



Brussels, December 10, 2010

## FEMA position statement

### on the Commission's Proposal for a European Parliament and Council Regulation on the approval and market surveillance of two- and three wheel vehicles and quadricycles [COM(2010) 542 final]

The Commission intends to amend the rules for the type approval of Powered two- and three-wheelers (PTWs) which are currently set out in Framework Directive 2002/24/EC as well as in a series of directives setting out detailed technical requirements.

The Federation of European Motorcyclists' Associations (FEMA) is the European federation of national road rider organisations. FEMA represents, defends and promotes motorcycling and the interests of million powered two-wheeler users across Europe. Through its 25 national organisations from 20 countries, FEMA reaches over 300,000 dedicated motorcyclists representing all social groups.

FEMA invites the Commission, the European Parliament and the Council to take the view of the users of PTWs on the Commission's proposal into account before taking a final decision.

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## **1. Repeal of 74 kW power restriction [introduction point 9]**

For a number of reasons FEMA firmly objects to power limits for PTWs.

On the grounds that “*the anticipated correlation between safety and absolute power limitation could not be confirmed in several scientific studies*” and in order to remove trade barriers, the European Commission proposes to repeal the option given to member states (via Directive 95/1/EC) to refuse the registration of powered two- and three-wheelers (PTWs) with a maximum power of more than 74kW.

➤ FEMA highly welcomes and supports this proposal.

FEMA shares the view of the Commission that the power of a PTWs is unrelated to safety.

## **2. Market surveillance [introduction point 12]**

The products offered to the users of PTWs need to be reliable.

The Commission aims at “*enhancing the legal provisions governing conformity of production and specifying the obligations of the economic operators in the supply chain.*”

➤ FEMA supports measures aiming at the removal of inferior (unsafe or polluting) product from the market. FEMA supports the market surveillance measures proposed by the Commission.

## **3. Scope of the proposed regulation [Article 2 (2) g]**

FEMA highlights and welcomes the fact that the variety of models of PTWs is immense and promotes its use on public roads.

The Commission proposes to exclude “*vehicles primarily intended for off-road use and designed to travel on unpaved surfaces*” (Article 2 (2) g) from the scope of the regulation.

➤ FEMA disapproves this proposal. Instead, FEMA suggests to delete Article 2 (2) g. Additionally, FEMA suggests to exclude “*vehicles primarily intended for off-road use*” from the mandatory fitting of advanced brake systems (Annex VIII as proposed by the Commission should not apply for these vehicles). Anti-lock or combined brake systems lose its effect on unpaved roads and can even lead to loss of the rider’s control over his/her motorcycle.

A wide range of PTWs (so called trial or enduro motorcycles) are designed in a way that allows its use on public roads as well as on gravel/unpaved surfaces or off-road. It has never been the case and it would make no sense to exclude such vehicles from the scope of the proposed regulation and therefore from access to public roads. Even if partly or mainly used off-road, these vehicles need to access public roads as well.

#### **4. All L-category vehicle categories using one single emission laboratory test cycle (revised WMTC) [Article 3 (36); Annex VI]**

PTWs are the most sustainable means of motorized personal transport, not only due to their efficient power-to-weight ratio, but also due to efficient space occupancy on and off the road.

The Commission suggests the introduction of one single emission laboratory test cycle (revised WMTC) for all PTWs. Unlike the test cycles in use for other road users, the proposed test cycle is expected to be more precise and close to real life conditions.

➤ FEMA supports the introduction of an emissions testing procedure close to real life conditions which holds for the WMTC test cycle and L3e motorcycles. At the same time FEMA has concerns that the test results of the WMTC test cycle will discriminate powered two wheelers relative to cars since its results will be more precise.

As long as test cycles for cars are less precise and therefore suggest lower emission values as compared to real life FEMA calls for a conversion factor to prevent the image that powered two wheelers are more harmful to the environment than cars.

#### **5. Trailers [Article 3 (58)]**

Motorcyclists aiming at towing a trailer with their motorcycle on public European roads must be allowed to do so in principle. Currently this is not always the case due to missing specifications for technical requirements for coupling devices from the side of the manufacturer of a PTW.

Apart from the definition of a trailer the proposal of the Commission makes no further reference on the topic.

➤ FEMA suggests the adaption of the Norwegian proposal<sup>1</sup> to the Commission (Notification Number 2010/9011/N) to solve the issue.

