Labelling of tyres: fuel efficiency

2008/0221(COD) - 01/07/2009 - Modified legislative proposal

The Commission?s amended proposal incorporates the majority of amendments proposed by the European Parliament at its first reading, along with technical improvements that are necessary for changing the format from a Directive into a Regulation.

The main amendments of the proposal are as follows:

Format of the proposal:this has been changed from a Directive to a Regulation. Taking into account that a Regulation will reduce transposal costs and ensure that the application date of the labelling scheme applies to all stakeholders at the same time, the Commission acknowledges this change.

Scope of application and other general provisions

- Aim and subject matter: the aim of the proposal has been clarified. It aims to promote wet grip and external rolling noise in addition to fuel efficiency which is in line with the approach of the entire labelling scheme. The Commission therefore accepts this amendment in full.
- Remove tyre stored from the definition of 'point of sale': it is acceptable to clarify the wording to indicate that those stocks, where tyres are not offered for sale to end-users (such as storage places of suppliers) are not included in the definition of point of sale. The Commission however deems that it is crucial that those tyres stored at the point of sale to end-users (i.e. tyres stored by the distributors) bear a label. This will ensure maximum visibility of the labelling scheme and avoid situations where only the best tyres are displayed with a label in the show room (if there is one). The latter situation would undermine the whole effectiveness of the scheme which is based on the obligation for suppliers to display the classes of all tyres including those poorly rated. Thus, the Commission accepts this amendment in part and with redrafting in order keep tyre stored into the definition of point of sale but clarify that tyre stored by suppliers are not included.
- Reduce the scope of the definition of technical promotion literature: an amendment reduces the scope of the definition of technical promotional literature (the list of examples of 'technical promotional literature' becomes a closed list) and excludes 'media advertising' from such definition. The Commission believes that such exclusion of 'media advertising' should be removed for clarity sake since no definition of 'media advertising' is provided and leaflets and suppliers' website can be considered as 'media advertising'. In addition, the initial wording of the proposal already makes it clear that only the marketing tools describing the specific parameters of a tyre are considered to be technical promotional literature. It is therefore the content of information displayed by the marketing tool and not the tool itself that is relevant to determine what is considered as technical promotional literature.

Responsibilities of suppliers and distributors

- Explanation of the label to end-users: an amendmentrequires the provision of supplementary standardised information to end-users explaining the components of the label. The Commission agrees with the principle. As laid down in point 3 (i) of Annex III, suppliers are requested to provide an explanation of the pictograms printed on the label. Additional information requirements such as a fuel savings calculator and EU website appear however disproportionate. An EU wide website and fuel savings calculator would be extremely costly to monitor and burdensome for a limited effectiveness. It would also raise issues about updating and liability of data provided. Consumer information should be better addressed at national level. Thus, the amendment is accepted in part and with redrafting of a new recital.
- Responsibilities of tyre suppliers: suppliers are also required to provide the measured rolling resistance coefficient on technical promotional literature for C2 and C3 tyres. Since it will not imply extra burden or costs for the industry, the Commission can accept this amendment in full. Another amendmentrequires suppliers to declare in a publicly available database the rolling resistance coefficient, wet grip index and external rolling noise emissions of the tyres as measured at type approval. The measured values declared on the label will not necessarily be the same as the type approved values. In addition, the Commission does not support the setting of a publicly available database. The Commission therefore accepts that the declared rolling resistance coefficient, wet grip index and external rolling noise emissions are made public on the supplier's website but without specifications whether these values are from the type approval procedure or not.
- Responsibilities of tyre distributors: distributors are required to give 'an explanatory version of the label' to end-users 'on or with' the bill in addition to the information required by the current Article 5 (3). The Commission considers that this 'explanatory information on the label' (i.e. information given after the purchasing decision of the end-user) would be of limited use and should not be required in view to reduce to a minimum the burden on distributors. The Commission however accepts the proposed wording 'on or with' the bill which gives more flexibility to distributors on the way they will comply with Article 5 (3).

Compliance with information requirements

- Testing methods: the testing methods shall provide end-users with reliable and reproducible information. While the Commission fully shares this view, the wording needs redrafting to be in line with existing labelling initiatives. An amendment is introduced for that purpose.
- Market surveillance and penalties: the provisions on market surveillance and penalties have been reinforced. The Commission takes note that this is a major concern of the stakeholders. The Commission however cannot accept the wording which makes a distinction between sanctions and penalties. The term 'penalty' in EU law already includes administrative and criminal penalties. Furthermore, Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 already sets the rules applicable for market surveillance as from 1 January 2010. Since Regulation (EC) No 765/2008 sets very precise rules on market surveillance and penalties which would address the intention of the amendments referred above, it is suggested to introduce a reference to this Regulation in Recital 21 and in a new Article 12 on enforcement. The current Article 12 on penalties is deleted as it becomes redundant with Article 41 of that Regulation.

Comitology and Review

- Snow and Nordic winter tyres: certain amendments introduce the possibility in comitology to adapt the labelling scheme to the technical specificities of snow and Nordic winter tyres.
- Introduction of new parameters on the label: the deletion of Article 11 (2) removes the possibility to add new parameters on the label through the comitology procedure which the Commission accepts.
- Timing and scope of the review: two amendmentslist some of the elements to be considered in the review of the proposal and require that this review takes place after three years of the proposal's entry into force instead of the five years initially proposed. The list is acceptable in principle for the Commission but 'three years' is too early for a review. A labelling scheme takes in average eight years to fully impact market transformation; in three years, not all end-users will have changed their tyres even once. In addition, the comitology procedure in Article 11 already gives the room for adaptation of the labelling scheme to technological changes if necessary.

Date of application

- Early implementation: stakeholders should be encouraged to label tyres before the mandatory application date of the proposal. Nothing in the current text forbids placing tyres on the market with the label before its date of application. The Commission therefore accepts this amendment.
- Exemption of tyres produced before 1 July 2012 from the labelling requirements: all tyres produced before 1 July 2012 are excluded from the requirement to be labelled from 1 November 2012. The Commission does not see the need for exempting tyres produced before 1 July 2012. The industry will have had between 2 and 3 years to prepare for the labelling scheme, which should be sufficient. In addition, this amendment appears disproportionate compared to the related costs and complexity of market surveillance for Member States.