FRAMEWORK SERVICES CONTRACT
ENTR/2008/006/LOT 1

Ex-Post Evaluation and Impact Assessment Study on Enhancing the Implementation of the Internal Market Legislation Relating to Motor Vehicles

Annexes to Evaluation and Impact Assessment Reports

prepared for
DG Enterprise and Industry

RPA

Feb 2012

FRAMEWORK SERVICES CONTRACT ENTR/2008/006/LOT 1

Ex-Post Evaluation and Impact Assessment Study on Enhancing the Implementation of the Internal Market Legislation relating to Motor Vehicles

Annexes to Main Report – February 2012

prepared for

DG Enterprise & Industry

by

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ANNEX 1

TASK SPECIFICATIONS

TASK SPECIFICATIONS (TERMS OF REFERENCE)

EX-POST EVALUATION AND IMPACT ASSESSMENT STUDY ON ENHANCING THE IMPLEMENTATION OF THE INTERNAL MARKET LEGISLATION RELATING TO MOTOR VEHICLES.

1. BACKGROUND FOR THE STUDY

a) Nature of the study

The service contract concerns a study to support the European Commission services to carry out an ex-post evaluation of the current legal framework for the type-approval of motor vehicles (module 1) and an Impact Assessment on a possible policy initiative aimed at enhancing the implementation of the internal market legislation relating to motor vehicles (module 2).

b) Context of the study

The EU's technical harmonisation legislation for motor vehicles, their components and systems has been progressively introduced since 1970, under framework of Directive 70/156/EEC. Over the last 40 years, the nature of the regime has evolved from being a system designed to allow free trade of vehicle components between Member States, to a system based on compulsory whole-vehicle type-approval (WVTA) for most categories of motor vehicles, resulting in the original framework directive being replaced by 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.

This internal market legislation for motor vehicles has been further updated over the recent years and significantly revised, in line with the recommendations of CARS 21[1] High Level group, mainly with the aim of improving the internal market for motor vehicles, achieving simplification and promoting alignment with the international regulatory framework established by the United Nations' Economic Commission for Europe (UNECE).

At the same time, new requirements have been introduced to increase the level of safety, environmental protection and energy performance of motor vehicles.

As a result, the EU motor vehicle type-approval legislation in place today is providing a coherent and robust framework fully adapted to the principles of better regulation and simplification, and providing an adequate response to the societal demands for protecting the citizens and the environment and the need to strengthen the competitiveness of the EU automotive industry.

However, it is recognised that there is still room for improvement as far as the implementation and enforcement of the existing framework is concerned.

[1] CARS21 is the acronym for: Competitive Automotive Regulatory framework for the 21st Century

Against this background the initiative should explore appropriate ways and means to enhance the implementation and enforcement of the legislative framework for the free movement of motor vehicles. This should be done by critically reviewing a number of areas which have been identified as possibly giving rise to or contributing to problems encountered on the market with automotive products which are either not complying with the requirements or which despite being compliant can still pose a risk to safety or to the environment.

The areas identified relate to the role and responsibilities of the different actors in this implementation process as well as the procedures that have been or need to be put in place to ensure an effective and proportionate enforcement of the legislation, including the role different national authorities in the Member States may have in this process. In addition, the critical review should also address the current procedures put in place for verifying conformity of production, for the recall of vehicles and for the general safeguard measures.

The initiative to enhance the implementation of the internal market legislation relating to motor vehicles, aims at providing a sectoral contribution to the wider policy context and the Commission's strategic initiative to re-launch the single market. Within this strategic initiative, market surveillance has been identified as a cornerstone and the implementation of the principles of the New Legislative Framework (NLF) is recognised as a primary tool for achieving this objective and should therefore be taken duly into account when defining and comparing the policy options.

The initiative has also an international dimension in so far that the EU technical harmonisation legislation for the type-approval motor vehicles is strongly anchored upon and dovetailed with the international regulatory framework established by the UNECE World Forum for the Harmonisation of Vehicle Regulations.

As this international framework is building strongly on the principle of mutual recognition of type-approvals issued in accordance with the Regulations adopted by the World Forum, it is of utmost importance for the credibility and the reliability of this framework that it is properly implemented and enforced based on the same principles of ex-ante and ex-post verification mechanisms applied in the EU internal market legislation for motor vehicles. Any improvement in the implementation and enforcement of the EU legal framework should therefore be reflected into the international framework to ensure that the intrinsic link between the two can be strengthened by applying the same solid principles.

The European Union has acceded to the UNECE framework for the harmonisation of motor vehicle regulations and is representing and defending the interests of the 27 Member States. A close consultation and cooperation with the Member States is therefore indispensible, moreover since the Member States are responsible for the implementation and enforcement of the EU technical harmonisation legislation for motor vehicles in their territory. In view of this context it is important for the initiative to also address the exchange of information and collaboration between the authorities in the Member States and between the Member States and the European Commission.

The purpose of the study is therefore to evaluate the effectiveness of the current legal framework and to assess the impact of the policy options which have been singled out

as possibly containing the potential to address the specific problems in the different areas identified and to enhance the implementation and enforcement of the EU technical harmonisation legislation relating to motor vehicles. In performing this assessment due account will need to be given to the NLF, by exploring whether and to what extent the solutions offered by the NLF toolbox can contribute effectively in addressing the issues at stake.

c) Existing documentation and information

See annex A of the task specifications.

2. DESCRIPTION OF THE TASKS

MODULE 1: Ex post evaluation of the current legal framework for the type-approval of motor vehicles

Evaluation tasks:

The main tasks of the evaluator under module 1 are the following:

Task 1: Collection and processing of information on current developments on the automotive market and perceived shortcomings of the current legal framework; consultation of stakeholders.

The draft Impact Assessment Roadmap enclosed in Annex C provides a preliminary description of the main problems perceived, and tries to already indentify those areas which may need to be addressed in the initiative.

The overall objective of the collection and processing of information is to substantiate the perceived problems, to show how they may be linked to possible shortcomings in the current legislative framework and to the extent possible quantify them in economic, social, environmental and technological terms as far as appropriate.

Within this task, the contractor will have to collect and process information regarding the automotive industry sector to verify and substantiate the assessment of the current situation and anticipated developments on the internal market, as well as the problem areas identified with a view to qualify and quantify them and to provide a more detailed description of the nature and magnitude of these problems and their associated risks. This analysis of the current situation will have to be considered in economical, social, environmental and technological terms. For the assessment of the associated risks due account will have to be given to possible future developments which may change the current situation, as mentioned in the evaluation questions below.

To this purpose the contractor shall collect, analyse, judge and present primary and secondary data, to answer to the key evaluation questions, as well as to formulate recommendations in relation to the purpose of the evaluation exercise.

The work to be undertaken shall as a minimum include:

- Validating and refining the proposed methodological approach to the evaluation work. The final approach will be submitted to the approval of the Commission services.

- Identifying in agreement with the Commission services the means to address the evaluation questions set out below. The contractor shall be free to elaborate further evaluation questions as deemed necessary.

- Collecting and analysing the relevant necessary data to answer the evaluation questions in relation to the evaluated activities. Drawing conclusions based on the findings.

- Formulating recommendations in relation with the purpose of the exercise and the evaluation questions.

- Presenting findings, conclusions and recommendations in the evaluation report (see section 4 on reporting and deliverables).

Evaluation questions:

1. To what extent are non-compliant or unsafe automotive products or products with quality problems being placed on the Union market? What is their share in relation to the overall population of automotive products placed on the market? How may the current situation change in the future in the light of the changing manufacturing base for automotive products or any other trends or changes in the global automotive market which may have an effect on the magnitude of the perceived problem?

2. What is the share of imported automotive products (in relation to the overall population of automotive products being placed on the market) and what is their origin (shares in terms of country of origin)? (The information should be linked and compared with information relating to automotive products on the Union market requiring intervention – either voluntary by the manufacturer or importer or imposed by enforcement authorities in the Member States – to address quality, safety or compliance problems.)

3. What is the share of recall of motor vehicles and automotive products in relation to the estimated share of non-compliant or unsafe automotive products being placed on the EU market (cf. question 1)?

4. What are the problems perceived by the EU automotive industry (vehicle manufacturers and suppliers of components and systems)? Are there any (and if so which?) shortcomings in the current legal framework or particular situations and developments in the EU internal market perceived by EU industry stakeholders as potentially harming the free movement of their products or their competitive position or creating obstacles to fair competition?

5. Whether and to what extent may the competitive situation of the economic operators in the automotive industry who are respecting the rules suffer (e.g. loss of market share) from careless or less scrupulous competitors placing non-compliant products on the market and whose origin may be difficult or impossible to trace?

6. Do SMEs face any specific problems and challenges? May future developments with regard to internal market problems in the automotive sector have a specific bearing on SMEs in the sector?

7. What is the number/share of automotive products which have given rise to difficulties during the type-approval or conformity of production procedures? What are the reasons and nature of these difficulties?

8. To what extent have refused or withdrawn type-approvals been effective in mitigation of the established risks? Whether and to what extent the effectiveness of these actions may have been reduced by type-approval "hopping", i.e. products for which type-approval has been refused or withdrawn being presented to other technical services and/or type approval authorities to obtain type-approval?

9. Whether and to what extent are there automotive products being placed on the Union market without complying with the relevant requirements at all (by-passing or circumvention of type-approval and/or conformity of production procedures e.g. through parallel imports or by other means)?

10. What and how effective are the results of market surveillance efforts undertaken by the Member States in the field of motor vehicles and their parts and components?

11. Whether and to what extent are there shortcomings that may prevent or restrict authorities to adequately address and solve the problems encountered with non-compliant or unsafe automotive products on their market?

12. Whether and to what extent could the costs for optimising the procedure for ex-ante pre-market controls (through type-approval and conformity of production) be out-weighted by a resulting ad expected decrease in ex-post enforcement and mitigation efforts due to the risk of non-compliant or unsafe products finding their way to the market?

13. Are consumer organisations and NGOs particularly affected by the perceived internal market failures and if so to what extent and in which respect?

14. What impacts the envisaged initiative is expected to have for third country manufacturers, e.g. by providing legal clarity and a level playing field for the common rules and procedures that will be applied in the Member States with regard to the surveillance of products placed on the market? (The information on the magnitude and nature of the internal market problems identified for automotive products should be presented at EU level but also against an international context as well by comparing it with information available or collected for other regions in the world (in particular the US and Japan).

<u>Task 2</u>: Identification of policy options based on the evaluation findings:

The policy options identified for each of the five problem areas are described in section C of the draft Impact Assessment Roadmap enclosed in Annex C.

The contractor shall assess – taking into account the results of the consultation and evaluation process described in task 1 – whether the policy options identified are relevant

and eligible for further assessment and whether there would be any other problem areas and associated policy options that would need to be considered as well to ensure that the initiative is addressing to the fullest extent all aspects which can contribute to enhancing the single market in the automotive sector.

MODULE 2: Impacts assessment of policy options

Task 3: Validation of identified objectives:

The general and specific objectives of the envisaged initiative are described in part B of the Draft Impact Assessment Roadmap attached in Annex C.

The contractor shall verify these objectives on their relevance in the light of the outcome of the consultation exercise referred to in task 1. This verification shall also aim at identifying and formulating operational objectives for the monitoring and evaluation described in task 6.

Task 4: Assessment of the identified policy options:

For each of the policy options identified the contractor has to:

- Identify the possible economic (competition, international impacts, administrative burdens, etc), social (employment, health and safety, etc.), and - where appropriate – environmental impacts, and assess them in qualitative and quantitative terms. The quantitative assessment should be monetised where possible to enable the cost/benefit assessment described below.
- Assess their costs and benefits
- Estimate, where relevant, the administrative burdens for the parties likely to be affected by the policy options. The standard cost model should be used for this purpose.
- Where relevant, the assessment of the policy options shall also take into account any significant administrative cost the public authorities may be faced with as well their possible impact on employment (both in the public and private sector).
- Identify and assess specific impacts on SMEs (SME test)
- Investigate whether there are any distributional effects and identify them.

Task 5: Comparison of the policy options

The contractor shall compare the different policy options by using the most appropriate methodologies in terms of their costs and benefits, or where quantification of benefits would appear not be feasible, in terms of their cost-effectiveness.

The purpose of the comparison is to identify different combinations of policy options (scenarios) and to rank them in terms of their effectiveness, i.e. their potential to address the problems identified.

Potential negative effects in the scenarios as well as possible measures to mitigate them need to identified and assessed. The synergies that can be obtained by combining policy options in scenarios need to be highlighted, in particular by identifying possible trade-offs or win-win situations that can be achieved from these combinations.

From the established ranking, the most promising scenarios should be selected and compared in a multi-criteria analysis and assessed against the criteria of efficiency, effectiveness and coherence.

When comparing the selected scenarios the potential obstacles to their implementation and associated risks shall be assessed and taken into account.

The results of the comparison between the selected scenarios shall be summarised in a scorecard, highlighting in a comparative way their respective strengths and weaknesses in relation to the assessment criteria.

Task 6: Monitoring and evaluation:

For the most promising scenarios the contractor shall identify and develop the indicators to be used for monitoring progress and achievement of the pursued objectives (taking into account the operational objectives identified in task 3 and the implementation obstacles and associated risks identified in task 5) and establish a timeline for the monitoring and evaluation (taking into account the nature and effect of the policy options retained as most promising).

3. APPROACH AND METHODOLOGY

The contractor must outline a proposed methodological approach for the achievement of each of the tasks in their offer, and indicate how and to what extent the following tools shall be used:

- Desk research
  - Analysis of existing reporting and documents
- Face-to-face and phone interviews with/surveys among:
  - Commission staff
  - Industry stakeholders
  - Sector specific industry organisations (ACEA, CLEPA, ETRMA, etc.)
  - Organisation representing the interest of SMEs at EU level
  - Type approval authorities and technical services in the Member States
  - Consumer organisation
  - NGOs
  - other stakeholders to be defined.

- Case studies on:
  - type and magnitude of problems and challenges encountered by SMEs:
    for that purpose the contractor shall identify a number of SMEs in the relevant sectors of the automotive industry with the purpose of presenting and analysing their specific situation and difficulties arising from the identified problems in the market as supporting evidence for the SME test to be carried out under task 5. In addition to the sector specific industry associations (ACEA, CLEPA, ETRMA, etc) also organisations representing at EU level the interests of SMEs shall be involved in the consultation process and for establishing the case studies.

  - Whether and to what extent the costs for optimising the procedure for ex-ante pre-market controls (through type-approval and conformity of production) could be out-weighted by a resulting ad expected decrease in ex-post enforcement and mitigation efforts due to the risk of non-compliant or unsafe products finding their way to the market? Criteria to be considered for this comparative assessment between optimised ex-ante efforts an the envisaged reduction of ex-post efforts are possible time saved, effectiveness of enforcement planning in terms of resources needed, improved protection of citizens and the environment, and should be illustrated with a selected example/case study.

- Any other tools deemed appropriate for the purpose of the evaluation.

The ex-ante evaluation in module 1 shall be done in accordance with the evaluation standards (see Annex B)

The analytical and reporting tasks to be delivered under module 2 shall be fully in accordance with the Commission document *SEC(2009)92* "Impact Assessment Guidelines", dated 15 January 2009. Regarding social impacts, the 'Guidance for assessing social impacts within the Commission Impact Assessment system' should be taken into account.

Tasks linked to consultation of stakeholders should respect the Commission's general principles and minimum standards on consultation *COM(2002)704*. The results of all consultations shall be recorded in detail.

Further, the tasks shall respect the principles of objectivity, reliability and evidence-based assessment.

A list of references to documents related to the methodology to be used can be found in annex B.

4. REPORTING AND/OR DELIVERABLES

The contractor is to provide the required reports and documents in accordance with the conditions agreed.

The contractor must ensure that all deliverables under the contract are clear, concise and comprehensive. Each report must focus and clearly report what is new, the status of any findings/conclusions/recommendations (e.g. whether they are tentative or more final)

with clear supportive arguments and examples (case studies), any problems encountered and how they will be surmounted, and the next steps and timetable.

For the purpose of this specific contract, the following deliverables will need to be produced:

– Within two weeks after the signature of the contract, an inception report will be delivered. It will specify the detailed work programme and planning for the study and describe the methodological approaches and working assumptions to be used for the tasks defined. The report will also identify any additional needs. This document will be discussed at a kick-off meeting between the contractor and the Commission services and should be adapted within two weeks following the meeting to take into account of the Commission services' comments.

– Within fourteen weeks after the signature of the contract, a draft of the ex post evaluation report (Module 1, tasks 1 and 2) will be delivered. It will summarise results reached until that moment and raise any problems encountered with sufficient information to permit reorientation for the tasks of Module 2 if appropriate and required. It will demonstrate what preliminary conclusions have been drawn and give clear indications and detailed planning of the work to be carried out on Module 2. This report shall therefore include the results of the evaluation and consultation process and the assessment of the results (task 1), and the results with regard to the validity check of the policy options and identification of any other relevant internal market problem areas and associated policy options for addressing these (task 2). It will be accompanied by a draft executive summary and both documents will have to be presented to and discussed with the Commission and stakeholders during an interim progress meeting.

  The Commission shall have thirty days to approve or reject the ex post evaluation report. The contractor shall have thirty days in which to submit additional information or a new report.

– Within twenty four weeks after the signature of the contract, a draft of the impact assessment report (Module 2) will be delivered to the Commission, taking account of the comments made earlier on in the process on Module 1. It will cover tasks 3 to 6 that form Module 2 and shall include sound analysis of findings and factually based conclusions and recommendations, in line with the purpose and objectives described above.

  The draft impact assessment report will be accompanied by an executive summary and both drafts will have to be presented to and discussed with the Commission and stakeholders at a meeting to be held no later than thirty days after the submission of the draft impact assessment report.

  The Commission shall have 30 days to approve or reject the impact assessment report. The contractor shall have 30 days in which to submit additional information or a new report.

The contents of the ex-post evaluation report (Module 1) and the impact assessment report (Module 2) shall be fully coherent and complementary.

Both will be written in English, of publishable quality and delivered both in paper and electronic form. They shall be accompanied by an executive summary on each of the modules of not more than ten pages

– The contractor shall draft the minutes of all the meetings referred to above and submit them within one week after the meeting to the Commission services for endorsement. For those meetings where the contractor will have to present the results of the work undertaken, a draft of the presentation will have to be submitted to the Commission for endorsement at the latest one week before the meeting date.

All required reports, presentations and minutes shall be transmitted in English, in electronic Microsoft Word or PowerPoint format. All deliverables will need to be submitted electronically to Mr. Johan Renders at johan.renders@ec.europa.eu .

After the ex-post evaluation and impact assessment reports have been accepted by the Commission, the contractor will provide five printed paper copies of each to the Commission.

5. NATURE AND FREQUENCY OF MEETINGS WITH THE COMMISSION

– Within three weeks after the signature of the contract, a kick-off meeting between the contractor and the Commission will be held. This meeting will discuss the inception report with the draft outline approach and work programme elaborated by the contractor for the execution of the contract as well as the expected results.

– No later than four weeks after the submission of the ex-post evaluation report (Module 1), a meeting between the contractor and the Commission (including the IASG) and stakeholders will be held. In this meeting, the contractor will present and explain the report and take note of comments and suggestions made by the Commission and/or stakeholders.

– No later than four weeks after the submission of the draft impact assessment report (Module 2), a meeting between the contractor and the Commission and stakeholders will take place. During this meeting, the contractor will present and explain the results of this draft report and take note of comments and suggestions made for its final version.

All meetings will take place in the Commission offices in Brussels.

6. BUDGET

The offer must include a detailed proposed budget. The consultant should provide a quote of the total cost of the project in the proposal.

7. PAYMENTS

One request for an interim payment of 30 % of the total price of the contract shall be admissible if accompanied by the relevant evaluation report and its executive summary (Module 1) and if the report has been approved by the European Commission.

ANNEX 2

OVERVIEW OF DIRECTIVE 2007/46/EC

A2. OVERVIEW OF THE REGULATORY FRAMEWORK FOR TYPE-APPROVAL OF MOTOR VEHICLES

A2.1. The EC Vehicle Type-Approval System

Within the European Union (EU), two systems of type approval for motor vehicles and vehicle components/units have been in existence for over 20 years. One is based around UNECE Regulations (developed under the auspices of the UNECE Revised 1958 Agreement) and provides for approval of vehicle systems and separate components, but not whole vehicles. The other is the EC whole vehicle type approval system which is based around EC Directives and provides for the approval of whole vehicles, systems, components and separate technical units intended for those vehicles (hereafter referred to as vehicles and vehicle components/units).

The cornerstone of the current EU regulatory framework for motor vehicles is Directive 2007/46/EC, which provides the overall framework for type-approval of most vehicles. It is being implemented in several stages and will be fully in force for all vehicle categories within its scope by 2014. It is complemented by over 60 directives and regulations that deal with specific subject areas, such as brakes, emissions, noise, etc. Some of these Directives will be repealed by Regulation (EC) No. 661/2009 which simplifies the type-approval legislation and covers a wide range of vehicle areas as shown in Table A2.1 below; other vehicle areas continue to remain under the scope of other legislation for now (see Table A2.2). As there is a high degree of consistency between the EU and UNECE requirements, UNECE regulations adhered to by the EU are treated as equivalent to their corresponding EC directives for the purpose of EC type-approval.

Table A2.1: Specific Vehicle Areas Covered by Regulation (EC) No 661/2009

Rear registration plate space	Seat-belts and restraint systems	Lateral protection
Steering effort	Retro reflectors	Spray suppression systems
Door latches and hinges	Direction indicators	Masses and dimensions (cars)
Audible warning	Rear registration plate lamps	Safety glazing
Indirect vision devices	Headlamps (including bulbs)	Speed limitation devices
Braking	Front fog lamps	External projections of cabs
Radio interference (EMC)	Towing hooks	Couplings
Interior fittings	Rear fog lamps	Flammability
Protective steering	Forward vision	Frontal impact
Seat strength	Defrost/demist	Side impact
Exterior projections	Wash/wipe	Seat-belt anchorages
Speedometer and reverse gear	Reversing lamps	General safety
Plates (statutory)	Parking lamps	Front under-run protection
Anti-theft and immobiliser	Heating systems	Wheel guards
Tyres	Head restraints	Buses and coaches
End-outline, front-position (side), rear-position (side), stop, side marker, daytime running lamps	Installation of lighting and light signalling	Identification of controls, tell-tales and indicators
	Fuel tanks/rear protective devices	Vehicles for the transport of dangerous goods
Up-to-date information on all relevant legislation can be found on the Commission's website: http://ec.europa.eu/enterprise/sectors/automotive/documents/directives/motor-vehicles/index_en.htm http://europa.eu/legislation_summaries/internal_market/single_market_for_goods/motor_vehicles/interactions_industry_policies/index_en.htm		

Table A2.2: EC Regulations and Directives Dealing with Specific Vehicle Areas	
Emissions (Euro 5 and 6) light-duty vehicles/access to information	Regulation (EC) No 715/2007
Diesel smoke	Directive 72/306/EEC
CO_2 emissions/fuel consumption	Directive 80/1268/ EEC
Engine power	Directive 80/1269/EEC
Emissions (Euro IV and V) heavy-duty vehicles	Directive 2005/55/EC
Recyclability	Directive 2005/64/EC
Air-conditioning systems	Directive 2006/40/EC
Permissible sound level	Directive 70/157/EEC
Emissions	Directive 70/220/EEC
Pedestrian protection	Regulation (EC) No 78/2009
Hydrogen system	Regulation (EC) No 79/2009
Up-to-date information on all relevant legislation can be found on the Commission's website: http://ec.europa.eu/enterprise/sectors/automotive/documents/directives/motor-vehicles/index_en.htm http://europa.eu/legislation_summaries/internal_market/single_market_for_goods/motor_vehicles/interactions_industry_policies/index_en.htm	

A2.2. Directive 2007/46/EC

A2.2.1. Chapter I – General Provisions

Directive 2007/46/EC establishes a harmonised framework for approval of all new vehicles within its scope and of the components/units intended for those vehicles. It also establishes the provisions for the sale and entry into service of parts and equipment intended for vehicles approved in accordance with this Directive.

It applies to vehicles[1] designed and constructed in one or more stages for use on the road and vehicle components/units designed and constructed for such vehicles. The Directive does **not**, however, apply to the type-approval or individual approval of agricultural or forestry tractors, as defined in Directive 2003/37/EC; two and three wheel vehicles and quadricycles as defined in Directive 2002/24/EC and tracked vehicles.

Type-approval or individual approval under this Directive is also optional for:

- vehicles designed and constructed for use principally on construction sites or in quarries, port or airport facilities;
- vehicles designed and constructed for use by the armed services, civil defence, fire services and forces responsible for maintaining public order;
- mobile machinery;
- vehicles intended exclusively for racing on roads; and
- prototypes of vehicles used on the road under the responsibility of a manufacturer to perform a specific test programme provided they have been specifically designed and constructed for this purpose.

[1] "Vehicle" means any motor vehicle or its trailer. "Motor vehicle" means any power-driven vehicle which is moved by its own means, having at least four wheels, being complete, completed or incomplete, with a maximum design speed exceeding 25 km/h. "Trailer" means any non-self-propelled vehicle on wheels which is designed and constructed to be towed by a motor vehicle.

Article 3 provides a number of key definitions of various terms in the Directive, including forms of type-approval, methods of type-approval and authorities. These are summarised in Table A2.3.

Table A2.3: Key Definitions in Directive 2007/46/EC

***Categories of vehicle approval**:*

Type-approval is the procedure whereby a Member State certifies that a type of vehicle, system, component or separate technical unit satisfies the relevant administrative provisions and technical requirements. This could be:

- **national type-approval**: a type-approval procedure laid down by the national law of a Member State, the validity of such approval being restricted to the territory of that Member State (for instance, for a low volume manufacturer wanting to sell in only a given Member State); and/or
- **EC type-approval**: whereby a Member State certifies that a type of vehicle or vehicle component/unit satisfies the relevant administrative provisions and technical requirements of the Directive and of the regulatory acts listed in Annex IV or XI. The EC WVTA is aimed primarily at large volume vehicle manufacturers selling across Europe, while the EC Small Series type approval is aimed at low volume car producers selling across Europe.

Individual approval is the procedure whereby a Member State certifies that a particular vehicle, whether unique or not, satisfies the relevant administrative provisions and technical requirements (this is particularly relevant for manufacturers or importers of single vehicles)

Methods of type-approval :

- **Multi-stage type-approval**: whereby one or more Member States certify that, depending on the state of completion, an incomplete or completed type of vehicle satisfies the relevant administrative provisions and technical requirements of this Directive
- **Step-by-step type-approval**: the step-by-step collection of the whole set of EC type-approval certificates for the components/units relating to the vehicle which leads, at the final stage, to the approval of the whole vehicle
- **Single-step type-approval**: the approval of a vehicle as a whole by means of a single operation
- **Mixed type-approval**: a step-by-step type-approval procedure for which one or more system approvals are achieved during the final stage of the approval of the whole vehicle, without it being necessary to issue the EC type-approval certificates for those systems

Authorities

- **Approval authority**: the authority of a Member State with competence for all aspects of type-approval ; for the authorisation process, for issuing and, if appropriate, withdrawing approval certificates; for acting as the contact point for the approval authorities of other Member States; for designating the technical services and for ensuring that the manufacturer meets his obligations regarding the conformity of production
- **Competent authority** in Article 42 (Assessment of the skills of the technical services) refers to either the approval authority or a designated authority, or an accreditation body acting on their behalf
- **Technical service** means an organisation or body designated by the approval authority of a Member State as a testing laboratory to carry out tests, or as a conformity assessment body to carry out the initial assessment and other tests or inspections, on behalf of the approval authority, it being possible for the approval authority itself to carry out those functions

A2.2.2. Chapter II - General Obligations

Member States are required to:

- ensure that manufacturers applying for approval comply with their obligations under the Directive;
- approve only such vehicles, systems, components or separate technical units as satisfy the requirements of this Directive.
- register or permit the sale or entry into service only of such vehicles, components and separate technical units as satisfy the requirements of this Directive; and
- establish or appoint the authorities competent in matters concerning approval, and notify to the Commission of such appointments.

On the other hand, the manufacturer is responsible to the approval authority for all aspects of the approval process and for ensuring conformity of production, whether or not the manufacturer is directly involved in all stages of the construction. In the case of multi-stage type-approval, each manufacturer is responsible for the approval and conformity of production of the systems, components or separate technical units added at the stage of vehicle completion handled by him. A manufacturer who modifies components or systems already approved at earlier stages is responsible for the approval and conformity of production of those components and systems. A manufacturer established outside the Community shall appoint a representative established in the Community to represent him before the approval authority.

A2.2.3. Chapter III - EC Type-Approval Procedures

For type-approval of vehicles, a manufacturer may choose step-by-step type-approval, single-step type-approval, mixed type-approval or multi-stage approval process (see Table 3.1). The application for type-approval is to be accompanied by an information folder (the content of which is specified in the relevant annexes to Directive 2007/46/EC and in the separate Directives or Regulations) and, where appropriate, by type-approval certificates. Only one application may be submitted for a particular type of vehicle and it may be submitted in only one Member State.

A2.2.4. Chapter IV – Conduct of EC Type-Approval Procedures

Member States may not grant any EC type-approval without first ensuring that the relevant procedures safeguarding conformity to the approved type have been satisfactorily implemented. If a Member State finds that a type of vehicle or vehicle component/unit is found to present a serious risk, it may refuse to grant EC type-approval even if it is in conformity with the required provisions,

The approval authority must send a copy of the EC vehicle type-approval certificate for each type of vehicle which it has approved to the approval authorities of other Member States within 20 working days. Information on refusal and withdrawal of a vehicle approval is to be circulated to approval authorities of other Member States without delay. The approval authority must also send a list of the EC type-approvals

it has granted, amended, refused to grant or withdrawn during the preceding period to the approval authorities of the other Member States at three-monthly intervals.

For each type of vehicle, the approval authority is expected to:

- complete all the relevant sections of the EC type-approval certificate, including the test results sheet, in accordance with the model set out in Annex VIII;
- compile or verify the index to the information package; and
- issue the completed certificate, together with its attachments, to the applicant without unjustified delay.

The EC type-approval certificate should specify any restrictions or waivers. Where the information folder specifies provisions for special purpose vehicles as indicated in Annex XI, the EC type-approval certificate shall specify those provisions.

Where a component or separate technical unit fulfils its function or offers a specific feature only in conjunction with other parts of the vehicle, thereby making it possible to verify compliance with the requirements only when the component or separate technical unit is operating in conjunction with those other vehicle parts, the scope of the EC type-approval of the component or the separate technical unit shall be restricted accordingly. In such cases, the EC type-approval certificate shall specify any restriction on its use and shall indicate the special conditions for its mounting. When such a component or separate technical unit is fitted by the vehicle manufacturer, compliance with any applicable restrictions on use or conditions for mounting shall be verified at the time when the vehicle is approved.

Compliance with the technical prescriptions laid down in this Directive and in the regulatory acts listed in Annex IV is to be demonstrated through appropriate tests performed by designated technical services. The test procedures, the specific equipment and tools necessary to perform those tests are described in each of the regulatory acts.

The Member State which grants an EC type-approval shall take the necessary measures in accordance with Annex X to verify, if need be in cooperation with the approval authorities of the other Member States, that:

- adequate arrangements have been made to ensure that production vehicles and vehicle components/units conform to the approved type; and
- these arrangements continue to be adequate.

Where arrangements deviate significantly from the control plans agreed, the Member State shall take the necessary measures to ensure that the conformity of production procedure is followed correctly, including the withdrawal of the type-approval. The approval authority of the Member State which has granted the EC type-approval may carry out any of the checks or tests prescribed in Annex IV or Annex XI on samples taken in the premises of the manufacturer, including production facilities.

A2.2.5. Chapter V – Amendments to EC Type-Approvals

Manufacturers are to inform the Member State that granted the EC type-approval of any change in the details recorded in the information package without delay. An application for the amendment of an EC type-approval must be submitted to the Member State that granted the original EC type-approval.

In the case of an extension (or revision), the updated certificate and its (updated) attachments (or in the case of a revision, the revised documents or the consolidated, updated version) shall be issued to the applicant without unjustified delay. The approval authority shall notify any amendment made to EC type-approvals to the approval authorities of the other Member States.

A2.2.6. Chapter VI – Validity of an EC Type-Approval of Vehicles

An EC type-approval of a vehicle shall cease to be valid if:

- new requirements in any regulatory act applicable to the approved vehicle become mandatory for the registration, sale or entry into service of new vehicles, and it is not possible to update the approval accordingly;
- production of the approved vehicle is definitively discontinued voluntarily; or
- the validity of the approval expires by virtue of a special restriction.

In the above cases, the manufacturer should notify the approval authority that granted the EC type-approval, who will inform approval authorities of other Member States.

A2.2.7. Chapter VII – Certificate of Conformity and Markings

The manufacturer, in his capacity as the holder of an EC type-approval of a vehicle, shall deliver a certificate of conformity to accompany each vehicle (including incomplete vehicles[2]). The certificate of conformity shall be drawn up in one of the official languages of the Community and any Member State may request the certificate of conformity to be translated into its own language(s).

The manufacturer of a component or separate technical unit, whether or not it is part of a system, shall affix the EC type-approval mark to each component or unit manufactured in conformity with the approved type. Where no EC type-approval mark is required, the manufacturer shall affix at least his trade name or trade mark, and the type number and/or an identification number.

A2.2.8. Chapter VIII – New Technologies or Concepts

Article 20 deals with exemptions for new technologies or new concepts. Member States may grant an EC type-approval in respect of technologies or concepts which are incompatible with one or more existing regulatory acts, subject to authorisation

[2] An "incomplete vehicle" is a means any vehicle which must undergo at least one further stage of completion in order to meet the relevant technical requirements of this Directive.

being granted by the Commission. Where the Commission finds that there are sound grounds for granting an exemption, it will take the necessary steps (e.g. propose an amendment, extend the validity of an exemption, etc.) to adapt the separate directives or regulations concerned to technological developments.

A2.2.9. Chapter IX – Vehicles Produced in Small Series

Article 22 deals with the EC type-approval of vehicles produced in small series[3]; in such cases, Member States shall grant an EC type-approval for a type of vehicle which satisfies at least the requirements listed in Appendix to Part I of Annex IV.

Article 23 deals with the national type-approval of vehicles produced in small series and states that Member States may waive one or more of the provisions of one or more of the regulatory acts listed in Annex IV or Annex XI, provided that they set out relevant alternative requirements[4]. The validity of the type-approval is restricted to the territory of the Member State that granted the approval. However, on request of the manufacturer, the type-approval certificate and its attachments may be sent to the approval authorities of other Member States designated by the manufacturer and these have to decide whether or not to accept the type-approval. A Member State shall not refuse the type-approval unless it has reasonable grounds to believe that the technical provisions according to which the vehicle was approved are not equivalent to its own.

A2.2.10. Chapter X - Individual Approvals

Member States may exempt a particular vehicle from compliance with one or more of the provisions of this Directive or with one or more of the regulatory acts listed in Annex IV or Annex XI, provided that they impose 'alternative requirements'.

An application for individual approval shall be submitted by the manufacturer or by the owner of the vehicle or by a person acting on their behalf, established in the Community. A Member State shall grant an individual approval if the vehicle conforms to the description appended to the application and satisfies the applicable technical requirements. Individual approval certificates will bear the vehicle identification number of the vehicle concerned, but not the heading "EC vehicle approval". The validity of an individual approval shall be restricted to the territory of the Member State that granted the approval.

A2.2.11. Chapter XI – Registration, Sale and Entry into Service

Member States shall register, and permit the sale or entry into service of, vehicles only if they are accompanied by a valid certificate of conformity. Vehicles exempted from the requirement concerning a certificate of conformity may be registered, sold or

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[3] Quantitative limits for small series are set out in Annex XII. These limits are 0 except in Category M1 (passenger cars) where the limit is 1,000 units per year.

[4] 'Alternative requirements' means administrative provisions and technical requirements which aim to ensure a level of road safety and environmental protection which is equivalent to the greatest extent practicable to the level provided for by the provisions of Annex IV or Annex XI, as appropriate.

put into service only if they satisfy the relevant technical requirements of this Directive. Member States shall also permit the sale or entry into service of components or separate technical units if and only if they comply with the requirements of the relevant regulatory acts and are properly marked with an EC type-approval mark.

Member States shall apply appropriate measures to ensure that the number of end-of-series vehicles (i.e. vehicles conforming to a type-approval that is no longer valid, but was valid at the time of production) to be registered or put into service in the framework of the procedure set out in this Article is effectively monitored.

A2.2.12. Chapter XII – Safeguard Clauses

If a Member State finds that new vehicles or vehicle components/units which are in compliance with the applicable requirements or properly marked, present a serious risk to road safety, or seriously harm the environment or public health, that Member State may refuse to register such vehicles or to permit the sale or entry into service in its territory of such vehicles or vehicle components/units for a maximum period of six months - immediately notifying the manufacturer, the other Member States and the Commission, stating the reasons for its decision.

Similarly, a Member State finds that vehicles or vehicle components/units accompanied by its certificate of conformity or bearing an approval mark do not conform to the type it has approved, it should take the necessary measures (including withdrawal of type approval) to ensure that they are brought into conformity with the approved type. Where other Member States discover non-conformity with the type-approval, they may request the Member State which granted the type-approval to verify whether vehicles or vehicle components/units in production continue to conform to the type approved.

