



## POLICY POSITION ON VEHICLE TYPE APPROVAL



CONNECTIVITY

SAFETY

ENVIRONMENT

### Background

The Framework Directive 2007/46/EC for the approval and surveillance of motor vehicles has been in force since 2009. It sets harmonised test procedures and performance limits for the approval of new cars, vans, trucks, buses, coaches and afferent trailers, systems and components. The legislation aims to ensure that safety and environmental performance requirements are met before these automotive products are released on the European market. This system is based on trust and should ensure mutual recognition of type approvals between Member States. Vehicle manufacturers issue a Certificate of Conformity that is supposed to guarantee compliance with the type approval standards to the consumer. National authorities are fully responsible for checking approved products' compliance with the harmonised requirements.

In 2015, the Commission finalised a fitness check of the legislation in force, identifying the following areas for improvement:

- Need for market surveillance provisions to monitor and control the conformity of automotive products before entering the Union market and also for products already in-use, to complement harmonised approval requirements and to strengthen the enforcement of new and existing rules
- Clarification of the recall and safeguard procedures, as well as the conditions for granting extensions to approvals for existing types of vehicles
- Need to ensure the independence and quality of testing by decoupling financial and economic interdependencies between manufacturers, technical services and approval authorities
- Consolidation of the requirements for access to on-board diagnostic (OBD) as well as to repair and maintenance information

## FIA Region I Position

FIA Region I and its affiliated Mobility Clubs welcome the Commission's proposal. Especially because consumers urgently need a sound revision process to ensure that they can trust the products put on the European market and that they get a fair deal for maintenance and repair of their vehicle.

The proposal published on 27 January 2016 seeks to strengthen the governance of the approval system in the aftermath of the Volkswagen crisis. More transparency and additional checks prior to and post-commercialisation will provide a more reliable scheme for the detection of non-compliance.

The Forum for Exchange of Information on Enforcement should ensure greater consistency in European and national measures as well as harmonise requirements and sanctions. Technical services' independence should be reinforced by cutting their commercial link with manufacturers. Procedures for EU-wide recalls of non-compliant products posing a serious risk should be put in place to ensure a quick and coherent approach across the EU. Finally, compliance should be incentivised through the introduction of administrative fines for economic operators.

### Improve type-approval governance and enforcement

The Commission proposal increases the EU oversight of type approval and market surveillance authorities, which is a good step forward. From a consumer point of view, we welcome the improved provisions on Member State penalties imposed on dysfunctional technical services or on economic operators infringing on requirements as well as Commission's administrative fines as a means to de-incentivise fraud and low quality approvals;

In addition, FIA Region I calls on the following improvements to be made:

- Articles 9 and 23, which foresee public access to data needed for compliance verification and access to the software and algorithms of the vehicles, are welcomed. Granting access to independent testing houses for verification purposes will strengthen the system by ensuring that additional tests are performed and that consumers are better informed
- Certain testing values, which are impossible for independent testers to replicate should be made available directly through the EU type approval database without restrictions and free of charge to accredited third party testers.
- Data availability should be ensured with the shortest possible delays and the data must be made available free of charge

### Market surveillance

The Commission proposes to strengthen existing national market surveillance activities. Market surveillance authorities are asked to perform *"regular checks (...) on an adequate scale (...) on the basis of statistically relevant samples"*. In order to overcome the lack of resources, the proposal foresees the establishment of a national fee structure, which would finance national and EU compliance verification and type approval (Article 30).

FIA Region I welcomes the Commission's involvement in market surveillance activities to reinforce independent oversight and strengthen the internal market. Sufficient human and financial resources should be allocated to this activity, both at the EU and national levels, with due attention being paid to resource efficiency.

