III

(Preparatory acts)

EUROPEAN ECONOMIC AND SOCIAL COMMITTEE

450TH PLENARY SESSION HELD ON 14 AND 15 JANUARY 2009

Opinion of the European Economic and Social Committee on the 'Proposal for a Regulation of the European Parliament and of the Council concerning type-approval requirements for the general safety of motor vehicles'

COM(2008) 316 final — 2008/0100 (COD)

(2009/C 182/05)

Rapporteur: **Mr RANOCCHIARI**

On 9 June 2008 the Council decided to consult the European Economic and Social Committee, under Article 95 of the Treaty establishing the European Community, on the

Proposal for a Regulation of the European Parliament and of the Council concerning type-approval requirements for the general safety of motor vehicles.

COM(2008) 316 final — 2008/0100 (COD).

The Section for the Single Market, Production and Consumption, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 6 January 2009. The rapporteur was Mr RANOCCHIARI.

At its 450th plenary session, held on 14 and 15 January 2009 (meeting of 14 January), the European Economic and Social Committee adopted the following opinion by 173 votes to two with one abstention.

1. **Conclusions and recommendations**

1.1 The EESC has always championed any initiative that seeks to streamline legislation, all the more so when sensitive issues such as safety and the environment are involved. Consequently, it welcomes the European Commission's proposal for a regulation which attempts to address all three of these important issues by legislating on type-approval requirements of motor vehicles and tyres.

1.2 The Commission's intention of repealing over 150 directives and replacing them with the proposed regulation appears at first sight very interesting and is certainly conducive to the simplification desired. However, if it is not correctly calculated, this option could risk adding a new layer of procedures that might not always be compatible with the present ones, thus exacerbating the difficulties and burdens for industry and Member State authorities.

1.3 Specifically, the EESC wonders how this proposal meshes with the recent framework directive on European approval (2007/46/EC) or the UN/ECE standards currently being drawn up, which will be discussed more fully later in this opinion.

1.4 The EESC contends, in fact, that simplification of the type-approval process and procedures, which the Commission sets out to achieve by introducing harmonised rules, could be effected through the incremental incorporation of current and future UN/ECE regulations into Annex IV of the aforementioned directive on European approval as and when these standards need bringing into line with technical progress.

1.5 On the matter of advanced safety technologies: since appropriate technical specifications are not available for all of them and to the same degree, the EESC would prefer these to be dealt with in individual proposals that take on board current developments at the UN/ECE working parties in Geneva.

1.6 Finally, on the question of standards for tyres, the EESC accepts the industry proposal, which respects the timescale of the Commission proposal, but simplifies it by having two introduction cycles instead of the five envisaged.

1.7 Given the doubts that had been voiced, the EESC welcomed the European Parliament initiative calling for a further study of the issue in the wake of that conducted on behalf of the European Commission. However, the findings of this second study have not furnished the clarifications expected.

1.8 In the absence of the necessary cost-benefit analysis of some of the solutions proposed, the EESC thus fears that the considerable extra costs to the industry, and hence to consumers, will further slow down the replacement of Europe's vehicles in circulation, which has already been hit by the current economic crisis.

1.9 Finally, the EESC recommends that the Member States' type-approval inspection authorities now look with renewed vigilance at the safety requirements for vehicles — and especially the tyres of vehicles — that will be imported into Europe after the regulation under discussion has been adopted.

2. **Introduction**

2.1 Despite considerable progress over the last decade, vehicle safety and environmental protection rightly remain the focus of attention throughout the European Union. Specifically, there are ongoing concerns over the modest results achieved to date in reducing transport pollution, particularly CO_2 emissions, and regarding the number of road accident victims. Still every year, more than 44 000 people are killed and a further 1,7 million injured in road accidents in the 27 Member States [1].

2.2 As we know, EU type-approval legislation lays down precise rules on motor vehicle construction — rules designed, on the one hand, to guarantee optimum safety levels for vehicle occupants and all road users, and on the other, to safeguard environmental protection. Type-approval legislation currently comprises some 60 base directives — 50 on safety and about 10 on the environment — to which should be added around 100 related amending directives.

2.3 Ongoing research and development in the motor vehicle sector now makes it possible to provide a more substantial and effective response to these two requirements through the use of new technologies capable of reducing road accidents and pollution, both for newly-designed vehicles, and, at least partly, for those currently on the roads.

