

2.7. Finally, the Committee wishes to request the Commission to inform it of important items of experi-

ence in the application of the Convention.

Done at Brussels, 23 September 1992.

The Chairman
of the Economic and Social Committee
Michael GEUENICH

Opinion on:

- the proposal for a Council Regulation (EEC) on the braking of two and three-wheel motor vehicles ⁽¹⁾,
- the proposal for a Council Regulation (EEC) on the maximum design speed, maximum torque and maximum net engine power of two or three-wheel motor vehicles ⁽²⁾, and
- the proposal for a Council Regulation (EEC) on the installation of lighting and light-signalling devices on two or three-wheel motor vehicles ⁽³⁾

(92/C 313/03)

On 11 March 1992 the Council decided to consult the Economic and Social Committee, under Article 100A of the Treaty establishing the European Economic Community, on the abovementioned proposals.

The Section for Industry, Commerce, Crafts and Services, which was responsible for preparing the Committee's work on the subject, adopted its Opinion on 8 July. The Rapporteur was Mr Bagliano.

At its 299th Plenary Session (meeting of 23 September 1992), the Economic and Social Committee adopted the following Opinion unanimously.

1. General observations

1.1. The Committee endorses these first Regulations implementing the framework regulation on the type approval of two or three-wheel motor vehicles.

1.2. In particular the Committee stresses that the primary aim of the proposed rules is to ensure traffic safety, alongside the harmonization of procedures and standards which is essential if an effective single market is to be brought about.

1.3. In the light of the current debate on which is the most appropriate legal instrument, the Committee considers that in view of the priority of these rules a regulation is the most appropriate.

A regulation is 'binding in its entirety and directly applicable in all Member States' (Treaty Article 189). The great detail of the technical provisions proposed pursuant to the framework Regulation justifies the decision of the Commission to opt for regulations rather than directives in order to avoid the variations in

⁽¹⁾ OJ No C 93, 13. 4. 1992, p. 24.

⁽²⁾ OJ No C 93, 13. 4. 1992, p. 116.

⁽³⁾ OJ No C 93, 13. 4. 1992, p. 39.

implementing dates and 'ways and means' which might otherwise occur between Member States.

1.4. The establishment of a purely consultative committee 'for the adaptation to technical progress' is a subject of major concern in the interested circles (not just manufacturers), who want to be able to participate more effectively and make proposals. In particular the committee should, in order to ensure that it can draw on a full range of experience, include representatives of all associations and organizations (consumers, users) whose aims include ensuring road safety at all levels.

1.5. The Committee is also surprised about the absence of penalties, though it realizes that the draft Regulations are primarily technical. It is necessary, in particular, to ensure that the standards are applied uniformly throughout the Community and that any penalties are of a comparable level.

1.5.1. In this connection the Committee approves, for example, the Commission's intention of proposing an ad hoc regulation laying down measures to prevent tampering with mopeds — even though it feels that the regulation should also cover motorcycles and realizes that it will not cover all possible breaches of standards.

1.6. Inter alia in the light of the findings of the previous Opinion, the Committee feels that it should be made possible to waive the provisions of the three technical regulations for low-performance mopeds, i.e. mopeds with a maximum design speed of 25 km/h or less, an engine with power of 1,5 kW or less and fitted with pedals.

This, of course, without prejudicing the primary requirement of safety.

2. Draft Council Regulation on braking

2.1. The Committee endorses the draft Regulation and supports the Commission in its effort to standardize technical rules in the interests of users and traffic safety.

3. Draft Council Regulation on maximum design speed, maximum torque and maximum net engine power

3.1. The Committee endorses a 74 kW ceiling for the net engine power of all two and three-wheel motor vehicles.

3.1.1. The Committee realizes that this corresponds to 100 hp, giving a maximum speed of 200/250 km/h which is above reasonable limits.

3.1.2. The Committee accepts the argument that this limit is necessary for safety reasons. Some Member States only have recommendations addressed to manufacturers.

3.2. With respect to mopeds fitted with pedals, specific stipulations should be added regarding the measurement of pedal power (the engine being disengaged).

4. Draft Council Regulation on the installation of lighting and light-signalling devices

4.1. Considering the vital need to ensure safety, the Committee endorses the Regulation which is very detailed but very clear and well suited to its purpose. The Committee would however reiterate its call for simplification.

4.2. The Committee has considered the advisability of prescribing direction indicators for mopeds as well. The Committee — constantly concerned to guarantee maximum safety, for users, the public and traffic — urges the Commission to look into this question, though paying due account to the impact on costs which must be kept very low.

4.3. Again with a view to ensuring maximum safety, the Committee considers that rear registration-plate lamps should be mandatory for mopeds (as they are for motorcycles) in Member States which prescribe rear registration plates for mopeds.

Done at Brussels, 23 September 1992.

*The Chairman
of the Economic and Social Committee*

Michael GEUENICH

*APPENDIX I***Memo on the Proposal for a Council Regulation (EEC) on the installation of lighting and light-signalling devices on two or three-wheel motor vehicles****— B 8**

The French version of B8 of Annex 1 should be amended.

— B 10

Some of the lamps mentioned in B10 are optional for certain categories of vehicle, in particular mopeds; this sub-section should apply only if the lamps are fitted.

— B 11

Similarly, B11 should apply only if the lamps in question are fitted.

6.8.1 of Annex II, 6.7.1 of Annex III, 6.11.1 and 6.12.1 of Annex IV, 6.11.1 and 6.12.1 of Annex V and 6.12.1 of Annex VI should specify retro reflectors of the class 1A mentioned in ECE⁽¹⁾ Regulation No 3.02, as last amended on 1. 7. 1985.

The reason for this is that at the moment most Member States prescribe this type of retro reflector; it has a greater light intensity than the class 1 retro reflector specified in Directive EEC/76/757, which the Commission intends to align on ECE Regulations.

— Annexes II and III

The class of rear retro reflectors is not specified for two-wheel mopeds (Annex II) and three-wheel mopeds (Annex III). They should be of the class 1A stipulated in ECE Regulation No 3.02.

⁽¹⁾ United Nations' Economic Commission for Europe