Section 10-4, 38-3 of the Norwegian proposal suggests that trailer coupling devices for motorbikes registered after 17 June 2003 can be approved even though there are no specifications from the motorbike manufacturer with regard to the type of coupling device, the permissible mass of the trailer and the permissible static vertical load imposed at the coupling point. If there are no such specifications, it is suggested that the permissible laden mass of the trailer is set according to national procedures as specified for motorbikes registered before 17 June 2003.

#### **6. Powertrain modifications [Article 18]**

FEMA aims at protecting riders' freedom to modify their PTWs.

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<sup>1</sup>[http://ec.europa.eu/enterprise/tris/pisa/app/search/index.cfm?fuseaction=pisa\\_notif\\_overview&sNlang=EN&iyear=2010&inum=9011&lang=EN&iBack=2](http://ec.europa.eu/enterprise/tris/pisa/app/search/index.cfm?fuseaction=pisa_notif_overview&sNlang=EN&iyear=2010&inum=9011&lang=EN&iBack=2)

The Commission proposes measures to prevent powertrain modifications which could affect safety or the environment. Further the Commission proposes to lay down all specifications in a delegated act.

➤ FEMA argues that it should be left to the discretion of Member States to deal with modifications that lead to a change in driving licence conditions. A Member State should recognise the rules of other Member States regarding modifications leading to a change in driving licence conditions in order to allow free movement of citizens.

From a rational point of view, modification (investment of time and financial resources) leads to improvement: to suit personal height, weight, driving style, and taste. Within the motorcycle community there is a well established and long-lasting culture of modification, and conducting maintenance and servicing on one's own.

FEMA is convinced that the initial setting as provided by a manufacturer can always be further optimized (similar to the way computer software is continuously updated). Tuners constantly find ways to improve the performance of OEM configurations, including the three pillars fuel consumption, power, and emissions.

To give an example: some riders modify the transmission of the final drive of their PTWs which, as a side effect, might increase top speed but primarily the measure leads to lower engine rotations at legal highway speeds and therefore improves fuel consumption. Preventing or controlling the freedom to make modifications will disadvantage many qualified riders; especially the ones who choose to ride small and medium sized bikes.

## **7. Mandatory introduction of on-board diagnostic [Article 19]**

As a matter of principal, FEMA does not support mandatory measures leading to increase the cost of a PTW.

The Commission proposes a stepped approach to introduce mandatory on-board diagnostic (OBD) systems. Detailed technical requirements shall be laid down by the Commission in a delegated act.

➤ OBD can help saving time and money for maintenance, especially when easy access to standardised information provided by the OBD is ensured. FEMA calls to explicitly include the consumer into the concept “*repairer*” with reference to Article 19 (6) “... *the same standardised level of access to repair and maintenance information for all vehicle repairers*”. Otherwise the consumer could hardly benefit from the proposed measure.

Additionally FEMA questions the proportionality of the provision requiring the use of OBD on L1 and L2 mopeds, given that the technical implications of the measure have a disproportionate cost in relation to the low purchasing cost of these vehicles.

## **8. New emission steps Euro 3, Euro 4, Euro 5 (Euro 6 for L3e motorcycles only) and durability requirements [Article 21; Annex IV; Annex VI; Annex VII]**

PTWs are the most sustainable means of motorized personal transport, not only due to their efficient power-to-weight ratio, but also due to efficient space occupancy on and off the road.

The Commission proposes new emission requirements for PTWs. In addition to the stepwise introduction of Euro 5 (Euro 6 for L3e motorcycles) until 2020 the Commission also suggests durability requirements for the environmental performance of PTWs as laid down in Annex VII. The Commission does not foresee the option for manufacturers to voluntarily implement the new emission steps before 2015 (Euro 4 (L3e vehicles Euro 5)) and 2018 (Euro 5 (L3e vehicles Euro 6)).

➤ FEMA supports the introduction of more severe emission limits and strongly welcomes the proposed durability requirements for emissions.

FEMA is convinced that the measures will help to improve the acceptance of and the support for the users of PTWs in Europe. The new durability requirements have to remain at least at the levels laid down in Annex VII to ensure a fair share of responsibilities and costs between the consumer and the manufacturer.

FEMA calls for the possibility for manufacturers to set out compliance with Euro 4, Euro 5 and Euro 6 as soon as possible. Annex IV must be amended in order to provide incentives for manufacturers to voluntarily offer PTWs which comply with Euro 5 or 6 by the application date of this regulation at the latest.

## **9. Additional environmental requirements (eco-labelling) [Article 22]**

Consumers should have easy access to reliable data about fuel consumption and CO<sub>2</sub> emissions of any new PTW offered for sale.