Article 31 sets out the rules regarding the sale and entry into service of parts or equipment which are capable of posing a significant risk to the correct functioning of essential systems (i.e. their sale, offer for sale or entry into service is allowed only if those parts or equipment have been authorised by an approval authority). From 29 October 2007, Member States shall not adopt new provisions dealing with parts and equipment which can affect the correct functioning of systems that are essential for the safety of the vehicle or its environmental performance.

Where a manufacturer who has been granted an EC vehicle type-approval is obliged to recall vehicles already sold, registered or put into service, he shall immediately inform the approval authority that granted the vehicle approval and propose a set of appropriate remedies to neutralise the risk. The approval authority shall communicate the proposed measures to the authorities of the other Member States without delay and if it is still not satisfied with the measures of the manufacturer, it shall take all protective measures required, including the withdrawal of the EC vehicle type-approval.

A2.2.13. Chapter XIII – International Regulations

UNECE Regulations to which the Community has acceded and which are listed in Part I of Annex IV and in Annex XI are part of the EC type-approval of a vehicle, in the same way as the separate directives or regulations.

A2.2.14. Chapter XIV – Provision of Technical Information

Where a regulatory act makes specific provisions for so doing, the manufacturer is expected to make all relevant information and necessary instructions describing any special conditions or restrictions attaching to the use of a vehicle or vehicle component/unit available to users (in agreement with the approval authority).

The vehicle manufacturer is also to make available to the manufacturers of components or separate technical units all particulars that are necessary for EC type-approval of components or separate technical units, or necessary to obtain an authorisation (with the possibility of including a binding agreement on the manufacturers of components/units to protect commercial confidentiality and intellectual property rights).

A2.2.15. Chapter XV – Implementation Measures and Amendments

Article 39 sets out the implementation measures and amendments to this Directive and the separate directives and regulations. The Commission shall adopt amendments to the annexes to this Directive (and related Directives or Regulations) to *inter alia*:

- adapt them to the development of scientific and technical knowledge or to the specific needs of persons with disabilities;
- deal with serious risks to road users or the environment, which require urgent measures; and
- ensure good administration and coherence of separate directives or regulations.

Article 40 states that the Commission shall be assisted by a committee referred to as the "Technical Committee - Motor Vehicles" (TCMV).

A2.2.16. Chapter XVI – Designation and Notification of Technical Services

Article 41 deals with the designation of technical services. Depending on their field of competence, technical services designated by a Member State will fall into one or more of the four following categories of activities, and may not conduct tests or inspections for which they have not been designated:

- Category A: technical services which carry out tests in their own facilities;
- Category B: technical services which supervise the tests performed in the manufacturer's facilities or in the facilities of a third party;
- Category C: technical services which assess and monitor on a regular basis the manufacturer's procedures for controlling conformity of production; and

- Category D, technical services which supervise or perform tests or inspections in the framework of the surveillance of conformity of production.

An approval authority may act as a technical service for one or more of the activities above. A manufacturer or a subcontracting party acting on his behalf may also be designated as a technical service for category (a) activities.

Article 42 deals with assessing the skills of technical services. These skills (specific technical knowledge and proven experience) are to be demonstrated by an assessment report established by a competent authority, which may include a certificate of accreditation issued by an accreditation body. This assessment report shall be reviewed after a maximum period of three years. For an approval authority which acts as a technical service, it is required to demonstrate compliance through documentary evidence, which includes an assessment conducted by auditors independent of the activity being assessed.

Under Article 43, Member States are required to notify the Commission of details of the designated technical services and the Commission will publish a list and details regarding the approval authorities and technical services on its website. The same technical service may be designated and notified by several Member States.

A2.2.17. Chapter XVII – Final Provisions

Article 44 relates to transitional provisions, while Article 45 sets out the application dates for EC type-approval. Article 46 states that Member States shall determine the penalties applicable for infringement of the provisions of this Directive;

Article 47 notes that, no later than 29 April 2011, Member States shall inform the Commission of the application of the type-approval procedures laid down in the Directive and, in particular, of the application of the multi-stage process. Where appropriate, the Commission shall propose the amendments deemed necessary to improve the type-approval process. On the basis of this information, the Commission shall report to the European Parliament and the Council on the application of this Directive no later than 29 October 2011. If appropriate, the Commission may propose the postponement of the application dates referred to in Article 45.

Article 48 requires Member States to adopt and publish, before 29 April 2009, the laws, regulations and administrative provisions necessary to comply with the substantive amendments of this Directive and, thereafter, inform the Commission of the text of those provisions. Article 49 repeals Directive 70/156/EEC.

ANNEX 3

VIEWS OF ECONOMIC OPERATORS

A3. VIEWS OF ECONOMIC OPERATORS

A3.1 Profile of Respondents

A total of five economic operators completed the questionnaire. A breakdown of the main fields of activity of the respondents is given in Table A3.1. This table shows that most responses were received from vehicle and component manufacturers and one response was submitted by an industry association.

Table A3.1: Economic Operators - Profile of Respondents	
Type of organisation	**Percentage of respondents**
Manufacturer	80%
Industry association	20%

Of the three respondents that indicated in which EU Member States they operate, two are active throughout the whole of the EU-27 and the third one indicated activities throughout the EU, with the exception of Cyprus, Ireland and the UK. Two respondents, which operate in EU candidate countries, have not provided any indication that they operate in the EU itself.

Table A3.2 provides an overview of the geographical areas outside the EU in which respondents to the questionnaire operate. All five respondents operate outside the EU and most are active in EU candidate countries.

Table A3.2: Responses to the question - Please indicate where your organisation is operating outside the EU.	
Geographical area	**Percentage of responses**
EEA (Iceland, Norway and Liechtenstein)	40%
EU Candidate Countries (Croatia, Macedonia, Turkey)	80%
Far East (India, Japan, Singapore)	40%
Americas	20%
Other (United Arab Emirates, Worldwide)	40%
Percentages presented in this table do not add up to 100% as some respondents have selected more than one option	

As indicated in Table A3.3, the size distribution of the four company respondents is split between small, medium and large enterprises, with large companies accounting for half of the responses.

Table A3.3: Responses to the question - Please indicate the size of your organisation.	
Size of company	**Percentage of responses**
Small (typically 11 to 50 employees)	25%
Medium (typically 51 to 250 employees)	25%
Large (typically more than 250 employees)	50%

A3.2 Evaluation of the Current Legal Framework

As indicated in Table A3.4, all respondents have rated the implementation to date of the existing legal framework as satisfactory.

Table A3.4: Responses to the question - Overall, how would you rate the implementation of the existing legal framework (under Directive 2007/46/EC) to date?	
Response	**Percentage of responses**
Highly satisfactory	0%
Satisfactory	100%
Not satisfactory	0%
Highly unsatisfactory	0%
Do not know	0%

Economic operators were also asked whether there are any specific areas of the present legal framework with which they have a positive experience. Responses to this question are summarised in Table A3.5. The majority of respondents stated that they had gained positive experiences with the implementation of specific areas of Directive 2007/46/EC.

Table A3.5: Responses to the question - Are there any specific areas within the existing legal framework (under Directive 2007/46/EC) for which you have positive experiences from implementation?	
Response	**Percentage of responses**
No	0%
Do not know	20%
Yes	80%

The specific areas where positive experience(s) have been observed were indicated by respondents as follows:

- a vehicle can be registered via the COC without the need for additional documentation (except in some countries);
- improved road safety;
- EC type approval of small series; and
- fewer instances where the vehicle needs to be sent for an inspection by the technical service.

Responses of stakeholders as to whether they had faced any negative experiences with the implementation of specific areas of Directive 2007/46/EC are summarised in Table A3.6. Four stakeholders responded to this question but only three provided a yes/no answer and all of them indicated that they had faced some negative experience(s).

Table A3.6: Responses to the question - Are there any specific areas within the existing legal framework (under Directive 2007/46/EC) for which you have negative experiences from implementation?	
Response	**Percentage of responses**
No	0%
Do not know	25%
Yes	75%

The specific areas where respondents had faced negative experiences are:

- exceptional transport vehicles are not sufficiently dealt with by the Directive (alternatively, a further Directive shall be created);
- the scope of paper work is roughly the same as previously - it takes too much time for national authorities to register the approval within the national systems for vehicles registration and there are plenty of additional documents to be provided to each country;
- the ETEAS system, which stores copies of type approvals, does not work properly. In one case it took eight weeks after the signature of the approval to show the approval in the system (Transport Ministries of two countries were involved);
- some countries require extra money to be paid (e.g. Italy requires the same money as for the national type approval) and some (Spain) require additional audits to be done at our facility; and
- there is no benefit in Regulation 385/2009 requiring a new COC format for passenger cars of the M1 category.

Taking into account their answers to the previous three questions, stakeholders were asked whether the objectives of the Directive are still valid and relevant for coping with the current situation in the market and in the automotive sector. Respondents' views are summarised in Table A3.7.

Table A3.7: Responses to the question - Taking into account your answers to the above questions, are the objectives of the Directive (as listed below) still valid and relevant for coping with the current situation in the market and for the automotive sector?		
Objective	**Relevance**	**Percentage of responses**
To establish a harmonised framework i.e. achieve the internal market containing the administrative provisions and general technical requirements for approval of all new vehicles within its scope and of the systems, components and separate technical units intended for those vehicles, with a view to facilitating their registration, sale and entry into service within the Community	Still Relevant	100%
	No Longer Relevant	0%
	Do not know	0%
To establish the provisions for the sale and entry into service of parts and equipment intended for vehicles approved in accordance with this Directive	Still Relevant	40%
	No Longer Relevant	20%
	Do not know	40%
To ensure that new vehicles, components and separate technical units put on the market provide a high level of safety and environmental protection (based on prior control by an approval authority before they are offered for sale)	Still Relevant	100%
	No Longer Relevant	0%
	Do not know	0%

Table A3.7 shows that all responding economic operators believe that the Directive is still relevant in relation to establishing a harmonised framework and facilitating the internal market and for ensuring safety and environmental protection. However, opinion was more divided with respect to the Directive's relevance to the sale and entry into service of parts and equipment for vehicles within the scope of the Directive. With regard to this issue, one of the respondents stated that "*there are still some national requirements that are valid and - according to our subsidiaries and authorities - we are obliged to install e.g. fire detectors in engine compartment for the French market (it is not required by any Directive or Regulation listed in Directive 2007/46/EC for M3 class I vehicles)*."

As regards the validity and relevance of the current scope of the Directive, most respondents believe that the current scope remains relevant (as indicated in Table A3.8 and Figure A3.1). Organisations stating that the current scope is no longer relevant were invited to provide further details. One stakeholder stated that "*trolleybuses, pure electric buses, hybrid buses are in some cases out of scope of Directive 2007/46/EC. Thus national requirements must be taken into consideration and that involves additional resources*".

Table A3.8: Responses to the question - Is the current scope of the Directive still valid and relevant for coping with the current situation in the market and for the automotive sector (for instance, does it cover all relevant products)?

Relevance	Percentage of responses
Still Relevant	80%
Do Not Know	0%
No Longer Relevant	20%

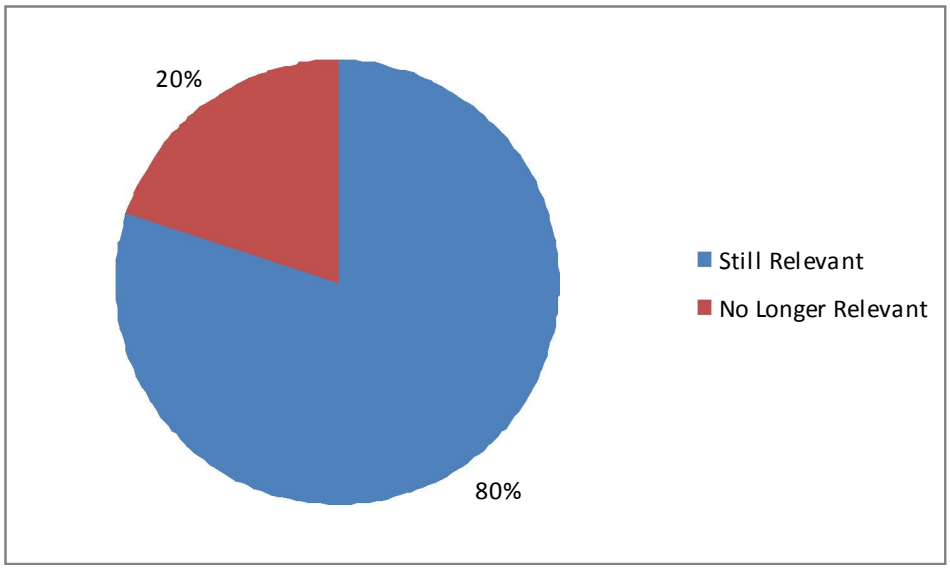

Figure A3.1: Responses to the question - Is the current scope of the Directive still valid and relevant for coping with the current situation in the market and for the automotive sector (for instance, does it cover all relevant products)?

A3.3 Relevance - Areas of Attention

Stakeholders' views on the five areas of attention that have been identified as having the potential to affect the effective implementation of the EU type-approval legislation for automotive products are presented in Table A3.9. Note that the number of respondents that provided their views was three or four, depending on the area of attention.

Table A3.9: Responses to the question - Five areas of attention have been identified as having the potential to affect the effective implementation of the EU type-approval legislation for automotive products. Indicate the extent to which you consider these areas to be problematic.

Area of attention	Response	Percentage of responses
Traceability of products and clarifying the role and responsibilities of economic operators	Highly problematic	0%
	Somewhat problematic	25%
	Not an important problem	75%
	Do not know	0%
Responsibilities of and co-operation between the different national authorities within the Member States involved in the enforcement of the legislation (type-approval, recalls, market surveillance, border controls)	Highly problematic	0%
	Somewhat problematic	67%
	Not an important problem	33%
	Do not know	0%
Quality and performance of technical services	Highly problematic	0%
	Somewhat problematic	25%
	Not an important problem	75%
	Do not know	0%
Application of post-market safeguard measures and obligatory recall of vehicles (and components)	Highly problematic	0%
	Somewhat problematic	0%
	Not an important problem	50%
	Do not know	50%
Verification procedures for ensuring conformity of production	Highly problematic	25%
	Somewhat problematic	25%
	Not an important problem	50%
	Do not know	0%

Table A3.9 indicates that most economic operators do not regard traceability of products and clarification of their role and the quality and performance of technical services as important problems. Similarly, there is no indication that the application of post-market safeguard measures and vehicle and component recalls pose an important problem. On the other hand, responsibilities and co-operation between national authorities within EU Member States is perceived to be somewhat problematic.

The views of the four respondents which stated whether or not they can provide specific examples of negative experiences in the areas of attention listed in Table A3.9 are summarised in Table A3.10. The responses to a large extent mirror responses to the previous question in that for those areas which stakeholders do not find problematic they are unable to give examples of negative experiences. The majority of stakeholders were not able to give specific examples of negative experiences with regard to product traceability, responsibilities of economic operators, post-market safeguard measures/recalls or the quality and performance of

technical services, thus confirming that that these areas are not perceived to be problematic. On the other hand, one half of respondents can provide examples of negative experiences with regard to responsibilities and co-operation between national authorities within EU Member States (which was also found to be somewhat problematic under the previous question). One respondent also stated that they can provide an example of a negative experience in relation to conformity of production verification procedures.

Table A3.10: Responses to the question - Can you give specific examples of negative experiences in these areas of attention?

Area of attention	Response	Percentage of responses
Traceability of products and clarifying the role and responsibilities of economic operators	Yes	0%
	No	75%
	Do not know	25%
Responsibilities of and co-operation between the different national authorities within the Member States involved in the enforcement of the legislation (type-approval, recalls, market surveillance, border controls)	Yes	50%
	No	25%
	Do not know	25%
Quality and performance of technical services	Yes	0%
	No	75%
	Do not know	25%
Application of post-market safeguard measures and obligatory recall of vehicles (and components)	Yes	0%
	No	50%
	Do not know	50%
Verification procedures for ensuring conformity of production	Yes	25%
	No	50%
	Do not know	25%

Stakeholders were also invited to provide details of any negative experiences. Respondents highlighted the following experiences:

- component testing in all EU countries should be the same; and
- ETEAS does not work properly in all situations - different countries require different procedures to register the approval (list of TVV, audits, etc.).

The views of the four respondents which stated whether or not they can provide specific examples of positive experiences in the areas of attention listed in Table A3.9 are summarised in Table A3.11.

Table A3.11: Responses to the question - Can you give specific examples of positive experiences in these areas of attention?

Area of attention	Response	Percentage of responses
Traceability of products and clarifying the role and responsibilities of economic operators	Yes	0%
	No	75%
	Do not know	25%
Responsibilities of and co-operation between the different national authorities within the Member States involved in the enforcement of the legislation (type-approval, recalls, market surveillance, border controls)	Yes	25%
	No	50%
	Do not know	25%

Table A3.11: Responses to the question - Can you give specific examples of positive experiences in these areas of attention?		
Area of attention	**Response**	**Percentage of responses**
Quality and performance of technical services	Yes	25%
	No	50%
	Do not know	25%
Application of post-market safeguard measures and obligatory recall of vehicles (and components)	Yes	0%
	No	75%
	Do not know	25%
Verification procedures for ensuring conformity of production	Yes	25%
	No	50%
	Do not know	25%

Most respondents were not able to provide examples of positive experiences. Nevertheless, some examples of positive experiences were provided and these are presented below:

- a query concerning a hybrid bus was solved by the authorities of two countries without the manufacturer's involvement;
- the scope of the existing COP procedure is sufficient; and
- experience of working with the different technical services shows a high level of skills.

Only three economic operators indicated whether they expect developments or changes in the market for motor vehicles to increase or decrease the importance of the areas of attention. Their responses are summarised in Table A3.12. This Table shows that respondents expect no changes to occur with regards to three of the five areas of attention. However, for the quality and performance of technical services as well as for the traceability of products and role and responsibilities of operators, one of the three respondents expects an increase in importance.

Table A3.12: Responses to the question - Are expected developments or changes (whether geographical, design, technological or market-related) in the market for motor vehicles likely to increase or decrease the importance of the identified areas of attention?		
Area of attention	**Importance will …**	**% of responses**
Traceability of products and clarifying the role and responsibilities of economic operators	Significantly increase	0%
	Increase	33%
	No change	67%
	Decrease	0%
	Significantly decrease	0%
Responsibilities of and co-operation between the different national authorities within the Member States involved in the enforcement of the legislation (type-approval, recalls, market surveillance, border controls)	Significantly increase	0%
	Increase	0%
	No change	100%
	Decrease	0%
	Significantly decrease	0%
Quality and performance of technical services	Significantly increase	0%
	Increase	33%
	No change	67%
	Decrease	0%
	Significantly decrease	0%

Table A3.12: Responses to the question - Are expected developments or changes (whether geographical, design, technological or market-related) in the market for motor vehicles likely to increase or decrease the importance of the identified areas of attention?		
Area of attention	**Importance will …**	**% of responses**
Application of post-market safeguard measures and obligatory recall of vehicles (and components)	Significantly increase	0%
	Increase	0%
	No change	100%
	Decrease	0%
	Significantly decrease	0%
Verification procedures for ensuring conformity of production	Significantly increase	0%
	Increase	0%
	No change	100%
	Decrease	0%
	Significantly decrease	0%

One respondent also stated that in the addition to the five areas of attention, there should be a focus on "*compliance of EC single type approvals*".

A3.4 Effectiveness of the Current Legal Framework

A3.4.1 Non-compliant Automotive Products

Four stakeholders provided their views on the seriousness of the issue of non-compliant automotive products. Their views are presented in Table A3.13. All respondents recognise non-compliant automotive products as an issue but have very different opinions on the seriousness of the problem.

Table A3.13: Responses to the question - In your opinion, how serious is the issue of non-compliant automotive products being placed on the EU market (non-compliance includes by-passing or circumvention of type-approval and/or conformity of production procedures e.g. through parallel imports)?	
Response	**Percentage of responses**
Highly Serious	50%
Serious	0%
Exists, but minimal	50%
Not a problem	0%
Do not know	0%

Of those two respondents that stated that this issue was highly serious, one felt that non-compliant automotive products account for 5 to 10% of the current market while the other stated that this was more than 25%.

A3.4.2 Unsafe Automotive Products

Four stakeholders provided their views on the seriousness of the issue of unsafe automotive products being placed on the EU market. All respondents recognise this as an issue but most believe that this issue is of minimal significance while one believes that the issue is highly serious (as shown in Table A3.14).

Table A3.14: Responses to the question - In your opinion, how serious is the issue of unsafe automotive products being placed on the EU market?	
Response	**Percentage of responses**
Highly Serious	25%
Serious	0%
Exists, but minimal	75%
Not a problem	0%
Do not know	0%

Two stakeholders also indicated the percentage of the market that is affected. One stated that 5% to 10% of the current market are unsafe automotive products while the other stated that this was more than 25%.

A3.4.3 Vehicle or Component Recalls

Stakeholders were invited to judge the seriousness of the issue of vehicle or component recalls. Four responses were received but only three provided an assessment of the significance of this issue. As shown in Table A3.15, all of these responses state that this issue exists but is minimal.

Table A3.15: Responses to the question - In your opinion, how serious is the issue of vehicle or component recalls for automotive products being placed on the EU market?	
Response	**Percentage of responses**
Highly Serious	0%
Serious	0%
Exists, but minimal	75%
Not a problem	0%
Do not know	25%

Three respondents also gave their views on the primary causes of recalls. Their first choices were 'unsafe automotive products' (two responses) and 'inadequate pre-market controls' and their second choices were 'non-compliance' and 'design' issues.

A3.4.4 Shortcomings in the Current Legal Framework

Three stakeholders responded to the question regarding shortcomings in the current legal framework that may harm the free movement of motor vehicles and their components and/or create obstacles to fair competition. Their responses are presented in Table A3.16

Table A3.16: Responses to the question - Are there any shortcomings in the current legal framework potentially harming the free movement of motor vehicles and their components and/or creating obstacles to fair competition?	
Response	**Percentage of responses**
No	33%
Do not know	33%
Yes	33%
Percentages presented in this table do not add up to 100% due to rounding.	

The respondent which identified shortcomings stated that these related to a lack of detailed information for hybrid, pure electric vehicles, and trolleybuses.

A3.4.5 Market Situations or Developments in the EU Harming Free Movement or Fair Competition

Four responses were received with regard to market situations or developments in the EU potentially harming the free movement of motor vehicles and their components and/or creating obstacles to fair competition. These are presented in Table A3.17.

Table A3.17: Responses to the question - Are there any market situations or developments in the EU potentially harming the free movement of motor vehicles and their components and/or creating obstacles to fair competition?

Response	Percentage of responses
No	25%
Do not know	25%
Yes	50%

The relevant situations or developments identified by respondents include:

- accepting approvals with additional transposition operations; and
- products that are not compliant with the EC Directive even though they have the e-number on the product and products are sold at low prices.

A3.4.6 Evidence for Responses in this Section

Four respondents elaborated on the evidence underpinning their answers in this section. Their responses are presented in Table A3.18.

Table A3.18: Responses to the question - What evidence do you have for the answers provided in this Section?

Response	Percentage of responses
Personal industry experience/expertise	100%
Experience of your organisation	50%
Research carried out by your organisation	25%
Research carried out by other organisations	0%
Anecdotal evidence	0%
Other	0%
Percentages presented in this table do not add up to 100% as some respondents have selected more than one option.	

A3.5 Efficiency/Cost-effectiveness of the Current Legal Framework

Only one respondent quantified the costs incurred as a result of type approval and conformity of production procedures. This stakeholder stated that for one type – approval, the cost of registration in Italy is about €20,000.

Three stakeholders provided their views on the effectiveness of the results of type-approval and conformity assessment procedures in preventing non-compliant or unsafe motor vehicles and/or automotive products for these motor vehicles from being placed on the EU market. A fourth respondent stated that they could not answer this question. Responses to this question are summarised in Table A3.19.

Table A3.19: Responses to the question - In the last two years, how effective have the results of type-approval and conformity assessment procedures been in preventing non-compliant or unsafe motor vehicles and/or automotive products for these motor vehicles from being placed on the EU market?

Response	Percentage of responses
Highly Effective	25%
Effective	25%
Not Effective	25%
Do not know	25%

Two stakeholders provided their views on the extent to which the effectiveness of refusal or withdrawal of type-approval could have been reduced by type-approval hopping. The responses are presented in Table A3.20. The respondents disagreed on whether type approval hopping could have significantly reduced the effectiveness of refusal or withdrawal of type approval. A third respondent stated that they could not answer this question.

Table A3.20: Responses to the question - To what extent could the effectiveness of refusal or withdrawal of type-approval have been reduced by "type-approval hopping" *(i.e. products for which type-approval has been refused or withdrawn being presented to other technical services and/or type approval authorities to obtain type-approval)*?

Response	Percentage of responses
Significantly Reduced	33%
Reduced	0%
Not Reduced	33%
Do not know	33%
Percentages presented in this table do not add up to 100% due to rounding	

Two stakeholders provided their views on the extent to which the effectiveness of refusal or withdrawal of type-approval could have been reduced by the possibility to submit the application to a type-approval authority of their choice. Their responses are presented in Table A3.21. Both stated that this has not reduced the effectiveness of refusal or withdrawal of type approval. A further respondent stated they were unable to answer the question.

Table A3.21: Responses to the question - To what extent could the effectiveness of refusal or withdrawal of type-approval have been reduced by "selective selection of type-approval authority" *(i.e. type approval authorities who are more lenient are selected over other more stringent authorities)*?	
Response	**Percentage of responses**
Significantly Reduced	0%
Reduced	0%
Not Reduced	67%
Do not know	33%

Two stakeholders provided their views on whether improving the type approval and conformity of production requirements would provide a higher level of safety and environmental protection and a further respondent stated that they could not answer the question. The responses are presented in Table A3.22. Stakeholders' opinion on this issue was divided: one stakeholder answered this question in the negative and stated that the existing system is "fully satisfactory" while the other answered in the affirmative and referred to the need to harmonise tests throughout Europe.

Table A3.22: Responses to the question - Do you believe that improving the type approval and conformity of production requirements would provide a higher level of safety and environmental protection?	
Response	**Percentage of responses**
Yes	33%
No	33%
Do not know	33%
Percentages presented in this table do not add up to 100% due to rounding	

Three stakeholders gave their views on the effectiveness of market surveillance and border controls in discovering vehicles or vehicle components which are non-compliant or present a serious risk. A further stakeholder stated that they were unable to answer the question. The responses are presented in Table A3.23.

Table A3.23: Responses to the question - In the last two years, how effective have the results of market surveillance and border controls been in discovering vehicles or vehicle components on the national/EU market which were either non-compliant or presenting a serious risk?	
Response	**Percentage of responses**
Highly Effective	0%
Effective	50%
Not Effective	25%
Do not know	25%

Stakeholders did not provide any response to the question asking whether there are any factors that may prevent authorities from adequately addressing the problems of non-compliant or unsafe automotive products on their market.

Two stakeholders provided a response to the question on whether there could be benefits from a scaling down of market surveillance activities where these are compensated by enhanced type-approval and conformity assessment activities with

regard to motor vehicles and/or automotive parts for such vehicles. They both identified such benefits and one of them stated that would be an option but because of "high internal quality management systems", this stakeholder was unable to assess whether it would be effective. A further stakeholder stated that they could not answer the question. The responses are presented in Table A3.24.

Table A3.24: Responses to the question - Do you consider that there could be benefits from a scaling down of market surveillance activities where these are compensated by enhanced type-approval and conformity assessment activities with regard to motor vehicles and/or automotive parts for such vehicles?

Response	Percentage of responses
Yes	67%
No	0%
Do not know	33%

A3.6 Impact of the Current Legal Framework

Only one respondent was able to provide information on the costs which have been incurred in complying with or implementing the Directive. This stakeholder stated that these costs were around €1,500 - €3,000 (depending on the scope) per type. Additional costs that were incurred include LOH costs (about 100 hours) and the cost of registration of the approval within each country (these differ depending on the country in question and amount to €20,000 per type).

Only one stakeholder provided their view as to whether SMEs are faced with specific problems and challenges in complying with the requirements of the Directive; two stakeholders did not know the answer to this question. The responses are presented in Table A3.25.

Table A3.25: Responses to the question - Are small and medium-sized enterprises (SMEs) faced with any specific problems and challenges in complying with the requirements of the Directive?

Response	Percentage of responses
No	33%
Do not know	67%
Yes	0%

Only one stakeholder gave their view on whether the Directive had specific positive impacts on third country (non-EU) manufacturers and further two respondents stated that they were unable to answer the question. Their responses are presented in Table A3.26. The only stakeholder that provided their view answered the question in the negative.

Table A3.26: Responses to the question - Has the Directive had specific positive impacts on third country (non-EU) manufacturers?

Response	Percentage of responses
No	33%
Do not know	67%
Yes	0%

Only one stakeholder answered the question on whether the Directive had specific negative impacts on third country (non-EU) manufacturers and further two stated that they were unable to answer the question. Their responses are presented in Table A3.27. The only stakeholder that provided their view answered the question in the negative (please note that this is the same stakeholder that also identified no specific positive impacts).

Table A3.27: Responses to the question - Has the Directive had specific negative impacts on third country (non-EU) manufacturers?

Response	Percentage of responses
No	33%
Do not know	67%
Yes	0%

Four stakeholders provided a response to the question on whether the Directive has had any unexpected impacts (in relation to complying with it or its implementation) on their organisation. The majority of them answered the question in the negative. The responses are presented in Table A3.28.

Table A3.28: Responses to the question - Has the Directive had any unexpected impacts (in relation to complying with it or its implementation) on your organisation?

Response	Percentage of responses
No	75%
Do not know	0%
Yes	25%

The respondent that identified unexpected impacts stated that these relate to "additional, high costs of registration of the approval within the country and unexpected time for that registration (up to 6 weeks)".

A3.7 Coherence of the Current Legal Framework

Two stakeholders provided a response to the question on whether the Directive is consistent with other international regulations, i.e. UNECE Regulations and a further respondent stated that they were unable to answer the question. Their responses are presented in Table A3.29. The two stakeholders that expressed their opinion answered the question in the affirmative.

Table A3.29: Responses to the question - Is the Directive consistent with other international regulations, i.e. UNECE Regulations?

Response	Percentage of responses
Yes	67%
Do not know	33%
No	0%

Two stakeholders provided a response to the question on whether there are any conflicts with other EU legislation, policies or strategies; two respondents were unable to answer the question. Their responses are presented in Table A3.30.

Table A3.30: Responses to the question - Are there any conflicts with other EU legislation, policies or strategies, e.g. air emissions, end-of-life (ELV), noise pollution?	
Response	**Percentage of responses**
No	25%
Do not know	50%
Yes	25%

The only stakeholder that answered the question in the affirmative stated the following: *"There is a Directive No. 2009/33/EC for tender purpose. Lots of buses are sold through the tender way. The directive requires to stand the costs / values of emission given in [g/km] (as for M1 vehicles) since the regulations/directives listed in 2007/46 require to make tests on the test bench in [g/kWh]. Thus the 2009/33 requires either additional tests or certain calculations. Tests are additional costs and calculation is always a matter of interpretation and there is no clear answer to how to calculate the emission per km."*

A3.8 Added Value of the Current Legal Framework

Two stakeholders responded to the relevant question on whether the areas of attention for the functioning of the internal market for automotive products and for the implementation and enforcement of the Directive could have been equally addressed by Member State actions alone. These stakeholders answered the question in the negative (see Table A3.31); one respondent was unable to answer the question.

Table A3.31: Responses to the question - Do you consider that the areas of attention for the functioning of the internal market for automotive products and for the implementation and enforcement of the Directive in particular as described above could have been equally addressed by Member State actions alone?	
Response	**Percentage of responses**
No	67%
Do not know	33%
Yes	0%

Three stakeholders responded to the relevant question in the questionnaire but only two gave their view on whether action at EU level in this field has produced clear benefits compared with action at Member State level only. These stakeholders answered the question in the affirmative (see Table A3.32).

Table A3.32: Responses to the question - Do you consider that action at EU level in this field has produced clear benefits compared with action at Member State level only?	
Response	**Percentage of responses**
Yes	67%
Do not know	33%
No	0%

With reference to the previous question, the two stakeholders that provided an affirmative response were invited to indicate whether benefits of action at EU level arise because of its scale or effectiveness. One respondent stated that this was due to both scale and effectiveness impacts and other stated that benefits arise because of effectiveness of EU action.

Only one stakeholder provided a response to the question on whether the voluntary initiatives adopted by industry or others (e.g. "Manufacturers against Product Piracy") are a direct result of Directive 2007/46/EC, of other EU legislation, or whether they are due to other factors. This respondent stated that voluntary initiatives by the industry were motivated by other factors but did not specify these factors. Further two respondents stated that they were unable to answer the question. Their responses are presented in Table A3.33.

Table A3.33: Responses to the question - Are the voluntary initiatives adopted by industry or others (e.g. "Manufacturers against Product Piracy") a direct result of Directive 2007/46/EC, of other EU legislation, or are they due to other factors?

Response	Percentage of responses
Due to Directive 2007/46/EC	0%
Due to Other EU Legislation	0%
Due to Other Factors	33%
Do not know	67%

A3.9 Potential for Improving the Current Legal Framework

A3.9.1 Overviews

A number of areas of attention associated with the implementation and enforcement of Directive 2007/46/EC have been identified by the Commission services in consultation with stakeholders (e.g. in working groups and submissions) and a number of potential initiatives have also been put forward for addressing these areas to enhance the implementation of the internal market for motor vehicles.

A3.9.2 Traceability of Products and the Role and Responsibilities of Economic Operators

Three respondents provided their views on potential initiatives relating to the "**traceability of products and the role and responsibilities of economic operators in the supply chain** (manufacturers, authorised representatives, importers, distributors)". Their responses are summarised in Table A3.34 and Figure A3.2. 67% of respondents favour amending the existing technical harmonisation legislation.

Table A3.34: Responses to the question - The first area of attention relates to the "traceability of products and the role and responsibilities of economic operators in the supply chain (manufacturers, authorised representatives, importers, distributors)". Which of the following potential initiatives do you consider to be the most appropriate for addressing this issue?	
Response	**% of responses**
Do nothing (i.e. no changes to the existing situation are necessary)	33%
Undertake awareness campaigns and/or voluntary agreements with economic operators to (a) address the problems relating to the identification and traceability of noncompliant automotive products encountered on the market and (b) to clarify and agree on the responsibilities and accountability of the involved economic operators with regard to the compliance of the products for which they are involved in the supply chain	0%
Amending the existing technical harmonisation legislation, where this would involve developing, within the internal market legislation on motor vehicles, provisions to (a) address problems relating to the identification and traceability of non-compliant products encountered on the market and (b) to provide legal clarity about the responsibilities and accountability of the concerned stakeholders in the supply chain	67%
Other	0%

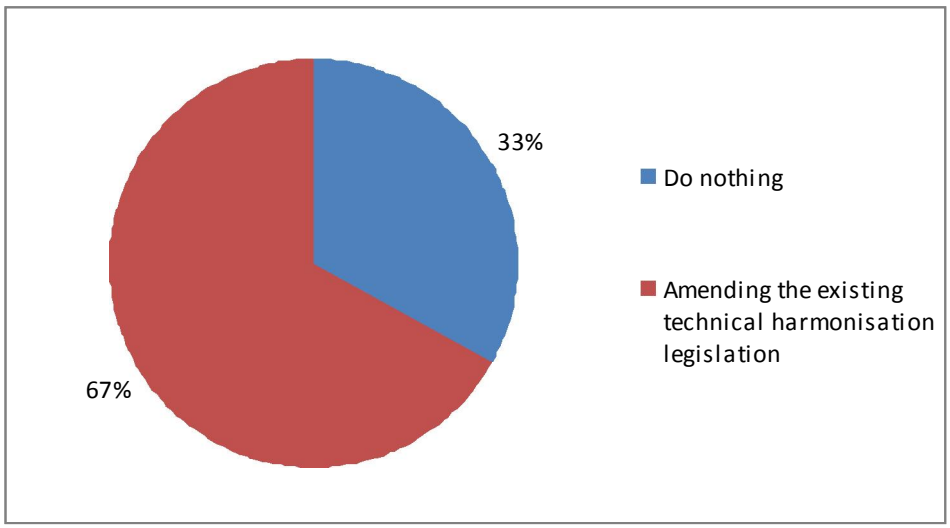

Figure A3.2: Responses to the question - The first area of attention relates to the "traceability of products and the role and responsibilities of economic operators in the supply chain (manufacturers, authorised representatives, importers, distributors)". Which of the following potential initiatives do you consider to be the most appropriate for addressing this issue?

One stakeholder gave an estimate of the scale of the likely one-off set-up costs to organisations such as theirs from amending the existing technical harmonisation legislation. Two stakeholders provided estimates of the level of annual compliance costs. Their responses are summarised in Table A3.35.

Table A3.35: Responses to the question - Assuming your chosen initiative is taken forward, what is your estimate of the likely scale (i.e. high, medium or low) of costs to organisations such as yours? ***This Table refers to the costs of amending the existing technical harmonisation legislation.***		
Response	**Percentage of responses**	
	One-off set-up costs	**Annual compliance costs**
High	0%	0%
Medium	100%	100%
Low	0%	0%

Two stakeholders provided estimates of the likely benefits to organisations such as theirs from amending the existing technical harmonisation legislation. Their responses are summarised in Table A3.36. One of the respondents also specified the benefits which are likely to occur:

- low priced noncompliant components will disappear from the market; and
- road safety on the road will improve.

