**Fitness Check of the Legal Framework for the Type-Approval of Motor Vehicles**

CSES has been asked by the Automotive Industry Unit (ENTR/D5) of DG Enterprise and Industry in the European Commission to conduct ‘Fitness Check’ of the legal framework for the type-approval of motor vehicles. This involves assessing a set of related regulatory instruments rather than a particular piece of legislation. The Fitness Check is to focus on the Framework Directive 2007/46/EC[[1]](#footnote-1) – the primary piece of legislation governing the type-approval of motor vehicles - and the specific acts covered by this Directive, plus the additional associated regulations and directives on specific safety and environmental issues and their respective implementing measures. More specifically it will cover the following pieces of legislation:

* ***Framework Directive 2007/46/EC***, establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (Framework Directive)
* ***General Safety Regulation (EC) No 661/2009;*** on type-approval requirements for the general safety of motor vehicles, their trailers and systems, components and separate technical units intended therefore.
* ***Pedestrian Protection Regulation (EC) No 78/2009;*** on the type-approval of motor vehicles with regard to the protection of pedestrians and other vulnerable road users, amending Directive 2007/46/EC and repealing Directives 2003/102/EC and 2005/66/EC.
* ***Regulation (EC) No 79/2009 on the type-approval hydrogen-powered motor vehicles;*** on type-approval of hydrogen-powered motor vehicles, and amending Directive 2007/46/EC
* ***Regulation (EC) No 715/2007 on the emissions of light duty motor vehicles (Euro 5 and Euro 6);*** on type approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information.
* ***Regulation (EC) No 595/2009 on the emissions of heavy duty motor vehicles (Euro VI);*** on type-approval of motor vehicles and engines with respect to emissions from heavy duty vehicles (Euro VI) and on access to vehicle repair and maintenance information and amending Regulation (EC) No 715/2007 and Directive 2007/46/EC and repealing Directives 80/1269/EEC, 2005/55/EC and 2005/78/EC.
* ***Directive 2006/40/EC relating to emissions from air-conditioning systems in motor vehicles;*** on emissions from air-conditioning systems in motor vehicles and amending Council Directive 70/156/EEC.
* ***Directive 2005/64/EC;*** onthe type-approval of motor vehicles with regard to their reusability, recyclability and recoverability **and amending Council Directive 70/156/EEC.**

The Fitness Check will also assess the effectiveness of the current legal framework for the type-approval of motor vehicles (after the introduction of recent changes) in achieving simplification objectives and conforming to the principles of “smart regulation”.

As part of the study, CSES is conducting interviews with a range of stakeholders asking for their input in relation to range of issues that will be examined in the study. The following interview checklist list is intended to serve a guide during our discussions.

***List of questions***

#### Relevance and coherence

1. What should be the stated objectives of the EU automotive regulatory framework? To what extent do you think these objectives are reflected in the current type-approval legal framework? Creation of legal measurements has to be implemented.
2. In your view, was it necessary to legislate to achieve these objectives? Yes. Could these objectives be achieved through alternative policy tools (e.g. self-regulation)?. No
3. How adequate is the existing legal framework as a way of addressing the most pressing consumer and environmental needs? Insufficient. See discussion about R-1234yf at customer level and also on garage level.
4. Is the current scope of the type-approval legal framework (categories of vehicles covered, policy areas/issues covered) and the associated regulatory acts appropriate?
5. Are the different elements in the legal framework coherent, do they fit together well or is there a need for changes?

#### EU added value

1. Was action at an EU level action necessary? No. What is the specific added-value that EU action has brought to this area of policy?

#### Effectiveness

1. What has been, so far, the actual contribution so far of the type-approval framework and the regulatory acts to achieving the stated policy objectives (including those of internal market, supporting the competitiveness of automotive industry sector, simplification of regulation, safety, health and environmental protection?)
2. Are there any relevant data or studies measuring outputs or outcomes (results, impacts) relating to the effects of the legislation or are you able to provide evidence of the role of any parts of the type approval legal framework? No relevant data’s, but negative effects in form that the legislation can be interpreted individual.
3. Which aspects of the legislation (provisions/requirements and mechanisms/procedures) are particularly effective in achieving the objectives that you wish to see promoted? Which appear to be more problematic or ineffective?
4. What is the role of the limit values set, type approval procedures, test requirements, conformity of production and recall procedures in the effectiveness of the regulatory acts?
5. Are there trade-offs between safety, pollutant emission and CO2 objectives and with issues of performance and competitiveness resulting from the legal framework?
6. What is your view of the appropriateness and effectiveness of the adoption of UNECE Regulations and their contribution in achieving the relevant policy objectives? How efficient is the process of adopting UNECE Regulations and what are the problems that arise with it?

#### Efficiency

1. How does the role and operation of the structures and mechanisms of the legal framework (e.g. Motor Vehicle Working Group, Technical Approval Authorities Meeting) operate? Yes it is important but only if truly independent. Should these structures be changed?
2. Do you have any data or other evidence on the level of non-compliant or non-safe products on the market? Compare with competitor spec’s and you can see the Hugh differences which has more or less nothing to do with the book of requirement.( see Gotis approval from Daimler) What is the impact? Competitor has to follow the economic and commercial pressure and that could reduce the safety aspects Are counterfeit products a significant problem?
3. Do you consider it necessary to introduce market surveillance provisions into the legal framework? Yes What should the market surveillance provisions include? Are there other alternatives?

#### Sustainability

1. Have the changes introduced to the legal framework since 2007 been positive and appropriate? In which areas are additional actions or changes necessary?
2. What do you see as the main challenges that the automotive sector faces? Is the legal framework in its current form able to address emerging needs? What changes in the legal framework might be necessary?

#### Utility

1. What is your view of the overall contribution of the type-approval legal framework including any non-intended benefits? Does it contribute to the welfare of consumers and citizens?
1. 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 (Framework Directive) [↑](#footnote-ref-1)