2.4 According to the CARS 21 [2] recommendations, these serious problems should be addressed through an integrated approach to achieving objectives which — as pointed out by Commission vice-president Mr Verheugen when presenting the proposed regulation — will benefit the public, the environment and the industry. To meet the EU's safety and environmental objectives, the various regulations that govern new vehicle construction need to be regularly updated. On the other hand, it is also necessary to limit the regulatory burden on industry by simplifying existing legislation, where possible. To this end, the CARS document referred to above also recommends use of the UN/ECE standards [3] where available.

3. **The Commission proposal**

3.1 The aim of the proposed regulation is to amend current vehicle type-approval legislation with regard to three areas:

In particular, the proposed regulation provides for:

3.1.1 Amendment of current type-approval legislation on vehicle and component safety:

The Commission intends to repeal over 150 existing directives, replacing them with one single Council and Parliament regulation, directly applicable in the EU.

3.1.2 Introduction of the following safety requirements:

— From 2012, mandatory fitting of Electronic Stability Control (ESC) systems for new car series and commercial vehicles, with all new cars being equipped by 2014. ESC acts on the braking or power systems of a vehicle to assist the driver in maintaining control of the vehicle in critical situations (caused, for example, by poor road conditions or excessive speed during cornering).

— From 2013, mandatory fitting of Advance Emergency Braking Systems (AEBS) on large vehicles, employing sensors to alert the driver when a vehicle is too close to the vehicle in front and, in certain situations , applying emergency braking

(1) Source: CARE (Community Road Accident Database): gathers and processes data on road accidents supplied by the Member States.

(2) COM(2007) 22 final, 7 February 2007 — A Competitive Automotive Regulatory Framework for the 21st century.

(3) Based in Geneva, the United Nations Economic Commission for Europe promotes cooperation and integration between its 56 member states in developing common standards and rules in various areas, including type-approval of motor vehicles.

to prevent or reduce the consequences of a collision. All new vehicles are to be equipped by 2015.

— From 2013, mandatory fitting of Lane Departure Warning (LDW) Systems on large vehicles to assist drivers by warning them when their vehicle is in danger of leaving the lane unintentionally, mainly due to lack of driver attention. All new vehicles are to be equipped by 2015 ([4]).

3.1.3 New requirements on tyres ([5]):

— **Low Rolling Resistance Tyres (LRRT)**, to be mandatory from 2012, lead to lower fuel consumption by reducing the resistance to motion that occurs when the tyre rolls, caused mainly by the deformation of the wheel or tyre or the deformation of the road;

— **Tyre Pressure Monitoring Systems (TPMS)**, mandatory from 2012, warn the driver when the tyre is below its optimum pressure;

— **Noise reduction**: as set out in Appendix I to the proposed regulation;

— **Wet grip**: as set out in Appendix I to the proposed regulation.

4. **General comments**

4.1 The Committee welcomes the Commission's proposal to set harmonised standards for motor vehicle construction in order to ensure the smooth functioning of the internal market while at the same time providing for a high level of safety and environmental protection.

4.2 Subject to close scrutiny of the directives to be repealed and the consequences thereof, the Committee believes that the proposed regulation could be an ideal means both of increasing active and passive safety, thus reducing the number of road accidents, and also of introducing devices that can reduce CO_2 emissions.

4.3 The Committee recognises that the preferred option is aimed at maximising simplification for the benefit, in particular, of national authorities and industry. However, the Committee thinks that regulatory simplification should not be limited to bringing together the current procedures under a kind of framework regulation on safety. Furthermore, the Committee feels that consideration should be given to the implications of the introduction of Directive 2007/46/EC ([6]) — the new framework directive on EU type-approval — so as to ensure consistency and prevent duplication of procedures adding to, rather than reducing, the burden for authorities and manufacturers.

4.4 The Committee shares the Commission's view that the timetable for the introduction of specific new requirements for the type-approval of vehicles should take into account the technical feasibility of those requirements. In general, the requirements should initially apply only to new types of vehicle. Existing types of vehicle should be allowed an additional time period to comply with the requirements.

4.5 As regards the requirements on tyres, it should not be forgotten that the tyre is the only element of contact between the vehicle and the road and its safety characteristics should take priority over all other aims. In consequence, the Committee would argue:

— that it is necessary to make certain that improvements in environmental performance do not undermine the equally important vehicle user and public safety requirements;

— that an integrated approach should be taken that does not undermine overall tyre performance (rolling resistance, wet grip, etc.) by concentrating exclusively on reducing noise (though important).