Table A3.36: Responses to the question - Assuming your chosen initiative is taken forward, what is your estimate of the likely scale (i.e. high, medium or low) benefits to organisations such as yours? ***This Table refers to the benefits from amending the existing technical harmonisation legislation.***	
Response	**Percentage of responses**
High	50%
Medium	0%
Low	50%

A3.9.3 Responsibilities of and Co-operation between the Different Authorities in Member States

Three respondents provided their views on potential initiatives relating to responsibilities of and co-operation between the different national authorities within the Member States involved in enforcement of Directive 2007/46/EC in their territory. Their responses are summarised in Table A3.37 and Figure A3.3. 67% of respondents favour joint action by the Commission and the Member States.

Table A3.37: Responses to the question - The second area of attention relates to the "responsibilities of and co-operation between the different national authorities within the Member States involved in enforcement of Directive 2007/46/EC in their territory". Which of the following potential initiatives do you consider to be the most appropriate for addressing this issue?	
Response	**% of responses**
Do nothing (i.e. no changes to the existing situation are necessary)	33%
Undertake awareness campaigns and/or voluntary agreements with and **between enforcement authorities in the Member States** to clarify and agree on their respective roles and responsibilities and to enhance the information exchange and co-operation between them, both at national and cross border level	0%

Table A3.37: Responses to the question - The second area of attention relates to the "responsibilities of and co-operation between the different national authorities within the Member States involved in enforcement of Directive 2007/46/EC in their territory". Which of the following potential initiatives do you consider to be the most appropriate for addressing this issue?	
Joint actions by the Commission and the Member States aimed at improving the enforcement of the current legal framework for automotive products, such as targeted training for national authorities and the development of interpretation guidelines on the legal provisions on type-approval, conformity of production, recall of vehicles, safeguard measures and market surveillance	67%
Amending the existing technical harmonisation legislation, where this would involve developing, within the internal market legislation on motor vehicles, provisions to specify and clarify the role and responsibilities of the different authorities in the Member States involved in the enforcement of the Directive in their territory and to establish clear procedures for information exchange and cooperation between them to effectively remedy any market failure caused by the presence of non-compliant products on the market.	0%
Other	0%

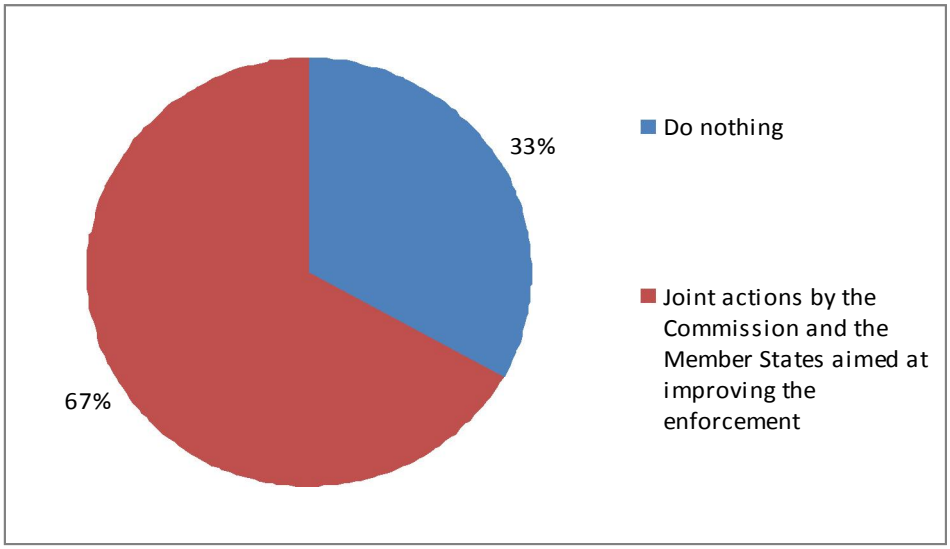

Figure A3.3: Responses to the question - The second area of attention relates to the "responsibilities of and co-operation between the different national authorities within the Member States involved in enforcement of Directive 2007/46/EC in their territory". Which of the following potential initiatives do you consider to be the most appropriate for addressing this issue?

One stakeholder gave an estimate of the likely costs to organisations such as theirs from joint action by the Commission and the Member States aimed at improving enforcement. As shown in Table A3.38, this respondent estimates low costs.

Table A3.38: Responses to the question - Assuming your chosen initiative is taken forward, what is your estimate of the likely scale (i.e. high, medium or low) of costs to organisations such as yours? ***This Table refers to the costs of joint action by the Commission and the Member States aimed at improving enforcement.***		
Response	**Percentage of responses**	
	One-off set-up costs	**Annual compliance costs**
High	0%	0%
Medium	0%	0%
Low	100%	100%

Two stakeholders provided estimates of the likely benefits to organisations such as theirs from joint action by the Commission and the Member States aimed at improving enforcement. Their responses are summarised in Table A3.39. The respondent which expects medium benefits stated that these would be accrued due to a "*unification of national requirements to register the approval*".

Table A3.39: Responses to the question - Assuming your chosen initiative is taken forward, what is your estimate of the likely scale (i.e. high, medium or low) benefits to organisations such as yours? ***This Table refers to the benefits from joint action by the Commission and the Member States aimed at improving enforcement.***

Response	Percentage of responses
High	0%
Medium	50%
Low	50%

A3.9.4 Quality and Performance of Technical Services

Three respondents provided their views on potential initiatives relating to the quality and performance of technical services. Their responses are summarised in Table A3.40 and Figure A3.4. 67% of respondents favour undertaking awareness campaigns and/or voluntary agreements with and between technical services.

Table A3.40: Responses to the question - The third area of attention relates to the "quality and performance of technical services". Which of the following potential initiatives do you consider to be the most appropriate for addressing this issue?

Response	% of responses
Do nothing (i.e. no changes to the existing situation are necessary)	33%
Undertake awareness campaigns and/or voluntary agreements with and between technical services to (a) clarify and agree on their respective roles and responsibilities and (b) achieve a uniform level of stringency in type-approval testing and verification of the conformity of production, including mechanisms for information exchange and co-operation between them	67%
Amending the existing technical harmonisation legislation, where this would involve developing, within the internal market legislation on motor vehicles, provisions to clarify and strengthen the requirements technical services have to comply with to be entitled to perform type-approval testing and verification of COP	0%
Other	0%

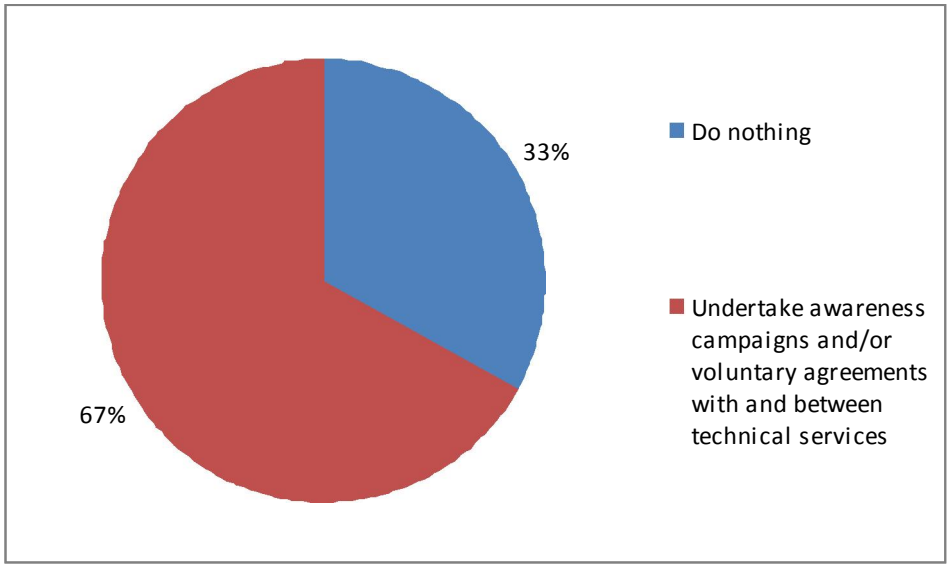

Figure A3.4: Responses to the question - The third area of attention relates to the "quality and performance of technical services". Which of the following potential initiatives do you consider to be the most appropriate for addressing this issue?

Two stakeholders gave an estimate of the likely costs (see Table A3.41 and Table A3.42 respectively) and benefits to organisations such as theirs from undertaking awareness campaigns and/or voluntary agreements. As can be seen from Table A3.41, these respondents estimate low or medium costs. Note that the stakeholder who envisaged low costs in the previous question also expects low benefits and the respondent which foresees medium costs also expects medium benefits.

Table A3.41: Responses to the question - Assuming your chosen initiative is taken forward, what is your estimate of the likely scale (i.e. high, medium or low) of costs to organisations such as yours? ***This Table refers to the costs of undertaking awareness campaigns and/or voluntary agreements with and between technical services.***

Response	Percentage of responses	
	One-off set-up costs	Annual compliance costs
High	0%	0%
Medium	50%	50%
Low	50%	50%

Table A3.42: Responses to the question - Assuming your chosen initiative is taken forward, what is your estimate of the likely scale (i.e. high, medium or low) benefits to organisations such as yours? ***This Table refers to the benefits from undertaking awareness campaigns and/or voluntary agreements with and between technical services.***

Response	Percentage of responses
High	0%
Medium	50%
Low	50%

A3.9.5 Post-market Safeguard Measures and the Recall of Vehicles and Components

Three respondents provided their views on potential initiatives relating to the application of post-market safeguard measures and the recall of vehicles and components. Their responses are summarised in Table A3.43 and Figure A3.5. 67% of respondents favour the 'do nothing' option.

Table A3.43: Responses to the question - The fourth area of attention relates to the "application of post-market safeguard measures and the recall of vehicles and components". Which of the following potential initiatives do you consider to be the most appropriate for addressing this issue?	
Response	**%**
Do nothing (i.e. no changes to the existing situation are necessary)	67%
Undertake awareness campaigns and/or voluntary agreements with and between the different authorities in the Member States involved in the implementation and enforcement of the internal market legislation for motor vehicles to clarify and agree on their respective roles and responsibilities in post-market safeguard measures and recall actions, and the communication channels and procedures for exchange of information and co-operation.	0%
Amending the existing technical harmonisation legislation, where this would involve developing, within the internal market legislation on motor vehicles, provisions to specify the role of and interaction between the different authorities involved in post-market safeguard measures and recall actions, as well as the cross border information exchange and co-operation between national enforcement authorities.	33%

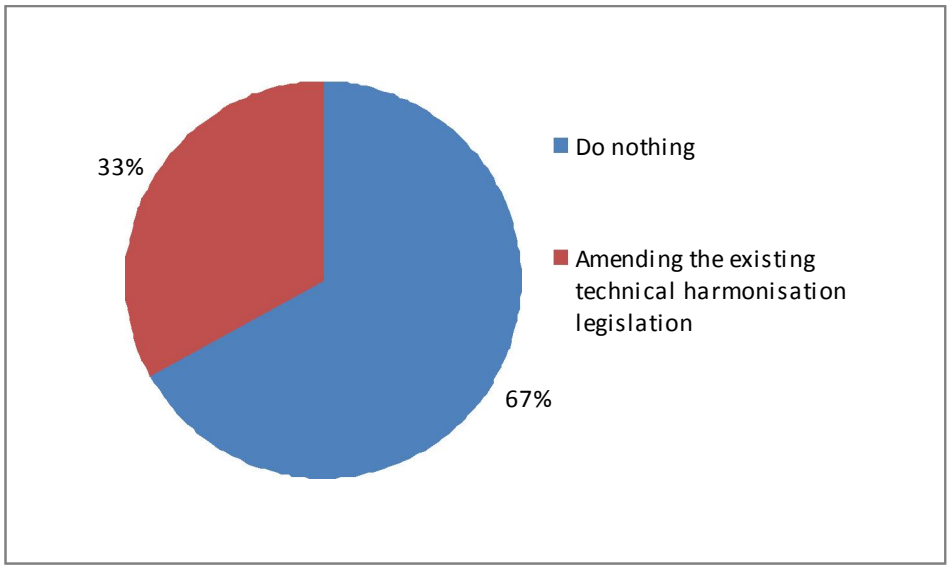

Figure A3.5: Responses to the question - The fourth area of attention relates to the "application of post-market safeguard measures and the recall of vehicles and components". Which of the following potential initiatives do you consider to be the most appropriate for addressing this issue?

One stakeholder gave estimates of the likely costs to organisations such as theirs from amending the existing technical harmonisation legislation. As shown in Table A3.44, these costs were estimated to be low.

Table A3.44: Responses to the question - Assuming your chosen initiative is taken forward, what is your estimate of the likely scale (i.e. high, medium or low) of costs to organisations such as yours? ***This Table refers to the costs of amending the existing technical harmonisation legislation.***		
Response	**Percentage of responses**	
	One-off set-up costs	**Annual compliance costs**
High	0%	0%
Medium	0%	0%
Low	100%	100%

One stakeholder provided an estimate of the likely benefits to organisations such as theirs from amending the existing technical harmonisation legislation (see Table A3.42).

Table A3.45: Responses to the question - Assuming your chosen initiative is taken forward, what is your estimate of the likely scale (i.e. high, medium or low) benefits to organisations such as yours? ***This Table refers to the benefits from amending the existing technical harmonisation legislation.***	
Response	**Percentage of responses**
High	0%
Medium	0%
Low	100%

A3.9.6 Verification Procedures for Ensuring Conformity of Production

Three respondents provided their views on potential initiatives relating to the verification procedures for ensuring conformity of production. Their responses are summarised in Table A3.46 and in Figure A3.6. Respondents' opinion is divided between the 'do nothing' option, undertaking awareness campaigns/voluntary agreements and amending the existing technical harmonisation legislation.

Table A3.46: Responses to the question - The fifth area of attention relates to "the verification procedures for ensuring conformity of production". Which of the following potential initiatives do you consider to be the most appropriate for addressing this issue?	
Response	**%**
Do nothing (i.e. no changes to the existing situation are necessary)	33%
Undertake awareness campaigns and/or voluntary agreements with and between the different stakeholders involved in the conformity of production (manufacturers, technical services and type-approval authorities in the Member States) to clarify and agree on the quality criteria and procedures to be applied for verifying and ensuring the conformity of production.	33%
Amending the existing technical harmonisation legislation, where this would involve developing, within the internal market legislation on motor vehicles, provisions to clarify and strengthen the provisions on conformity of production, through the application of the principles and provisions of the NLF related to the verification of conformity during the production stage. These provisions cover the assessment of quality management systems for production, and product related controls through inspection and testing, under surveillance by the competent authorities.	33%

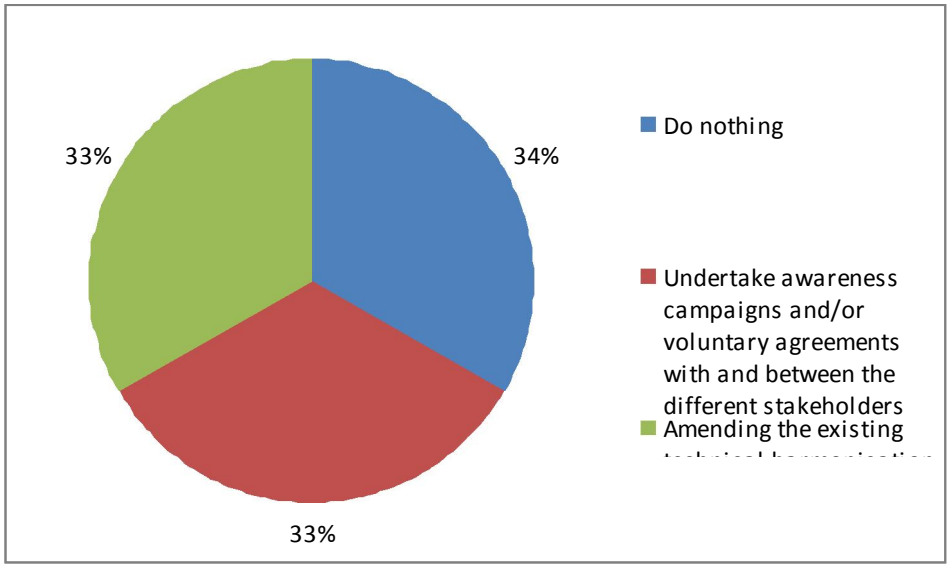

Figure A3.6: Responses to the question - The fifth area of attention relates to "the verification procedures for ensuring conformity of production". Which of the following potential initiatives do you consider to be the most appropriate for addressing this issue?

Two stakeholders gave estimates of the likely costs from the initiative chosen by them in response to the previous question (see Table A3.46) to organisations such as theirs. As shown in Table A3.47, respondents estimate medium costs, regardless of whether the action chosen by them is undertaking awareness campaigns/voluntary agreements or amending the existing technical harmonisation legislation.

Table A3.47: Responses to the question - Assuming your chosen initiative is taken forward, what is your estimate of the likely scale (i.e. high, medium or low) of costs to organisations such as yours? ***This Table refers to the costs of undertaking awareness campaigns or amending the existing technical harmonisation legislation.***

Response	**Percentage of responses**	
	One-off set-up costs	**Annual compliance costs**
High	0%	0%
Medium	100%	100%
Low	0%	0%

One stakeholder provided an estimate of the likely benefits to organisations such as theirs from amending the existing technical harmonisation legislation (see Table A3.48).

Table A3.48: Responses to the question - Assuming your chosen initiative is taken forward, what is your estimate of the likely scale (i.e. high, medium or low) of benefits to organisations such as yours? ***This Table refers to the benefits from undertaking awareness campaigns or amending the existing technical harmonisation legislation.***

Response	**Percentage of responses**
High	0%
Medium	100%
Low	0%

A3.9.7 Other Issues Relating to the Improvement of the Current Legal Framework

Only one respondent gave their view on the potential contribution of the approaches applied in other product sectors and the harmonised legislative provisions provided by the New Legislative Framework to addressing the attention areas that have been identified. A further stakeholder stated that they were unable to answer the question. The responses are summarised in Table A3.49.

Table A3.49: Responses to the question - Do you consider that the approaches applied in other product sectors and the harmonised legislative provisions provided by the New Legislative Framework could contribute to addressing the attention areas that have been identified?

Response	Percentage of responses
Yes	0%
No	50%
Do not know	50%

ANNEX 4

VIEWS OF TECHNICAL SERVICES

A4. VIEWS OF TECHNICAL SERVICES

A4.1 Profile of Respondents

A total of eight Technical Services responded to the on-line questionnaire on RPA's website, all of which were notified by Member State Authorities, as shown in Table A4.1.

Table A4.1: Types of Technical Service organisations from which responses have been received	
	Technical Services
Technical Service (as notified by MS Authority)	100.0%
Subsidiary	0%
Sub-contractor	0%
Other (please specify)	0%

Of the Technical Services that responded to the questionnaire, 25% operate in all EU countries, with the rest only operating in their own country, as shown in Table A4.2.

Table A4.2: Responses to the question: Where does your organisation operate within the EU?	
Member State	**Technical Services**
All EU-27 Countries	25%
Austria	0%
Belgium	0%
Bulgaria	0%
Cyprus	0%
Czech Republic	0%
Denmark	0%
Estonia	0%
Finland	0%
France	0%
Germany	12.5%
Greece	0%
Hungary	25%
Ireland	0%
Italy	12.5%
Latvia	0%
Lithuania	0%
Luxembourg	0%
Malta	0%
Netherlands	0%
Poland	12.5%
Portugal	0%
Romania	0%
Spain	0%
Slovakia	12.5%
Slovenia	0%
Sweden	0%
United Kingdom	0%
Percentages given above may not add up to 100% as respondents were able to choose more than one option	

Both organisations that operate throughout the EU27 also operate in EU candidate countries and in the Far East, as shown in Table A4.3. One of them indicated that it operates worldwide.

Table A4.3: Responses to the question: Please indicate where your organisation is operating outside the EU	
EEA (Iceland, Norway and Liechtenstein)	50%
EU Candidate Countries (Croatia, Macedonia, Turkey)	100%
Far East*	100%
Americas*	50%
Other*	50%
*When asked for further details, one organisation indicated that it operates worldwide and the other listed China, Japan and Iran. Percentages given above may not add up to 100% as respondents were able to choose more than one option	

Table A4.4 shows that of the eight Technical Service respondents to the questionnaire, 25% were large organisations and 75% were SMEs, half of which were medium and the other half small or micro.

Table A4.4: Organisation size	
Micro (typically fewer than 10 employees)	12.5%
Small (typically 11 to 50 employees)	25%
Medium (typically 51 to 250 employees)	37.5%
Large (typically more than 250 employees)	25%

Table A4.5 and Figure A4.1 show that all the Technical Services that responded carry out type approval testing. In addition to this, 50% also act as testing laboratories and undertake conformity assessments, and 25% carry out market surveillance. One organisation also performs other tasks, described as "road traffic safety and transport expertise". None offer self-certification services.

Table A4.5: Percentage of responses to the question: Which of the following best describe your organisation's key tasks in the context of Directive 2007/46/EC	
Type approval testing	100%
Market surveillance	25%
Self-certification	0%
Testing laboratory	50%
Conformity assessment	50%
Other*	12.5%
*One organisation indicated that it also performs "road traffic safety and transport expertise tasks". Percentages given above may not add up to 100% as respondents were able to choose more than one option	

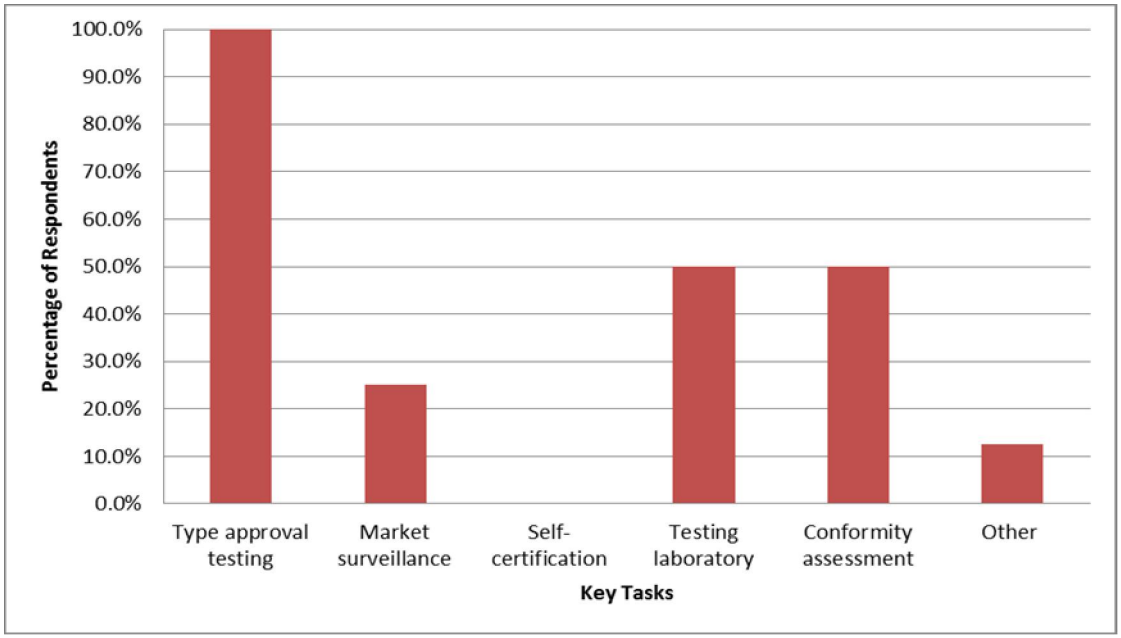

Figure A4.1: Responses to the question: Which of the following best describes your organisation's key tasks in the context of Directive 2007/46/EC?

Table A4.6 and Figure A4.2 show that 71% of Technical Service organisations employ 10 to 25 people to carry out type approval testing, with 14 % employing fewer than 10 and 14% more than 100. 50% of the organisations that carry out market surveillance employ fewer than 10 people in this field and the other 50% between 10 and 25. Of the organisations that act as testing laboratories, 29% employ each of fewer than 10 people, 10 to 25 people and 25 to 50 people in this capacity, with the remaining 14% employing more than 100. For conformity assessment, 75% of respondents employ fewer than 10 people, with the remaining 25% employing 25 to 50 people. The one organisation that carries out other key tasks employs 50 to 100 people in this capacity.

Table A4.6: Percentage of responses to the question: For the key tasks, roughly how many staff in your organisation work specifically on motor vehicles and/or automotive parts for such vehicles

	Type approval testing	Market surveillance	Self-certification	Testing laboratory	Conformity assessment	Other
Less than 10	14%	50%	0%	29%	75%	0%
10 to 25	71%	50%	0%	29%	0%	0%
25 to 50	0%	0%	0%	29%	25%	0%
50 to 100	0%	0%	0%	0%	0%	100%
More than 100	14%	0%	0%	14%	0%	0%
Total	**100%**	**100%**	**0%**	**100%**	**100%**	**100%**
Response Count	7	2	0	7	4	1
Percentages given above may not add up to 100% due to rounding.						

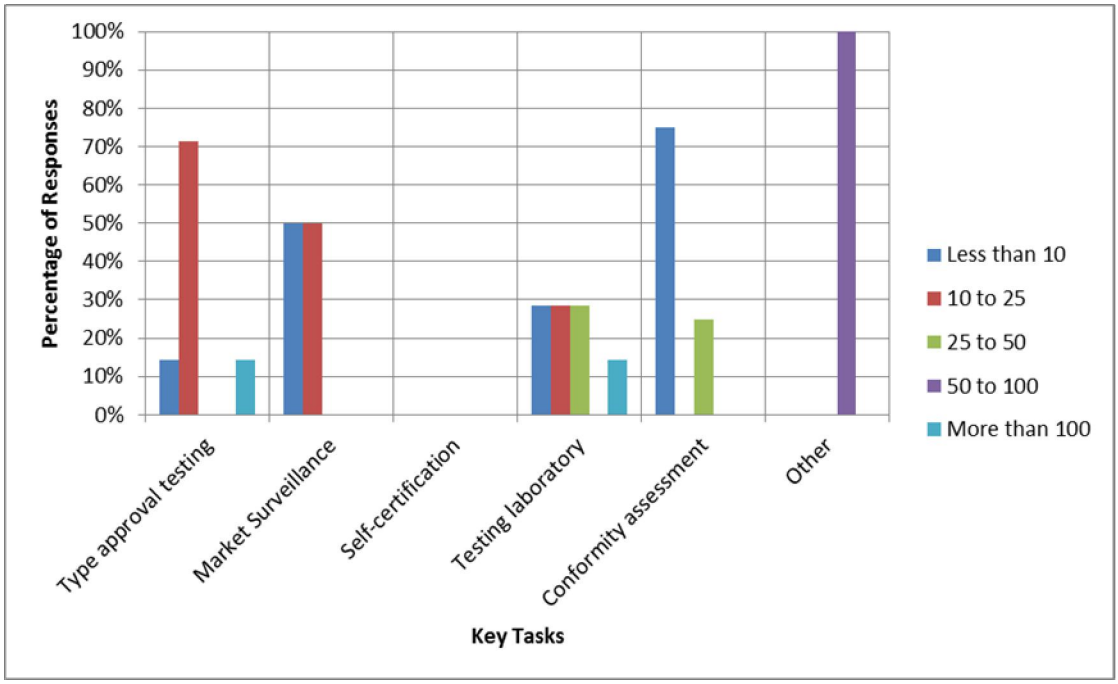

Figure A4.2: Percentage of responses to the question: For the key tasks, roughly how many staff in your organisation work specifically on motor vehicles and/or automotive parts for such vehicles.

Table A4.7 and Figure A4.3 give an indication of how Technical Service organisation staff split their time among their given tasks. For most key tasks, staff in most organisations spend either the majority or all of their time on a particular task. A notable exception is market surveillance, for which staff in both Technical Service organisations that carry it out spend only 25% to 50% of their time on it.

Table A4.7: Percentage of responses to the question: on average, what proportion of the above staff working time is spent specifically on motor vehicles and/or automotive parts for such vehicles

	Type approval testing	Market Surveillance	Self-certification	Testing laboratory	Conformity assessment	Other
Not too much time (less than 25%)	0%	0%	0%	0%	25%	0%
Some time (about 25 to 50%)	14%	100%	0%	29%	25%	0%
Majority of the time (over 50%)	43%	0%	0%	29%	25%	100%
All the time (100%)	43%	0%	0%	43%	25%	0%
Total	**100%**	**100%**	**0%**	**100%**	**100%**	**100%**
Response Count	7	2	0	7	4	1
It should be noted that the percentages given above may not exactly equal 100% due to rounding.						

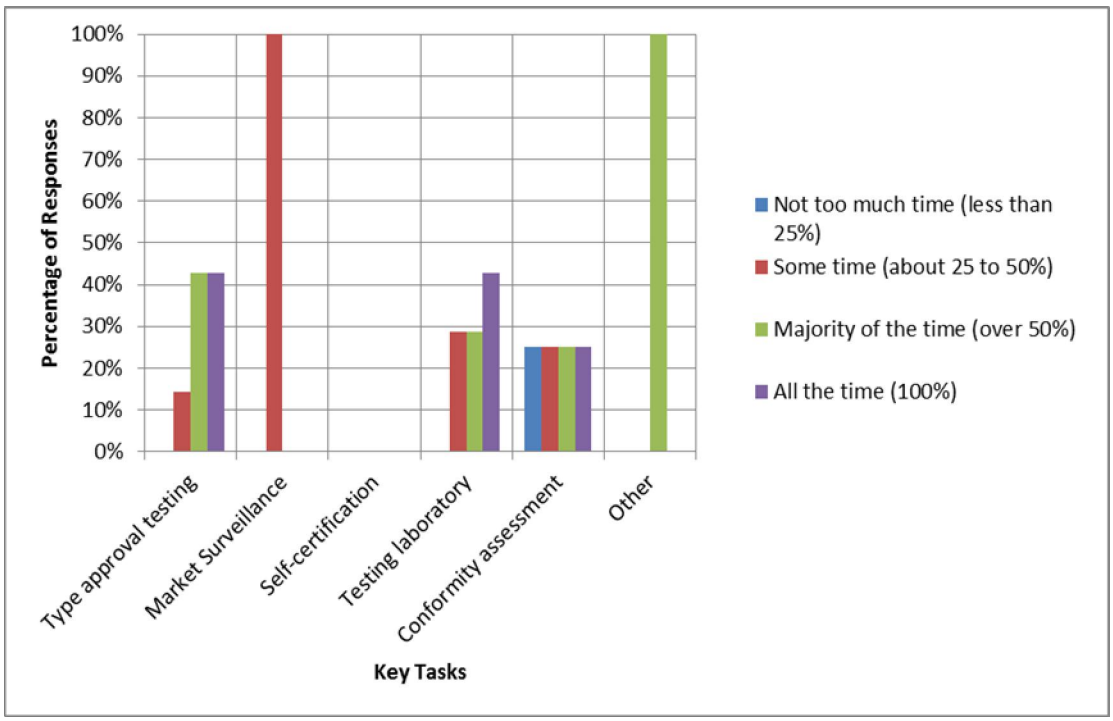

Figure A4.3: Percentage of responses to the question: On average, what proportion of the above staff working time is spent specifically on motor vehicles and/or automotive parts for such vehicles

The majority of Technical Service organisations test, inspect or certify fewer than 300 vehicles, systems, components or separate technical units for motor vehicles per year, as shown in Table A4.8 and Figure A4.4, with a quarter testing, inspecting or certifying fewer than 100. A minority of 12.5% test, inspect or certify more than 3000.

Table A4.8: Percentage of responses to the question: How many vehicles and/or systems, components and separate technical units intended for motor vehicles do you test/inspect/certify in a given year?	
Fewer than 100	25.0%
100 to 300	37.5%
300 to 1000	12.5%
1000 to 3000	0.0%
More than 3000	12.5%
Do not know	12.5%

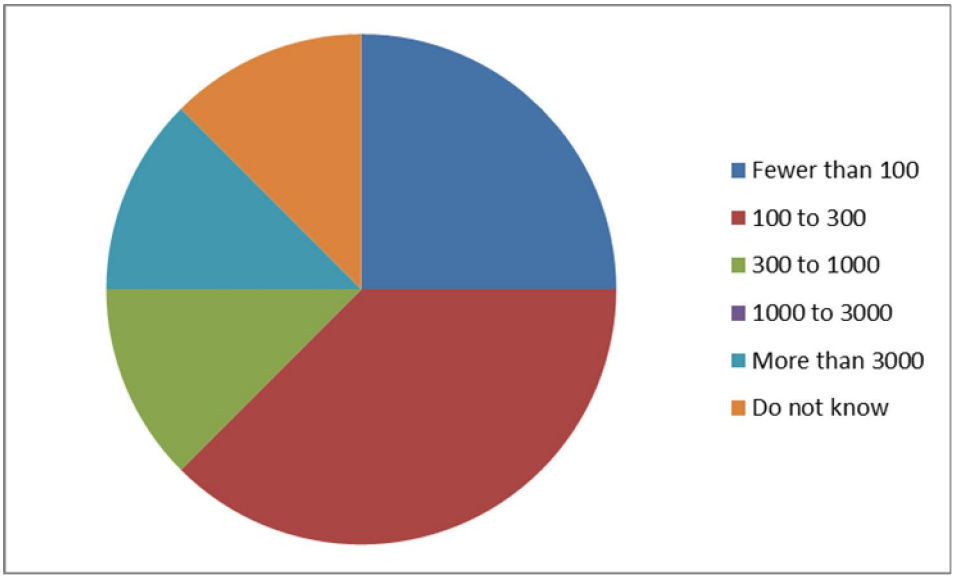

Figure A4.4: Percentage of responses to the question: How many vehicles and/or systems, components and separate technical units intended for motor vehicles do you test/inspect/certify in a given year?

Table A4.9 and Figure A4.5 show respondents' estimates of the percentage of automotive products that have given rise to difficulties during the type-approval process over the last three years. They indicate that the majority, 62.5%, of respondents estimate this percentage to be between 20% and 40%. 12.5% of respondents estimate it to be between 10% and 20% and another 12.5% estimate it in the 40% to 60% range.

Table A4.9: Percentage of responses to the question: What is your estimate of the percentage of automotive products that has given rise to difficulties during the type-approval or conformity assessment of vehicles and components in the last three years?	
Less than 10%	0.0%
10 to 20%	12.5%
20 to 40%	62.5%
40 to 60%	12.5%
More than 60%	0.0%
Do not know	12.5%

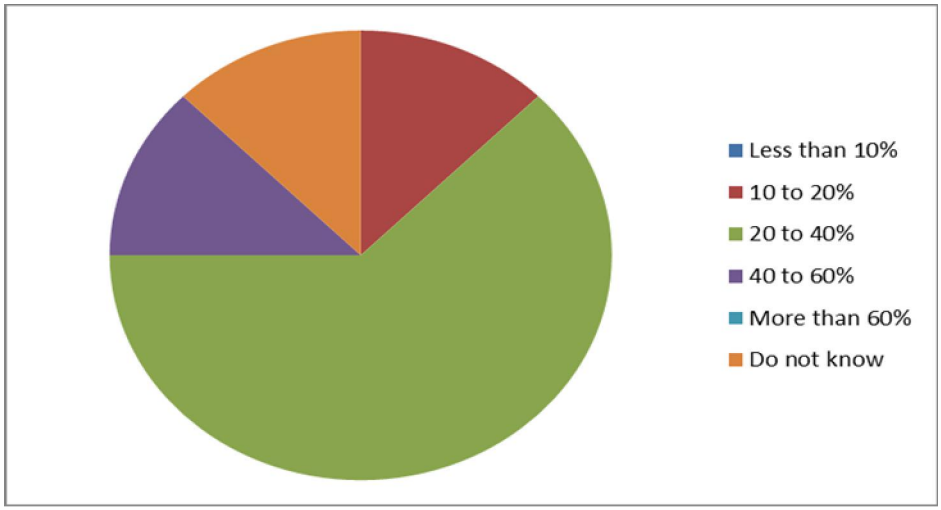

Figure A4.5: Percentage of responses to the question: What is your estimate of the percentage of automotive products that has given rise to difficulties during the type-approval or conformity assessment of vehicles and components in the last three years?

A4.2 Evaluation of the Current Legal Framework

Overall, Technical Services respondents do not believe that the implementation of the current legal framework is as effective as it could be, with 50% rating it not satisfactory, only 33% rating it satisfactory and none highly satisfactory. These results are presented in Table A4.10 and Figure A4.6.

