

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

2010/0271(COD) - 04/10/2010 - Legislative proposal

PURPOSE: to simplify the current legal framework, to contribute to a lower, more proportionate share of overall road transport emissions, and to increase vehicle safety for new two- or three-wheel vehicles and quadricycles (L-category vehicles) entering the EU market.

PROPOSED ACT: European Parliament and Council Regulation.

BACKGROUND: type-approval requirements for new vehicles of the L-category are currently set out in [Directive 2002/24/EC](#) of the European Parliament and of the Council (the 'Framework Directive?'). In addition, a series of Directives referred to in the Framework Directive contain detailed technical requirements relating to L-category vehicles.

The Commission has identified a number of key concerns associated with the current provisions for the type-approval of new L-category vehicles, which need to be addressed:

- the complexity of the legal framework;
- the level of emissions and its increasing share in total road transport emissions, which are decreasing overall;
- vehicle functional safety aspects related to type-approval requirements;
- the lack of a legal framework for vehicles fitted with new technologies;
- selling and registration of certain vehicles, systems, components or separate technical units imported in the EU market which do not comply with the current type-approval requirements regarding vehicle functional safety and/or environmental protection.

IMPACT ASSESSMENT: for each of the main aspects of the proposal, different options were analysed by listing possible advantages and disadvantages in terms of economic, environmental, safety and societal aspects. Qualitative and quantitative aspects were both included in this analysis. Next, the different options were compared and one preferred option or a logical combination of two preferred options were identified and described. These preferred options form the basis for this new Framework Regulation.

LEGAL BASE: Article 114 of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: this proposal uses the 'split-level approach' originally introduced at the request of Parliament and used in other legislation for EU type-approval of motor vehicles. This approach provides for legislation in three steps:

- the fundamental provisions and scope are laid down by the European Parliament and the Council in a Regulation based on Article 114 TFEU in accordance with the ordinary legislative procedure.
- the technical specifications associated with the fundamental provisions are laid down in three delegated acts (Article 290), adopted through comitology:
- an implementing act (Article 291) sets out the administrative provisions, such as the information document, the definitions of the type-approval certificate, the certificate of conformity and associated production conformity requirements, etc.

This proposal for a Regulation relates to the first step of this process. It establishes the administrative and technical requirements for the approval and market surveillance of all new L-category vehicles that are intended to travel on public roads, including where designed and constructed in more than one stage. It also establishes the requirements for the sale and entry into service of systems, components and separate technical units intended for vehicles approved in accordance with this Regulation.

In the interests of clarity, rationality and simplification, Directive 2002/24/EC and its separate directives should be repealed and replaced by one Regulation and a small number of delegated and implementing acts.

This Regulation constitutes a set of specific safety and environmental requirements. It establishes provisions to ensure that, in cases where a vehicle presents a serious risk for users or the environment, the manufacturer or any other economic operator in the supply chain has taken effective protective measures, including the recall of vehicles.

In addition, appropriate measures should be taken in order to make sure that systems, components or separate technical units which can be fitted to vehicles, and which could significantly impair the functioning of systems that are essential for environmental protection or functional safety, are subject to prior control by an approval authority before they are sold, registered or are entering into service.

To improve market surveillance, the role and responsibilities of the authorities in the Member States in charge of type-approval and market surveillance are clarified. The proposal also reinforces the requirements relating to the competence, obligations and performance of the technical services that perform vehicle type-approval.

In order to prevent misuse, any simplified procedure for small-series vehicles should be restricted to cases of very limited production. It is therefore necessary to define precisely the concept of small series in terms of the number of vehicles sold, registered and entered into service.

In order to ensure that the procedure for monitoring conformity of production is correctly implemented and functions properly, manufacturers should be regularly checked by the competent authority or by an appropriately qualified technical service appointed for that purpose.

Lastly, Member States should lay down rules on penalties applicable to infringements of the provisions of this Regulation and ensure that they are implemented. Those penalties should be effective, proportionate and dissuasive.

FINANCIAL IMPLICATIONS: this proposal has no implications for the European Union budget with regard to the first two emission-limit reduction steps (Euro 4 and 5 for motorcycles, Euro 3 and 4 for all other L-category vehicle categories). The third emission step will include a Euro 6 step motorcycles and a Euro 5 step for all other L-category vehicle categories (mopeds, tricycles and quadricycles). These limits are absolutely equivalent to the Euro 5 emission limits for passenger cars. An additional environmental effect study is planned in order to

determine the short-term environmental effects of the Euro 3, 4 and 5 steps and whether the targeted Euro 6 step is appropriate within the given time. This study will be completed in the period 2016-2017 and will be financed through the Commission budget.