4.6 The Committee has doubts as to the effectiveness of the impact assessment carried out on behalf of the Commission and welcomed the European Parliament's decision to carry out a further independent study. Indeed, the Committee believes that the data used in the impact assessment may have led to a distortion of the results.

([4]) Summary of compulsory deadlines regarding safety requirements:
- ESC: 29.10.12 new type-approvals, 29.10.14 new registrations
- AEBS: 29.10.13 new type-approvals, 29.10.15 new registrations
- LDWS: 29/10/2013 new type-approvals, 29/10/2015 new registrations.

([5]) For the sake of clarity, the following lists the Commission's proposed deadlines regarding the tyre requirements:
- 2012 — type-approval in respect of new types of vehicle — all C1 tyres are to meet the wet grip requirements, and all C1-C2-C3 tyres are to meet the stage 1 rolling resistance and rolling noise requirements
- 2014 — new registrations — only C1 tyres are to meet the wet grip requirements and C1-C2 are to meet the stage 1 rolling resistance requirements
- 2016 — type-approval in respect of new types of vehicle — C1-C2-C3 tyres in line with stage 2 rolling resistance requirements; only C1-C2-C3 tyres that meet the rolling noise requirements are to be registered and put on the EU market
- 2018 — only C1-C2 tyres that meet stage 2 rolling resistance requirements are to be registered on the EU market
- 2020 — only C3 tyres that meet stage 2 rolling resistance requirements are to be put on the EU market.

([6]) Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles.

4.7 Regrets, however, that the study commissioned by the European Parliament and published at the end of November 2008 ([7]) fails to address the questions and does not dispel the EESC's doubts either regarding the administrative and technical aspects or concerning a more detailed cost-benefits analysis of the Commission proposal.

4.7.1 The study in question focuses solely on tyres and TPMS — in the latter case expressing a preference for the more costly 'direct' over the 'indirect' system (see below) — while adding nothing new about the other advanced safety systems or about the impact of the proposed simplification.

4.8 This being the case, it seems to the EESC that the expected higher costs to the industry, and hence to consumers, of implementing the regulation as presented are not matched by adequately demonstrated benefits. There is a risk, therefore, of further slowing down the replacement of Europe's vehicles in circulation, which has already been hit by the current economic crisis.

4.9 The Committee also thinks that to ensure the competitiveness of the European industry, which achieves excellent performance levels regarding safety, a regulation is needed that does not have the net effect of distorting competition to the benefit of non-EU manufacturers whose costs, and often overall safety levels, are undoubtedly lower. This means checking that imported vehicles and tyres meet all the requirements that would be laid down by this regulation.

4.10 The Committee also believes that there should be adequate assessment of the impact of the regulation on the whole tyre industry. The economic sustainability of small and medium-sized distribution companies could, on initial analysis, be jeopardised. Stock surpluses, foreseeable if the Commission's proposed deadlines for entry into force are observed, could put the distribution chain in difficulty; it is unlikely that the majority of companies in the sector, most of them small and incapable of operating on the international market, would be able to offload potentially large amounts of stock.

4.11 Even though the matter does not fall under the exclusive competence of the Community, the Committee shares the view of the Commission — rightly eager to avoid barriers emerging to the single market and conscious of the cross-border implications of the proposed regulation — that the proposal's objectives cannot be sufficiently achieved by the Member States alone and that binding measures agreed at EU level are required.

([7]) Type approval requirements for the general safety of motor vehicles (IP/A/IMCO/ST/2008-18).

4.12 The Committee clearly supports the proposal that Member States are to lay down the penalties for infringement of the provisions of this regulation and that those penalties should be effective, proportionate and dissuasive.

4.13 The Committee also endorses the choice of a regulation as the legal instrument, as this ensures specific implementation methods and deadlines in all the Member States — a particularly important aspect for such highly technical legislation. Furthermore, the use of the split-level approach enables the core provisions to be laid down in the proposed regulation, for adoption through the co-decision procedure, while deferring the technical specifications to a second regulation, to be adopted under the comitology procedure.

5. **Specific comments**

5.1 The Committee supports any initiative that seeks to simplify regulation. As indicated above, however, it has serious misgivings about the means to attain this. In the Committee's view, the simplification must be precisely that and the new regulation must not be the sum of its predecessors; in any event, additional burdens on the certification offices must be avoided.