Table A4.10: Percentage of responses to the question: Overall, how would you rate the implementation of the existing legal framework (under Directive 2007/46/EC) to date?	
Highly Satisfactory	0%
Satisfactory	33%
Not Satisfactory	50%
Highly Unsatisfactory	0%
Do not know	17%

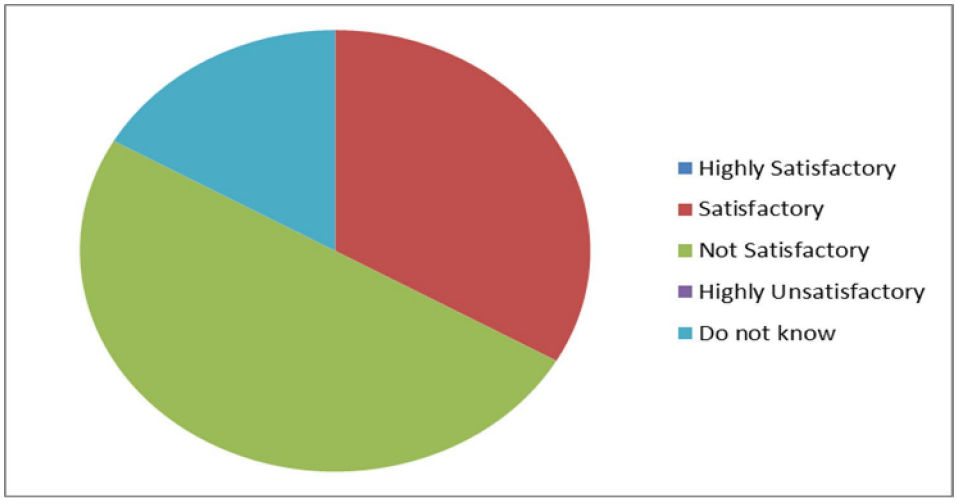

Figure A4.6: Percentage of responses to the question: Overall, how would you rate the implementation of the existing legal framework (under Directive 2007/46/EC) to date?

Despite generally finding the current legal framework unsatisfactory, 50% of Technical Services still report positive experiences resulting from specific areas within it, as shown in Table A4.11.

Table A4.11: Responses to the question: Are there specific areas within the existing legal framework for which you have positive experiences from implementation?	
Yes	50%
No	33%
Do not know	17%
Total	**100%**

When asked to provide more details on these positive experiences, three respondents made the following comments:

- *"possibility of complete vehicle approval for buses, trucks, etc.";*
- *"same conditions in all EU member states, free markets"; and*
- *"EWVTA procedure as a TS for the foreign TAA".*

However, 50% of Technical Services also report negative experiences resulting from specific areas of the current legal framework, as shown in Table A4.12. These include:

- the Vehicle Identification Number (VIN) system in case of multi-stage approval;
- lack of harmonisation for the data content of documents, approvals and tests;
- missing requirements for important components;
- problems with the national implementation of the EU framework;
- various exceptions in some Member States;
- lack of regulations for motorbikes and tractors; and
- gaps in the legislation for vehicle parts and modifications.

Table A4.12: Responses to the question: Are there specific areas within the existing legal framework for which you have negative experiences from implementation?	
Yes	50%
No	33%
Do not know	17%
Total	**100%**

Table A4.13 provides responses from Technical Services regarding whether the objectives of the Directive are still valid and relevant for coping with the current situation in the market and the automotive sector. The objectives are as follows:

- **to establish a harmonised framework (i.e. achieve the internal market)** containing the administrative provisions and general technical requirements for approval of all new vehicles within its scope and of the systems, components and separate technical units intended for those vehicles, with a view to facilitating their registration, sale and entry into service within the Community;

- **to establish the provisions for the sale and entry into service** of parts and equipment intended for vehicles approved in accordance with this Directive; and

- to ensure that new vehicles, components and separate technical units put on the market provide **a high level of safety and environmental protection** (based on prior control by an approval authority before they are offered for sale).

Technical service respondents unanimously believe that the establishment of a harmonised framework is still relevant under the current situation and 83% also believe this for the other two objectives, indicating a high degree of perceived relevance for all of the stated objectives.

Table A4.13: Responses to the question: Are the objectives of the Directive still valid and relevant for coping with the current situation in the market and for the automotive sector?

	Establishment of a harmonised framework	**Establishment of the provisions for the sale and entry into service of parts and equipment intended for vehicles approved in accordance with this Directive**	**Ensure new vehicles, components and separate technical units put on the market provide a high level of safety and environmental protection**
Still relevant	100%	83%	83%
No longer relevant	0%	17%	17%
Do not know	0%	0%	0%
Total	**100%**	**100%**	**100%**

As indicated in Table A4.14 the majority of respondents believe that the current scope of the Directive is still relevant for coping with the current market and automotive sector situation. The 33% of respondents that do not actively agree with this are evenly split between those that disagree and those that do not know.

Table A4.14: Responses to the question: Is the current scope of the Directive still valid and relevant for coping with the current situation in the market and for the automotive sector (for instance, does it cover all relevant products)?

Still relevant	67%
No longer relevant	17%
Do not know	17%
Total	**100%**
It should be noted that the percentages given above may not exactly add to 100% due to rounding.	

One respondent out of the six that answered this question, equivalent to 17% of responses, believes that the current scope of the Directive is no longer relevant for coping with the current situation in the market and for the automotive sector. The reasons they gave for this were that *"provisions are still not enough, requirements are necessary for more components (e.g. wheels for heavy vehicle, servosteering, ball joints of suspension, etc.)"*

A4.3 Relevance - Identification of Areas of Attention

Respondents were asked to indicate the extent to which they consider given areas of attention as problematic. These areas, as well as respondents' estimates, are presented in Table A4.15 and Figure A4.7. Of the five areas, 'traceability of products and clarifying the role and responsibilities of economic operators' is considered the most problematic by respondents, with a third rating it as "highly problematic" and a half as "somewhat problematic". Half of respondents also view the 'responsibilities of and co-operation between different Technical Services within the Member States involved in the enforcement of the legislation' and the 'application of post-market safeguard measures and obligatory recall of vehicles (and components)' as "somewhat problematic", with a further 17% viewing both as "highly problematic". While the majority of respondents view 'verification procedures for ensuring conformity of production' as "somewhat problematic", none view it as "highly problematic". The majority of Technical Services do not view the 'quality and performance of Technical Services' as problematic.

Table A4.15: Responses to the question: Five areas of attention have been identified as having the potential to affect the effective implementation of the EU type-approval legislation for automotive products. Indicate the extent to which you consider these areas to be problematic.

	Traceability of products and clarifying the role and responsibilities of economic operators	**Responsibilities of and co-operation between the different national authorities within the Member States involved in the enforcement of the legislation**	**Quality and performance of technical services**	**Application of post-market safeguard measures and obligatory recall of vehicles (and components)**	**Verification procedures for ensuring conformity of production**
Highly Problematic	33%	17%	0%	17%	0%
Somewhat Problematic	50%	50%	17%	50%	67%
Not an Important Problem	17%	17%	67%	17%	17%
Do not know	0%	17%	17%	17%	17%
Total	**100%**	**100%**	**100%**	**100%**	**100%**
Response Count	6	6	6	6	6

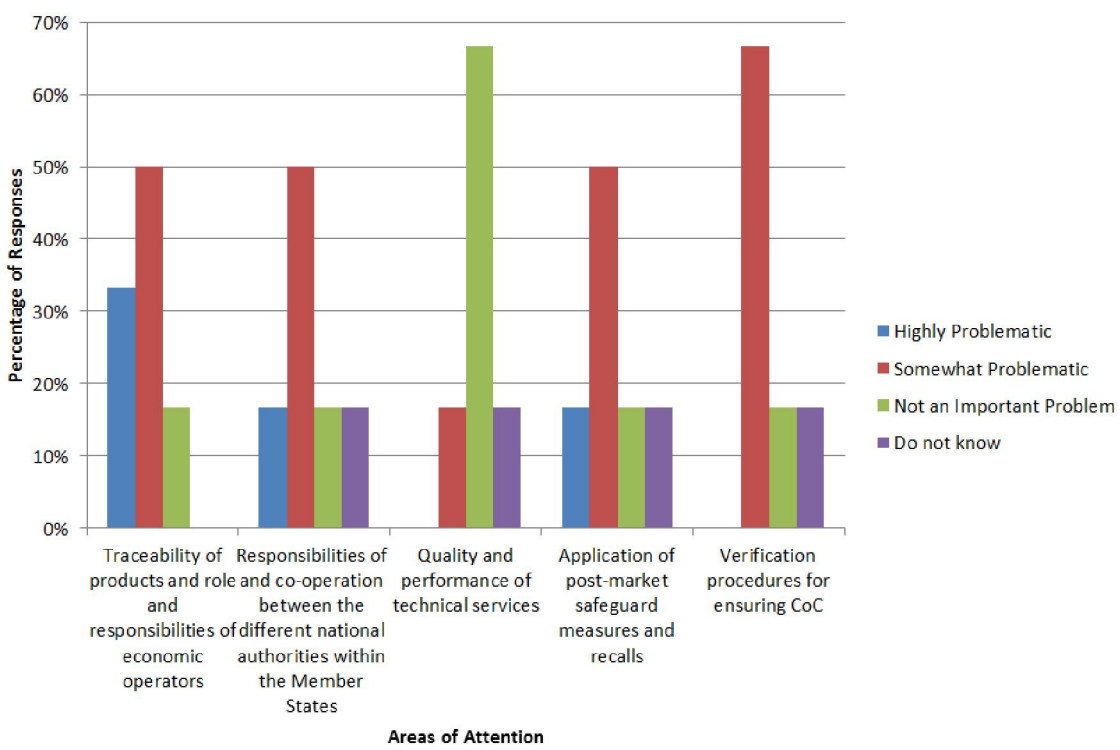

Figure A4.7: Responses to the question: Five areas of attention have been identified as having the potential to affect the effective implementation of the EU type-approval legislation for automotive products. Indicate the extent to which you consider these areas to be problematic.

The majority of Technical Service respondents cannot give specific examples of negative experiences in any of the areas of attention listed in Table A4.16.

Table A4.16: Responses to the question: Can you give specific examples of negative experiences in these areas of attention?

	Traceability of products and clarifying the role and responsibilities of economic operators	**Responsibilities of and co-operation between the different national authorities within the Member States involved in the enforcement of the legislation**	**Quality and performance of technical services**	**Application of post-market safeguard measures and obligatory recall of vehicles (and components)**	**Verification procedures for ensuring conformity of production**
YES	40%	20%	20%	0%	20%
NO	40%	60%	60%	80%	60%
Do not know	20%	20%	20%	20%	20%
Total	**100%**	**100%**	**100%**	**100%**	**100%**
Response Count	5	5	5	5	5

Respondents that indicated that they were able to give negative experiences in the areas of attention presented in Table A4.16 were asked to provide details of these. One respondent did so, with the comments:

- *"no requirement to mark materials approved acc. to 95/28"; and*
- *"COP requirements in Annex X are too general and not clear".*

For the same areas of attention, the majority of Technical Service respondents cannot give specific examples of positive experiences either, as shown in Table A4.17. However, a significant minority of 40% can do so for the 'responsibilities of and co-operation between the different national authorities within the Member States', as well as for the 'quality and performance of technical services'. No respondents are able to give specific positive experiences regarding the 'application of post-market safeguard measures and obligatory recall of vehicles (and components)', or regarding the 'verification procedures for ensuring conformity of production'.

Table A4.17: Responses to the question: Can you give specific examples of positive experiences in these areas of attention?

	Traceability of products and clarifying the role and responsibilities of economic operators	**Responsibilities of and co-operation between the different national authorities within the Member States involved in the enforcement of the legislation**	**Quality and performance of technical services**	**Application of post-market safeguard measures and obligatory recall of vehicles (and components)**	**Verification procedures for ensuring conformity of production**
YES	20%	40%	40%	0%	0%
NO	60%	40%	40%	80%	80%
Do not know	20%	20%	20%	20%	20%
Total	**100%**	**100%**	**100%**	**100%**	**100%**
Response Count	5	5	5	5	5

Again, respondents that indicated that they were able to give positive experiences in the areas of attention presented in Table A4.17 were asked to provide details of these. One respondent did so, with the comments:

- *"Type Approval Authorities Meetings";*
- *"ETAES database"; and*
- *"Type Approval certification history".*

Respondents were then asked whether they thought expected developments or changes in the market for motor vehicles would be likely to increase or decrease the importance of the identified areas of attention. Table A4.18 and Figure A4.8 indicate that in four of the five areas of attention respondents' opinions on this is quite evenly

split between those that think the importance of the area will increase and those that predict no change. The notable exception to this is in the area of 'traceability of products and clarifying the role and responsibilities of economic operators', for which 80% of respondents expect an increase in importance.

Table A4.18: Responses to the question: Are expected developments or changes (whether geographical, design, technological or market-related) in the market for motor vehicles likely to increase or decrease the importance of the identified areas of attention?

	Traceability of products and clarifying the role and responsibilities of economic operators	Responsibilities of and co-operation between national authorities within the MSs involved in the enforcement of the legislation	Quality and performance of technical services	Application of post-market safeguard measures and obligatory recall of vehicles (and components)	Verification procedures for ensuring conformity of production
Significantly increase	20%	0%	0%	0%	0%
Increase	60%	60%	40%	60%	60%
No change	20%	40%	60%	40%	40%
Decrease	0%	0%	0%	0%	0%
Significantly decrease	0%	0%	0%	0%	0%
Total	**100%**	**100%**	**100%**	**100%**	**100%**
Response Count	5	5	5	5	5

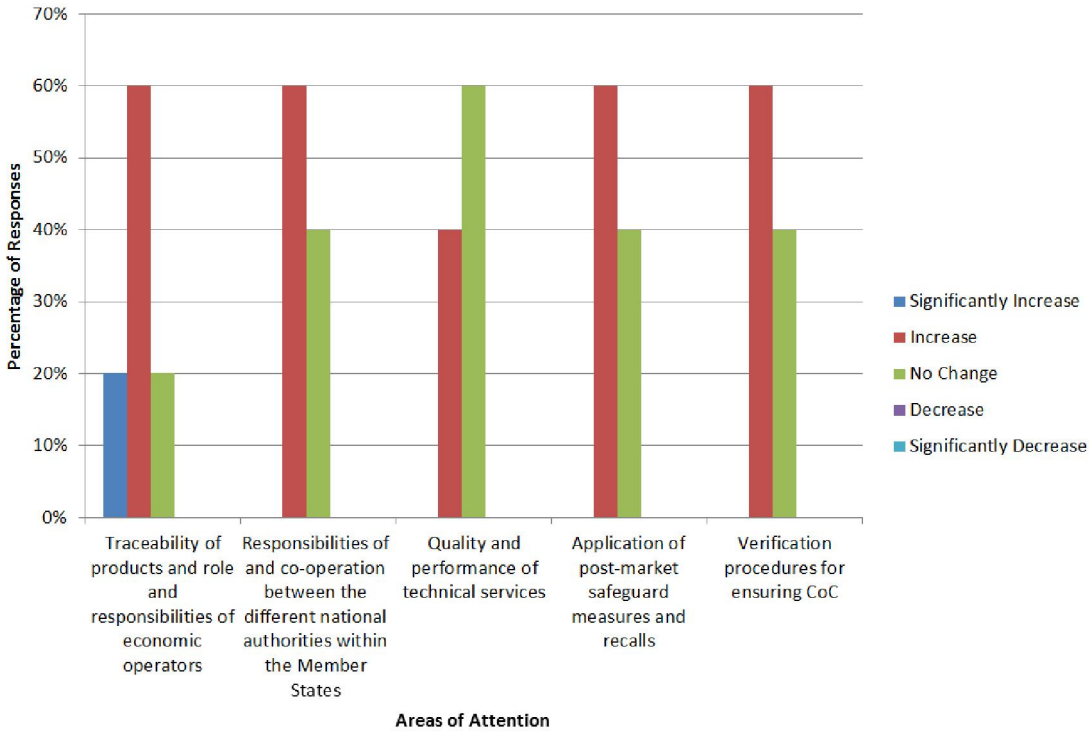

Figure A4.8: Responses to the question: Are expected developments or changes (whether geographical, design, technological or market-related) in the market for motor vehicles likely to increase or decrease the importance of the identified areas of attention?

When invited to provide further comments on this question, two respondents were willing to do so. Their comments were:

- *"world trade network of vehicle parts is complicated, manufacturer can hardly be identified"; and*
- *"encourage the stakeholders to moving forward".*

A4.4 Effectiveness of the Current Legal Framework

A4.4.1 Non-compliant Automotive Products

Table A4.19 indicates that all the organisations responding to this question consider the presence of non-compliant automotive products on the EU market an issue, with 75% viewing it as serious.

Table A4.19: Responses to the question: In your opinion, how serious is the issue of non-compliant automotive products being placed on the EU market? (*non-compliance includes by-passing or circumvention of type-approval and/or conformity of production procedures e.g. through parallel imports*)	
Highly serious	0%
Serious	75%
Exists, but minimal	25%
Not a problem	0%
Do not know	0%
Total	**100%**

Respondents to the previous question that either answered 'highly serious' or 'serious' were asked to provide an estimate to the percentage of non-compliant automotive products currently on the EU market. As indicated in Table A4.20 opinion on this matter was evenly split, with one third of respondents estimating 1% to 5%, one third 10% to 25%, and the final third estimating over 25%.

Table A4.20: Responses to the question: If *"highly serious"* or *"serious"*, what is the percentage of non-compliant automotive products currently on the EU market?	
Less than 1%	0%
1% to 5%	33%
5% to 10%	0%
10% to 25%	33%
More than 25%	33%
Total	**100%**

A4.4.2 Unsafe Automotive Products

Table A4.21 presents responses from Technical Services regarding the seriousness of unsafe automotive products entering the EU market. All respondents believe that this issue does exist, but only 50% consider it to be serious, with the other 50% viewing it as minimal.

Table A4.21: Responses to the question: In your opinion, how serious is the issue of unsafe automotive products being placed on the EU market?	
Highly serious	0%
Serious	50%
Exists, but minimal	50%
Not a problem	0%
Do not know	0%
Total	**100%**

Organisations that responded either 'highly serious' or 'serious' to the previous question were asked to estimate the percentage of unsafe automotive products currently on the EU market. As indicated in Table A4.22 there is an even split between responses with 50% indicating 1% to 5% of products currently on the EU market are unsafe and 50% indicating that 10% to 25% of products are unsafe.

Table A4.22: Responses to the question: If *"highly serious"* or *"serious"*, what is the percentage of unsafe automotive products currently on the EU market?	
Less than 1%	0%
1% to 5%	50%
5% to 10%	0%
10% to 25%	50%
More than 25%	0%
Total	**100%**

A4.4.3 Vehicle or Component Recalls

Table A4.23 gives the opinions of Technical Services on how serious the issue of recalls for automotive products on the EU market might be. All the organisations that responded to this question believe that while this issue exists, it is minimal.

Table A4.23: Responses to the question: In your opinion, how serious is the issue of vehicle or component recalls for automotive products being placed on the EU market?	
Highly serious	0%
Serious	0%
Exists, but minimal	100%
Not a problem	0%
Do not know	0%
Total	**100%**

Table A4.24 indicates that of the organisations responding to this question the majority selected inadequate pre-market controls, non-compliance issues, design issues and surveillance issues as the first choice causes of recalls. Inadequate pre-market controls also accounted for 67% of second choice causes, with design issues accounting for the other 33%. No respondent thought that recalls were primarily due to unsafe automotive products or any other potential reason. The responses to this with first and second choices collated are presented graphically in Figure A4.9.

Table A4.24: Responses to the question: In your opinion, what are the two primary causes of recalls?

	First choice	Second choice	All choices
Inadequate pre-market controls	25%	67%	43%
Non-compliances issues	25%	0%	14%
Unsafe automotive products	0%	0%	0%
Design issues	25%	33%	29%
Surveillance issues	25%	0%	14%
Other	0%	0%	0%
Total	**100%**	**100%**	**100%**
Percentages given above may not add up to 100% due to rounding.			

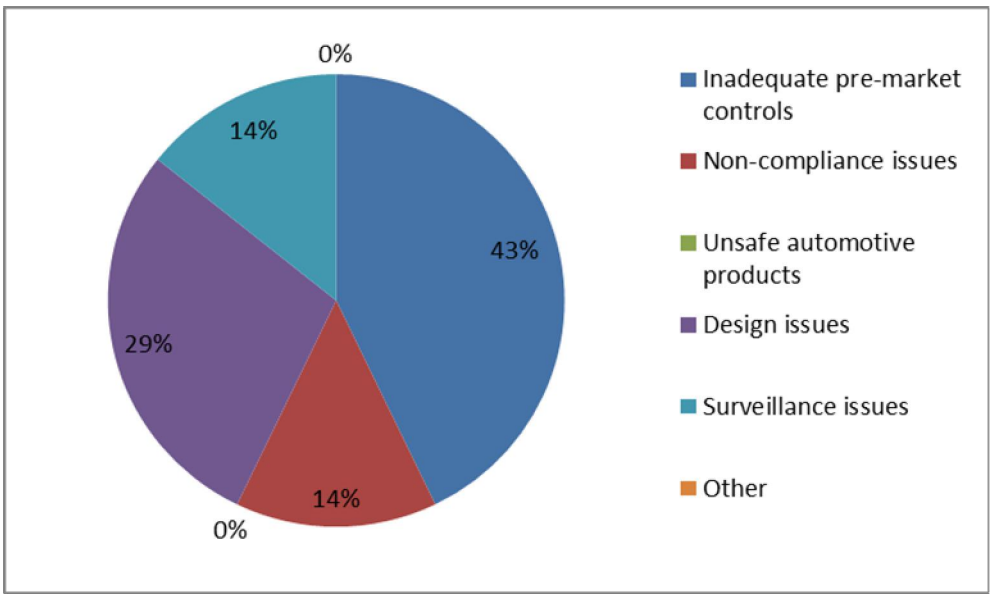

Figure A4.9: Percentages of all responses to the question: In your opinion, what are the two primary causes of recalls?

A4.4.4 Shortcomings in the Current Legal Framework

Respondents were asked whether there are any shortcomings in the current legal framework that potentially harm the free movement of motor vehicles and their components and/or create obstacles to fair competition. **Table A4.25** indicates that of the respondents that expressed an opinion, the majority do not think so.

Table A4.25: Responses to the question: Are there any shortcomings in the current legal framework potentially harming the free movement of motor vehicles and their components and/or creating obstacles to fair competition?	
YES	25%
NO	50%
Do not know	25%
Total	**100%**

When invited to provide further comments on perceived shortcomings in the current legal framework, one respondent indicated *"Inter-system vehicle movement (i.e. US-EC, China-EC)"*.

A4.4.5 Market Situations or Developments in the EU Harming Free Movement or Fair Competition

When asked whether there are any market situations or developments in the EU potentially harming the free movement of motor vehicles and their components and/or creating obstacles to fair competition, Table A4.26 shows that 75% of Technical Service organisations did not know. Of the 25% of respondents that expressed an opinion on the matter, none of them think that there are.

Table A4.26: Responses to the question: Are there any market situations or developments in the EU potentially harming the free movement of motor vehicles and their components and/or creating obstacles to fair competition?	
YES	0%
NO	25%
Do not know	75%
Total	**100%**

A4.4.6 Evidence for Responses in this Section

Table A4.27 presents the responses received from Technical Services with regard to the evidence they have for the answers provided in this section. All of the organisations answering this question indicated organisational experience as their main evidential basis. A small number of respondents also included personal experience and anecdotal evidence.

Table A4.27: Responses to the question: What evidence do you have for the answers provided in this Section?	
Personal industry experience/expertise	25%
Experience of your organisation	75%
Research carried out be your organisation	0%
Research carried out by other organisations	0%
Anecdotal evidence	25%
Percentages given above may not add up to 100% as respondents were able to choose more than one option	

A4.5 Efficiency/Cost-effectiveness of the Current Legal Framework

The majority of Technical Services think the results of the type-approval and conformity assessment procedures have been effective in preventing non-compliant or unsafe motor vehicles and/or automotive products from being placed on the EU market. None of the respondents considered this not to be the case, but 25% did not know, as shown in Table A4.28.

Table A4.28: Responses to the question: In the last two years, how effective have the results of type-approval and conformity assessment procedures been in preventing non-compliant or unsafe motor vehicles and/or automotive products for these motor vehicles from being placed on the EU market?	
Highly effective	0%
Effective	75%
Not effective	0%
Do not know	25%
Total	**100%**

Half the respondents consider the effectiveness of refusal or withdrawal of type-approval to have been reduced by 'type-approval hopping', but none significantly so. However, a quarter of organisations think that the effectiveness has not been reduced, and a quarter do not know. These results are presented in Table A4.29.

Table A4.29: Responses to the question: To what extent could the effectiveness of refusal or withdrawal of type-approval have been reduced by "type-approval hopping" (*i.e. products for which type-approval has been refused or withdrawn being presented to other technical services and/or type approval authorities to obtain type-approval*)?	
Significantly reduced	0%
Reduced	50%
Not reduced	25%
Do not know	25%
Total	**100%**

When asked whether they consider the effectiveness of refusal or withdrawal of type-approval to have been reduced by 'selective selection of type-approval authority', half the respondents did not know. The rest thought that it has, but not significantly. This is shown in Table A4.30.

Table A4.30: Responses to the question: To what extent could the effectiveness of refusal or withdrawal of type-approval have been reduced by "selective selection of type-approval authority" (*i.e. type approval authorities who are more lenient are selected over other more stringent authorities*)?	
Significantly reduced	0%
Reduced	50%
Not reduced	0%
Do not know	50%
Total	**100%**

When considering whether improving the type-approval and conformity of production requirements would provide a higher level of safety and environmental protection, most respondents that expressed an opinion thought that it would, although 25% did not know (see Table A4.31).

Table A4.31: Responses to the question: Do you believe that improving the type approval and conformity of production requirements would provide a higher level of safety and environmental protection?	
YES	50%
NO	25%
Do not know	25%
Total	**100%**

Those respondents who indicated that they do believe improving the type-approval and conformity of production requirements would provide a higher level of safety and environmental protection were invited to provide further details. Two organisations did so and their comments were:

- *"the present bureaucratic and complicated system should be simplified and made clear"; and*
- *"apart from TS requirements / scope section - provide the TAA requirements / scope section covering the policy / strategies / implementation / integration reporting".*

In line with these suggestions, respondents were asked to estimate how much it would cost to improve the procedure for type approval and conformity assessment. The answers given were:

- *"much, but significantly less than the money which was wasted to convert ECE Regulations to directives"; and*
- *"cost of political/legislative procedure/implementation at central/national level".*

As indicated in Table A4.32, the majority of respondents that expressed an opinion believe that scaling down of market surveillance activities would not result in any benefits to the EU automotive market, even if compensated by enhanced type-approval and conformity assessment activities. Again, a quarter of all respondents disagreed with this and a quarter did not know.

Table A4.32: Responses to the question: Do you consider that there could be benefits from a scaling down of market surveillance activities where these are compensated by enhanced type-approval and conformity assessment activities with regard to motor vehicles and/or automotive parts for such vehicles?	
YES	25%
NO	50%
Do not know	25%
Total	**100%**

Respondents to the previous question that answered 'no' were invited to provide details and justification for their answer. Two organisations did so and provided the following comments:

- *"approval and market are different, it can not be compensated"; and*
- *"these are integral parts of a system at least for the parts/components. For the whole vehicles at least the system TA-registration-roadworthiness exist".*

A4.6 Impact of the Current Legal Framework

The majority of respondents that expressed an opinion believe that small and medium-sized enterprises (SMEs) are faced with some specific problems and challenges in complying with the requirements of the Directive, although a quarter of all respondents disagree with this and a quarter do not know (see Table A4.33).

Table A4.33: Responses to the question: Are small and medium-sized enterprises (SMEs) faced with any specific problems and challenges in complying with the requirements of the Directive?	
YES	50%
NO	25%
Do not know	25%
Total	**100%**

Organisations that answered 'yes' to the previous question were invited to provide further details. Both respondents that suggested there are specific problems faced by SMEs in complying with the requirements of the Directive provided an explanation of their response. Their comments were:

- *"it is difficult to get the up-to date and valid text of the directives, and the parallel existence of directives, national legislation, referred ECE regulations and EU regulations makes it even more difficult"; and*
- *"no official domestic rules on place yet - EU certification available by 3rd party suppliers, national certification based on old (70/156) only system. Therefore uneven market situation exist among MS in terms of available certification alternatives".*

Of the four organisations that responded to this question 75% consider the Directive not to have had any unexpected impacts (in relation to compliance or implementation) on their organisation (as shown in Table A4.34).

Table A4.34: Responses to the question: Has the Directive had any unexpected impacts (in relation to complying with it or its implementation) on your activity as a Technical Service?	
YES	0%
NO	75%
Do not know	25%
Total	**100%**

A4.7 Coherence of the Current Legal Framework

The majority of respondents that expressed an opinion consider the Directive to be consistent with international regulations (i.e. UNECE regulations); although a quarter of all respondents disagree with this and a quarter do not know (see Table A4.35).

Table A4.35: Responses to the question: Is the Directive consistent with other international regulations, i.e. UNECE Regulations?	
YES	50%
NO	25%
Do not know	25%
Total	**100%**

Respondents that answered 'no' to the previous question were invited to provide a justification for their answer. One organisation did so with the following comments: *"the referred directives differ from the corresponding ECE Regulations in several small places, e.g.: roll-over test of buses with or without payload; space requirements in front of bus seats and maximum sound level for audible warning devices".*

The majority of respondents do not know whether there are any conflicts between the Directive and other EU legislation, policies or strategies, as shown in Table A4.36. Of the quarter of respondents that have an opinion on the matter, none think that there are.

Table A4.36: Responses to the question: Are there any conflicts with other EU legislation, policies or strategies, e.g. air emissions, end-of-life (ELV), noise pollution?	
YES	0%
NO	25%
Do not know	75%
Total	**100%**

A4.8 Added Value of the Current Legal Framework

When asked whether the areas of attention for the functioning of the internal market for automotive products and for the implementation and enforcement of the Directive could have been equally addressed by Member State actions alone, half the respondents did not know. All the respondents that expressed an opinion on the matter thought not, as indicated in Table A4.37.

Table A4.37: Responses to the question: Do you consider that the areas of attention for the functioning of the internal market for automotive products and for the implementation and enforcement of the Directive in particular as described above could have been equally addressed by Member State actions alone?	
YES	0%
NO	50%
Do not know	50%
Total	**100%**

Two of the four organisations that responded to this question consider that action at the EU level in the field of added value has produced clear benefits compared with actions at Member State level only, with the other two being uncertain. None of the respondents considered this not to be the case, as indicated in Table A4.38.

Table A4.38: Responses to the question: Do you consider that action at EU level in this field has produced clear benefits compared with action at Member State level only?	
YES	50%
NO	0%
Do not know	50%
Total	**100%**

Respondents that answered 'yes' to the previous question were asked to indicate whether they thought the benefits achieved have been created by reason of the scale or effectiveness of action at EU level. As indicated in Table A4.39, all of the organisations think that the benefits have been created by reason of its scale, with half thinking that effectiveness is also a factor.

Table A4.39: Responses to the question: If YES (to the previous question), please indicate if these benefits have been created by reason of its scale or effectiveness?		
	Reason of its scale	**Reason of its effectiveness**
YES	100%	50%
NO	0%	50%
Do not know	0%	0%
Total	**100%**	**100%**

Half the respondents did not have an opinion on the main contributing factors for voluntary initiatives adopted by industry (or others), as shown in Table A4.40. Of the two respondents that did express an opinion, both think that these initiatives are primarily a result of factors other than Directive 2007/46/EC or other EU legislation.

Table A4.40: Responses to the question: Are the voluntary initiatives adopted by industry or others (e.g. "Manufacturers against Product Piracy") a direct result of Directive 2007/46/EC, of other EU legislation, or are they due to other factors?	
Due to Directive 2007/46/EC	0%
Due to other EU legislation	0%
Due to other factors	50%
Do not know	50%
Total	**100%**

Respondents to this question were also asked to provide further details if possible. One respondent did so with the comment: *"market/economical factors"*.

A4.9 Potential for Improving the Current Legal Framework

A4.9.1 Overview

Technical Service organisations were asked to provide their views on potential initiatives relating to five separate areas, namely:

- traceability of products and the role and responsibilities of economic operators in the supply chain (manufacturers, authorised representatives, importers, distributors);
- responsibilities of and co-operation between the different national authorities within the Member States involved in enforcement of Directive 2007/46/EC in their territory;
- quality and performance of technical services;
- the application of post-market safeguard measures and the recall of vehicles and components; and
- verification procedures for ensuring conformity of production.

After this, they were asked to estimate the costs and benefits of these potential initiatives in each area.

A4.9.2 Traceability of Products and the Role and Responsibilities of Economic Operators

Responses for the first area, the "traceability of products and the role and responsibilities of economic operators in the supply chain (manufacturers, authorised representatives, importers, distributors)", are summarised in Table A4.41. All four respondents to this question are in favour of amending the existing technical harmonisation legislation.

Table A4.41: Responses to the question: The FIRST area of attention relates to the "traceability of products and the role and responsibilities of economic operators in the supply chain (manufacturers, authorised representatives, importers, distributors)". Which of the following potential initiatives do you consider to be the most appropriate for addressing this issue?	
Do nothing (i.e. no changes to the existing situation are necessary)	0%
Undertake awareness campaigns and/or voluntary agreements with economic operators to (a) address the problems relating to the identification and traceability of noncompliant automotive products encountered on the market and (b) to clarify and agree on the responsibilities and accountability of the involved economic operators with regard to the compliance of the products for which they are involved in the supply chain	0%
Amending the existing technical harmonisation legislation, where this would involve developing, within the internal market legislation on motor vehicles, provisions to (a) address problems relating to the identification and traceability of non-compliant products encountered on the market and (b) to provide legal clarity about the responsibilities and accountability of the concerned stakeholders in the supply chain	100%
Total	**100%**

Four Technical Services gave estimates of the likely costs and benefits they would incur as a result of their chosen initiative in this area. These estimates are presented in Table A4.42. Since all the respondents agreed that amending the existing technical harmonisation legislation is their preferred initiative in this area, only estimates for that initiative are presented. The majority of respondents estimate medium set-up costs followed by low annual compliance costs, with a few estimating low set-up costs followed by medium annual compliance costs. Half the respondents estimate low benefits and the other half medium benefits.

Table A4.42: Respondents' estimates of costs and benefits of their preferred initiative in the FIRST area of attention, percentage of responses

	Chosen Initiative: 'Amending the existing technical harmonisation legislation'		
	One-off set-up costs	**Annual compliance costs**	**Benefits**
High	0%	0%	0%
Medium	75%	25%	50%
Low	25%	75%	50%
Total	**100%**	**100%**	**100%**

Note: The questions asked were:

- *'Assuming your chosen initiative is taken forward, what is your estimate of the likely scale (i.e. high, medium or low) of costs to organisations such as yours?'; and*
- *'Assuming your chosen initiative is taken forward, what is your estimate of the likely scale (i.e. high, medium or low) benefits to organisations such as yours?'*

Respondents were also asked to qualify the nature of the benefits of their chosen initiative for them. Two organisations gave the following details:

- *"less problematic situations with customers and authorities"; and*
- *"increased homologation activities among the non-compliant manufacturers / importers".*

A4.9.3 Responsibilities of and Co-operation between the Different Authorities in Member States

Four respondents provided their views on potential initiatives in the area of responsibilities of and co-operation between the different national authorities within the Member States. As shown in Table A4.43 half of the respondents favour joint action by the Commission and the Member States, and the other half favour amending the existing technical harmonisation legislation.

Table A4.43: Responses to the question: The SECOND area of attention relates to the "responsibilities of and co-operation between the different national authorities within the Member States involved in enforcement of Directive 2007/46/EC in their territory". Which of the following potential initiatives do you consider to be the most appropriate for addressing this issue?

Do nothing (i.e. no changes to the existing situation are necessary)	0%
Undertake awareness campaigns and/or voluntary agreements with and **between enforcement authorities in the Member States** to clarify and agree on their respective roles and responsibilities and to enhance the information exchange and co-operation between them, both at national and cross border level	0%

Table A4.43: Responses to the question: The SECOND area of attention relates to the "responsibilities of and co-operation between the different national authorities within the Member States involved in enforcement of Directive 2007/46/EC in their territory". Which of the following potential initiatives do you consider to be the most appropriate for addressing this issue?	
Joint actions by the Commission and the Member States aimed at improving the enforcement of the current legal framework for automotive products, such as targeted training for national authorities and the development of interpretation guidelines on the legal provisions on type-approval, conformity of production, recall of vehicles, safeguard measures and market surveillance	50%
Amending the existing technical harmonisation legislation, where this would involve developing, within the internal market legislation on motor vehicles, provisions to specify and clarify the role and responsibilities of the different authorities in the Member States involved in the enforcement of the Directive and to establish clear procedures for information exchange and cooperation between them to effectively remedy any market failure caused by the presence of non-compliant products on the market	50%
Other	0%
Total	**100%**

Four Technical Services gave estimates of the likely costs and benefits of their chosen initiative in this area. These are presented in Table A4.44.

Of the two respondents that favour joint action by the Commission and Member States, half the respondents estimate low set-up costs and the other half medium set-up costs. Both estimate medium annual compliance costs and medium benefits.

Of the two respondents that favour amending the existing technical harmonisation legislation, half the respondents estimate low set-up costs and the other half medium set-up costs and both estimate low annual compliance costs. Estimates for the benefits of this initiative are evenly split between medium and high.

