

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

2010/0271(COD) - 04/01/2012 - Committee report tabled for plenary, 1st reading/single reading

The Committee on the Internal Market and Consumer Protection adopted the report by Wim van de CAMP (EPP, NL) on the proposal for a Regulation of the European Parliament and of the Council on the approval and market surveillance of two-or three-wheeled vehicles and quadricycles.

The committee recommends that the European Parliament's position, adopted at first reading following the ordinary legislative procedure, should be to amend the Commission proposal as follows:

More efficient urban mobility: in general, the report underlines that the proposed requirements for L-category vehicles can facilitate the transition to more efficient, safe and clean urban mobility.

Scope of the proposed regulation: the Members propose new sub-categories for L-vehicles that are intended for both off road and on road use, having those also properly categorised. This concerns the special use motorcycles (Enduro (S1) and Trial (S2)), all-terrain vehicles (ATV) and side-by-side vehicles (SbS). Vehicles exclusively intended for public works and public services are excluded.

Substantive requirements: in order to ensure a high level of safety and environmental protection, the Commission shall lay down detailed technical requirements, including test procedures and limit values where applicable, only for requirements other than the environmental limits and thresholds listed in Annex VI and VII to this Regulation, by means of delegated acts.

The Members wish that any measures adopted in accordance with the Regulation shall be preceded by an evaluation resulting in a report and striving for a fair balance between the following elements:

- the existence of a serious risk to the safety or environmental performance of the technical requirements under consideration; and
- the effect on consumers and manufacturers (including in the after-market) of the imposition under this Regulation of any additional requirements.

General requirements related to on-board diagnostics (OBD): the report proposes to clarify and to tighten the timetable for new vehicles of OBD systems equipment.

An amendment proposes that, following confirmation in a decision adopted by the Commission, seven years after the entry into force of the Regulation (2021), all existing types of vehicles in (sub-) categories L3e, L5e, L6Ae and L7Ae shall also be equipped with OBD II which, in addition to OBD I, monitors not only complete failures but also deterioration of systems, components or separate technical units during vehicle life under the condition that its cost-effectiveness is proven in the environmental effect study referred to in the Regulation.

Validity and acceptance of the individual approval: where 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, it shall send the person concerned written notice of such intention, specifying the technical provisions on which the decision is to be based and setting out technical or scientific evidence to justify that decision.

Following receipt of such notice, the person concerned shall, be allowed at least 20 working days in which to submit comments.

Any decision to refuse sale, registration or entry into service of a vehicle which has been granted an individual approval by an approval authority from another Member State, shall also specify the remedies available under the law in force in the Member State concerned and the time limits applying to such remedies.

Certificate of conformity: according to the Members, the certificate of conformity shall be drawn up in one of the official languages of the Union. Any Member State may request the certificate of conformity to be translated into its own official language or languages.

Small-series vehicles: in order to prevent misuse, the simplified procedure for small-series vehicles should be restricted to limited numbers of vehicles. Individual approval should apply to a particular vehicle, so as to accommodate a more simplified and affordable application to unique amateur-built vehicles.

Vehicle repair and maintenance information: the Members propose to further clarify the definition of “independent operator” or “repairer” in order to ensure that the individual vehicle user and repairers will have sufficient access to repair and maintenance information at reasonable costs. Vehicles shall be supplied with all information, special equipment and accessories essential to enable them to be adjusted, maintained and used safely. Manufacturers shall make vehicle repair and maintenance information available in an itemised, user-friendly and legible way.

Timetable: the report proposes that the Regulation **be applicable as from 1st January 2014** (instead of the 1st January 2013). The amendment aims, with other amendments, to streamline the timetable for the implementation of the provisions of the Regulation. The Members consider that a one-year deferral will give manufacturers and national administrations sufficient time to adapt to the proposed provisions, including those of the delegated acts. At the same time, final deadlines with respect to the obligations to meet the requirements for safety and the environment are not compromised and remain those proposed by the Commission.

Evaluation: within two years of the entry into force of this Regulation, the Commission should assess, on the basis of the outcome of a study, the need for and, if necessary, adopt, a new proposal. That proposal should address at least the following questions: whether the 450 kg weight limitation remains relevant; whether the distinction between 3 and 4-wheelers remains relevant in view of recent developments and whether further adaptation is needed due to market development in the area of electronic vehicles.

Delegated acts and execution: several amendments are intended to adapt the text to the most recent formulation relating to delegated acts and acts of execution.