

FEMA Response

Public consultation on a proposal for a Framework Regulation of the European Parliament and of the Council on type-approval of two- and three wheel motor vehicles and quadricycles.

Question 1: What do you think of the use of one basic EU Regulation and the split level approach for the revision of the legislation on two- and three-wheelers? Why?

With over 50 base EU Directives covering vehicle safety and environmental issues and over 100 amending Directives, some of these Directives are over 35 years old and many duplicate UNECE Regulations.

At this stage, FEMA does not oppose the simplification of regulations and the replacement of the Framework Directive and its separate Directives by a single Framework Regulation, which would repeal 14 Directives.

However, the modernization of the text appears to refer to GTRs (Global Technical Regulations). To achieve this within a one year timescale is an ambitious target.

Question 2: Do you agree with the approach to increase the use of references to UNECE Regulations? Why?

In principle, FEMA does not oppose the increased use of references to UNECE Regulations.

However, FEMA is concerned that by combining what appears to be two different objectives (simplification of the legislation and reference to UNECE), this may result in creating unnecessarily complex regulations. FEMA also has concerns about the democracy gap resulting from delegating future regulatory work to UNECE, out of the European Parliament's control.

Question 3: Which administrative measures introduced for motor vehicles (Directive 2007/46/EC) should not be included in the legislation on two- and three-wheelers? Why?

It is important to have a legal framework that allows national regulation. Some Member States have national regulation that allows modifications, rebuilding and amateur-built motorcycles. This is of major importance to these states' motorcycle communities, and to the economic activity it supports.

Question 4: Do you support the introduction of new emission limits for motorcycles equivalent to Euro 5 limits for petrol cars? Why?

Yes. There is no reason why motorcycles should get a special treatment and not have the same emission limits as cars. This will make sure that motorcycles remain a credible urban transport alternative to cars. However, the introduction of both general emissions targets and CO2 targets should be 2012.

Question 5: Do you think that additional emission measures should be introduced in the legislation? Why? What is your opinion on the introduction of additional measures such as CO2 measurement, fuel consumption, etc.?

FEMA believes that there should be an EU standard for CO2 emissions on bikes. Such a figure appearing in the Certificate of Conformity will support the fact that bikes are less contributing to global warming than cars. If accepted as "equal to" car standard, bikes should be tested using the WMTC.

FEMA is indeed very concerned about the prospect of having a different test cycle for bikes and cars. If they have the same limits, they should have the same test cycle. If they have different test cycles, they should have *equivalent* limits and a methodology for establishing equivalent values for all pollutants including CO2. This is a very complex and technical argument, but it is fundamental as policy makers and the public will not understand the fact that the two are measured differently.

The main argument for having a separate measurement methodology is based on the premise that bikes are used differently from cars. This is only true if one looks at certain factors, and may not be true in the future. There is possibly a very strong argument for having different test cycles for different classes of vehicles.

Question 6: What is your view on the mandatory fitting of ABS on all motorcycles? Why?

FEMA's position is that there should be no change to the current situation: ABS should not be made mandatory.

Current motorcycles have better brakes, greater stability, more responsive steering, more effective controls, improved ergonomics for reduced fatigue and improved reliability in all systems, than those of even a decade ago.

Brakes are significantly more powerful, and most motorcycles now have hydraulically actuated disc brakes. The majority of motorcycles still have two separate brake control systems, one for the front wheel and one for the rear wheel.

It should also be noted that the extra-cost of fitting of an ABS system – in particular for a small motorcycle – is not negligible. Only after completing its own study in order to assess the costs and the benefits of such systems and to review other possible solutions to improve motorcycle safety, can the Commission decide whether to present a legal proposal.

Additionally, aftermarket suppliers are currently developing ABS systems for powered two-wheelers; mandatory OEM ABS would stifle innovation from these suppliers which may ultimately present a superior system.

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

Question 7: In your opinion, are there other/supplementary solutions better suited for certain categories (i.e. coupled braking, stability control systems, etc.) that would produce the same/better effect at better costs?

Manufacturers should continue to develop and introduce advanced (better) braking systems and other/supplementary solutions, such as combined brake systems and anti-lock-brake systems. But these systems should not be made mandatory.

Question 8: What do you think about the additional measures proposed by the TÜV study and the one proposed in the Motorcycle working group mentioned above? Why?

FEMA supports the users' rights to make modifications to their motorcycles providing they do not compromise their safety and impact on the environment. We support the right of users to customise motorcycles to their tastes and to perform regular maintenance which anti-tampering measures are unjustifiably trying to curtail.

The relatively simple design of a motorcycle and the availability of "bolt-on" replacement or accessory components makes it easy and popular to modify. The quality and safety of "bolt on" aftermarket components have steadily improved and are in some cases, significantly superior to equivalent standard components. Some skilled motorcycle owners take modification even further and design and produce the components themselves. This creative approach has brought about innovative, highly functional designs, sometimes adopted by the motorcycle industry and used on standard, mass-produced motorcycles. Modifications favoured by motorcyclists change with technology, fashion, and other factors, which make more specific regulation not only unrealistic, but also unjustifiable, most of the time.

Accordingly, anti-tampering measures such as those implemented in Germany (which require that any modification must be tested or certified prior to the sale of motorcycles) have produced negative side-effects such as limiting the access of riders to superior tires, brakes, suspension, and other components.

Finally, accident research from some European countries demonstrates that modified motorcycles, such as so called "choppers", are under-represented in accident statistics.

FEMA can see no road safety benefits from restricting the historic tradition of modifying motorcycles.

Question 9: Do you think other solutions should be preferred? Which one?