Table A4.44: Respondents' estimates of costs and benefits of their preferred initiative in the SECOND area of attention, percentage of responses

	Chosen Initiative: 'Joint actions by the Commission and the Member States'		
	One-off set-up costs	**Annual compliance costs**	**Benefits**
High	0%	0%	0%
Medium	50%	100%	100%
Low	50%	0%	0%
Total	**100%**	**100%**	**100%**
	Chosen Initiative: 'Amending the existing technical harmonisation legislation'		
	One-off set-up costs	**Annual compliance costs**	**Benefits**
High	0%	0%	50%
Medium	50%	0%	50%
Low	50%	100%	0%
Total	**100%**	**100%**	**100%**

Note: The questions asked were:

- *'Assuming your chosen initiative is taken forward, what is your estimate of the likely scale (i.e. high, medium or low) of costs to organisations such as yours?'; and*
- *'Assuming your chosen initiative is taken forward, what is your estimate of the likely scale (i.e. high, medium or low) benefits to organisations such as yours?'*

Respondents were also asked to qualify the nature of the benefits of such a scenario for them. One organisation, which favours amending the existing technical harmonisation legislation, gave the following details: *"well thought-over and transparent domestic legislation policies together with the consequent implementation/enforcement activities = good environment to build the organisation's development strategies, stable market size (less non-compliant products)"*.

A4.9.4 Quality and Performance of Technical Services

Four respondents provided their views on potential initiatives relating to the third area, "quality and performance of technical services". As shown in Table A4.45, half the respondents favour undertaking awareness campaigns and/or voluntary agreements with economic operators. The other half is split between those that favour amending the existing technical harmonisation legislation and those that favour doing nothing.

Table A4.45: Responses to the question: The THIRD area of attention relates to the "quality and performance of technical services". Which of the following potential initiatives do you consider to be the most appropriate for addressing this issue?	
Do nothing (i.e. no changes to the existing situation are necessary)	25%
Undertake awareness campaigns and/or voluntary agreements with and between technical services to (a) clarify and agree on their respective roles and responsibilities and (b) achieve a uniform level of stringency in type-approval testing and verification of the conformity of production, including mechanisms for information exchange and co-operation between them	50%
Amending the existing technical harmonisation legislation, where this would involve developing, within the internal market legislation on motor vehicles, provisions to clarify and strengthen the requirements technical services have to comply with to be entitled to perform type-approval testing and verification of conformity of production	25%
Other	0%
Total	**100%**

Four Technical Services gave estimates of the likely costs and benefits of their chosen initiative in this area. These are presented in Table A4.46.

The one respondent that favours doing nothing associates low costs and benefits with this option.

The two respondents that favour undertaking awareness campaigns and/or voluntary initiatives both estimate medium set-up costs and medium benefits. One also estimates medium annual compliance costs whereas the other estimates low annual compliance costs.

The one respondent that favours amending the existing technical harmonisation legislation associates low costs (both set-up and annual) and medium benefits with this option.

Table A4.46: Respondents' estimates of costs and benefits of their preferred initiative in the THIRD area of attention, percentage of responses			
	Chosen Initiative: 'Do nothing'		
	One-off set-up costs	**Annual compliance costs**	**Benefits**
High	0%	0%	0%
Medium	0%	0%	0%
Low	100%	100%	100%
Total	**100%**	**100%**	**100%**
	Chosen Initiative: 'Undertaking awareness campaigns / voluntary agreements'		
	One-off set-up costs	**Annual compliance costs**	**Benefits**
High	0%	0%	0%
Medium	100%	50%	100%
Low	0%	50%	0%
Total	**100%**	**100%**	**100%**
	Chosen Initiative: 'Amending the existing technical harmonisation legislation'		
	One-off set-up costs	**Annual compliance costs**	**Benefits**
High	0%	0%	0%
Medium	0%	0%	100%
Low	100%	100%	0%
Total	**100%**	**100%**	**100%**
Note: The questions asked were: • *'Assuming your chosen initiative is taken forward, what is your estimate of the likely scale (i.e. high, medium or low) of costs to organisations such as yours?'; and* • *'Assuming your chosen initiative is taken forward, what is your estimate of the likely scale (i.e. high, medium or low) benefits to organisations such as yours?'*			

Respondents were also asked to qualify the nature of the benefits of such a scenario for them. One respondent, who favours undertaking awareness campaigns and/or voluntary initiatives, indicated: "*Additional QA tool*".

A4.9.5 Post-market Safeguard Measures and the Recall of Vehicles and Components

Four respondents provided their views on potential initiatives in the fourth area, the "application of post-market safeguard measures and the recall of vehicles and components". As shown in Table A4.47, all the respondents favour amending the existing technical harmonisation legislation.

Table A4.47: Responses to the question: The FOURTH area of attention relates to the "application of post-market safeguard measures and the recall of vehicles and components". Which of the following potential initiatives do you consider to be the most appropriate for addressing this issue?	
Do nothing (i.e. no changes to the existing situation are necessary)	0%
Undertake awareness campaigns and/or voluntary agreements with and between the different authorities in the Member States involved in the implementation and enforcement of the internal market legislation for motor vehicles to clarify and agree on their respective roles and responsibilities in post-market safeguard measures and recall actions, and the communication channels and procedures for exchange of information and co-operation.	0%

Table A4.47: Responses to the question: The FOURTH area of attention relates to the "application of post-market safeguard measures and the recall of vehicles and components". Which of the following potential initiatives do you consider to be the most appropriate for addressing this issue?	
Amending the existing technical harmonisation legislation, where this would involve developing, within the internal market legislation on motor vehicles, provisions to specify the role of and interaction between the different authorities involved in post-market safeguard measures and recall actions, as well as the cross border information exchange and co-operation between national enforcement authorities.	100%
Other	0%
Total	**100%**

Four Technical Services gave estimates of the likely costs and benefits they would incur as a result of their chosen initiative in this area. These estimates are presented in Table A4.48. Since all the respondents agreed that amending the existing technical harmonisation legislation is their preferred initiative in this area, only estimates for that initiative are presented. The majority of respondents estimate low set-up costs, with a minority estimating these to be medium. All estimate low annual compliance costs. The majority estimate medium benefits and a few estimate low benefits.

Table A4.48: Respondents' estimates of costs and benefits of their preferred initiative in the FOURTH area of attention, percentage of responses

	Chosen Initiative: 'Amending the existing technical harmonisation legislation'		
	One-off set-up costs	**Annual compliance costs**	**Benefits**
High	0%	0%	0%
Medium	25%	0%	75%
Low	75%	100%	25%
Total	**100%**	**100%**	**100%**

Note: The questions asked were:

- *'Assuming your chosen initiative is taken forward, what is your estimate of the likely scale (i.e. high, medium or low) of costs to organisations such as yours?'; and*
- *'Assuming your chosen initiative is taken forward, what is your estimate of the likely scale (i.e. high, medium or low) benefits to organisations such as yours?'*

Respondents were also asked to qualify the nature of the benefits of such a scenario for them. One organisation gave the following details: *"increased homologation activities among the non-compliant manufacturers / importers"*.

A4.9.6 Verification Procedures for Ensuring Conformity of Production

Finally, four respondents provided their views on potential initiatives in the fifth area, "the verification procedures for ensuring conformity of production". As shown in Table A4.49, opinion among respondents is split between those that favour undertaking awareness campaigns and/or voluntary agreements with economic operators and those that favour amending the existing technical harmonisation legislation.

Table A4.49: Responses to the question: The FIFTH area of attention relates to the "the verification procedures for ensuring conformity of production". Which of the following potential initiatives do you consider to be the most appropriate for addressing this issue?	
Do nothing (i.e. no changes to the existing situation are necessary)	0%
Undertake awareness campaigns and/or voluntary agreements with and between the different stakeholders involved in the conformity of production (manufacturers, technical services and type-approval authorities in the Member States) to clarify and agree on the quality criteria and procedures to be applied for verifying and ensuring the conformity of production.	50%
Amending the existing technical harmonisation legislation, where this would involve developing, within the internal market legislation on motor vehicles, provisions to clarify and strengthen the provisions on conformity of production, through the application of the principles and provisions of the NLF related to the verification of conformity during the production stage. These provisions cover the assessment of quality management systems for production, and product related controls through inspection and testing, under surveillance by the competent authorities.	50%
Other	0%
Total	**100%**

Four Technical Services gave estimates of the likely costs and benefits of their chosen initiative in this area. These are presented in Table A4.50.

The two respondents that favour undertaking awareness campaigns and/or voluntary initiatives both low costs (both set-up and annual) and low benefits.

Of, the two respondents that favour amending the existing technical harmonisation legislation, half associate low costs (both set-up and annual) and low benefits with this option while the other half estimate medium set-up costs followed by low annual compliance costs and medium benefits.

Table A4.50: Respondents' estimates of costs and benefits of their preferred initiative in the FIFTH area of attention, percentage of responses			
	Chosen Initiative: 'Undertaking awareness campaigns / voluntary agreements'		
	One-off set-up costs	**Annual compliance costs**	**Benefits**
High	0%	0%	0%
Medium	0%	0%	0%
Low	100%	100%	100%
Total	**100%**	**100%**	**100%**
	Chosen Initiative: 'Amending the existing technical harmonisation legislation'		
	One-off set-up costs	**Annual compliance costs**	**Benefits**
High	0%	0%	0%
Medium	50%	0%	50%
Low	50%	100%	50%
Total	**100%**	**100%**	**100%**

Note: The questions asked were:

- *'Assuming your chosen initiative is taken forward, what is your estimate of the likely scale (i.e. high, medium or low) of costs to organisations such as yours?'; and*
- *'Assuming your chosen initiative is taken forward, what is your estimate of the likely scale (i.e. high, medium or low) benefits to organisations such as yours?'*

Respondents were also asked to qualify the nature of the benefits of such a scenario for them. One respondent, who favours amending the existing technical harmonisation legislation, gave the following details *"Additional QA tool"*.

The final question asked respondents whether the approaches applied in other product sectors and the harmonised legislative provisions provided by the New Legislative Framework could contribute to addressing the attention areas that have been identified. As shown in Table A4.51, all the respondents that expressed an opinion feel that this is the case, but the majority do not know.

Table A4.51: Responses to the question: Do you consider that the approaches applied in other product sectors and the harmonised legislative provisions provided by the New Legislative Framework could contribute to addressing the attention areas that have been identified?

	Technical Services
YES	25%
NO	0%
Do not know	75%
Total	**100%**

ANNEX 5

VIEWS OF NATIONAL AUTHORITIES

A5 VIEWS OF NATIONAL AUTHORITIES

A5.1 Profile of Respondents

A total of 13 National Authorities completed the on-line questionnaire which was accessed via RPA's website. However, two responses were received very late in the consultation process and have therefore not been included in the statistical analysis undertaken below. It should be noted that the views and comments of these two organisations are fully reflected in this Annex.

Table A5.1 provides a breakdown of the types of authority that responded. This table shows that most of the responses were received from type-approval authorities and one response from a Market Surveillance Authority and a Vehicle Registration Authority.

Table A5.1: **Types of National Authorities from which responses have been received**	
	Percentage/Number
Type-approval Authority	73% (8)
Border Control Authority	0% (0)
Market Surveillance Authority	9% (1)
Vehicle Registration Authority	9% (1)
Other*	9% (1)
Total	**100% (11)**
*Is a type-approval authority, market surveillance authority and vehicle registration authority.	

Table A5.2 provides details of where the National Authorities (from which responses were received) operate outside of the EU. Five of the 11 organisations responded to this question. A large proportion of authorities operate in Iceland, Norway and Liechtenstein as well as EU candidate countries (Croatia, Macedonia and Turkey).

Table A5.2: Responses to the question: Please indicate where your organisation is operating outside the EU	
EEA (Iceland, Norway and Liechtenstein)	80%
EU Candidate Countries (Croatia, Macedonia, Turkey)	40%
Far East*	20%
Americas*	0%
Other*	20%
*Four of the National Authorities provided more detailed information regarding the areas in which they operate outside the EU. The first organisation indicated that it operates in Switzerland and ECE-member states, the second operates in Japan, the third operates in Austria only and the fourth has no brand office outside of Germany but receives applicants from all over the world. Note that the percentages above do not add up to 100% as some respondents have selected more than one option.	

Table A5.3 indicates that of the organisations from which responses have been received the majority have less than 10 staff working in the areas of vehicle type-approval and market surveillance. A large proportion of organisations have a greater number of staff working in the area of vehicle registration. With regards to

organisations undertaking work in the area of border control the number of staff involved is divided equally between less than 10 and more than 100. The results are also presented in Figure A5.1.

Table A5.3: Responses to the question: For the key tasks, roughly how many staff in your organisation work specifically on motor vehicles and/or automotive parts for such vehicles?

	Type-approval	Market surveillance	Vehicle registration	Border control	Other
Less than 10	50%	86%	0%	50%	0%
10 to 25	13%	14%	20%	0%	0%
25 to 50	13%	0%	0%	0%	0%
50 to 100	13%	0%	60%	0%	0%
More than 100	13%	0%	20%	50%	0%
Total	**100%**	**100%**	**100%**	**100%**	**0%**

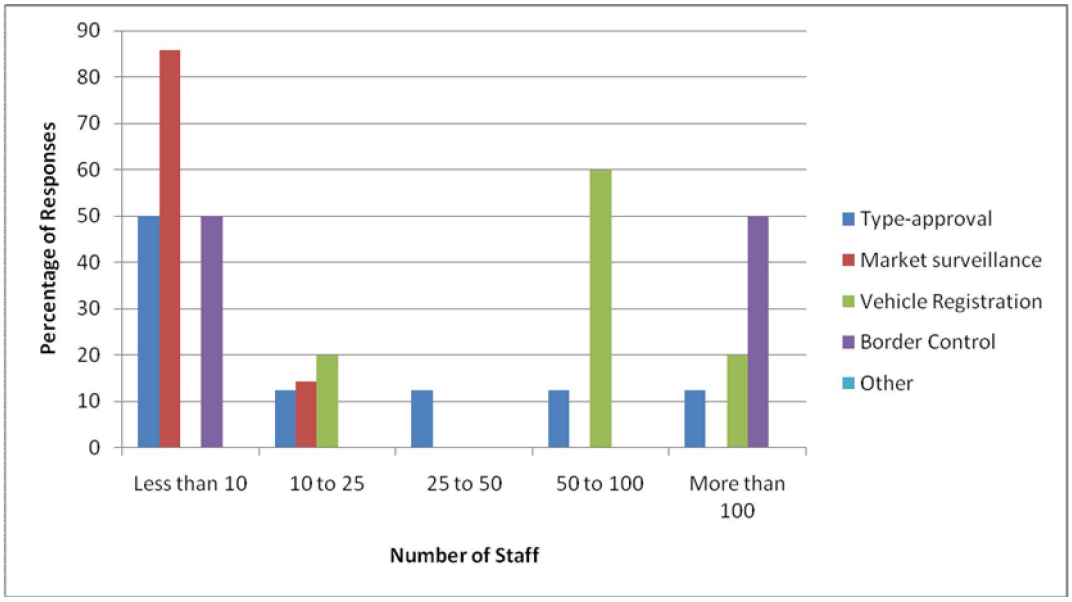

Figure A5.1: Responses to the question: For the key tasks, roughly how many staff in your organisation work specifically on motor vehicles and/or automotive parts for such vehicles?

Table A5.4 provides responses from National Authorities regarding the amount of staff working time spent specifically on motor vehicles and/or automotive parts. The majority of respondents have indicated that employees working in the areas of type-approval and vehicle registration spend 100% of their time working in these areas. There is greater variation in responses from organisations that undertake work in the areas of market surveillance and border control. For both of these work areas the majority of respondents indicated that staff spent either not too much time or the majority of their time on these. Figure A5.2 presents the results in graphical form.

Table A5.4: Responses to the question: Please indicate, on average, what proportion of the above staff working time is spent specifically on motor vehicles and/or automotive parts for such vehicles					
	Type-approval	**Market surveillance**	**Vehicle registration**	**Border control**	**Other**
Not too much time (less than 25%)	0%	29%	0%	50%	0%
Some time (about 25 to 50%)	11%	14%	0%	0%	0%
Majority of the time (over 50%)	33%	29%	0%	50%	0%
All the time (100%)	56%	29%	100%	0%	0%
Total	**100%**	**100%**	**100%**	**100%**	**0%**

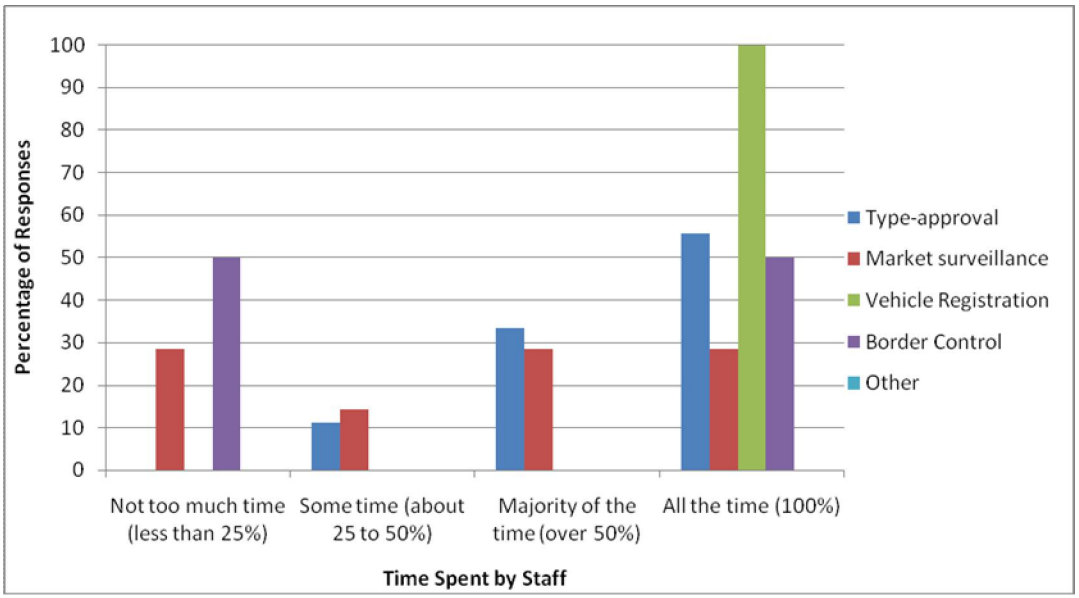

Figure A5.2: Responses to the question: Please indicate, on average, what proportion of the above staff working time is spent specifically on motor vehicles and/or automotive parts for such vehicles.

A5.2 Evaluation of the Current Legal Framework

Table A5.5 indicates the responses received from National Authorities regarding the implementation of the existing legal framework. The majority of respondents have indicated that implementation of the legal framework has been satisfactory. None of the organisations suggested that they thought the implementation had been unsatisfactory. This is also presented in Figure A5.3.

Table A5.5: Responses to the question: Overall, how would you rate the implementation of the existing legal framework (under Directive 2007/46/EC) to date?	
Highly satisfactory	20%
Satisfactory	70%
Not satisfactory	0%
Highly unsatisfactory	0%
Do not know	10%
Total	**100%**

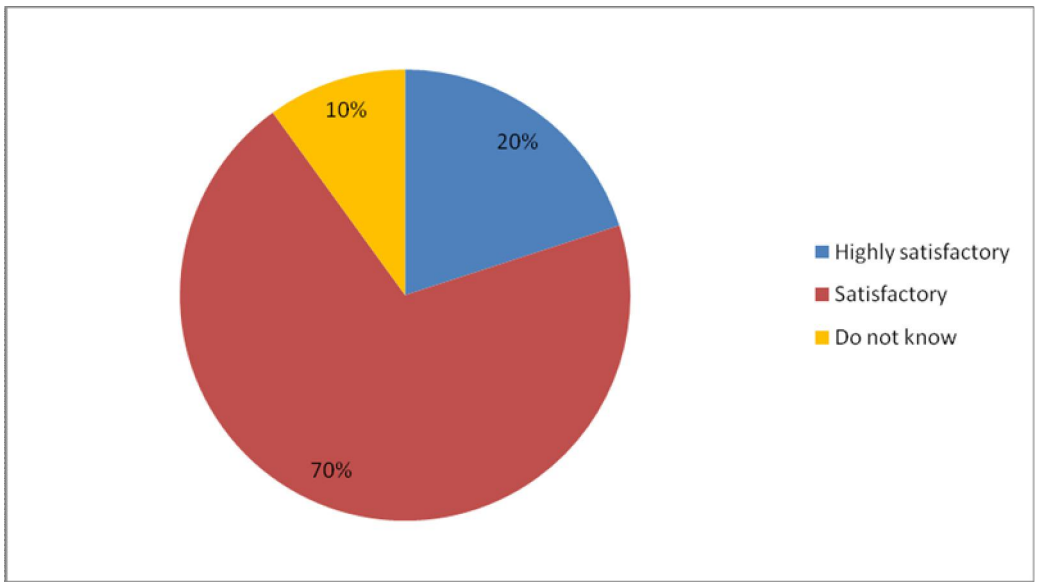

Figure A5.3: Responses to the question: Overall, how would you rate the implementation of the existing legal framework (under Directive 2007/46/EC) to date?

Table A5.6 indicates that the majority of National Authorities that provided responses for these questions have had positive experiences as a result of implementation of the legal framework.

Table A5.6: Responses to the question: Are there any specific areas within the existing legal framework (under Directive 2007/46/EC) for which you have positive experiences from implementation?	
YES	60%
NO	20%
Do not know	20%
Total	**100%**

Those respondents with positive experiences from implementation were invited to provide further details. The comments provided by National Authorities are presented in Table A5.7.

Table A5.7: Comments on the positive experiences from implementation of the existing legal framework (under Directive 2007/46/EC)
Generally good mutual recognition of EC type-approvals and good collaboration with Authorities of other Member States.
EC-WVTA for other categories than M1.
Generally the implementation of the fully M, N and O classes.
Harmonizing Single Vehicles Approval in many countries within Europa - Satisfaction of busses and trailers manufacturers (vehicles with COC).
Marking for components.
We had to transpose the legal framework 2007/46/EC to our legal system by the government regulation.
Successful harmonisation.
The introduction of EC small series type-approval is very beneficial for small and medium sized companies. Again, the freedom to have national approval schemes with certain exemptions from the subjects required for full European type-approval is very useful for SMEs.

Table A5.8 presents the respondents' views regarding whether there are specific areas within the existing legal framework for which negative experiences from implementation have been identified. The results indicate a difference in opinion between the respondents with four out of ten having had negative experiences of implementation, four not having had any negative experiences of implementation and two being uncertain.

Table A5.8: Responses to the question: Are there specific areas within the existing legal framework (under Directive 2007/46/EC) for which you have <u>negative</u> experiences from implementation?	
YES	40%
NO	40%
Do not know	20%
Total	**100%**

The respondents indicating that they have had negative experiences associated with implementation of the existing legal framework were invited to provide further details, which are presented in Table A5.9.

Table A5.9: Comments on the negative experiences from implementation of the existing legal framework (under Directive 2007/46/EC).
E.g. new Annex II of 2007/46/EC and GSR do not lead to a simplification of the administrative procedures. Legislation gets more and more complicated without identifying a benefit or even the need of a change.
Poor knowledge of SME of the approval process + correct data in information folders and COC's
Correspondence of vehicle weights between 2007/46/EC, partial type approval and CoC.
Some countries which give approval (individual approval) and registration to vehicles which do not comply with 2007/46 (but should). This led to frustrated customers.
Excessive number of type-variant versions for trucks - COP is still not detailed.
Some small national companies are, despite the exemptions available, having difficulty in complying with the new type approval requirements affecting buses and lorries: particularly bodybuilders.

Table A5.10 provides responses from National Authorities regarding whether the objectives of the Directive are still valid and relevant for coping with the current situation in the market and the automotive sector. The objectives are as follows:

- **To establish a harmonised framework (i.e. achieve the internal market)** containing the administrative provisions and general technical requirements for approval of all new vehicles within its scope and of the systems, components and separate technical units intended for those vehicles, with a view to facilitating their registration, sale and entry into service within the Community;

- **To establish the provisions for the sale and entry into service** of parts and equipment intended for vehicles approved in accordance with this Directive; and

- To ensure that new vehicles, components and separate technical units put on the market provide **a high level of safety and environmental protection** (based on prior control by an approval authority before they are offered for sale).

Respondents have indicated that they believe each of the objectives to still be relevant under the current situation. None of the organisations considered the objectives to no longer be relevant.

Table A5.10: Responses to the question: Taking into account your answers to the above questions, are the objectives of the Directive (as listed below) still valid and relevant for coping with the current situation in the market and for the automotive sector?

	Establishment of a harmonised framework	**Establishment of the provisions for the sale and entry into service of parts and equipment intended for vehicles approved in accordance with this Directive**	**Ensure new vehicles, components and separate technical units put on the market provide a high level of safety and environmental protection**
Still relevant	90%	90%	90%
No longer relevant	0%	0%	0%
Do not know	10%	10%	10%
Total	**100%**	**100%**	**100%**

As indicated in Table A5.11 the majority of respondents believe that the current scope of the Directive is still relevant for coping with the current market and automotive sector situation. Only a small proportion of organisations responding to this question have suggested that they believe this not to be the case.

Table A5.11: Responses to the question: Is the current scope of the Directive still valid and relevant for coping with the current situation in the market and for the automotive sector (for instance, does it cover all relevant products)?

Still relevant	70%
No longer relevant	10%
Do not know	20%
Total	**100%**

One respondent indicated that they believe the current scope of the Directive is no longer relevant for coping with the current situation in the market and for the automotive sector. This organisation was invited to provide further details, which are presented in Table A5.12.

Table A5.12: Comments on the current scope of the Directive and its lack of relevance for coping with the current situation

No, it doesn't cover every relevant product: there are some individual approvals given in several European countries that seem to not comply with the requirements of 2007/46. *- About the market of technical services, some technical services are very aggressive on a commercial point if. It happens that there are some doubts about these technical services or their test reports. For individual approvals and for others approvals also.* *- The responsibility for vehicles (recall, technical data...) when there is no manufacturer according to the definition of 2007/46 (but there is well a VIN code) is still unclear.* *- For the second stage (approval in second stage) there is a transitional period that we need when the basis vehicle is not approved following 2007/46.* *- It seems that it could be doubts in the definition a special purpose vehicle for approval (and more specific for national small series) for some countries.* *- The use of equivalent national rules (more specific for national small series and individual approval) is still a problem for other countries.*

A5.3 Relevance - Identification of Areas of Attention

As indicated in Table A5.13 and Figure A5.4 there is variation in responses received from National Authorities regarding the extent to which areas presented are considered to be problematic. The majority of respondents either did not know the extent to which traceability of products and clarifying the role and responsibilities of economic operators affects the implementation of EU type-approval legislation for automotive products or did not consider this an important problem. The majority of respondents indicated that the responsibilities of and co-operation between different national authorities within Member States was somewhat problematic in affecting the implementation of EU type-approval legislation. This was also the case for quality and performance of technical services and verification procedures for ensuring conformity of production. Most of the respondents indicated that the application of post-market safeguard measures and obligatory recall of vehicles (and components) was not an important problem.

Table A5.13: Responses to the question: Five areas of attention have been identified as having the potential to affect the effective implementation of the EU type-approval legislation for automotive products. Indicate the extent to which you consider these areas to be problematic.					
	Traceability of products and clarifying the role and responsibilities of economic operators	**Responsibilities of and co-operation between the different national authorities within the Member States involved in the enforcement of the legislation**	**Quality and performance of technical services**	**Application of post-market safeguard measures and obligatory recall of vehicles (and components)**	**Verification procedures for ensuring conformity of production**
Highly Problematic	20%	10%	30%	10%	10%
Somewhat Problematic	20%	50%	40%	30%	40%
Not an Important Problem	30%	30%	20%	50%	30%
Do not know	30%	10%	10%	10%	20%
Total	**100%**	**100%**	**100%**	**100%**	**100%**

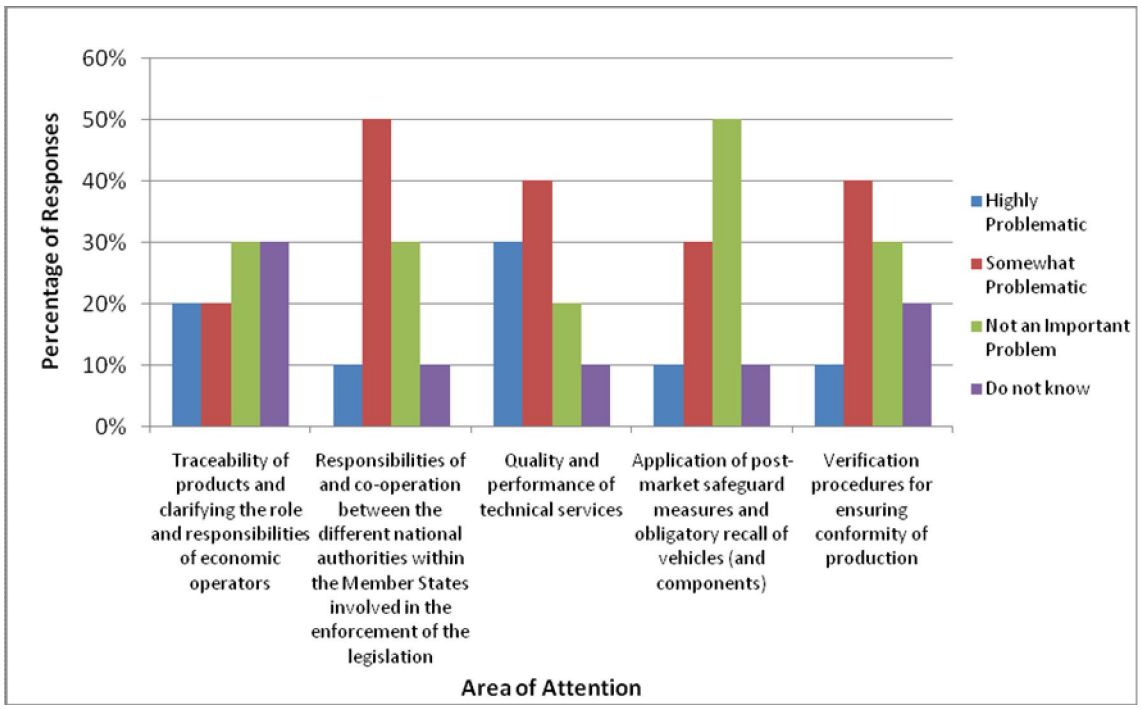

Figure A5.4: Responses to the question: Five areas of attention have been identified as having the potential to affect the effective implementation of the EU type-approval legislation for automotive products. Indicate the extent to which you consider these areas to be problematic.

Table A5.14 indicates that the majority of respondents could not give specific examples of negative experiences in the areas of attention presented below.

Table A5.14: Responses to the question: Can you give specific examples of negative experiences in these areas of attention?

	Traceability of products and clarifying the role and responsibilities of economic operators	Responsibilities of and co-operation between the different national authorities within the Member States involved in the enforcement of the legislation	Quality and performance of technical services	Application of post-market safeguard measures and obligatory recall of vehicles (and components)	Verification procedures for ensuring conformity of production
YES	20%	30%	40%	10%	10%
NO	60%	60%	50%	70%	70%
Do not know	20%	10%	10%	20%	20%
Total	**100%**	**100%**	**100%**	**100%**	**100%**

A small proportion of respondents did indicate that they were able to provide specific examples of negative experiences in the areas of attention presented in Table A5.14. These examples are provided in Table A5.15.

Table A5.15: Comments on the negative experiences in certain areas of attention
ad 1. Some importers outside the network of the manufacturer are not able and are not willing to fulfil their responsibilities concerning recall campaigns. *ad 2. Some TAA's are defaulting at sending EC Type approval files to the other TAA's.* *ad 3. Due to the competition of the technical services some manufacturers do "cherry picking" for the technical service with the lowest requirements (especially if they have branch offices in third countries - in particular in China).* *ad 4. Importers outside the manufacturer's network are not able and willing to fulfil their responsibilities in recall campaigns (and the official importer doesn't know that these vehicles are in their Member State).*
In our opinion the TA-Authority should always be clearly separated from the technical service!
1) There are vehicles imported from outside the EU. These vehicles get an individual approval in our country. Then, it happens that for some of them, for example to drive with a B driving licence, someone else ask for an individual approval in another European country with another maximal massa. No one is responsible for the transformations on that vehicle... *2) We experienced difficulties with two other European countries. One of them considers that the smelling (with the nose, as described in their national test protocol for national approval) of the output gas may equivalent to the EURO 4 requirements! That seem a little week from our point of view.* *3) We have encountered a daughter company (X, in Belgium) of a daughter company (Y) of a technical service in Germany (Z). The X firm use pre-printed paper with the name of Z. The man who signs the documents is not known in the scope of the ISO certificate of the Z firm.*
There are lack of quality in technical services companies as well as isn`t real control about these companies. The verification cost a lot of many as well as in our country we don`t have organisation who is competent to do such verifications.

Table A5.15: Comments on the negative experiences in certain areas of attention
- Different interpretation on COP; *- Different interpretation on technical details;* *- There is no arbitrage on interpretation;* *- Differences between member states; and* *- Transparency in globally mandated activities of European technical services is sometimes unclear.*
1) Regarding traceability etc, in some cases there are issues e.g. with Chinese motorcycles. The supply of a certain model is stopped via one importer because of non-compliance, but a different importer then starts importing the bike. Sometimes we contact the manufacturer in China and they just ignore us; *2) Some authorities refuse to act when we provide them with evidence of our testing of products approved by them. In these cases we suspect the product has gone out of Conformity so they should investigate;* *3) Normally technical services are good and it is not in their interests to lower their standards. However not all are equally good. Some technical services are a little bit too customer-focussed;* *4) One case in particular. Quad bike with hydraulic handbrake. Despite a clear non-compliance (the handbrake must be mechanically held on) the manufacturers refuse to recall the product. Generally however the recall system works well;* *5) Some authorities do little CoP (Conformity of Production) checking, which is a problem. Allegedly the Luxembourg authority e13 do not visit the factory to check it.*

As indicated in Table A5.16 the majority of National Authorities responding to this question were either not able to provide specific examples of positive experiences in the areas presented below or did not know.

Table A5.16: Responses to the question: Can you give specific examples of <u>positive</u> experiences in these areas of attention?

	Traceability of products and clarifying the role and responsibilities of economic operators	**Responsibilities of and co-operation between the different national authorities within the Member States involved in the enforcement of the legislation**	**Quality and performance of technical services**	**Application of post-market safeguard measures and obligatory recall of vehicles (and components)**	**Verification procedures for ensuring conformity of production**
YES	20%	20%	20%	10%	20%
NO	40%	40%	50%	30%	40%
Do not know	40%	40%	30%	60%	40%
Total	**100%**	**100%**	**100%**	**100%**	**100%**

However, a small proportion of respondents specified that they were able to provide specific examples of positive experiences in the areas of attention presented above. These organisations were given the opportunity to provide further information regarding these positive experiences (see Table A5.17).

Table A5.17: Comments on the positive experiences in certain areas of attention
Comments
The implemented procedures work well; co-operation is good, e.g. TAAM, EREG and other international working groups.
1) We had once the example of the power of the definition of a manufacturer. There was a bus manufacturer which have made a mistake on the number of seats in one vehicle (on its COC regarding the massas). The powerfulness of the COP (that could be a "non conformity" regarding the COP) was enough to get the manufacturer to repair its mistake! *3) The A and B level for de technical service for each separate directive following the ISO (17025 and 17020) is better for everyone to understand which technical service may do which test.* *5) The COP is based on a quality system. That system is the perfect occasion to get better relationship (and more confidence in the files that we receive) between manufacturers and approval authorities.*
We make a deal with other national authorities (for example with authority responsible for border controls).
- European representative. *- Recall procedures are clear.*
We have tested quite a few products which we found in the marketplace. Generally the products are compliant so that is good news. Normally when we find a non-compliant product, it is difficult to get a response from the relevant approval authority or manufacturer, but there have been occasions where the manufacturer is very keen to discuss our findings and learn from them (mainly the larger manufacturers), and in one case a manufacturer even submitted a revised product line for re-testing.

Table A5.18 and Figure A5.5 indicate that in four of the five areas of attention the majority of respondents suggest that expected developments or changes in the market for motor vehicles are likely to either increase or significantly increase the importance associated with these. The only exceptions to this are the 'responsibilities of and co-operation between the different national authorities within the Member States involved in the enforcement of the legislation', for which the majority of organisations responding to this question believe that there will be no change in the importance of this area. It is also worth noting that only a small proportion of respondents suggested that there would be a decrease (with none indicating a significant decrease) in the importance of the identified areas of attention.

Table A5.18: Responses to the question: Are expected developments or changes (whether geographical, design, technological or market-related) in the market for motor vehicles likely to increase or decrease the importance of the identified areas of attention?

