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### **The Federation of European Motorcyclists' Associations**

The Federation of European Motorcyclists' Associations (FEMA) is the representative federation of motorcycle (comprising all powered two-wheeled vehicles) users throughout Europe. FEMA represents the interests of citizens' national organisations at the European Union and agencies of the United Nations. FEMA's primary objective is to pursue, promote and protect the interests of motorcyclists. FEMA recognises that motorcycles have different characteristics from other vehicles and emphasises the need for motorcyclists' specific requirements to be addressed.

## **The proposal in a nutshell**

The objective of the Commission's proposal is to lay down updated harmonised rules on the roadworthiness testing of motor vehicles and their trailers with a view to enhance environmental protection, and contribute to the objective of reducing the number of victims or road accidents by half by 2020. This Regulation would repeal Directive 2009/40/EC.

Currently, "motor vehicles having at least four wheels" must undertake roadworthiness tests a minimum of 4 years after first road registration, and every 2 years thereafter, in order to ensure that they comply with safety and environmental requirements (Directive 2009/40/EC). The new proposal:

- extends these requirements to powered two-wheelers (motorcycles, mopeds and scooters);
- requests older vehicles and vehicles with high mileage to undergo the first inspection after four years, then the second inspection after two more years and thereafter annually;
- introduces new requirements to improve the quality of inspections, on equipment, technician training and qualifications, and inspection equipment control.

As a consequence for motorcycling, this means in practical terms, that:

- 9 Member States of the European Union (EU), as well as EEA member Norway, will have to comply by introducing roadworthiness testing for motorcycles for the first time.
- Almost all Member States will have to create new systems to integrate mopeds, scooters and light trailers into testing regimes.
- Only a minority of Member States have inspection schemes with annual test intervals<sup>1</sup>: most Member States will have to increase the testing frequency for vehicles older than 6 years from biennial to annual.
- For the users of powered two-wheelers this would lead to additional annual cost of 1.2 billion euros<sup>2</sup>.

## **FEMA's views and arguments**

- **The Commission's arguments are not based on the outcomes of the consultation process**

In drafting its proposal, the Commission ran a consultation with stakeholders and declares that "solid investigation results show that 8% of the accidents involving motorcycles are caused or linked to technical defects" (see recital 7). The only study available in Europe that has delivered such a result is a study performed by the German testing organization DEKRA<sup>3</sup>.

However :

- the three reports on which the Commission bases its justification for the extension

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<sup>1</sup> EU/EEA countries without mandatory inspections for motorcycles are Belgium, Denmark, Finland, France, Greece, Ireland, Malta, Netherlands, Norway, and Portugal.

<sup>2</sup> calculated on the basis of an average inspection cost priced at 50 euros at the very least and, based on the figure that 70% of the 35 million powered two-wheelers in circulation in Europe are older than 6 years

<sup>3</sup> DEKRA 2010: Motorcycle Road Safety Report

of roadworthiness testing to powered two-wheelers, are published by DEKRA - one of the leaders on the vehicle inspection market in Europe - and cannot conclusively prove that the measure is beneficial;

- Dekra is a private corporation and cannot claim to have a truly independent expertise, in a field where companies have a major stake in the promulgation of the proposed regulation. The market of powered two-wheeler inspections alone is estimated at around 1.5 billion euros.
- As the business model of DEKRA is based on testing as many vehicles as often as possible, it is a startling choice of reference for the Commission to make when many independent publications by universities or state organisations are available.
- The impact assessment commissioned by the Commission fails to provide any reliable evidence that the expansion of roadworthiness tests will reduce the number of fatal accidents.

Moreover, one is allowed to question the expected impact on personal safety of mandatory inspections for powered two-wheelers, and reduced intervals for personal cars, in view of a slew of expert reports:

- In France, a 2007 report on the conditions for the introduction of periodical inspections for powered two-wheelers by the Conseil général des Ponts et Chaussées concluded that it was « *difficult to find a correlation between the condition of the vehicle and the occurrence of accidents* ».
- In Norway, a 2007 report on the impact of periodical inspections on road safety, concluded that « *mandatory vehicle inspections have no effect on road safety* », and that « *extending the measure to motorcycles does not appear to be expedient* ».
- In Sweden, a similar study, which was performed by the Swedish Transport Administration only found that 3% of fatal accidents involving motorcycles are caused or linked to technical defects. Due to the low occurrence of technical defects Sweden has even decided to scrap annual inspections for motorcycles in 2004 and re-introduced biennial testing intervals. To this day, no negative effects on Swedish motorcycle accident statistics have been witnessed.
- In the Netherlands, one of the best performing countries despite not having RWT for motorcycles, it would require around 3.000.000 motorcycle tests, over a period of five years, to theoretically detect the single defect that might cause a fatal accident
- These conclusions are supported by the 2007 MAIDS report, the most detailed motorcycle accident study of the recent years, which underline that only 0.7% of powered two-wheeler accidents are attributable to mechanical failure.