FEMA supports the application of Type-Approval regulations which help to remove barriers to trade, but opposes such regulations where restrictions are placed on an individual's ability to modify motorcycles.

We support national single vehicle approval which allows the approval of one-off specials, vehicles from limited production and those built for non-EU markets.

Question 10: Do you think that the option given to Member States to limit the maximum power of motorcycles to 74 kW should be maintained? Why?

FEMA's position is that it opposes the introduction of power limits for motorcycles and therefore rejects all the options considered. There is no indication of a relationship between accident risk and motorcycle engine size/effect. On this basis, it is concluded that banning or restricting the use of the most powerful motorcycles will probably not have any effect upon safety.

Evidence from the TNO 1997 report¹ demonstrates that restrictive legislation based on engine capacity, power output or high power-to weight ratio would not reduce motorcycle casualties. FEMA is of the opinion that the results of the 1997 study completed by the TNO and carried out on behalf of the European Commission are still binding. The study clearly identified that "there is no scientific evidence that engine size is a major factor in motorcycle accidents; engine size does not emerge as a separate risk factor".

The study in relation to accidents indicates that "For most scenarios where the engine power has been or could have been a factor there is no evidence that a restriction in engine power, to e.g. 74 kW, would have avoided the occurrence of the accident." The study identifies that, "A risk exists that 74 kW motorcycles will be constructed with extreme low weights introducing unnecessary stability or failure risks."

The study does not just concentrate on the BHP/kW issue and the relation to accidents; it also reports that, "The riders' age, experience, annual mileage and attitude, but also the situation at the accident site, the weather, etc., are some of the many other factors which influence the occurrence of motorcycle accidents. When measures are taken to reduce the maximum power of motorcycles, this will not result in a change of the riders' attitudes and driving behaviour, for example. The riders' attitudes and driving behaviour have a major influence on the occurrence of accidents."

One issue that appears to be constant and one that cannot be "solved" or improved by vehicle technical regulations is indeed that of riders' attitudes and driving behaviour. Although this is not within the scope of this consultation, these factors are important and must be shared by the whole "motorcycle community". FEMA continuously stresses the importance of training, especially Initial Rider Training and the priority for motorcycle safety from the OECD Workshop on Motorcycle Safety regarding training, which should be build on existing standards, focus on risk awareness and risk avoidance, and develop an understanding of the rider/motorcycle capacities and limitations.

The extreme "high risk takers" - motorcycles with a "sharp" image - do not necessarily have the most powerful engines or the highest power-to-weight ratio, they can be as low as 125cc. Therefore, restrictive legislation based on engine capacity, power output or high power-to weight ratio would not solve the problem at all.

¹ Motorcycle power 74kW study Phase B Report prepared by TNO for European Commission DG 11, Industry. Report No.97.OR.VD.056.1//PR

The possibility for Member States to have a 74 kW limit is also an obstacle to free trade and freedom of movement in Europe. FEMA has heard complaints from motorcyclists who moved to France, where such a limit exists, and found themselves unable to register their motorcycle without paying a significant fee (1500€). This kind of national exemptions should be made impossible by the new framework.

Question 11: Do you think that alternative criteria could be used (i.e. Power-to mass ratio, acceleration potential) to limit the accident occurrence of motorcycles?

As outlined above, FEMA rejects all other criteria (i.e. Power-to mass ratio, acceleration potential), as there is no correlation between them and accident occurrence.

Question 12: Given their localized markets, do you think that EU legislation on these vehicles is justified? Why?

Question 13: Do you think that these vehicles should have a stricter mass/passenger limitation to justify that they do not have to meet the safety requirements applying to cars or do you think that such vehicles should comply as much as possible with car requirements? Why?

Question 14: Should these vehicles be in the scope of type-approval whereas they are not designed to be used on the road?

Question 15: Do you think that at present the category in which these vehicles are type-approved is adapted to the design of such vehicles? Why?

Question 16: Should new specific requirements be added to improve the safety of such vehicles? Why?

(Questions 12 – 16) FEMA represents the users of motorcycles (PTW's – Powered Two Wheelers – Motorcycles – Scooters and Mopeds). Therefore FEMA does not have a position on the issues regarding Mini-cars (L6 & L7 quadricycles) and Off-road Quadricycles, as they are not viewed as motorcycles. Some of these vehicles in their design and appearance are mistaken by the general public as being classed as cars.

However FEMA has certain concerns regarding the inclusion of these "vehicles" in accident statistics in some EU Member States statistics through licence requirements that includes them as a variant of the motorcycle.

Question 17: Do you think that EU legislation on hydrogen vehicles is needed? Why?

FEMA is not in the position at this time to answer the question.

On the one hand, small manufacturers might need an EU legislation to operate in. On the other hand, one could argue that manufacturers need less regulation to encourage innovation. Innovation and commonsense could dictate until there is large enough market to require regulation.

Question 18: What do you think will be the impact of the range of measures that are outlined above on the competitiveness of the EU industry, and in particular SME's?

As an organization of users, FEMA does not have a position on this issue.

Question 19: What will be the impact of the measures on employment in the EU?

As an organization of users, FEMA does not have a position on this issue.

Question 20: Do you think that the measures proposed could have a significant impact on the final price of the vehicles? If yes, which ones?

If new technologies such as advanced braking systems are made mandatory, this will most probably have an impact on the final price of the vehicle. As mentioned under question 6, the extra-cost of fitting of an ABS system – in particular for small motorcycle – is not negligible.

The Commission hence needs to complete its own study in order to assess the costs and the benefits of such systems and to review other possible solutions to improve motorcycle safety, before deciding whether to present a legal proposal.

Complying with new Emissions standards and/or additional emissions measures might require the development of new technologies/vehicle modifications and hence also have an impact on the price.