	Traceability of products and clarifying the role and responsibilities of economic operators	**Responsibilities of and co-operation between the national authorities within the MSs**	**Quality and performance of technical services**	**Application of post-market safeguard measures and obligatory recall of vehicles (and components)**	**Verification procedures for ensuring conformity of production**
Significantly increase	22%	22%	11%	0%	0%
Increase	33%	11%	33%	44%	67%
No change	44%	67%	33%	44%	33%
Decrease	0%	0%	22%	11%	0%
Significantly decrease	0%	0%	0%	0%	0%
Total	**100%**	**100%**	**100%**	**100%**	**100%**

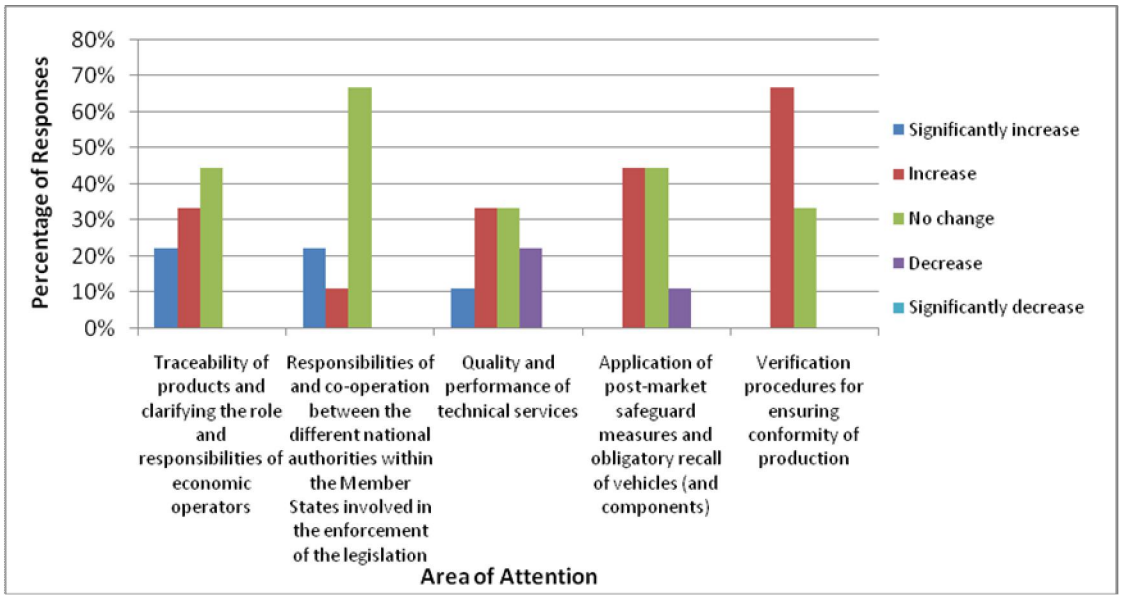

Figure A5.5: Responses to the question: Are expected developments or changes (whether geographical, design, technological or market-related) in the market for motor vehicles likely to increase or decrease the importance of the identified areas of attention?

The organisations that responded to this question were invited to provide further explanations of the answers provided. Comments from respondents are provided in Table A5.19.

Table A5.19: Comments on whether the expected developments or changes in the motor vehicle market are likely to increase or decrease the importance of the identified areas of attention.
Comments
Further opening of the market for the technical services (TS) and their recognition can lead to further economical pressure on TS. Target conflict between quality of test reports and competition between TS.
Because of the new CO_2-Law (130g limit).
To have further procedures to check products sold it could be useful for a production more and more worldwide.
The market will be more fluent in the whole Europa. So each national authority will get more cases to manage (cases with an approval -national or European- in another European country). It may happen that we will get questions about the COP of a small manufacturer in another country).
- WVTA covers the whole of the EU. *- All member states have to rely on each other's integrity, solid procedures and technical knowledge.*
There is a feeling that increased attempts by Far Eastern manufacturers to access European markets may give rise to a need for more attention to be paid to some of these areas, as above. With these manufacturers there is not a long history in Europe and so there is perhaps a keenness to tick all the boxes of type-approval without a true understanding of it or a respect for it. Therefore corners may be cut. The manufacturer may be unwilling to recall the product and may not pay enough attention to CoP, by making changes to the product and not checking it still complies.

A5.4 Effectiveness of the Current Legal Framework

Table A5.20 and Figure A5.6 indicate that all of the organisations responding to this question recognise non-compliant automotive products entering the EU market as an issue. The majority of respondents have indicated that the seriousness of this issue is minimal. However, it is important to note that the same proportion of respondents (50%) consider this to be either a serious or highly serious problem.

Table A5.20: Responses to the question: In your opinion, how serious is the issue of non-compliant automotive products being placed on the EU market? (*non-compliance includes by-passing or circumvention of type-approval and/or conformity of production procedures e.g. through parallel imports*)	
Highly serious	20%
Serious	30%
Exists, but minimal	50%
Not a problem	0%
Do not know	0%
Total	**100%**

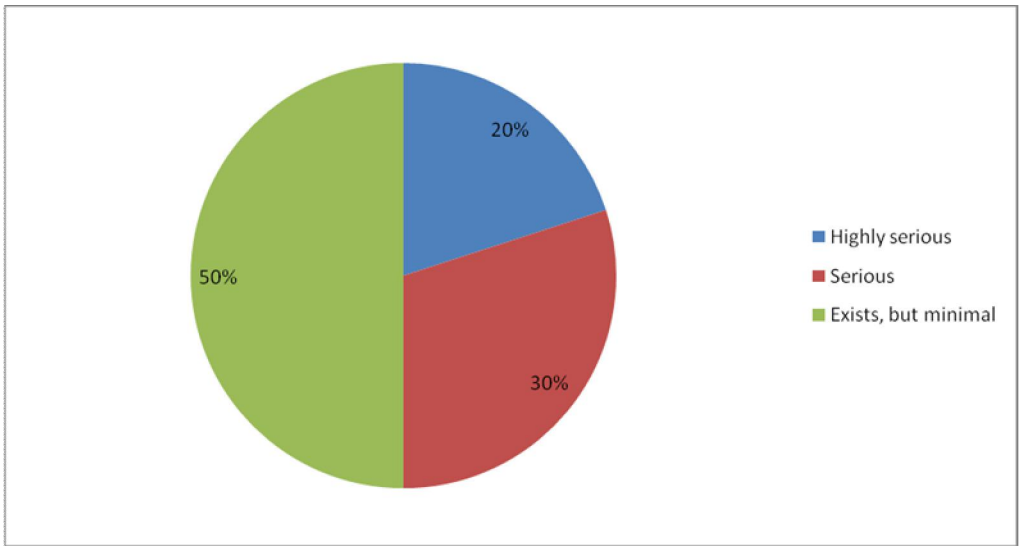

Figure A5.6: Responses to the question: In your opinion, how serious is the issue of non-compliant automotive products being placed on the EU market? (*non-compliance includes by-passing or circumvention of type-approval and/or conformity of production procedures e.g. through parallel imports*)

Respondents to the previous question that either answered 'highly serious' or 'serious' were asked to provide an estimate to the percentage of non-compliant automotive products currently on the EU market. As indicated in Table A5.21, the majority of respondents considered there to be between 5% and 10% of non-compliant automotive products on the EU market.

Table A5.21: Responses to the question: If *"highly serious"* or *"serious"*, what is the percentage of non-compliant automotive products currently on the EU market?	
Less than 1%	25%
1% to 5%	0%
5% to 10%	50%
10% to 25%	0%
More than 25%	25%
Total	**100%**

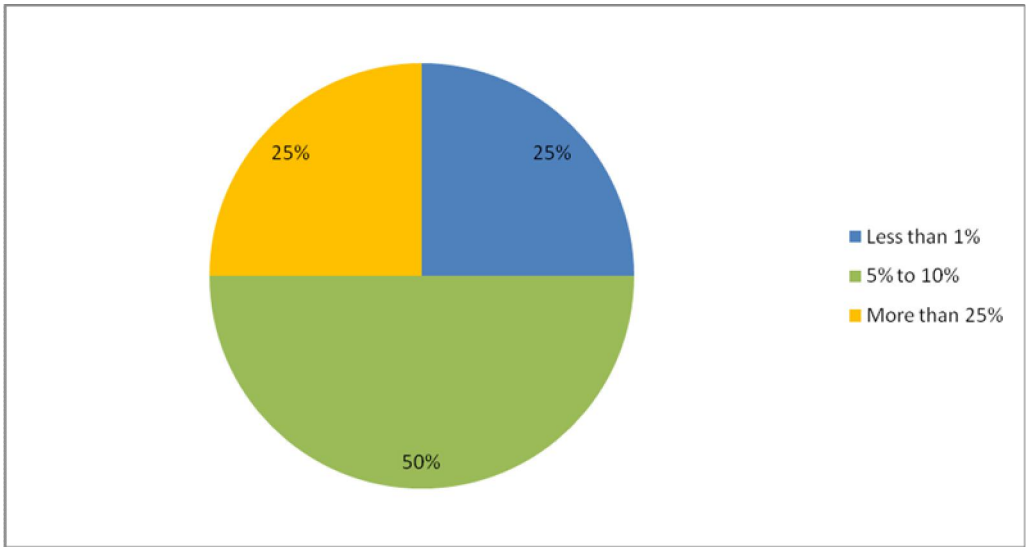

Figure A5.7: Responses to the question: If *"highly serious"* or *"serious"*, what is the percentage of non-compliant automotive products currently on the EU market?

Table A5.22 and Figure A5.8 present responses from National Authorities regarding the seriousness of unsafe automotive products entering the EU market. 70% of the organisations recognise this to be an issue, but the majority of respondents suggest that it is of minimal significance. A small proportion of organisations that responded indicate that they do not consider the issue of unsafe products being placed on the EU market to be a problem.

Table A5.22: Responses to the question: In your opinion, how serious is the issue of unsafe automotive products being placed on the EU market?	
Highly serious	10%
Serious	20%
Exists, but minimal	40%
Not a problem	10%
Do not know	20%
Total	**100%**

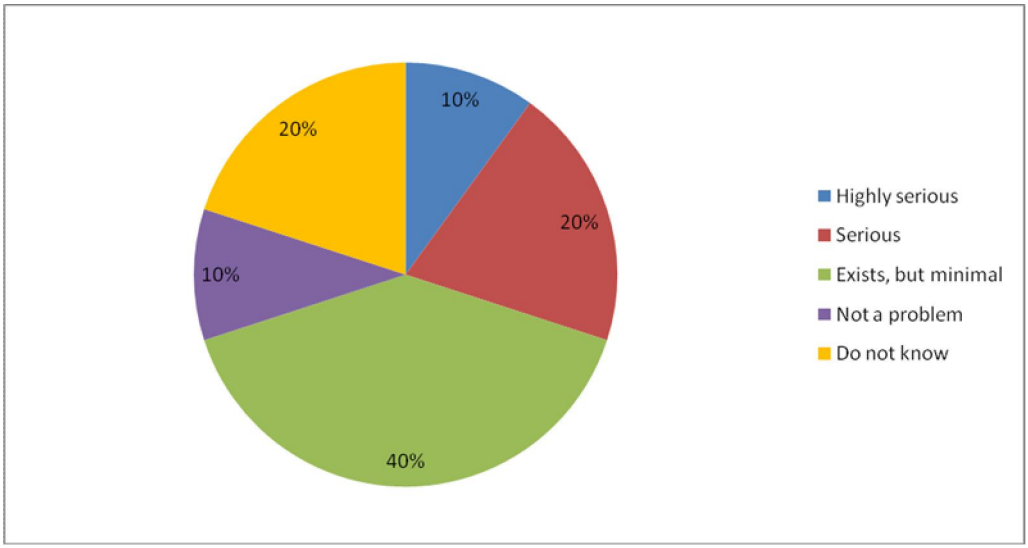

Figure A5.8: Responses to the question: In your opinion, how serious is the issue of unsafe automotive products being placed on the EU market?

Organisations that responded either 'highly serious' or 'serious' to the previous question were asked to estimate the percentage of unsafe automotive products currently on the EU market. As indicated in Table A5.23 there is an even split between responses with 50% indicating 5% to 10% of products currently on the EU market are unsafe and 50% indicating that more than 25% of products are unsafe.

Table A5.23: Responses to the question: If *"highly serious"* or *"serious"*, what is the percentage of unsafe automotive products currently on the EU market?	
Less than 1%	0%
1% to 5%	0%
5% to 10%	50%
10% to 25%	0%
More than 25%	50%
Total	**100%**

Table A5.24 and Figure A5.9 indicates that the majority of organisations responding to this question believe vehicle or component recalls for automotive products being placed on the EU market is a serious issue. None of the respondents considered this not to be a problem.

Table A5.24: Responses to the question: In your opinion, how serious is the issue of vehicle or component recalls for automotive products being placed on the EU market?	
Highly serious	10%
Serious	60%
Exists, but minimal	30%
Not a problem	0%
Do not know	0%
Total	**100%**

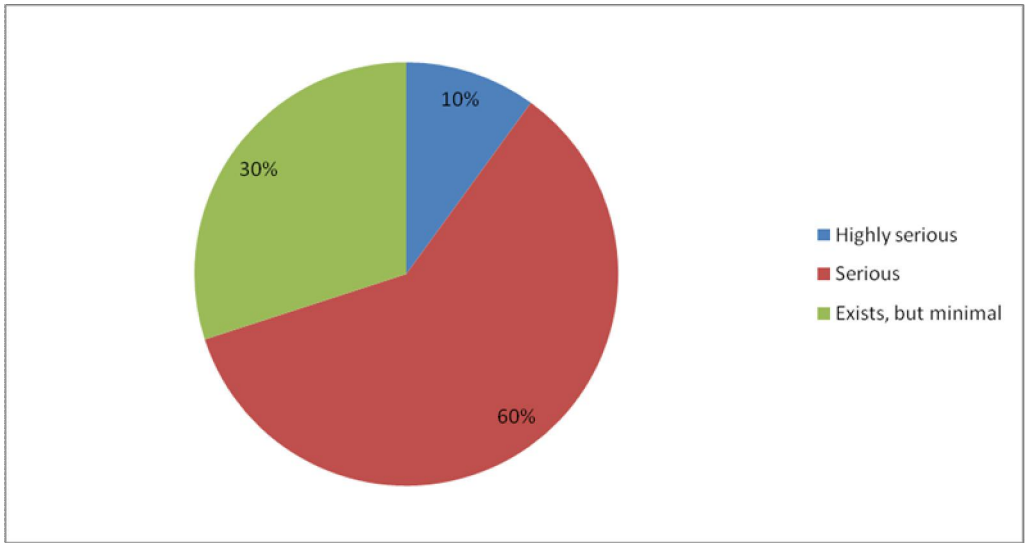

Figure A5.9: Responses to the question: In your opinion, how serious is the issue of vehicle or component recalls for automotive products being placed on the EU market?

Table A5.25 indicates that of the organisations responding to this question the majority selected inadequate pre-market controls, non-compliance issues and design issues as the predominant (first choice) causes of recalls. The same number of respondents selected unsafe automotive products as their first and second choices (this is not reflected in the percentages below because fewer organisations provided a second choice (seven of the ten respondents) compared to a first choice (eight of the ten respondents). Two respondents also commented regarding other causes of product recalls suggesting *'cost pressure in the manufacturing process'* and *'production issues (mostly not type-approval relevant)'* as a primary causes.

Table A5.25: Responses to the question: In your opinion, what are the two primary causes of recalls?

	First choice	Second choice	All choices
Inadequate pre-market controls	25%	14%	20%
Non-compliances issues	25%	14%	20%
Unsafe automotive products	25%	29%	27%
Design issues	25%	0%	13%
Surveillance issues	0%	29%	13%
Other	0%	14%	7%
Total	**100%**	**100%**	**100%**

Figure A5.10 provides the percentage of responses received from National Authorities in terms of primary cases for recalls (considering both first and second choices). This indicates that a greater proportion of respondents selected unsafe automotive products (both first and second choices) as a primary cause of recalls. Considering the total responses received, both inadequate pre-market controls and non-compliance issues were also considered to be primary causes of automotive product recalls.

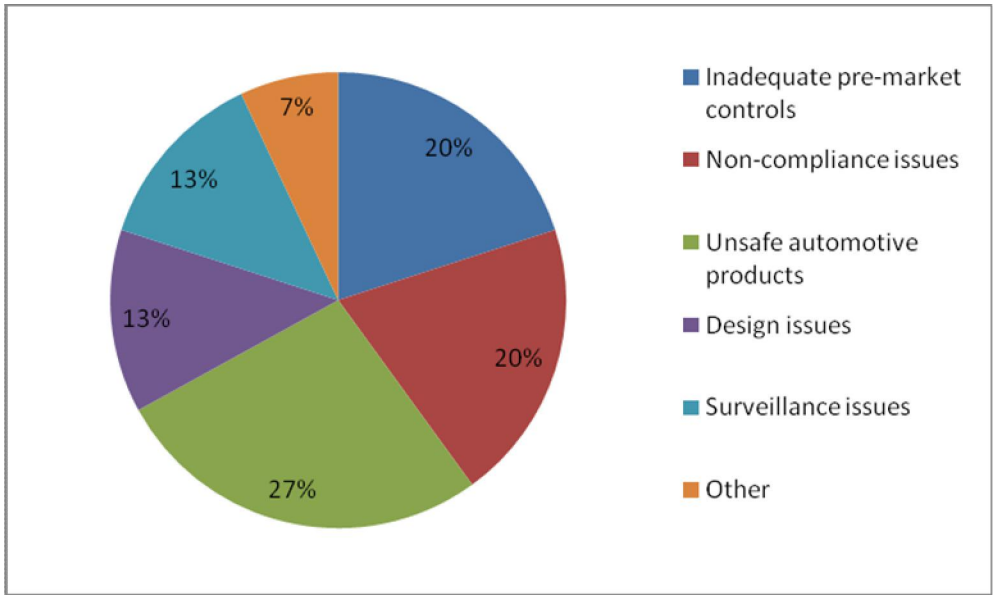

Figure A5.10: Responses to the question: In your opinion, what are the two primary causes of recalls?

Table A5.26 indicates that the majority of respondents do not think that there are any shortcomings in the current legal framework potentially harming the free movement of motor vehicles and their components and/or creating obstacles to fair competition.

Table A5.26: Responses to the question: Are there any shortcomings in the current legal framework potentially harming the free movement of motor vehicles and their components and/or creating obstacles to fair competition?	
YES	20%
NO	50%
Do not know	30%
Total	**100%**

However, a small proportion of organisations suggested that there are such shortcomings in the current legal framework. These organisations were invited to provide further details and their comments are presented in Table A5.27.

Table A5.27: Comments on the shortcomings in the current legal framework
Circumvention of EC law by some importers (importing a high number of vehicles intended for third markets) in cooperation with or low experience of some technical services.
For the manufacturers, the difference between some technical services on how soupple may be the technical service (beyond the ISO 17020 or 17025) can be unfair in the competition (for example: "what is the worst case"). For sellers and resellers, the distortion between European approval and individual approval in some European countries is an obstacle to fair market. The taxation in some European countries may lead to specific approval and this approval may not make sense in another national context (other taxation).
Not accepting type approvals from other Member States.

As indicated in Table A5.28 the majority of organisations responding to this question do not consider there to be any market situations or developments in the EU potentially harming the free movement of motor vehicles and their components and/or creating obstacles to fair competition.

Table A5.28: Responses to the question: Are there any market situations or developments in the EU potentially harming the free movement of motor vehicles and their components and/or creating obstacles to fair competition?	
YES	20%
NO	50%
Do not know	30%
Total	**100%**

However, organisations that do consider there to be market situations or developments in the EU potentially harming the free movement of motor vehicles and their components and/or creating obstacles to fair competition were given the opportunity to provide further details (presented in Table A5.29).

Table A5.29: Comments on market situations or developments in the EU potentially harming the free movement of motor vehicles and their components and/or creating obstacles to fair competition
See first comment in Table A5.27 + the other MS are constrained to register such vehicles (the have one day registration on the other MS).
The single approval for mass produced vehicles outside Europe may lower the number of companies that accept the responsibilities of a manufacturer.

Table A5.30 presents the responses received from National Authorities with regard to the evidence they have for the answers provided in this section. All of the organisations answering this question indicated organisational experience as the fundamental evidence they have for providing answers to questions in this section. A small number of authorities also highlighted other areas of evidence, including personal experience, research carried out by the organisation and anecdotal evidence.

Table A5.30: Responses to the question: What evidence do you have for the answers provided in this Section?	
Personal industry experience/expertise	10%
Experience of your organisation	100%
Research carried out by your organisation	20%
Research carried out by other organisations	0%
Anecdotal evidence	10%
Other	0%
Total	**100%**
It should be noted that the percentages given do not equal 100% because the respondents have selected more than one option.	

A5.5 Efficiency/Cost-effectiveness of the Current Legal Framework

As can be seen from Table A5.31, only two organisations were able to describe and quantify the costs incurred in relation to market surveillance and border control activities.

Table A5.31: Responses to the question: Please describe and quantify, if possible, the costs incurred by your organisation relating to market surveillance activities and border controls (highlighting the major cost factor)
Approx. 3.2 million € p.a., that are full costs (personnel and non-personnel) for recalls, investigations, CoP and market surveillance.
Not possible - other ministries are responsible for market surveillance and border controls.
Do not know.
Market surveillance is done by the SPF AFFAIRES ECONOMIQUES and the border controls are done by the SPF FINANCE (custom guys). So, for now, we do not do these controls.
We spend around 900,000 pounds to fund market surveillance. Border control is another government department and we cannot comment on that.

Ten organisations provided an answer to this question with 60% of these suggesting that the results of the type-approval and conformity assessment procedures have been effective (in the last two years) in preventing non-compliant or unsafe motor vehicles and/or automotive products from being placed on the EU market. It is important to note that none of the respondents considered this not to be the case, but a large proportion indicated that they did not know (see Table A5.32).

Table A5.32: Responses to the question: In the last two years, how effective have the results of type-approval and conformity assessment procedures been in preventing non-compliant or unsafe motor vehicles and/or automotive products for these motor vehicles from being placed on the EU market?	
Highly effective	0%
Effective	60%
Not effective	0%
Do not know	40%
Total	**100%**

The results presented in Table A5.33 and Figure A5.11 indicates that the majority of respondents consider the effectiveness of refusal or withdrawal of type-approval to have been reduced by 'type-approval hopping'. A fifth of organisations indicated that the effectiveness had not been reduced.

Table A5.33: Responses to the question: To what extent could the effectiveness of refusal or withdrawal of type-approval have been reduced by "type-approval hopping" (*i.e. products for which type-approval has been refused or withdrawn being presented to other technical services and/or type approval authorities to obtain type-approval*)?	
Significantly reduced	10%
Reduced	40%
Not reduced	20%
Do not know	30%
Total	**100%**

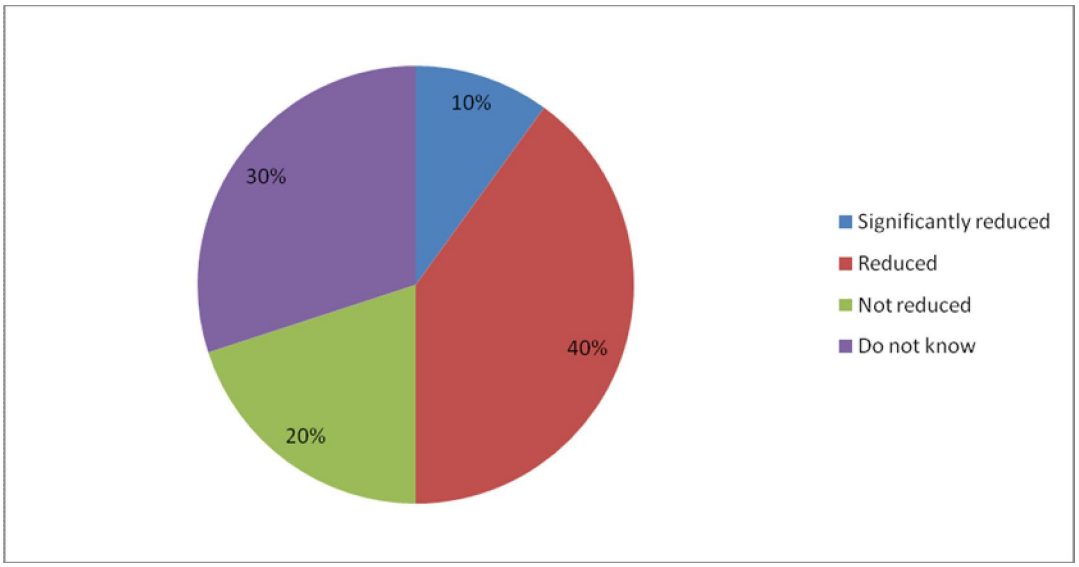

Figure A5.11: Responses to the question: To what extent could the effectiveness of refusal or withdrawal of type-approval have been reduced by "type-approval hopping" (*i.e. products for which type-approval has been refused or withdrawn being presented to other technical services and/or type approval authorities to obtain type-approval*)?

Table A5.34 and Figure A5.12 indicate that the majority of National Authorities consider the effectiveness of refusal or withdrawal of type-approval to have been reduced by 'selective selection of type-approval authority'.

Table A5.34: Responses to the question: To what extent could the effectiveness of refusal or withdrawal of type-approval have been reduced by "selective selection of type-approval authority" (*i.e. type approval authorities who are more lenient are selected over other more stringent authorities*)?	
Significantly reduced	10%
Reduced	40%
Not reduced	20%
Do not know	30%
Total	**100%**

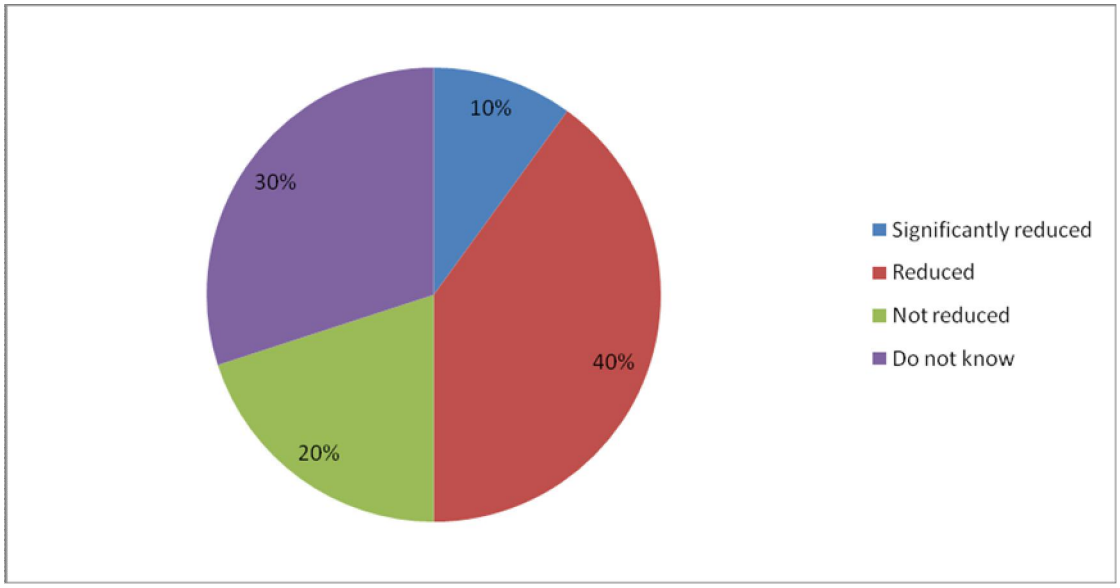

Figure A5.12: Responses to the question: To what extent could the effectiveness of refusal or withdrawal of type-approval have been reduced by "selective selection of type-approval authority" (*i.e. type approval authorities who are more lenient are selected over other more stringent authorities*)?

It is apparent from the responses received that over half of the organisations do not know whether improving the type-approval and conformity of production requirements would provide a higher level of safety and environmental protection. It should be noted that the remaining respondents answered 'yes' with none answering 'no' (see Table A5.35).

Table A5.35: Responses to the question: Do you believe that improving the type-approval and conformity of production requirements would provide a higher level of safety and environmental protection?	
YES	40%
NO	0%
Do not know	60%
Total	**100%**

Those respondents who indicated that they do believe improving the type-approval and conformity of production requirements would provide a higher level of safety and environmental protection were invited to provide further details. Three respondents provided further information, which is presented in Table A5.36. Organisations that answered 'no' to the previous question also had the opportunity to provide further details. However, because none of the respondents answered 'no' further information has not been provided.

Table A5.36: Responses to the question: which improvements do respondents believe are needed to provide a higher level of type-approval and conformity of production requirements and how will these improve the functioning of the Directive and the likely benefits?
To set up best practise and to implement database and standard at EU level it could be useful to enhance market surveillance and conformity assessment.
- The responsibility of the manufacturer (more specific for small companies which add stuff on trucks) and the ability to ask for an approval (also individual approval) will guarantee more safety (and some recalls also). This is thus true also for specific small markets! So, the scope of the COP should explicitly get the individual approvals in second stage. *- But with no controls (PTI, controls along the road) the benefits may become very low (chip tuning, modifying the power of a car or a lorry in its lifetime is an example).*
Uniform COP audit system (same supervision).

The majority of respondents indicated that they do not know the effectiveness of the results of market surveillance and border controls in discovering vehicles or vehicle components on the national/EU market which were either non-compliant or presenting a serious risk (see Table A5.37 and Figure A5.13). Of the organisations that were able to comment on the effectiveness of the results of market surveillance and border controls the same proportion of respondents indicated that it was both effective and ineffective, suggesting a difference in opinion across the National Authorities surveyed.

Table A5.37: Responses to the question: In the last two years, how effective have the <u>results of market surveillance and border controls</u> been in discovering vehicles or vehicle components on the national/EU market which were either non-compliant or presenting a serious risk?	
Highly effective	0%
Effective	20%
Not effective	20%
Do not know	60%
Total	**100%**

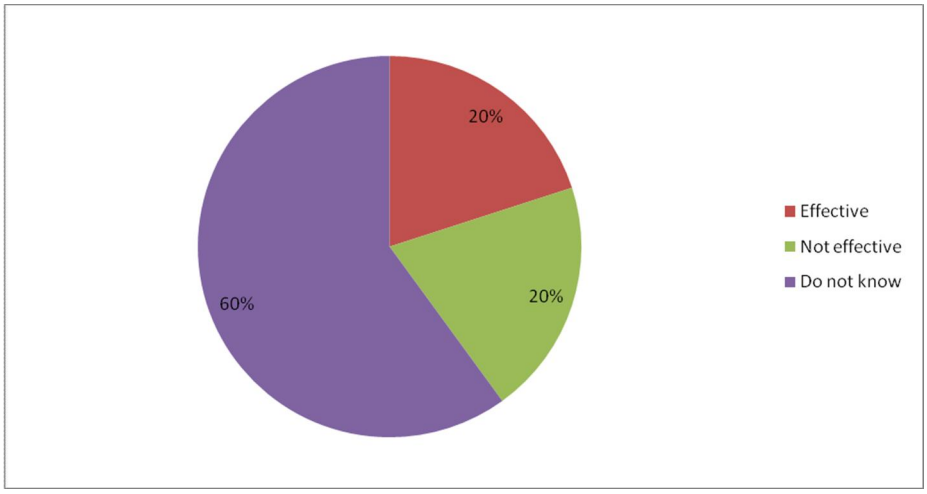

Figure A5.13: Responses to the question: In the last two years, how effective have the <u>results of market surveillance and border controls</u> been in discovering vehicles or vehicle components on the national/EU market which were either non-compliant or presenting a serious risk?

As indicated in Table A5.38 a number of organisations have suggested factors that may prevent authorities from adequately addressing the problems of non-compliant or unsafe automotive products on their market. One type-approval authority has suggested that a lack of resources to implement adequate market surveillance may act as a barrier to addressing the issue of non-complaint or unsafe products entering the EU market.

Table A5.38: Responses to the question: Are there any factors that may prevent authorities from adequately addressing the problems of non-compliant or unsafe automotive products on their market, and if so could you identify these?
No problems for unsafe products. Non-conformities to type-approval are not in responsibility of national authorities but type-approval authorities. So CoP is carried out by the authority, which granted the type approval and not by the national market surveillance authority.
Protection of the manufactures in own country.
Scarce resources to implement adequate market surveillance.
- The gap between people (in the European institution) managing market and people managing vehicles issues may lead to juridical problems. *- What is the priority: the market or the safety (and the environment)?*
- High costs of market surveillance. *- Overload of products.*
There is difficulty in deciding whether a non-compliant product is actually a risk to safety. It is difficult to decide on the action necessary when we find non-compliance, as sometimes there is limited evidence and it would be expensive to test more of the identical product to prove non-compliance (in case we were challenged in a Court of law). Another factor - other authorities do not always respond to our queries so this hampers us.

Comments from organisations regarding improvements they believe are needed to the current market surveillance and border control activities are provided in Table A5.39.

Table A5.39: Responses to the question: Please specify which improvements to current market surveillance and border control activities you believe are needed and indicate how these will improve the functioning of the Directive and the likely benefits.
To set up minimum standard and procedures to check products.
Do the vehicles still conform with their approval during their whole life time (not only new vehicles)? The scope of the directive should not be limited to new vehicles.
Transparent database with data of automotive products.
We need to encourage other authorities to respond and engage with us when we have evidence of problems. The authority log all queries/complaints about their approvals. If other authorities were forced to keep records of queries and complaints, that might provide an incentive to solve these problems and reduce the number of queries. Some attention on this area may pay dividends in terms of facilitating incremental improvement. I think that is far more likely than a "Big Bang" type of improvement. We should be aspiring to an incremental improvement. Other than this, lack of money to perform this market surveillance is an issue but in the grand scheme of things, it has to take its place in the list of priorities all of which need cash.

In conjunction with the response given in the previous question organisations were asked to provide an estimate of the likely costs of improving market surveillance activities and border controls (see Table A5.40). Six National Authorities responded to this question with two providing an estimate of the costs.

Table A5.40: Responses to the question: In line with your suggestion above, how much would it cost to improve market surveillance activities and border controls?
50,000,000 Euro.
The PTI (periodical technical inspection) of the vehicles in their whole lifetime should be European harmonized. Also for motorbikes (Directive 2002/24) but this is out of this scope. And there should answer to the question: "is the vehicle still conform with its approval?".
Estimate €10.000.000???
This question is too open-ended. I would hesitate to suggest one sum of money. In the current economic climate we are having to do "more with less" so any extra pennies would be welcome and could give rise to an incremental improvement, but I accept that there are other priorities fighting for a slice of the budget. There is unlikely to be any more money for this.

As indicated in Table A5.41, the majority of respondents suggested that they either do not know or believe that scaling down of market surveillance activities would result in any benefits to the EU automotive market. A fifth of those responding to the question disagreed and considered there to be benefits as a result of scaling down market surveillance activities.

Table A5.41: Responses to the question: Do you consider that there could be benefits from a scaling down of market surveillance activities where these are compensated by enhanced type-approval and conformity assessment activities with regard to motor vehicles and/or automotive parts for such vehicles?	
YES	20%
NO	40%
Do not know	40%
Total	**100%**

Respondents to the previous question were invited to provide details and justification for the answer given. Six organisations did so with the information presented in Table A5.42.

Table A5.42: Responses to the question: Do you consider that there could be benefits from a scaling down of market surveillance activities where these are compensated by enhanced type-approval and conformity assessment activities with regard to motor vehicles and/or automotive parts for such vehicles?
Yes, in general, if market surveillance identifies upcoming general issues for products which are not subject to type-approval to date, they should be integrated in legislation. A balance between market surveillance and pro-active type-approval system should be kept in order to optimize efforts of authorities.
Some defects appear in (a longer) use of a vehicle.
Since market surveillance aim to have the same standard level without referring to where the vehicle is approved. Doing that it could be possible to enhance the level of harmonized procedures.
Oh no! The less market surveillance, the more opportunities to dishonest persons to sell non-conforming products. Then the market will be unfair, the people selling conforming products will earn less money. Vicious circle! Conclusion, the more ambitious the approval is, the more the society needs market surveillance.
- If enhanced type-approval would imply a series of complete tests or complete witnessed testing of products from the production line. *- Product testing as part of conformity assessment.*
In principle yes, there could be benefits but at the moment the level of activity is low so it's more likely we would look to scale up our market surveillance activities.

One organisation suggests that scaling down of market surveillance activities could be beneficial, but stresses that *'a balance between market surveillance and pro-active type-approval system should be kept in order to optimize efforts of authorities'*. Another organisation considers that a reduction in market surveillance would create more opportunities for dishonest persons to sell non-conforming products, thus increasing the number of these products in the EU market.

A5.6 Impact of the Current Legal Framework

The majority of respondents indicated that small and medium-sized enterprises (SMEs) are faced with specific problems and challenges in complying with the requirements of the Directive (see Table A5.43).

Table A5.43: Responses to the question: Are small and medium-sized enterprises (SMEs) faced with any specific problems and challenges in complying with the requirements of the Directive?	
YES	60%
NO	30%
Do not know	10%
Total	**100%**

Organisations that answered 'yes' to the previous question were invited to provide further details. Seven respondents that suggested there are specific problems faced by SMEs in complying with the requirements of the Directive provided an explanation of their response (these are provided in Table A5.44). One particular problem/challenge faced by SMEs that has been highlighted by a number a respondents is a general lack of knowledge of the Directive and the type-approval process.