The Commission proposes to oblige manufacturers to provide “*the buyer of a vehicle at the time of purchase of a new vehicle*” with its corresponding CO<sub>2</sub> and fuel consumption data.

➤ FEMA welcomes the proposed measures. Such eco labelling is considered a simple and effective instrument to encourage consumers to purchase products with an improved environmental performance.

## **10. Small series [Article 40; Annex III]**

FEMA supports the great variety of products in the sector of powered two-wheelers as well as the existence of small and medium sized enterprises (SMEs). Small series of PTWs shall be able to apply for exemptions of some of the European type approval provisions.

In Annex III the Commission proposes to lower the limit units for small series to 50 for motorcycles and trikes (L3e and L5Ae) and to 100 for side cars (L4e).

➤ FEMA calls for not changing the currently applying number of 200 units for small series (see Directive 2002/24/EC Article 15 (3) a (i)).

To prevent any damage from small businesses producing low numbers of PTWs, and as long as the actual benefit of lowering the number of units that allows for small series type approval remains unclear, Article 15 (3) a (i) of Directive 2002/24/EC shall furthermore apply.

### **11. Individual vehicle approval [Article 41 and 42]**

The variety and individuality of products is important for many small enterprises as well as for many users of PTWs.

With regard to individual approvals the Commission proposes to give approval authorities the possibility to “*exempt the vehicle from compliance with requirements laid down in one or more of the acts listed in Annex II*” (Article 42 (1)) as long as alternative requirements “*ensure a level of functional safety and environmental protection which is equivalent as far as possible to that provided for by the relevant act listed in Annex II*” (Article 42 (2)).

➤ FEMA calls for the possibility for Member States to interpret in a wide sense the exemptions for individual approvals mentioned in Article 42 (1) and (2).

In order to maintain an innovative and lively culture of modification and customizing, amateur built vehicles and custom built machinery as well as individual imports it is indispensable to allow a variety of exemptions from the strict European type approval rules proposed by the Commission.

### **12. Access to repair and maintenance information [Article 60]**

FEMA is strongly in favour of free and easy access for the consumer to repair and maintenance information (RMI).

Article 60 (1) of the Commission’s proposal foresees “*unrestricted access to vehicle repair and maintenance information to independent operators through websites ... this access shall be granted ... to authorised dealers and repairers*”. In Article 62 (1) it further proposed that “*Manufacturers may charge reasonable and proportionate fees for access to*” RMI.

➤ FEMA calls for free access to RMI for the consumer. Therefore FEMA suggests the following amendment for Article 60 (1) “*unrestricted access to vehicle repair and maintenance information to independent operators through websites ... this access shall be granted ... to authorised dealers, repairers and consumers*“. With regard to Article 62

(2) FEMA suggests that the “*reasonable fee*” does not apply for the consumer – the individual purchasing a PTW should have free access to the corresponding RMI.

Unlike the users of other vehicles, as a matter of course many users of PTWs repair and maintain their PTWs on their own. Since manufacturers will have to build up an information system in any event, FEMA can hardly identify additional costs for the manufacturers to grant free access for the individual consumer to the corresponding RMI for his or her PTW. Additionally, free access to RMI has to be granted in order to preserve a long-lasting motorcycle culture of modifying, maintaining and improving PTWs on an individual basis.

### **13. Obligatory fitting of Advanced Brake Systems [Annex VIII]**

FEMA supports the progressive introduction of affordable advanced braking systems (anti-lock braking systems and/or combined braking systems) on all new motorcycles and scooters through voluntary commitment and respecting consumer choice.

The commission suggests the mandatory introduction of Anti-lock brakes or a combined brake system for all new L3e-A1 motorcycles as well as Anti-lock brakes for all new L3e-A2 and L3e-A3 motorcycles.

➤ FEMA calls for maintaining the voluntary approach.

FEMA considers that the performance of many ABS systems still requires further improvements. The introduction of ABS therefore has to remain voluntary otherwise competition for innovation (resulting in improved performance and decreasing costs) in the sector is likely to come to an end. Currently, the costs for installation and maintenance and especially for replacement parts of Anti-lock systems are considerably high.

### **14. Automatic headlight on [Annex VIII]**

Driven by the principle of freedom of consumer choice FEMA does not support mandatory measures taking control from the rider over his or her PTW.

The Commission proposes to improve the visibility of PTWs by the automatic switching of lighting.

➤ FEMA does not support the proposed measure.

Repair and maintenance works require the possibility to run the engine of a PTW while lighting remains switched off in order to not stress the battery. This possibility should at least be achieved by a simple action like, for example, by removing the corresponding fuse.

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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.

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