5.2 In particular, however, the Committee thinks that the simplification of the type-approval and procedural process envisaged by the Commission through the introduction of harmonised provisions must be achieved through the gradual incorporation of current and future UN/ECE regulations into Annex IV of Directive 2007/46/EC ([8]) (especially when the requirements of the regulations are more stringent and require a certain lead-time ([9])) for the product to be adapted) and consistent with the need to adapt these provisions to technological progress.

5.2.1 These courses of action are not envisaged in option (c) of the regulation's impact assessment ('replace all existing Directives through the proposed Regulation'), but they do appear in option (b), which is to 'review each Directive as and when it is due to be modified, and decide whether replacement is appropriate'. Moreover, the reason for choosing option (c) of the impact assessment ('it represents the quickest way of simplifying the current regime and is in line with the CARS 21 recommendations') does not appear sufficiently well substantiated and fails to take adequate account of other fundamental elements of CARS 21 such as sustainability, taking account of the UN/ECE and the need to guarantee an adequate industrial lead-time to those affected by the standard.

5.2.2 If option (c) were adopted, the present regulation would be effective where there was no equivalent UN/ECE regulation or where — as in the case of tyres — installation requirements are needed that are not covered by the UN/ECE regulation.

([8]) Directive 2007/46/EC List of requirements for the purpose of EC type-approval of vehicles.

([9]) The time needed for the industry to implement any new requirement involving changes to vehicle structures.

5.3 Alternatively, the Committee sees a possible compromise to make the regulation more truly effective whereby a date would be set for the entry into force which would avoid the problems the proposed regulation currently poses and eliminate the risk of adoption of UN/ECE regulations creating a divergence of the requirements (or application dates) contained in directives which would be repealed.

5.4 As far as the administrative aspects are concerned, therefore, the Committee thinks and proposes, in the light of the study of directives in Annex IV, that irrespective of the entry into force of the regulation or parts of it, the regulation itself should retain the application dates contained in the directives to be replaced and take account of the transitional provisions in the UN/ECE regulations which will be introduced in their stead.

5.5 The Committee also thinks that the 'advanced safety technologies' should not be included in a 'horizontal' regulation, but instead be the subject of individual proposals for new and/or modifications to UN/ECE regulations which should be presented and discussed in the appropriate working parties (GRB, GRRF, GRSP ([10])) of the UN/ECE in Geneva, where the correct technical evaluation of the proposed safety systems can be made. A similar approach should be adopted in the cases highlighted by the Commission where the UN/ECE environment has no equivalent requirement to the one enshrined in EC directives.

5.6 On the matter of advanced road safety systems, the Committee makes these specific points:

5.6.1 **Electronic Stability Control** has been the subject of changes to regulations in Geneva and planning regarding categories M2, N2, M3 and N3 ([11]) is complete. The Committee believes that the timeframe must remain the one set out in the chart in Article 12.4.1 of UN/ECE R 13 ([12]), which provides for a gradual introduction, starting in July 2009 and ending in July 2016, depending on the type of vehicle.

5.6.2 **Advanced Emergency Braking System**: Industry can only develop mandatory systems if it has clearly defined technical specifications and these, according to information available, do not exist in the case of AEBS. Introduction dates cannot be set based on a system that is not technically specified and the introduction must be preceded by an appropriate impact assessment that includes precisely calculated costs and benefits.

5.6.2.1 The definition of the Advanced Emergency Braking System given in Article 3 of the proposal is very broad and may include systems that are not yet sufficiently reliable. These may themselves become a safety risk because of technologies that are not yet mature. There must be provision for adequate study and development and a long enough lead-time.

5.6.3 The measures on AEBS cover categories M2, M3, N2 and N3. In many cases, light commercial vehicles in category N1 have versions that also belong to higher categories (N2, M2 and M3), which makes it necessary to diversify the range for heavier versions with relatively low volumes. It would seem sensible to restrict the AEBS requirements to heavy commercial vehicles or at least to vehicles with a GVM of more than 7,5 tonnes and to consider the need to exempt certain categories, such as urban transport buses, refuse-collection vehicles and other public-service vehicles that travel at restricted speeds.

5.6.4 **Lane Departure Warning System**: the Committee thinks the same considerations apply as for AEBS:

— the need for technical specification, to be defined at UN/ECE in Geneva;

— technical differentiation for different categories of vehicle;

— cost/benefits analyses and exemptions for specific categories.