Table A5.44: Comments on the specific problems and challenges in complying with the requirements of the Directive that SMEs are faced with.
Low knowledge of TA-process, correct setup and data in information documents and COC's.
Switzerland does not fully accept small series WVTA (Art. 22). Concerning frontal collision (96/79/EC or ECE-R 94), lateral collision (96/27/EC or ECE-R 95) and protection of pedestrians (2003/102/EC or 78/2009/EC) a positive assessment is needed (based on tests carried out by an accredited laboratory in accordance with Appendix 2 of the Swiss Vehicle Homologation Ordinance).
Unfamiliar with the requirements regarding initial assessment and conformity of production.
Not appropriate knowledge of the Directive.
Most of them do not know what an approval is. This is a big challenge! But a large part of them have yet [to] succeed to get an Initial Approval (in Belgium) and some have already got approvals.
SMEs mostly don`t know a lot of requirements of the Directive.
Smaller companies struggle with assuring Conformity of Production for type approval. Sometimes they also struggle to comply with certain requirements, where they are modifying a base vehicle in quite a simple way, but this modification might have a small effect on a complex electronic system. For example - changing the centre of gravity might have a small effect on the Electronic stability control system. But it is too expensive for the small company to modify the ESC system. There are a number of issues with multi stage build where there needs to be some pragmatism with this. In particular there is a timing issue - there should be at least 6 months for multi-stage build producers to comply with a new requirement after it takes effect for the base vehicle manufacturer.

Of the ten organisations responding to this question 70% considers the Directive not to have had any unexpected impacts (in relation to compliance or implementation) on their organisation (as shown in Table A5.45).

Table A5.45: Responses to the question: Has the Directive had any unexpected impacts (in relation to complying with it or its implementation) on your organisation?	
YES	10%
NO	70%
Do not know	20%
Total	**100%**

Two respondents indicated that there have been unexpected impacts as a result of complying and implementing the Directive. One organisation (a type-approval authority) suggests that *'the amount of work is greater than before. This is not an expected impact. There is also another impact for the registration: the data needed are on the COC and when the COC and the approval are done in another country, our neighbours of the registration service have no data of the approval file! The registrations services need a complete set of the data of each European (and national) approval'*. The other organisation (a type-approval authority and vehicle registration authority) states that '*a lot of national approvals remain for specific small series*'.

A5.7 Coherence of the Current Legal Framework

As indicated in Table A5.46 the majority of respondents consider the Directive to be consistent with other international regulations. Only two of the ten organisations responding to this question did not consider this to be the case.

Table A5.46: Responses to the question: Is the Directive consistent with other international regulations, i.e. UNECE Regulations?	
YES	60%
NO	20%
Do not know	20%
Total	**100%**

The two organisations suggesting that the Directive is not consistent with other international regulations were invited to provide further details regarding their response. These responses are presented in Table A5.47.

Table A5.47: Comments on how/why the Directive is not consistent with other international regulations, i.e. UNECE Regulations.
Often other implementing dates than in den EC regulatory act, uncertainties about compulsory application of amendments of UNECE regulations, other scope of UNECE regulation (e.g. rear under-run protection).
After our knowledge, it does not exist - a consistent Directive!

Table A5.48 indicates that the majority of respondents (four out of the ten) consider there not to be any conflicts between the Directive and other EU legislation, policies or strategies.

Table A5.48: Responses to the question: Are there any conflicts with other EU legislation, policies or strategies, e.g. air emissions, end-of-life (ELV), noise pollution?	
YES	30%
NO	40%
Do not know	30%
Total	**100%**

Three of the respondents indicated that they believe the Directive is in conflict with other EU legislation. These organisations were invited to provide further information, which is presented in Table A5.49.

Table A5.49: Comments on the conflicts with other EU legislation, policies or strategies, e.g. air emissions, end-of-life (ELV), noise pollution.
Free movement of goods vs. recall campaigns and market surveillance.
The recommendation "Communication interprétative de la Commission concernant les procédures d'immatriculation des véhicules à moteur originaires d'un autre État membre" show well a conflict between technical requirements and an open market. So we have seen vehicles known in Belgium getting a registration in another European country with other data (for example, the maximal mass of the vehicle lower to 3,500 kg to ride the vehicle with a B driving licence). Each time the same vehicle is resold, the same scenario occurs (regarding the driving licence of the next owner).
It`s hardly understandable the border line between this Directive and Directive 2004/108.EC.

A5.8 Added Value of the Current Legal Framework

As indicated in Table A5.50, the majority of organisations responding to this question consider that the areas of attention for the functioning of the internal market for automotive products and for the implementation and enforcement of the Directive could not be equally addressed by Member State actions alone. Respondents that replied 'yes' to the question were given the opportunity to provide further details. One such organisation noted that "*EC-wide type approval is useful for the manufacturer who wishes to export, (presumably that could not have been delivered by Member State actions alone), but for those who do not export, the respondent feels that the existing regimes were adequate, in as much as our road safety record is very good, despite the national regimes being quite liberal in some respects*".

Table A5.50: Responses to the question: Do you consider that the areas of attention for the functioning of the internal market for automotive products and for the implementation and enforcement of the Directive in particular as described above could have been equally addressed by Member State actions alone?	
	National Authorities
YES	0%
NO	70%
Do not know	30%
Total	**100%**

Nine of the ten organisations responding to this question consider that action at the EU level in the field of added value has produced clear benefits compared with actions at Member State level only. None of the respondents considered this not to be the case (as indicated in Table A5.51). However, one respondent stated "*Yes and no. We prefer approximation/partial harmonisation rather than full harmonisation. We feel the most beneficial outcome would have been optional EU type-approval, rather than making it compulsory (alongside certain derogations possibly in national small series type approval or individual vehicle approval)*".

Table A5.51: Responses to the question: Do you consider that action at EU level in this field has produced clear benefits compared with action at Member State level only?	
YES	90%
NO	0%
Do not know	10%
Total	**100%**

Respondents that answered 'yes' to the previous question were asked to indicate whether they thought the benefits achieved have been created by reason of its scale or effectiveness. As indicated in Table A5.52 the majority of respondents suggest that the benefits have been created by reason of both its scale and effectiveness. All of the organisations responding to this question indicated that the benefits have been created by reason of its scale and seven of the nine respondents also suggested the benefits have been created by reason of its effectiveness.

Table A5.52: Responses to the question: If YES (to the previous question), please indicate if these benefits have been created by reason of its scale or effectiveness?		
	Reason of its scale	**Reason of its effectiveness**
YES	100%	78%
NO	0%	11%
Do not know	0%	11%
Total	**100%**	**100%**

A large proportion of respondents did not know whether voluntary initiatives adopted by industry (or others) are as a direct result of Directive 2007/46/EC, of other EU legislation, or due to other factors. Two organisations indicated that voluntary initiatives adopted by industry or others are a direct result of Directive 2007/46/EC and two organisations considered that it is due to other factors. These results are shown in Table A5.53.

Table A5.53: Responses to the question: Are the voluntary initiatives adopted by industry or others (e.g. "Manufacturers against Product Piracy") a direct result of Directive 2007/46/EC, of other EU legislation, or are they due to other factors?	
Due to Directive 2007/46/EC	20%
Due to other EU legislation	10%
Due to other factors	20%
Do not know	70%
Total	**100%**
Percentages above do not add up to 100% as some respondents have selected more than one option.	

Respondents to this question were also asked to provide further details if possible. Two responses were received as follows:

- *type approval [authorities] are not able to reject an application for a vehicle copied from a European manufacturer by a Chinese manufacturer*; and
- *not that familiar with these initiatives but it seems unlikely they are a direct result of 2007/46. Probably a number of factors involved.*

A5.9 Potential for Improving the Current Legal Framework

A5.9.1 Overview

A number of areas of attention associated with the implementation and enforcement of Directive 2007/46/EC have been identified by the Commission services in consultation with stakeholders (e.g. in working groups and submissions) and a number of potential initiatives have also been put forward for addressing these areas to enhance the implementation of the internal market for motor vehicles. These areas are discussed below.

A5.9.2 Traceability of Products and the Role and Responsibilities of Economic Operators

Nine respondents provided their views on potential initiatives relating to the "traceability of products and the role and responsibilities of economic operators in the supply chain". Their responses are summarised in Table A5.54. The majority (44%) of respondents are in favour of amending the existing technical harmonisation legislation. One respondent that selected the 'other' option indicated that they do not know which initiative they consider to be the most appropriate for addressing this issue, while another respondent suggested both undertaking awareness campaigns and amending existing legislation '*aiming for harmonisation on market surveillance*'.

Table A5.54: Responses to the question: The FIRST area of attention relates to the "traceability of products and the role and responsibilities of economic operators in the supply chain (manufacturers, authorised representatives, importers, distributors)". Which of the following potential initiatives do you consider to be the most appropriate for addressing this issue?	
Do nothing (i.e. no changes to the existing situation are necessary)	22%
Undertake awareness campaigns and/or voluntary agreements with economic operators to (a) address the problems relating to the identification and traceability of noncompliant automotive products encountered on the market and (b) to clarify and agree on the responsibilities and accountability of the involved economic operators with regard to the compliance of the products for which they are involved in the supply chain	22%
Amending the existing technical harmonisation legislation, where this would involve developing, within the internal market legislation on motor vehicles, provisions to (a) address problems relating to the identification and traceability of non-compliant products encountered on the market and (b) to provide legal clarity about the responsibilities and accountability of the concerned stakeholders in the supply chain	44%
Other	11%
Total	**100%**

It is necessary to compare the costs estimated by organisations that have selected the same policy option in order to obtain an understanding of the anticipated costs that each option is likely to incur for National Authorities. Eight National Authorities gave estimates of the likely costs and benefits of their chosen initiative in this area. These are presented in Table A5.55.

Two of the eight organisations answering this question consider a 'do nothing' approach to be the most appropriate option for addressing the issue of 'traceability of products and the role and responsibilities of economic operators in the supply chain'. Half of the respondents estimate medium costs to organisations that are similar to theirs and half suggest low set-up and annual compliance costs. It should be noted that both of these organisations are type-approval authorities and both of these organisations estimate medium scale benefits.

Of the eight organisations responding to this question two consider undertaking awareness campaigns and/or voluntary agreements with economic operators as the most appropriate option for addressing the issue of 'traceability of products and the role and responsibilities of economic operators in the supply chain'. Both of these respondents (one a type-approval authority the other a type-approval authority, market surveillance authority and vehicle registration authority) estimate set-up costs and annual compliance costs of this option as being low. One respondent estimates low scale benefits and the other estimates high scale benefits of this option.

Four of the eight organisations responding to this question consider amending the existing technical harmonisation legislation as the most appropriate option for addressing the issue of 'traceability of products and the role and responsibilities of economic operators in the supply chain'. Half of the respondents suggested that the one-off set-up costs would be of medium scale and the remaining two respondents estimated that the costs would be low. In terms of annual compliance costs three of the four respondents suggested that these would be low and one indicated that these would be medium. One respondent (a vehicle registration authority) selected 'other' as a policy option and indicated that they are unable to provide any details regarding the preferred policy option. The majority of respondents estimate medium scale benefits would be achieved as a result of implementation of this initiative.

The National Authorities were also asked to identify the benefits that they would anticipate from their chosen initiative. One respondent in favour of amending the existing technical harmonisation legislation indicated that they would anticipate '*high benefits because the goal of the organisation is to guarantee the safety, a low level of pollution and an effective market*'. One respondent that favoured both undertaking awareness campaigns and amending existing technical harmonisation legislation indicated that they would anticipate '*growing trust in contribution to compliance and market surveillance*'.

Table A5.55: Respondents' estimates of costs and benefits of their preferred initiative in the FIRST area of attention, percentage of responses			
	Chosen Initiative: 'Do nothing'		
	One-off set-up costs	**Annual compliance costs**	**Benefits**
High	0%	0%	0%
Medium	50%	50%	100%
Low	50%	50%	0%
Total	**100%**	**100%**	**100%**
	Chosen Initiative: 'Undertake awareness campaigns and/or voluntary agreements'		
	One-off set-up costs	**Annual compliance costs**	**Benefits**
High	0%	0%	50%
Medium	0%	0%	0%
Low	100%	100%	50%
Total	**100%**	**100%**	**100%**
	Chosen Initiative: 'Amending the existing technical harmonisation legislation'		
High	0%	0%	25%
Medium	50%	25%	50%
Low	50%	75%	25%
Total	**100%**	**100%**	**100%**

Note: The questions asked were:

- *'Assuming your chosen initiative is taken forward, what is your estimate of the likely scale (i.e. high, medium or low) of costs to organisations such as yours?'; and*
- *'Assuming your chosen initiative is taken forward, what is your estimate of the likely scale (i.e. high, medium or low) benefits to organisations such as yours?'*

A5.9.3 Responsibilities of and Co-operation between the Different Authorities in Member States

Eight respondents provided their views on potential initiatives relating to responsibilities of and co-operation between the different national authorities within the Member States involved in enforcement of Directive 2007/46/EC in their territory. As shown in Table A5.56 three quarters of the respondents favour joint action by the Commission and the Member States.

Table A5.56: Responses to the question: The SECOND area of attention relates to the "responsibilities of and co-operation between national authorities within the Member States involved in enforcement of Directive 2007/46/EC in their territory". Which of the following potential initiatives do you consider to be the most appropriate for addressing this issue?	
Do nothing (i.e. no changes to the existing situation are necessary)	0%
Undertake awareness campaigns and/or voluntary agreements with and **between enforcement authorities in the Member States** to clarify and agree on their respective roles and responsibilities and to enhance the information exchange and co-operation between them, both at national and cross border level	13%
Joint actions by the Commission and the Member States aimed at improving the enforcement of the current legal framework for automotive products, such as targeted training for national authorities and the development of interpretation guidelines on the legal provisions on type-approval, conformity of production, recall of vehicles, safeguard measures and market surveillance	75%

Table A5.56: Responses to the question: The SECOND area of attention relates to the "responsibilities of and co-operation between national authorities within the Member States involved in enforcement of Directive 2007/46/EC in their territory". Which of the following potential initiatives do you consider to be the most appropriate for addressing this issue?	
Amending the existing technical harmonisation legislation, where this would involve developing, within the internal market legislation on motor vehicles, provisions to specify and clarify the role and responsibilities of the different authorities in the Member States involved in the enforcement of the Directive and to establish clear procedures for information exchange and cooperation between them to effectively remedy any market failure caused by the presence of non-compliant products on the market	13%
Other	0%
Total	**100%**

Eight National Authorities gave estimates of the likely costs and benefits of their chosen initiative in this area. These are presented in Table A5.57 in relation to the specific policy options chosen.

Table A5.57: Respondents' estimates of costs and benefits of their preferred initiative in the SECOND area of attention, percentage of responses			
	Chosen Initiative: 'Do nothing'		
	One-off set-up costs	**Annual compliance costs**	**Benefits**
High	0%	0%	0%
Medium	0%	0%	0%
Low	0%	0%	0%
Total	**0%**	**0%**	**100%**
	Chosen Initiative: 'Undertake awareness campaigns and/or voluntary agreements'		
	One-off set-up costs	**Annual compliance costs**	**Benefits**
High	0%	0%	0%
Medium	0%	0%	100%
Low	100%	100%	0%
Total	**100%**	**100%**	**100%**
	Chosen Initiative: 'Joint actions by the Commission and the Member States'		
High	0%	17%	17%
Medium	50%	50%	67%
Low	50%	33%	17%
Total	**100%**	**100%**	**100%**
	Chosen Initiative: 'Amending the existing technical harmonisation legislation'		
High	0%	0%	0%
Medium	100%	100%	100%
Low	0%	0%	0%
Total	**100%**	**100%**	**100%**

Note: The questions asked were:

- *'Assuming your chosen initiative is taken forward, what is your estimate of the likely scale (i.e. high, medium or low) of costs to organisations such as yours?'; and*
- *'Assuming your chosen initiative is taken forward, what is your estimate of the likely scale (i.e. high, medium or low) benefits to organisations such as yours?'*

None of the organisations responding to this question selected the 'do nothing' option as the most appropriate for addressing this issue. One respondent favoured undertaking awareness campaigns and/or voluntary agreements with economic operators as the most appropriate option and estimated the costs to be low and the benefits to be of medium scale.

Six of the eight respondents suggested 'joint actions by the Commission and the Member States' as the most appropriate initiative for addressing the issue of 'responsibilities of and co-operation between the different national authorities within the Member States involved in enforcement of Directive 2007/46/EC in their territory'. Half of the organisations estimated low one-off set-up costs of implementation whilst the other half suggested medium costs. The majority of respondents estimate medium annual compliance costs. Two-thirds of the National Authorities also estimate medium scale benefits resulting from the implementation of this initiative. Organisations that suggest high costs will be experienced were asked to explain their answer. One respondent indicated high annual compliance costs which they suggest would result from '*several meetings per year*'.

One organisation (a type-approval authority) selected 'amending the existing technical harmonisation legislation' as the preferred option and estimated a medium level of costs and benefits.

A5.9.4 Quality and Performance of Technical Services

Eight organisations provided a response regarding the potential initiatives relating to the "quality and performance of technical services". Their responses are summarised in Table A5.58. The majority (63%) of respondents are in favour of amending the existing technical harmonisation legislation. A quarter of respondents suggested that no changes are needed to the current system. One of the later respondents selected the 'other' option and stated '*start with awareness and define expected results*'.

Table A5.58: Responses to the question: The THIRD area of attention relates to the "quality and performance of technical services". Which of the following potential initiatives do you consider to be the most appropriate for addressing this issue?	
	National Authorities
Do nothing (i.e. no changes to the existing situation are necessary)	25%
Undertake awareness campaigns and/or voluntary agreements with and between technical services to (a) clarify and agree on their respective roles and responsibilities and (b) achieve a uniform level of stringency in type-approval testing and verification of the conformity of production, including mechanisms for information exchange and co-operation between them	13%
Amending the existing technical harmonisation legislation, where this would involve developing, within the internal market legislation on motor vehicles, provisions to clarify and strengthen the requirements technical services have to comply with to be entitled to perform type-approval testing and verification of conformity of production	63%
Other	0%
Total	**100%**

Eight National Authorities gave estimates of the likely costs and benefits of their chosen initiative in this area. These are presented in Table A5.59 in relation to the specific policy options chosen.

Two of the eight respondents favoured the 'do nothing' option as the most appropriate for addressing the issue of 'quality and performance of technical services'. These organisations suggested that low costs would be incurred and a low level of benefits

would be achieved. One organisation favoured undertaking awareness campaigns and/or voluntary agreements with economic operators as the most appropriate option. This respondent estimated low costs would be incurred, both in terms of set-up costs and annual costs. They also suggested medium scale benefits would be anticipated should this option be implemented. The remaining five organisations selected 'amending the existing technical harmonisation legislation' as their preferred initiative. The majority of these estimated medium level costs would be incurred and medium scale benefits would be achieved.

National Authorities were also asked to identify the benefits that they would anticipate from their chosen initiative. One respondent (a type-approval authority) in favour of amending the existing technical harmonisation legislation indicated that there would be *'clear definition of requirements for technical services'*.

Table A5.59: Respondents' estimates of costs and benefits of their preferred initiative in the THIRD area of attention, percentage of responses

	Chosen Initiative: 'Do nothing'		
	One-off set-up costs	**Annual compliance costs**	**Benefits**
High	0%	0%	0%
Medium	0%	0%	0%
Low	100%	100%	100%
Total	**100%**	**100%**	**100%**
	Chosen Initiative: 'Undertake awareness campaigns and/or voluntary agreements'		
	One-off set-up costs	**Annual compliance costs**	**Benefits**
High	0%	0%	0%
Medium	0%	0%	100%
Low	100%	100%	0%
Total	**100%**	**100%**	**100%**
	Chosen Initiative: 'Amending the existing technical harmonisation legislation'		
High	0%	0%	20%
Medium	60%	60%	80%
Low	40%	40%	0%
Total	**100%**	**100%**	**100%**

Note: The questions asked were:

- *'Assuming your chosen initiative is taken forward, what is your estimate of the likely scale (i.e. high, medium or low) of costs to organisations such as yours?'; and*
- *'Assuming your chosen initiative is taken forward, what is your estimate of the likely scale (i.e. high, medium or low) benefits to organisations such as yours?'*

A5.9.5 Post-market Safeguard Measures and the Recall of Vehicles and Components

Eight National Authorities provided a response regarding the potential initiatives relating to the "application of post-market safeguard measures and the recall of vehicles and compounds". Their responses are summarised in Table A5.60. The majority of respondents are in favour of a 'do nothing' option.

Table A5.60: Responses to the question: The FOURTH area of attention relates to the "application of post-market safeguard measures and the recall of vehicles and components". Which of the following potential initiatives do you consider to be the most appropriate for addressing this issue?	
Do nothing (i.e. no changes to the existing situation are necessary)	50%
Undertake awareness campaigns and/or voluntary agreements with and between the different authorities in the Member States involved in the implementation and enforcement of the internal market legislation for motor vehicles to clarify and agree on their respective roles and responsibilities in post-market safeguard measures and recall actions, and the communication channels and procedures for exchange of information and co-operation.	25%
Amending the existing technical harmonisation legislation, where this would involve developing, within the internal market legislation on motor vehicles, provisions to specify the role of and interaction between the different authorities involved in post-market safeguard measures and recall actions, as well as the cross border information exchange and co-operation between national enforcement authorities.	25%
Total	**100%**

Seven National Authorities gave estimates of the likely costs and six of the likely benefits of their chosen initiative in this area. These are presented in Table A5.61 in relation to the specific policy options chosen.

Four respondents selected the 'do nothing' option as their favoured initiative for addressing the issue of 'application of post-market safeguard measures and the recall of vehicles and components'. However, one organisation did not provide an estimate of the costs and benefits associated with this initiative. Of the three organisations that did provide estimates of the costs and benefits all agreed that both the costs and benefits would be low.

Two organisations favoured undertaking awareness campaigns and/or voluntary agreements with economic operators as the most appropriate option. One respondent suggested that this initiative would result in high set-up costs and medium annual compliance costs whereas the other organisation suggested low set-up and annual compliance costs. One organisation did not provide an estimate of the likely benefits that could be achieved through implementation of this initiative; hence, the 100% value presented in the benefits column of Table A5.61 in relation to this initiative refers to one respondent's view that the benefits achieved would be high. Organisations that suggest high costs will be experienced were asked to explain their answer; this organisation's noted: *'this could involve the PTI and other controls. The initiative may cost much money, new things to build up to do that'*.

Two respondents favoured amending the existing technical harmonisation legislation with one organisation estimating low costs and the other estimating high costs (both in terms of set-up and annual compliance). However, both organisations agreed that the benefits achieved would be of medium scale.

National Authorities were also asked to identify the benefits that they would anticipate from their chosen initiative. One respondent in favour of amending the existing technical harmonisation legislation indicated that they would anticipate *'clearer declaration of the role and responsibility between the different authorities'*.

Another respondent in favour of undertaking awareness campaigns and/or voluntary agreements noted that *'coupling the post-market surveillance, the recalls and the conformity of production in the same administration could be powerful! The link between the recalls and the right to be manufacturer (through the COP) is evident'*. A later respondent in favour of amending existing technical harmonisation legislation indicated that they would anticipate '*transparent input of Member States, harmonised safeguard measures and unified approach of manufacturers representative*'

Table A5.61: Respondents' estimates of costs and benefits of their preferred initiative in the FOURTH area of attention, percentage of responses			
	Chosen Initiative: 'Do nothing'		
	One-off set-up costs	**Annual compliance costs**	**Benefits**
High	0%	0%	0%
Medium	0%	0%	0%
Low	100%	100%	100%
Total	**100%**	**100%**	**100%**
	Chosen Initiative: 'Undertake awareness campaigns and/or voluntary agreements'		
	One-off set-up costs	**Annual compliance costs**	**Benefits**
High	50%	0%	100%
Medium	0%	50%	0%
Low	50%	50%	0%
Total	**100%**	**100%**	**100%**
	Chosen Initiative: 'Amending the existing technical harmonisation legislation'		
High	0%	0%	0%
Medium	50%	50%	100%
Low	50%	50%	0%
Total	**100%**	**100%**	**100%**

Note: The questions asked were:

- *'Assuming your chosen initiative is taken forward, what is your estimate of the likely scale (i.e. high, medium or low) of costs to organisations such as yours?'; and*
- *'Assuming your chosen initiative is taken forward, what is your estimate of the likely scale (i.e. high, medium or low) benefits to organisations such as yours?'*

A5.9.6 Verification Procedures for Ensuring Conformity of Production

Eight organisations provided a response regarding the potential initiatives relating to "the verification procedures for ensuring conformity of production". Their responses are summarised in Table A5.62. The majority (63%) of respondents are in favour of amending the existing technical harmonisation legislation. A quarter of respondents suggested that no changes are needed to the current system.

Table A5.62: The FIFTH area of attention relates to the "<u>the verification procedures for ensuring conformity of production</u>". Which of the following potential initiatives do you consider to be the most appropriate for addressing this issue?	
	National Authorities
Do nothing (i.e. no changes to the existing situation are necessary)	25%
Undertake awareness campaigns and/or voluntary agreements with and between the different stakeholders involved in the conformity of production (manufacturers, technical services and type-approval authorities in the Member States) to clarify and agree on the quality criteria and procedures to be applied for verifying and ensuring the conformity of production.	13%

Table A5.62: The FIFTH area of attention relates to the "the verification procedures for ensuring conformity of production". Which of the following potential initiatives do you consider to be the most appropriate for addressing this issue?	
Amending the existing technical harmonisation legislation, where this would involve developing, within the internal market legislation on motor vehicles, provisions to clarify and strengthen the provisions on conformity of production, through the application of the principles and provisions of the NLF related to the verification of conformity during the production stage. These provisions cover the assessment of quality management systems for production, and product related controls through inspection and testing, under surveillance by the competent authorities.	63%
Other	0%
Total	**100%**

Eight National Authorities gave estimates of the likely costs and benefits of their chosen initiative in this area. These are presented in Table A5.63.

Table A5.63: Respondents' estimates of costs and benefits of their preferred initiative in the FIFTH area of attention, percentage of responses			
	Chosen Initiative: 'Do nothing'		
	One-off set-up costs	**Annual compliance costs**	**Benefits**
High	0%	0%	0%
Medium	50%	50%	50%
Low	50%	50%	50%
Total	**100%**	**100%**	**100%**
	Chosen Initiative: 'Undertake awareness campaigns and/or voluntary agreements'		
	One-off set-up costs	**Annual compliance costs**	**Benefits**
High	0%	0%	100%
Medium	0%	100%	0%
Low	100%	0%	0%
Total	**100%**	**100%**	**100%**
	Chosen Initiative: 'Amending the existing technical harmonisation legislation'		
High	0%	0%	20%
Medium	100%	80%	60%
Low	0%	20%	20%
Total	**100%**	**100%**	**100%**
Note: The questions asked were: • *'Assuming your chosen initiative is taken forward, what is your estimate of the likely scale (i.e. high, medium or low) of costs to organisations such as yours?'; and* • *'Assuming your chosen initiative is taken forward, what is your estimate of the likely scale (i.e. high, medium or low) benefits to organisations such as yours?'*			

Two of the eight organisations responding to this question selected 'do nothing' as the most appropriate option to address this issue. One respondent estimated the costs and benefits of this option to be low, whilst the other respondent suggested that the costs and benefits will be of medium scale.

One respondent favoured undertaking awareness campaigns and/or voluntary agreements with economic operators and estimated the likely costs to be low (in terms of set-up costs) and medium (in relation to annual compliance costs). This organisation also indicated that the benefits of implementing this initiative would be

high. This type-approval authority has provided further details for justifying the scale of costs selected and states that *'the set up costs will be low because we have that already done. Annual costs would be medium because it should be renewed each year for some'*.

Five of the eight respondents favoured amending the existing technical harmonisation legislation as the most appropriate option for addressing this issue. All of the organisations estimated medium scale costs in terms of one-off set-up costs. The majority also suggested this to be the case with regard to annual compliance costs. Three of the five respondents estimated the benefits of implementing this initiative to be of medium scale.

The majority of organisations responding to this question do not know whether the approaches applied in other product sectors and the harmonised legislative provisions provided by the New Legislative Framework could contribute to addressing the attention areas that have been identified (see Table A5.64). A third of respondents considered this not to be the case. National Authorities answering this question were asked to further explain their answer. One respondent did so by stating that *'this all depends on the integrity of the authorities and the technical services. If the type approval authority has to realize a profit like the technical services the system doesn't work'*. Another respondent stated that '*under the CARS21 initiative there are already some moves underway to utilise the NLF/New Approach. We are not aware of any lessons or best practice in the NLF/New Approach that would result in a big gain compared to the existing approach for motor vehicles*'.

Table A5.64: Do you consider that the approaches applied in other product sectors and the harmonised legislative provisions provided by the New Legislative Framework could contribute to addressing the attention areas that have been identified?	
YES	11%
NO	33%
Do not know	56%
Total	**100%**

Survey participants were also asked to provide any additional information that they considered may be of use. One respondent stated that *'the work in an approval authority is great. We feel how important [it] is to guarantee the safety and a low pollution level each day and to promote them through an efficient market! We should give approval to vehicles that conform with the directive, so we should not give approval to vehicles that are not conforming with the Directive. That part of the job isn't so easy but it is so. Maybe it should be interesting to share between national authorities (and the European Commission) a list of "bad cases" to avoid seeing them hopping in the whole Europa...'*. Another respondent indicated that '*in principle, they were in favour of non-regulatory approaches to problems, rather than using regulation to solve all problems. It is possible that some voluntary initiatives or awareness campaigns might show benefits, particularly in relation to the SECOND area of attention (responsibilities and co-operation of national authorities)*'. A third respondent suggested '*developing EU-organized interpretations on technical issues, based on relevance and frequency*'.

ANNEX 6

VIEWS OF CONSUMER ORGANISATIONS

A6. VIEWS OF CONSUMER ORGANISATIONS

A6.1 Profile of Respondents

Two consumer organisations completed the questionnaire. One of which is a federation of some 50 NGOs including transport users' associations, consumer organisations and environmental groups. No responses have been received from individual users.

Both organisations that responded to the questionnaire indicate that they operate within all EU-27 countries and, outside of the EU, operate within EEA (Iceland, Norway and Liechtenstein) and EU candidate countries (Croatia, Macedonia, Turkey). One organisation also stated that they operate within EFTA (Iceland, Liechtenstein, Norway, and Switzerland) countries.

A6.2 Evaluation of the Current Legal Framework

Consumer organisations were asked to rate the implementation of the existing legal framework (under Directive 2007/46/EC) to date. A difference in opinion between the two respondents has been identified, with one suggesting implementation to be satisfactory and the other not satisfactory.

Further to the above, respondents were asked whether there are any specific areas within the existing legal framework (under Directive 2007/46/EC) for which they have positive experiences from implementation. One organisation was unable to provide any details stating that they 'do not know'. However, the other organisation indicated that they have had positive experiences from implementation of the existing framework. This organisation was asked to provide further details of these positive experiences and stated that '*Certificate of conformity makes it easier now to purchase a car in a foreign country and register in your own country. But this is not yet a sufficient step for the consumer to buy a car from another Member State, because taxation needs to be harmonised still. A car of the same brand is produced for example in Germany for the German market with more Horsepower or KW then a vehicle for Belgium, because in Belgium there is double taxation. For the same car, if it was produced for Germany and you import it to Belgium, you might need to pay double for "Taxe de mise en circulation" because of the difference of 1 KW*'. It is worth noting that this organisation considers implementation of the existing legal framework to be unsatisfactory.

Organisations were also asked whether there are any specific areas within the existing legal framework (under Directive 2007/46/EC) for which they have negative experiences from implementation. One respondent indicated that they 'did not know', but the other organisation suggested that they have had negative experiences of implementation. This stakeholder highlighted a number of specific areas in which they have had negative experiences: '*a lack of effective market surveillance and enforcement. Millions of automotive products have been recalled due to safety*

related defects. This is not the case only for vehicles, but also motorbikes and automotive components such as tyres and child car seats etc. Additionally the lack of harmonisation of the taxation system is an issue'.

Taking into account the responses provided to the previous questions in this section, the consumer organisations were asked whether the following objectives of the Directive are still valid and relevant for coping with the current situation in the market and for the automotive sector:

- **To establish a harmonised framework (i.e. achieve the internal market)** containing the administrative provisions and general technical requirements for approval of all new vehicles within its scope and of the systems, components and separate technical units intended for those vehicles, with a view to facilitating their registration, sale and entry into service within the Community;
- **To establish the provisions for the sale and entry into service** of parts and equipment intended for vehicles approved in accordance with this Directive; and
- To ensure that new vehicles, components and separate technical units put on the market provide **a high level of safety and environmental protection** (based on prior control by an approval authority before they are offered for sale).

100% of the respondents consider each of the objectives (provided above) to still be relevant for coping with the current market situation.

When asked whether the current scope of the Directive is still valid and relevant for coping with the current situation in the market and for the automotive sector, the two stakeholders that responded demonstrated a difference in opinion. One organisation considers the scope of the Directive to still be relevant, whereas the other suggested that it is no longer relevant. Further details provided by this organisation relating to reasons why the scope of the Directive is no longer relevant are as follows: '*retrofit and aftermarket components have to be included as well. Additionally, legal framework for national authorities (laboratories) for control of conformity of production is missing*'.

A6.3 Relevance - Areas of Attention

Consumer organisations were asked to indicate the extent to which the following five areas of attention (that have been identified as having the potential to affect the effective implementation of the EU type-approval legislation for automotive products) are considered problematic:

- Traceability of products and clarifying the role and responsibilities of economic operators;
- Responsibilities of and co-operation between the different national authorities within the Member States involved in the enforcement of the legislation (type-approval, recalls, market surveillance, border controls);
- Quality and performance of technical services;

- Application of post-market safeguard measures and obligatory recall of vehicles (and components); and
- Verification procedures for ensuring conformity of production.

Both stakeholders responding to this question suggest that each of the five areas of attention is **highly problematic** in terms of affecting the effective implementation of the EU type-approval legislation for automotive products.

These organisations were also asked whether they were able to provide specific examples of negative experiences in relation to the five areas of attention presented above. Details of these negative experiences are presented below:

- Consumer organisation 1:
  - *Lack of accountability and reproach to authorities where a product has wrongly been granted TA [type-approval];*
  - *Varying stringency, surveillance and enforcement ambition levels in neighbouring countries;*
  - *It is well-known to (and exploited by) economic operators that some services are more stringent than others. Clearly some technical services are reliant on operators for client base, which risks influencing quality. Lack of independent (perhaps EU) service to ensure harmonised application;*
  - *Large variation in standards and ambition across EU Member States. No harmonised dataset for EU to identify significant trends, e.g. concerns about adherence to safety or environmental standards for certain models/runs. (As a parallel, Toyota acceleration problem was identified due to a number of cases throughout US fleet - but EU does not collect data which might identify statistically significant trends in EU fleet, which may not be spotted at national market level); and*
  - *Large variation in standards, and especially resources, between EU countries and over time. Scaling back CoP checks during financial crisis?*

- Consumer organisation 2: *Lack of market surveillance and enforcement are a big concern [to this organisation]. Pirated products enter the Internal Market easily and even though they are detected, different national authorities do not take action. For example the case of the child restraint systems that have entered Hungary with false approval mark/number from another country. The country was informed about the unsafe child restraint system (CRS), but did not take any action as the CRS was sold in another country. They would have dealt with it in case it enters their territory. In the case of recalls, consumers are not informed efficiently (millions of Toyota vehicles have been recalled, but many owners didn't hear about it, in particular immigrants with language problems are not aware when their car is recalled). Verification procedures for ensuring conformity of production also shows failures because of the frequent change of design and requirements, which results in lack of time for durability tests.*

Organisations were also asked whether they were able to provide specific examples of positive experiences in relation to the five areas of attention presented above. Both respondents stated that they 'did not know' and were therefore unable to provide specific examples of positive experiences.

Finally, under this section, stakeholders were asked to comment on whether the expected developments or changes (whether geographical, design, technological or market-related) in the market for motor vehicles is likely to increase or decrease the importance of the identified areas of attention (provided above). Both respondents agreed that expected developments/changes in the market for motor vehicles is likely to increase the importance of each of the identified areas of attention, with one suggesting this would increase and the other indicating that this would significantly increase. Respondents were given the opportunity to explain their answers, with one stating that '*increased globalisation of automotive (component) production, increases need for better controlled TA [type-approval] regime and harmonised approach across EU with uniform stringency. Increased vulnerability to non-compliant products gives rise to increased burden on national authorities and risk of exploitation of 'weak points' for EU market access, unless the approach is more tightly controlled and better coordinated, supported by appropriate resources*'.

A6.4 Effectiveness of the Current Legal Framework

A6.4.1 Non-compliant Automotive Products

When responding to the question 'In your opinion, how serious is the issue of <u>non-compliant</u> automotive products being placed on the EU market? *(non-compliance includes by-passing or circumvention of type-approval and/or conformity of production procedures e.g. through parallel imports*)' both organisations agreed that non-compliant automotive products entering the EU market is an issue, with one suggesting this is a serious issue and the other a highly serious issue.

A6.4.2 Unsafe Automotive Products

Organisations were asked to provide their opinion on how serious the issue of <u>unsafe</u> automotive being placed on the EU market. Both respondents recognised this as an issue with one suggesting this to be a serious problem and the other a highly serious problem.

Respondents that answered either 'serious' or 'highly serious' to the previous two questions were also given the opportunity to provide an estimate of the percentage of non-compliant automotive products and unsafe products currently on the EU market. However, neither stakeholder did so.

A6.4.3 Vehicle or Component Recalls

Stakeholders were invited to judge the seriousness of the issue of vehicle or component recalls for automotive products being placed on the EU market. Both respondents indicated that they believe this to be a serious issue.

Two respondents also provided their views on the primary causes of recalls. As the first choice option one stakeholder selected 'inadequate pre-market controls' and the other selected 'unsafe automotive products' as the primary cause of recalls. Both selected 'non-compliance issues' as their second choice.