In fact, many European countries without mandatory inspections for motorcycles perform better regarding motorcycle accidents statistics, especially Denmark, Finland, the Netherlands and Norway. This not only does not support the introduction of mandatory inspections with increased test frequencies throughout Europe, but it also underlines that there must be other, more effective, measures to prevent accidents to focus on.

- **A proposal in breach of the subsidiarity principle**

The Commission's initiative is laid down under a « regulation » format instead of a

directive, which would enable Member States to adapt the text according to national characteristics and regional needs. According to the Commission, *"The objectives of the proposal cannot be sufficiently achieved by the Member States for the following reason: the technical requirements for roadworthiness testing have been set on a minimum level at Union level and their implementation by Member States has led to a high diversity in the requirements throughout the Union with negative impacts both on road safety and on the internal market. The proposal therefore complies with the subsidiarity principle."*

However, it is well known by safety experts that safety patterns are widely variable from one country to the other and require safety strategies tailored according to national safety pattern. This is even more true in the particular case of powered two wheelers.

- **Excessive measures in view of the objective: a breach of the proportionality principle**

According to the Commission, *"the proposal complies with the proportionality principle because it does not go beyond what is necessary in order to achieve the objectives related to the increase of road safety and environmental protection by increasing the quality and strengthening of roadworthiness testing and creating the appropriate framework for a seamless flow of information. This includes inter alia the setting of minimum standards for inspectors' knowledge and training as today's vehicles are high sophisticated products full of complex technology. This applies also to minimum requirements for the test equipment that will be used during roadworthiness tests. All these measures are the necessary prerequisites providing for an increase of testing quality."*

However:

- as underlined above, it is improbable that the measures of the directive contribute significantly to the reduction of traffic casualties planned for 2020, as human factors are the main cause of accident;
- the improvement of vehicle technology does not warrant a strengthening of technical inspections. In France, for example, biennial testing fails no more than 20% of vehicles, of which 85% are minor defects arising from lack of maintenance and with no consequences on the safety of users. It would be better to focus on enforcing existing regulations on tyre wear and condition, as the MAIDS report identifies tyre wear as the leading cause of technical failure;
- the extension of the inspection requirements to light powered two-wheelers, such as small scooters and mopeds, is also impractical in rural and remote areas of the European Union. Some users of mopeds and scooters, which have a maximum speed of 45 km/h and a short range designed for urban mobility, will be forced to ride over 100 kilometers just to reach the nearest inspection center. The decision about vehicle categories to be tested as well as on test frequencies should therefore be left to the Member States.
- since the proposal also aims at harmonising test standards, most inspection bodies in Europe will have to purchase new equipment and invest in training measures for their staff. As a result vehicle inspections are likely to become significantly more expensive, with a projected increase in the annual financial burden for the users of powered two-wheelers up to 2 billion euros per year;
- the Commission also omitted the possibility for vehicles registered in one Member

State to be tested in another (see Article 4 (1)), which would have served the objective of harmonisation and increased European integration, and offered a true benefit for citizens who travel, work or live in another Member State.

Moreover, one should not forget:

- **the impact of this proposal on the expenses of families. The proposed measures will weigh down the heaviest on the most economically vulnerable households:** for these households, the unavailability of the vehicle and the cost of the inspection, priced at 60 to 80 euros<sup>4</sup> at the very least, represent an additional burden at a time of economic crisis. Added to the continuous rise of fuel prices, and unprecedented budgetary restrictions across most of the Union, this measure is no less than a hurdle for many workers, who due to the nature of their occupation or location of their workplace are forced to use personal transport.
- **the perception of the proposal and the effects on feeling of citizens regarding the nature of the European project:** it is very likely that the regulation will be unfavourably welcomed by the vast majority of European citizens, feeding a feeling of defiance towards the European Institutions, often accused of being too complacent towards industrial lobbies. With the European Union and the European Currency Union facing an unprecedented financial crisis, and with popular support for the Union waning, it is intolerable for the Commission to put forward legislation that will cost billions while lacking solid scientific evidence that any sort of effective improvement in road safety can be achieved.
- Motorcycle enthusiasts who tend to ride and maintain several older motorcycles will also be unfairly affected, despite contributing to the reduction of waste and energy use by keeping vehicles in use for years;

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<sup>4</sup> Source : French National Assembly