5.7 In brief, the Committee thinks it precipitate to introduce AEBS and LDWS, which at present can only be applied to heavy vehicles. A period of research and experimentation is still needed in order to ascertain what the real benefit of these systems would be. This would also furnish useful input for applying these systems to light motor vehicles in future.

5.8 **TPMS**: Since the technical requirements of the system are currently under discussion by the Informal Group of the GRRF ([13]), the Committee asks the Commission to await the conclusions of this work (which should also take into account the requirements already in place in non-European countries) before taking decisions on the matter. In order to avoid increasing the

([10]) The working parties of the UN/ECE in Geneva: Working Party on Brakes and Running Gear (GRRF); Working Party on Noise (GRB); Working Party on Lighting and Light-Signalling (GRE); Working Party on General Safety Provisions (GRSG); Working Party on Pollution and Energy (GRPE); and Working Party on Passive Safety (GRSP).

([11]) Vehicles in category N are those with at least four wheels designed for transportation of goods. They are subdivided into three classes — N1, N2 and N3 — depending on maximum mass: N1 < 3 500 kg; N2< 12 000 kg; N3 > 12 000 kg. Class N1 is further subdivided into 3 categories — NI, NII and NIII, also based on mass. Category M vehicles, on the other hand, are those with at least four wheels and designed for transporting passengers. These are again subdivided into three classes — M1, M2 and M3 — based on the number of places and their maximum mass: M2> 9 seats and < 5 000 kg; M2> 9 seats and < 5 000 kg; Category O vehicles are those with trailers.

([12]) UN-ECE Regulation 13: Heavy vehicles braking.

([13]) GRRF: Working party on Brakes and Running Gear.

cost of passenger cars, it would be desirable to have a choice of measurement sensitivity which would also enable application of the 'indirect' system, given its many positive aspects, above all that of continuing to operate even when tyres are replaced. The 'direct' system, for its part, requires a sensor to be mounted within each tyre. This either involves changing the sensors along with the tyres or dismantling, retrieving and refitting them. This is not only expensive, but also difficult, since the sensors are not visible from the outside and could easily be damaged.

5.9 Where the technical provisions regarding tyres are concerned, the Committee points out that:

— the levels proposed to cut noise could involve a reduction in safety for vehicles and hence consumers, while reducing speed in congested areas and/or repairing the road surface would cut noise by 3 to 4 times more. Moreover, in class C3, for example, the reduction of 3dB would be difficult to achieve without lowering the road-holding properties of the tyres themselves. C3, or traction, tyres must have aggressive treads to provide a good grip on slippery surfaces.

— **Rolling resistance**: the application dates for categories C1 and C2 should be revised, while the particular nature of C3 tyres requires further analyses and, if need be, a deferral of introduction until after a further impact assessment.

— **Wet grip**: the Commission's proposal to introduce mandatory requirements based on UN/ECE R 117 ([14]) should be accepted as it stands.

5.10 The Committee points out that the proposal for a regulation imposes changes every two years which do not match the lead times needed by the tyre industry. This is certainly not in line with 'better regulation'. The Committee therefore supports the solution suggested by the industry to respect the timescales in the proposal but to simplify it and have two cycles for implementation (2012-2016 and 2016-2020) rather than the five currently proposed. This will enable the processes of type-approval, logistics and possible stocks to be managed effectively.

5.11 Another aspect wanting clarification is the treatment of retread tyres. The definition of this type of tyre (Regulation UN/ECE R 109) bears upon the site of manufacture and not the tyre itself. There is clearly a difficulty in defining the 'type' of tyre in line with the new regulations — for example on noise — in one and the same factory reconditioning a broad range of tyres. In the EESC's view, the considerable difficulty of application and the huge costs that would fall upon companies — mostly SMEs — warrant the sector's exemption from the regulation, though all the envisaged safety requirements would still have to be observed.

5.12 Finally, the Committee asks the Commission to evaluate the advisability of taking the date of manufacture as a reference for the requirements on tyres, since the present requirement of putting this date on all tyres marketed in the European Union means that it can easily be recognised by sellers, consumers and national authorities. It is this date, and not the date of market introduction or sale, that should serve as proof that the tyres meet the new requirements imposed.

Brussels, 14 January 2009.

The President
of the European Economic and Social Committee
Mario SEPI

([14]) UN-ECE Regulation 117: Tyres with regard to rolling sound emissions.