In addition, FIA Region I calls on the following:

- At national level, bodies performing market surveillance activities should be fully independent administratively, technically and financially, from the authority granting type approval
- There should be regular physical checks and tests of vehicles, not only administrative / desk verifications carried out by independent organisations, which do not compete in type approval testing or market surveillance
- Risk-based surveillance could be considered in order to enhance the efficiency of EU-wide surveillance testing. Similar schemes have been implemented successfully for many years in some Member States<sup>1</sup>
- The national fees levied by Member States should not lead to extra costs for either consumers or tax payers and the proposed structure should ensure an adequate level of verification for vehicles in use in all Member States, regardless of whether or not type approvals are granted in this country
- The Regulation should ensure that physical market surveillance measures are effective, efficient and have a sound financing source allowing for full transparency
- The electronic platform for information exchange should contain all relevant product information from cradle to grave, and relevant information should be directly accessible for accredited, third party surveillance testers without restrictions and free of charge
- Consumers should get full transparency on the results achieved by the vehicles both when tested by market surveillance and approval authorities as well as by third party surveillance testers. Test results should be publically available
- The renewal of certificates after five years should be simple to administer and should only apply to the vehicle as a whole, not to components and separate technical units. The impact on small series vehicle manufactures (e.g. Motorhomes) should be considered as any major requirement changes could have negative consequences for low volume producers

## Forum for exchange of information on enforcement

FIA Region I welcomes the regular exchange of information regarding best practices and enforcement practice between type approval and market surveillance authorities (Article 10). In order to increase its efficiency, FIA Region I would suggest to:

- Extend membership to independent, accredited testing organisations;
- Allow third party surveillance test houses to submit their test results directly to the Forum and to participate in subsequent discussions and follow-up on these findings;

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<sup>1</sup> Benchmark example of RBS testing: <https://www2.unece.org/wiki/download/attachments/2523414/EWG-04-02e.ppt?api=v2>

## Repair and maintenance information

The European Commission is also transferring provisions on repair and maintenance information into the new framework. While the transition is welcome, FIA Region I calls on decision-makers to take the latest existing legislation into account.

In 2014, the Commission published a report on the operation of systems for access to vehicle repair and maintenance information. This report should “*consider whether it would be appropriate to consolidate all provisions governing access to vehicle repair and maintenance information with a revised (...) type approval*”. The report’s key recommendations to enhance clarity and enforcement should be taken into account now. This framework from 2007 also needs to be adapted to technical progress to a certain extent.

Remote diagnostic support already exists in Regulation 595/2009 on heavy duty vehicles and should be preserved in the consolidation exercise. As legislators rightly understood, this provision will allow for a new access to the vehicle and will have a significant impact on future vehicle repair and maintenance. Further amendments will be proposed in conjunction with AFCAR – the Alliance for Freedom of Car Repair – and will focus on the following clusters:

- Maintaining direct access to in-vehicle data for all repairers and guaranteeing it through the incorporation of this provision into official legislation
- Ensuring that independent operators can upgrade the vehicle control systems with critical safety and environmental protection updates within the same timeframe as the vehicle manufacturer (typically 2- 3 hours instead of 2 - 3 days currently)
- Empowering the Commission to include technical provisions for remote diagnostic support;
- Introduction of the security forum SERMI for the purpose of establishing a level playing field on the repair and maintenance market and ensuring sufficient trustworthiness of the system when repairers work on critical safety, security and environmental protection functionalities of the vehicle as well as for the accreditation of third party surveillance testers

FIA Region I also requests the inclusion of a provision granting type approval only for tamper-proof systems, components and separate technical units for vehicles. State-of-the art technologies (e.g. keyless cars, odometer reading, etc.) must be protected from manipulations.

## Fédération Internationale de l'Automobile (FIA) Region I office

FIA Region I is a consumer body representing 112 Motoring and Touring Clubs and their 38 million members from across Europe, the Middle East and Africa. The FIA represents the interests of our members as motorists, riders, pedestrians and passengers.

FIA Region I is working to ensure safe, affordable, clean and efficient mobility for all.

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