



Latest news on anti-tampering. 'Big' bikes may be exempt, but not up to 48 Bhp, plus modifications must be 'type approved'.

Changes are afoot in Europe, as they so often are, which makes it difficult to ensure information stays up to date. Meetings are on-going, both in the UK and in Brussels so I'll try and bring you up to speed without sending you to sleep.

I had another MEP meeting yesterday when it was agreed that a question would be put to the EU Commission in an attempt to discover their justification for some of the EU Type Approval Regulation which has no evidential base. I refer specifically here to the 'anti-tampering' clauses. The European Ombudsman has found that the Commission does have a case to answer on this subject and the UK Government questioned the validity of the claims too, conducting its own assessment of the situation.

Article 18 as the wording in the public domain still states, wishes to impose anti-tampering measures on all new motorcycles. This already exists for mopeds and up to 125cc bikes (known as A1), so, much as we may feel it's unjustified and the EU Commission are yet to provide evidence that it was a problem, or that the existing legislation solved that 'problem', it would be a difficult political case to argue for its overthrow.

What we have said all along, and it remains our position, is that MAG is not in favour of anti-tampering legislation on any bikes, but especially when the attempted introduction of that legislation has not been justified.

You may have heard that another 'high level' meeting took place recently in Brussels (15th May) and indeed it did, between EU Parl representatives, the Commission and the Council, but nothing was decided. One reason is that the Council (all the member states) have not agreed their own common position, so they aren't in a position to enter formal negotiations with the Parliament and Commission. Indeed they probably won't have an agreed position until after 6th of June.

Still with me?

To clarify developments I have just finished a consultation with our Dept for Transport and can tell you that UK Gov, like us, is still very concerned with article 18, even though the text of it is still under negotiation. As we've mentioned before, the modified article 18a that the IMCO committee wrote, has now been side-lined which is good because as MAG said at the time, it had gone even further than the original proposal.

The latest incarnation of the text in Article 18 (and remember it is not final yet) does at last exempt the biggest bikes (those over 48bhp) but that isn't good enough and MAG will continue to work with those MEPs who have agreed to table an amendment exempting all bikes over 125cc. We have got this far because you have all actively campaigned and written letters, contributing to the campaign, so keep up the good work. But a brand new paragraph has been added to the text which makes it very clear that users (us) will still not be allowed to modify a bike's powertrain "unless such modifications or adjustments are explicitly declared and contained in the information folder and thus covered by the type-approval."

This particularly concerns our Government because it in effect means that anything we choose to do as end users will not be tolerated and it puts the onus on manufacturers, through best engineering practise; to do everything they can to limit our tinkering. At its simplest, anti-tampering could have been a sticker that said 'please don't modify this bit', but now it looks like manufacturers will have to do what they can, through engineering, to stop us.

The on-going concern we have, like the British and French Governments and just about every MEP we speak to, is that the Delegated Acts will still contain technical info that won't be seen until after the vote in EU Parliament. Negotiations in Brussels continue on this point to pull more of the detail out of the technical Delegated Acts and into the domain of parliamentarians and government negotiators.

The next 6 weeks will be hectic and in all probability the Parliamentary vote will be moved to September/ October, but it was originally timetabled for last March, so that demonstrates just how dynamic the situation remains.

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