A6.4.4 Shortcomings in the Current Legal Framework

When asked whether there are any shortcomings in the current legal framework potentially harming the free movement of motor vehicles and their components and/or creating obstacles to fair competition, one organisation was unable provide a definitive answer (stating that they 'did not know') and the other indicated that there are shortcomings. This organisation provided an example of a '*lack of harmonised max. N3/O3 height, meaning that significantly higher capacity HGV trailers are permitted in the UK*'.

A6.4.5 Market Situations or Developments in the EU Harming Free Movement or Fair Competition

Consumer organisations were asked whether there are any market situations or developments in the EU potentially harming the free movement of motor vehicles and their components and/or creating obstacles to fair competition. Both respondents suggested there are and were asked to provide further details. These comments are presented below:

- *Approval of longer semi-trailers (e.g. KögelBigMaxx) permitted on a trial basis (time-limited?) in Germany, is distortionary to competition by non-German hauliers, and incompatible with 97/27/EC; and*
- *Harmonisation of taxation.*

A6.4.6 Evidence for Responses in this Section

Respondents were asked to indicate the type of evidence they have for providing the answers given in this section. Both stakeholders highlighted their own organisational experience as justification for the answers previously given. One organisation also selected 'personal industry experience/expertise', 'research carried out by their organisation', 'research carried out by other organisations' and 'anecdotal evidence' as evidence for the answers given in this section.

A6.5 Efficiency/Cost-effectiveness of the Current Legal Framework

Consumer organisations were asked 'how effective have the results of market surveillance and border controls been in discovering vehicles or vehicle components on the national/EU market which were either non-compliant or presenting a serious risk, in the last two years?' Both respondents indicated that they did not know.

When asked to provide their views on the effectiveness of results of type-approval and conformity of assessment procedures in preventing non-compliant or unsafe motor vehicles and/or automotive products for these motor vehicles from being placed on the EU market, neither respondent could provide a definitive answer, indicating that they 'did not know'.

A6.6 Impact of the Current Legal Framework

Stakeholders were asked whether 'the Directive has had any unexpected impacts (in relation to complying with it or its implementation) on your organisation or on you as an individual user'. One respondent indicated that they 'did not know', but the other suggested that the Directive has had unexpected impacts on their organisation. This organisation identified '*safety and environmental consequences, directly via vehicle max weights and dimensions rules, and indirectly via implications for test procedures regarding safety and environmental standards*' as unexpected impacts.

A6.7 Coherence of the Current Legal Framework

Consumer organisation were asked whether there are any conflicts between the current legal framework and other EU legislation, policies or strategies, e.g. air emissions, end-of-life (ELV), noise pollution. One respondent was unable to provide a definitive answer, indicating that they 'did not know'. The other suggested that there are conflicts between the current legal framework and other EU legislation. Further comments from this organisation regarding these conflicts are as follows: '*potential conflicts must be considered with current EU legislation interalia: light vehicle fleet CO_2 standards (M1, N1), EURO standards, noise standards, weights and dimensions in circulation, engine power, underrun protection regulations, lateral protection, spray suppression systems, external projections of cabs, general safety regulation, direct and indirect vision requirements, lighting installation, plates, couplings, towing hooks, vehicles for HAZMAT*'.

A6.8 Added Value of the Current Legal Framework

Two stakeholders responded to the relevant question on whether the areas of attention for the functioning of the internal market for automotive products and for the implementation and enforcement of the Directive could have been equally addressed

by Member State actions alone. Both respondents indicated that the areas of attention could not have been equally addressed by Member State Actions alone.

In relation to the previous question, consumer organisations were asked whether they consider action at the EU level in this field has produced clear benefits compared with action at Member State level only. Both respondents indicated that action at the EU level has produced clear benefits compared with action at Member State level.

Stakeholders that answered 'yes' to the previous question (of which there were two) were asked to indicate if these benefits have been created by reason of its scale or effectiveness. One respondent could not provide a definitive answer (indicating that they 'do not know') whereas the other respondent suggested that the benefits have been created by reason of its scale and effectiveness.

Organisations were asked whether 'the voluntary initiatives adopted by industry or others (e.g. "Manufacturers against Product Piracy") a direct result of Directive 2007/46/EC, of other EU legislation, or are they due to other factors?'. One organisation indicated that they 'do not know'. The other suggested that the voluntary initiatives adopted by industry are a direct result of Directive 2007/46/EC, due to other factors and also '*driven by competitiveness factors, but facilitated by EU TA '[type approval] framework*'.

A6.9 Potential for Improving the Current Legal Framework

A6.9.1 Overview

A number of areas of attention associated with the implementation and enforcement of Directive 2007/46/EC have been identified by the Commission services in consultation with stakeholders (e.g. in working groups and submissions) and a number of potential initiatives have also been put forward for addressing these areas to enhance the implementation of the internal market for motor vehicles.

A6.9.2 Traceability of Products and the Role and Responsibilities of Economic Operators

Two respondents provided their views on potential initiatives relating to the 'traceability of products and the role and responsibilities of economic operators in the supply chain (manufacturers, authorised representatives, importers, distributors)'. Three potential initiatives have been identified for addressing this issue. These are:

- **Do nothing** (i.e. no changes to the existing situation are necessary);
- **Undertake awareness campaigns and/or voluntary agreements with economic operators** to (a) address the problems relating to the identification and traceability of noncompliant automotive products encountered on the market and (b) to clarify and agree on the responsibilities and accountability of the involved

economic operators with regard to the compliance of the products for which they are involved in the supply chain; and

- **Amending the existing technical harmonisation legislation**, where this would involve developing, within the internal market legislation on motor vehicles, provisions to (a) address problems relating to the identification and traceability of non-compliant products encountered on the market and (b) to provide legal clarity about the responsibilities and accountability of the concerned stakeholders in the supply chain.

Both organisations consider amending the existing technical harmonisation legislation as the most appropriate initiative for dealing with the issue of product traceability and the role and responsibilities of Economic Operators.

In relation to the initiative selected above and assuming this is taken forward, respondents were asked to estimate the likely scale of costs to organisations such as theirs. Only one consumer organisation responded suggesting that annual compliance costs would be of medium scale.

Respondents were also asked to estimate the likely scale of benefits to organisations such as theirs should the selected initiative (above) be taken forward. Of the two stakeholders responding to this questionnaire only one responded to this specific question indicating a medium level of benefits would be expected. Respondents were also asked to provide further details of specific benefits that would be anticipated should the selected initiative be taken forward. This organisation highlighted the following: '*increasing (environmental and safety) benefits of improved compliance over time, with regard to growing international trade concerns*'. It is worth noting that of the two consumer organisations responding to this questionnaire one respondent provided an indication of the expected scale of costs (not benefits), whereas the other provided the anticipated scale of benefits (not costs). This is the case for all similar questions in this section.

A6.9.3 Responsibilities of and Co-operation between the Different Authorities in Member States

Respondents were asked to provide their views on potential initiatives relating to the 'responsibilities of and co-operation between the different national authorities within the Member States involved in enforcement of Directive 2007/46/EC in their territory'. Four potential initiatives have been identified for addressing this issue. These are:

- **Do nothing** (i.e. no changes to the existing situation are necessary);
- **Undertake awareness campaigns and/or voluntary agreements with** and **between enforcement authorities in the Member States** to clarify and agree on their respective roles and responsibilities and to enhance the information exchange and co-operation between them, both at national and cross border level;
- **Joint actions by the Commission and the Member States aimed at improving the enforcement** of the current legal framework for automotive products, such as

targeted training for national authorities and the development of interpretation guidelines on the legal provisions on type-approval, conformity of production, recall of vehicles, safeguard measures and market surveillance; and

- **Amending the existing technical harmonisation legislation**, where this would involve developing, within the internal market legislation on motor vehicles, provisions to specify and clarify the role and responsibilities of the different authorities in the Member States involved in the enforcement of the Directive in their territory and to establish clear procedures for information exchange and cooperation between them to effectively remedy any market failure caused by the presence of non-compliant products on the market.

Two organisations responded to this question with one identifying joint actions by the Commission and Member States as the most appropriate initiative for addressing this issue and the other indicating that amending the existing technical harmonisation legislation is the most appropriate option.

When asked to estimate the likely scale of costs to similar organisations should their chosen initiative be taken forward, one organisation responded suggesting annual compliance costs would be of medium scale. No estimation of the likely one-off set-up costs was provided. It should be noted that this organisation selected 'amending the existing technical harmonisation legislation' as their preferred option for addressing this issue.

Consumer organisations were also asked to provide an estimate of the likely scale of benefits to organisations such as theirs, assuming their chosen initiative is taken forward. One respondent (identifying joint actions by the Commission and Member States) estimated medium scale (environmental and safety) benefits would be achieved.

A6.9.4 Quality and Performance of Technical Services

Two respondents provided their views on potential initiatives relating to the 'quality and performance of technical services'. Three potential initiatives have been identified for addressing this issue. These are:

- **Do nothing** (i.e. no changes to the existing situation are necessary);
- **Undertake awareness campaigns and/or voluntary agreements with and between technical services** to (a) clarify and agree on their respective roles and responsibilities and (b) achieve a uniform level of stringency in type-approval testing and verification of the conformity of production, including mechanisms for information exchange and co-operation between them; and
- **Amending the existing technical harmonisation legislation**, where this would involve developing, within the internal market legislation on motor vehicles, provisions to clarify and strengthen the requirements technical services have to comply with to be entitled to perform type-approval testing and verification of conformity of production.

100% of organisations consider amending the existing technical harmonisation legislation as the most appropriate initiative for dealing with the issue of quality and performance of technical services.

In relation to the initiative selected above and assuming this is taken forward, respondents were asked to estimate the likely scale of costs to organisations such as theirs. Only one consumer organisation responded suggesting that annual compliance costs would be of medium scale. This organisation did not provide any indication of the likely scale of one-off set-up costs.

When asked to estimate the likely scale of benefits (assuming the selected initiative was taken forward) one organisation responded suggesting a high scale of benefits would be achieved. This respondent also provided further details of the benefits that would be expected from implementation of this initiative: '*uniform compliance to close the practice of approaching certain TAAs seen to be 'easier' to obtain TAA from (domestic and imported), or for example known to approve vehicles in other classes, e.g. N1 as N2 / N2 as N3 or vice versa*'. The respondent providing an estimate of the scale of costs associated with implementing the initiative did not provide an estimate of the likely benefits. The opposite is true with regards to the responses received from the other consumer organisation.

A6.9.5 Post-market Safeguard Measures and the Recall of Vehicles and Components

Two respondents provided their views on potential initiatives relating to the 'application of post-market safeguard measures and the recall of vehicles and components'. Three potential initiatives have been identified for addressing this issue. These are:

- **Do nothing** (i.e. no changes to the existing situation are necessary);
- **Undertake awareness campaigns and/or voluntary agreements with and between the different authorities in the Member States** involved in the implementation and enforcement of the internal market legislation for motor vehicles to clarify and agree on their respective roles and responsibilities in post-market safeguard measures and recall actions, and the communication channels and procedures for exchange of information and co-operation; and
- **Amending the existing technical harmonisation legislation**, where this would involve developing, within the internal market legislation on motor vehicles, provisions to clarify and strengthen the provisions on conformity of production, through the application of the principles and provisions of the NLF related to the verification of conformity during the production stage. These provisions cover the assessment of quality management systems for production, and product related controls through inspection and testing, under surveillance by the competent authorities.

One respondent considered undertaking awareness campaigns and/or voluntary agreements with economic operators as the most appropriate initiative for addressing this issue. The other organisation did not select any of the options provided above

and instead provided an option of their own: '*establish mandatory EU-level collection and analysis of national datasets of TA and CoP to enable pan-European trends, i.e. safety or environmental concerns, to be identified*'.

When asked to estimate the likely scale of costs to similar organisations should their chosen initiative be taken forward, one organisation responded suggesting annual compliance costs would be of medium scale. No estimation of the likely one-off set-up costs was provided. It should be noted that this organisation selected 'undertaking awareness campaigns and/or voluntary agreements with economic operators' as their preferred option for addressing the issue of application of post-market safeguard measures and the recall of vehicles and components. The other consumer organisation did not respond to this question.

Consumer organisations were also asked to provide an estimate of the likely scale of benefits to organisations such as theirs, assuming their chosen initiative is taken forward. One respondent that provided their own potential initiative estimated medium scale (environmental and safety) benefits would be achieved if this was taken further.

A6.9.6 Verification Procedures for Ensuring Conformity of Production

One respondent provided their views on potential initiatives relating to the 'verification procedures for ensuring conformity of production'. Three potential initiatives have been identified for addressing this issue. These are:

- **Do nothing** (i.e. no changes to the existing situation are necessary);
- **Undertake awareness campaigns and/or voluntary agreements with and between the different stakeholders** involved in the conformity of production (manufacturers, technical services and type-approval authorities in the Member States) to clarify and agree on the quality criteria and procedures to be applied for verifying and ensuring the conformity of production; and
- **Amending the existing technical harmonisation legislation**, where this would involve developing, within the internal market legislation on motor vehicles, provisions to clarify and strengthen the provisions on conformity of production, through the application of the principles and provisions of the NLF related to the verification of conformity during the production stage. These provisions cover the assessment of quality management systems for production, and product related controls through inspection and testing, under surveillance by the competent authorities.

The consumer organisation that responded to this question indicated that they consider amending the existing technical harmonisation legislation to be the most appropriate initiative for addressing the issue of verification procedures for ensuring conformity of production.

In relation to the initiative selected above and assuming this is taken forward, respondents were asked to estimate the likely scale of costs to organisations such as

theirs. Only one consumer organisation responded suggesting that annual compliance costs would be of medium scale. No indication of the likely scale of one-off set-up costs was provided. The other consumer organisation did not provide a response to this question.

When asked to estimate the likely scale of benefits (assuming the selected initiative was taken forward) one organisation responded suggesting a medium scale of benefits would be achieved. No response was received from the other organisation.

A6.9.7 Other Issues Relating to the Improvement of the Current Legal Framework

Only one consumer organisation gave a response regarding the potential contribution of the approaches applied in other product sectors and the harmonised legislative provisions provided by the New Legislative Framework to addressing the attention areas that have been identified. This organisation stated that they 'do not know'.

ANNEX 7

CASE STUDY 1 – ASSESSING THE TYPE AND MAGNITUDE OF PROBLEMS AND CHALLENGES ENCOUNTERED BY SMES

A7. ASSESSING THE TYPE AND MAGNITUDE OF PROBLEMS AND CHALLENGES ENCOUNTERED BY SMES

A7.1. Background to Case Study

The aim of this case study, as set out in the Study Specifications, is to identify a number of small and medium-sized enterprises (SMEs) in the automotive industry with the aim of presenting and analysing their specific situation and any difficulties they face arising from problems in the market as a result of Directive 2007/46/EC, as supporting evidence for the SME test to be carried out under the impact assessment.

A7.2. Approach to Case Study

In order to identify SMEs in the automotive industry and obtain information for the case study, we have adopted a three-pronged approach:

- firstly, we contacted key European industry associations and asked if they were willing to organise a roundtable with two or more SMEs present. We offered to hold face-to-face meetings (or conference calls) with these SMEs to obtain their views on the problems and challenges they have encountered as a result of Directive 2007/46/EC. Unfortunately, we were not successful in arranging such meetings, despite the best intentions and efforts of the associations. Table A7.1 (overleaf) summarises the responses received from the key industry associations;

- next, we contacted CLEPA[1] national associations asking them to indicate whether they and their members were interested in having a telephone/conference call with our study team and/or indicate if individual companies would be happy to speak to us. Again, despite the best intentions and efforts of the associations, it was not possible to arrange any direct discussions with companies. However, we were able to hold an in-depth discussion with the Belgian association representative who was clearly knowledgeable about the problems faced by SMEs; and

- finally, we tried to make direct contact with SMEs. We included an invitation for individual companies to indicate if they would be happy to participate in a case study in the questionnaire; the level of response to the questionnaire was low and therefore not useful for identifying SMEs. Initial feedback obtained (using our industry expert) was that there are very few companies small enough to meet the SME criteria (i.e. fewer than 250 employees) that have actually completed the whole vehicle type-approval (WVTA) process, either to the full requirement or the small series version. Indeed, one technical service commented that many small manufacturers start out with the intention of obtaining WVTA but fail, for either technical or procedural reasons.

[1] CLEPA which is the European Association of Automotive Suppliers represents the general interests of over 3,000 SMEs in the motor equipment and parts industry across the EU.

Table A7.1: Responses of Key Organisations to Roundtable Discussion	
Organisation	**Response**
ACEA: The European Automobile Manufacturers Association represents the interests of the sixteen European car, truck and bus manufacturers at EU level	"*With respect to your question below I am willing to assist in a face -to-face meeting but when the purpose is to build on problems with SMEs I wonder if my presence will be useful. I am representing ACEA and our 16 members are the major vehicle manufacturers in Europe (BMW, DAF, Daimler, Fiat, Ford Europe, GM Europe, Jaguar Land Rover, MAN, Porsche, PSA, Renault, Scania, Toyota Europe, VW, Volvo car and Volvo Truck), so I can hardly say that I am representing SMEs*".
ETRMA: The European Tyre & Rubber Manufacturers' Association represents the regulatory and related interests of European tyre and rubber manufacturers at both European and international levels	"*The ETRMA interest in this study would be on behalf of tyre manufacturers, which are NOT SMEs. Therefore, we will not be able to organise a round table on this project*."
CLEPA: The European Association of Automotive Suppliers represents the general interests of over 3,000 member companies in the motor equipment and parts industry internationally	*"Your message has been forwarded to our National Associations where you can find the automotive suppliers SMEs (our direct company members are not really SMEs)".*
AGORIA (Belgian association under CLEPA):	*"We have launched the question to our automotive SME's and will be getting back to you with their remarks in the next few days. Please understand that SME's on the whole do not employ people to solely spend their time on legislation. So their input cannot be expected right away. We will get back to you as soon as we can".*
FIGIEFA is the international federation and political representative of independent wholesalers and retailers of automotive replacement parts and their associated repair chains	*"It seems difficult to be able to meet your request for a round table with market operators of our segment. However, we are currently working on 2 or 3 aspects which could be of interest for you and we would be ready to meet with you to present you with our findings/comments".* No further information was received from FIGIEFA.
BIPAVER: The European Retread Manufacturers Association represents national retreading associations and leading suppliers to the retreading industry from 10 countries	*"It is clear that as the representative of the SME independent retreading industry, Bipaver wants to play a role in the proposed study, however the mentioned dates are also a major problem and impossible to reschedule".* No response was received to suggested May dates.
AECC: The Association for Emissions Control by Catalysts is an international non-profit scientific association of European companies making technologies for engine exhaust emissions control.	*"AECC has no direct nor specific interest in this project as AECC is not representing SMEs. AECC member companies are not directly impacted by the whole vehicle type-approval framework directive 2007/46/EC as this WVTA process is handled by the OEMs".*
CEFIC Automotive Grade Urea Sector Group	*"Please be informed that the members of the Automotive Grade Urea Sector Group of CEFIC, are all large enterprises, and thereby fall outside the definition of SME's. We do thank you for the opportunity given to us to attend, at the same time as we confirm that we are not planning to participate."*
UEAPME: The European Association of Craft, Small and Medium-sized Enterprises represents SMEs interests at EU level	No response received

Following this, we set out to identify and contact SMEs that may have experience with the type-approval of components and parts. Over 100 SMEs were identified and contacted in the Czech Republic[2], Poland, Italy and the UK[3] in their native language to provide information for the study. In general, most of the SMEs contacted by email and telephone either did not respond or indicated that they had not experienced any problems with the Directive. We were, however, able to hold in-depth interviews with four SMEs.

We also undertook a detailed literature review to obtain information for the case study and tried to obtain information from other stakeholders (e.g. national authorities) on their experience of problems encountered by SMEs. The key findings from this are presented below.

A7.3. Position of SMEs in the EU Automotive Sector

A large proportion of all enterprises active in the automotive industry comprise SMEs. According to Eurostat (2008), around 94% of all enterprises in the automotive sector (motor vehicles, trailers and semi-trailers) are SMEs. Similarly, SMEs account for over 90% of the enterprises in the sectors supplying to the automotive industry (e.g. metal products, R&D, computer-related activities, etc.) (EIM & IKEI, 2009).

Traditionally, the value chain of the automotive industry can be said to be in a pyramid structure, as shown in Figure A7.1 below.

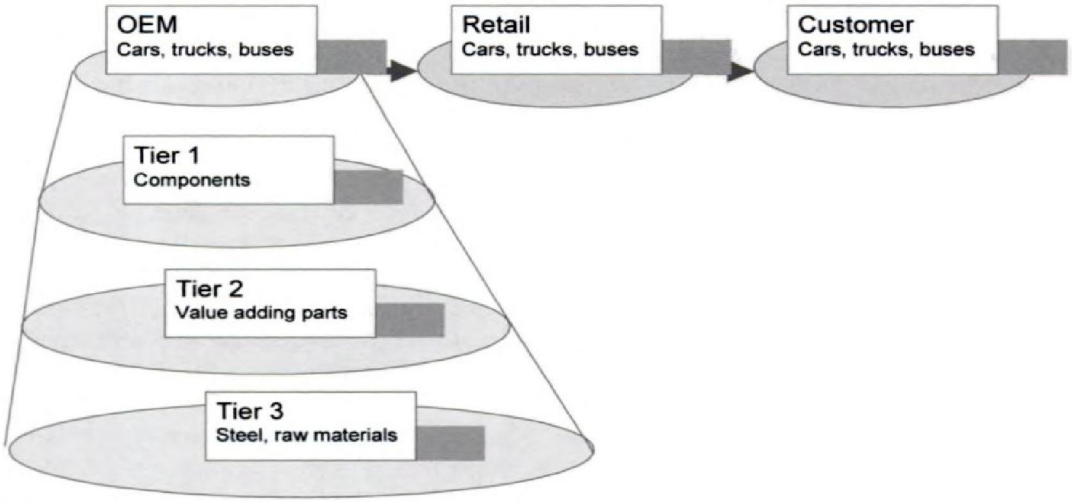

Figure A7.1: Structure of the Automotive Industry
Source: Heneric *et al*. (2005)

[2] The Czech Republic and Poland were chosen as new EU Member States located in Eastern Europe. According to ACEA country profiles, the Czech Republic is characterized by a strong automotive supplier sector; more than half of the largest global automotive suppliers have operations in the Czech Republic. Poland has a leading role in components manufacturing involving over 200 companies and €10 billion in value exported; Germany purchases over 40% of Polish automotive components.

[3] Italy and the UK were chosen as large EU Member States. The UK has 20% share of the independent global market in vehicle design-engineering (ACEA country profiles).

At the top of the pyramid, vehicle manufacturers or original equipment manufacturers (**OEMs**) are responsible for manufacturing and/or assembling the car. OEMs do not, however, produce all the components required for vehicle production themselves, but buy them or have them developed by suppliers. The outsourcing by OEMs of segments of their supply chain has changed the role of suppliers from that of component suppliers to systems suppliers. Subsequently, suppliers can now be classified even more precisely by the extent to which they have taken over functions of the vehicle supply chain (KPMG, 2008). There are a small number of large vehicle manufacturers or OEMs dominating this tier, although this is to be expected as vehicle manufacturing requires both extensive production facilities and a large number of employees (i.e. it is both capital and labour intensive). A few SMEs can, however, be found in niche segments of the automotive market (e.g. assembling motor homes, trailers, semi-trailers, etc.).

Tier 1 suppliers are component manufacturers delivering directly to the final vehicle manufacturers or OEMs. Tier 1 suppliers are typically responsible for the manufacture of separate technical units and components (such as the fuel pump, tyres, glass, exhaust systems, replacement brake linings, drive train units, etc.) and, as such, have the primary responsibility for seeking type-approval for them. As such, Tier 1 suppliers work closely with vehicle manufacturers/OEMs to design, manufacture and deliver these complicated automobile systems; although they hardly ever deliver their products to only one OEM. Tier 1 suppliers also tend to be large or very large enterprises originating from the USA, Japan, or Europe (but all active within Europe) and may be active not only in the manufacturing of motor vehicles, but also in other sectors such as electronics, mechanical and electrical engineering, information technology, steel, chemicals, plastics, metals and rubber, etc. These suppliers also have considerable turnover and the largest Tier 1 suppliers have over 1,000 subcontractors (mostly SMEs operating in lower tiers) (Heneric *et al*., 2005; EIM & IKEI, 2009). A few SMEs can, however, be found in niche segments of the automotive market at this tier (e.g. body builders; see Table A7.2 below).

Table A7.2: **Example of SME Body Builders**

Body builders in the commercial sector provide customised vehicles to customers. While some of the large OEMs offer customised vehicles (e.g. to the police force in runs of 150 to 200), most customised vehicles are made by SMEs which produce these in short runs or even one-offs.

In some European countries, it is common for market traders to use mobile vehicles (rather than fixed stalls) from which they sell their products. These are often built to the particular specifications of the trader to accommodate his particular product(s). The SME will generally buy a chassis or chassis cabin from a large OEM and then fit a customised body to this chassis. This is then subject to multi-stage approval. The OEM will obtain first-stage approval while the SME body builder will seek second and third stage approval (or may even pass it on to a third company to seek third stage approval). The body builder needs to ensure that the body is compliant with the limits of the first stage approval (e.g. in terms of weight) and so needs agreement with the first stage supplier (generally the OEM).

Source: Discussion with Agoria Automotive (2011)

Tier 2 suppliers are companies which produce value-adding parts or more simple individual components (e.g. the housing of a fuel pump) in the sub-assembly phase. Tier 2 suppliers buy parts or raw materials (from Tier 3 and others) and deliver

components to companies in the higher tiers (Heneric *et al*., 2005). A significant proportion of SMEs in the automotive sector are generally found in this tier of suppliers.

Tier 3 suppliers are companies supplying engineered materials and special services, such as rolls of sheet steel, bars, surface treatments, raw materials, etc. to companies in the higher tier. Tier 3 suppliers rank below Tiers 1 and 2 in terms of the complexity of the products they provide (Heneric *et al*., 2005) and SMEs can also be found in this tier of suppliers.

An increasing number of service providers (e.g. consulting engineers, mechanical engineers, etc.) who are not suppliers are encountered in the automotive value chain. These include companies involved in vehicle development - design phase, design engineering, manufacturing resource planning and strategic planning, etc.

After the production process, which is increasingly closely connected between the OEM and suppliers, the retail channel forwards the products to the final customer.

A7.4. Problems for SMEs with the Legal Framework

7.4.1 Lack of Knowledge

National authorities, technical services and economic operators were asked to indicate whether SMEs are faced with any specific problems and challenges in complying with the requirements of the Directive. Table A7.3 below reproduces the comments of type-approval authorities and technical services on SMEs.

Table A7.3: **Comments on the Specific Problems and Challenges Faced by SMEs in Complying with the Requirements of the Directive (Type-approval Authorities and Technical Services)**
Low knowledge of TA-process, correct setup and data in information documents and COC's.
Unfamiliar with the requirements regarding initial assessment and conformity of production.
Not appropriate knowledge of the Directive.
Most of them do not know what an approval is. This is a big challenge! But a large part of them have yet to succeed to get an Initial Approval (in Belgium) and some have already got approvals.
SMEs mostly don`t know a lot of requirements of the Directive.
Poor knowledge of SME of the approval process + correct data in information folders and COC's.
It is difficult [for SMEs] *to get the up-to date and valid text of the directives, and the parallel existence of directives, national legislation, referred ECE regulations and EU regulations makes it even more difficult.*
No official domestic rules on place yet - EU certification available by 3rd party suppliers, national certification based on old (70/156) only system. Therefore uneven market situation exist among MS in terms of available certification alternatives.

As Table A7.3 shows, most of the responses indicated that most authorities consider the primary problem with the directive for SMEs is a lack of knowledge on the requirements of the type-approval process.

Discussions with a few SMEs and industry experts, however, do not substantiate the suggestion of type-approval authorities and technical services that SMEs have problems in understanding the legislation, although one SME interviewed considered that the communication of the Directive has been very poor. Indeed, it has been suggested that SMEs that undertake type approval may have relatively more experience of the process than OEMs. This is because SMEs would typically require type-approval for small runs or individual vehicles and, as such, may need to go through the process more frequently than OEMs, which generally seek approval for a small number of types which are then manufactured in hundreds of thousands, requiring only a certificate of conformity. Other points to be borne in mind include:

- not all national authorities/technical services were conversant with the process of undertaking type-approval testing (as the legislation is new); hence, a lack of knowledge is not necessarily limited to SMEs. Indeed some SMEs indicated that they felt that some national authorities initially struggled to get to grips with some specific and practical aspects of type approval (e.g. relating to IVA and perhaps, specific vehicles and vehicle components). The legislation is also constantly being updated and many companies (and authorities) find this confusing and costly;

- some SMEs are simply delaying engaging with the process of gaining type-approval, perhaps due to the human and financial costs or perhaps the timing of the legislation. One respondent suggested that there is a general feeling among the industry that type-approval may have been introduced at the wrong time (i.e. during the recession). One SME indicated that the recession in 2008/2009 meant that it was not able to undertake type-approval as some of its plants had to be closed. This "intentional unfamiliarity" is a different issue from not having access to the Directive or lacking knowledge about the Directive[4]; and

- finally, the vast majority of SMEs are Tier 2 suppliers who produce vehicle components to specifications provided by OEMs and Tier 1 suppliers and thus have no need to engage directly with the legislation. In general, OEMs or Tier 1 suppliers are responsible for the manufacture of separate technical units and components and consequently they will have the primary responsibility of seeking type-approval for them. These organisations tend to be large companies and the overall involvement of SMEs with the Directive appears to be limited.

[4] It has been indicated that some of the SMEs that have not acted proactively are likely to experience significant time constraints and difficulties (i.e. financial expense, administrative requirements and delays) in future as a result of the final rush to comply with the Directive.

7.4.2 High Relative Costs of Type-approval

Discussions with SMEs indicate that, in the main, type-approval does not pose specific technical problems for SMEs; although some potential technical issues have been highlighted by stakeholders, as shown in Table A7.4 below.

Table A7.4: **Comments on the Specific Problems and Challenges Faced by SMEs in Complying with the Requirements of the Directive**
Smaller companies struggle with assuring Conformity of Production for type-approval. Sometimes they also struggle to comply with certain requirements, where they are modifying a base vehicle in quite a simple way, but this modification might have a small effect on a complex electronic system. For example - changing the centre of gravity might have a small effect on the electronic stability control (ESC) system. But it is too expensive for the small company to modify the ESC system. *There are a number of issues with multi stage build where there needs to be some pragmatism with this. In particular there is a timing issue - there should be at least 6 months for multi-stage build producers to comply with a new requirement after it takes effect for the base vehicle manufacturer.*
Switzerland does not fully accept small series WVTA (Art. 22). Concerning frontal collision (96/79/EC or ECE-R 94), lateral collision (96/27/EC or ECE-R 95) and protection of pedestrians (2003/102/EC or 78/2009/EC) a positive assessment is needed (based on tests carried out by an accredited laboratory in accordance with Appendix 2 of the Swiss Vehicle Homologation Ordinance).

Prior to the Directive, companies generally undertook similar tests to those required for type-approval on their vehicles and complied with national requirements which are fairly similar to the current Directive. The main difference is that companies now have to pay for this testing to be done by approved technical services and for the paperwork to be signed off accordingly. The key issue is, therefore, one of cost – or more specifically, the disproportionate impact of the costs of obtaining type-approval for SMEs. In other words, the costs of obtaining type-approval are the same for a large manufacturer or an SME; however, for the SME, the costs have to be spread over a much smaller number of vehicles or even a single (one-off) vehicle.

The financial costs for SMEs are indicated to be significant and five key cost factors associated with obtaining type-approval have been identified in the literature (FTA, 2007) and confirmed from discussions with stakeholders:

- the **approval fee** or cost for submitting a type-approval file: FTA (2007) estimates a cost in the UK of around €150 for individual approval, €3,500 for national small series approval and €5,000 for EC WVTA. Figures of €1,000 - €2,000 per type-approval have also been indicated by SMEs in other European countries (e.g. Belgium);
- the costs of **investment in design, engineering, manufacturing, pre-testing and administration to meet new test requirements**;
- the costs of **updating or introducing different design, manufacturer and quality processes** such as ISO 9001 or ISO/TS 16949; and

- the **direct human resource costs** of type-approval and the costs of **ensuring key staff have the relevant training and skills**. SMEs generally do not have the resources to fund a member of staff solely to deal with type-approval; this means that a technical manager's time has to be taken up with type-approval tasks rather than more technical work. For instance, one respondent indicated that while he is a design engineer, he now spends his time dealing with type-approval and other related tasks, such as reaching agreement with the first-stage suppliers. This can have impacts for the product range. In the case of SME body builders, for example, whereas five years ago SMEs offered their customers a wide choice of chassis, now they tend to limit this to one or two, as they simply do not have the time to deal with more than one or two manufacturers. To overcome the resource problems, more ambitious SMEs tend to join industry associations, which can help to keep them up to date with the legislation, provide training and can also answer specific queries that SMEs may have about the legislation and its application.

One SME faced total initial costs of around €15,000 and expects to have spent around €100,000 by the time its entire testing is completed. Another SME has spent approximately €80,000 on type-approval. Information from Agoria Automotive (the Belgian Association), based on contacts with SMEs, also confirms that the typical cost of type-approval for European type-approval on one vehicle is around €100,000 with much higher costs for more complex vehicles. While these costs are expected to reduce after the initial outlay, there are still some on-going costs (e.g. certification needs to be obtained for each new design) and these can become significant for an SME. Large companies will face a similar cost, but they can spread this cost over hundreds or thousands of vehicles, so that the cost per vehicle is negligible. SMEs have to divide these costs over a small number of vehicles, with one respondent suggesting the unit cost of type-approval on specialist vehicles being up to ten times that on volume produced vehicles.

The potential compliance cost impacts of the Directive were recognised prior to its introduction. The UK Impact Assessment (DfT, 2009) concluded that the introduction of EC WVTA would have a significant and disproportionate effect on smaller businesses, possibly forcing some of them to close. This impact would, however, be reduced by the introduction of national schemes for small series and individual type-approval (from which small businesses would be the major beneficiaries), although some adverse impacts on small firms would remain. The UK SMMT (2009) also noted that the type-approval process could be long, complicated and potentially costly, especially for niche companies and low volume vehicle converters.

In the long term, it is possible that these high costs could provide a barrier for SMEs trying to enter the Tier 1 supply chain, which may be exacerbated further by existing problems they are facing, such as saturation of the market and fierce competition (Czinege *et al.* undated).

7.4.3 Benefits Accruing to SMEs

The high relative costs of type approval for SMEs are particularly problematic if they are not offset by comparable benefits. One SME indicated that there were no noticeable benefits to the company from the Directive, particularly, when considered against the costs incurred.

A possible reason for this view may relate to the fact that the market for most SMEs in the automotive field is national (e.g. Belgian market traders tend to commission vehicles from Belgian suppliers) and so the advantages which are likely to accrue from obtaining European type-approval of access to a bigger market are not experienced by SMEs.

Hence, a dilemma seems to exist for SMEs. When the Directive was introduced, the aim was that allowing Member States to introduce lower cost national approval schemes, specifically designed to help smaller manufacturers, and Individual Approval Schemes for unique and bespoke vehicles to be tested at lower costs, would likely to aid the few SME OEMs or vehicle importers. However, by opting for these less expensive schemes, SMEs are effectively excluded from some of the benefits of the Directive. As one respondent noted, "*while individual approval is a possibility, other countries can refuse to accept such a type-approval – hence, it may not be a choice for SMEs with Europe-wide ambitions*". On the other hand, as another stakeholder notes "*if individual approval were to cease to exist and all approvals were European type-approvals, then very many SME's would have to close their doors".*

It is, therefore, currently unclear whether the costs of individual approval or national approval are sufficiently low to induce companies to miss out on the potential benefits from going through the European scheme. Perhaps the issue of benefits is best captured by the experiences of one SME. Initially the company's views on type-approval were negative; however, since obtaining type-approval it has a more positive outlook, mainly due to the potential for the company to market its vehicles to a more significant degree across Europe; indeed, the company has experienced an increase in contacts from companies in Europe wishing to do business with it.

7.4.4 Conclusions

In drawing any conclusions, it is important to bear in mind that only a limited number of SMEs have provided information on which these conclusions have been drawn. Having said this, discussions have been held with individuals and companies who are highly knowledgeable regarding the Directive and their views are considered to be robust enough to make some deductions.

The key conclusion which can be drawn from this case study is that SMEs appear to be bearing a disproportionate unit cost for obtaining type-approval, compared to larger companies. If the costs of type-approval are added to the final product costs, it is likely that SMEs will find themselves further disadvantaged on the market in competing with larger companies. While national authorities and industry

associations are assisting SMEs to the extent possible, it may be useful to examine the potential for a harmonised approach which looks at the repeat nature of type-approval for SMEs and/or the low number of components and vehicles which may be manufactured by SMEs, and reflecting these in the costs to be paid by SMEs.

A7.5. Specific Company Experiences

Table A7.5: **SME Manufacturing Motor Homes (OEM)**

1. Company A is a niche company manufacturing a micro class of motor homes, all under six metres in length. The company has grown from offering one model of motor home to offering a range of six models.

2. Company A works with a major car manufacturer, which supplies it with base vehicles that are already type approved. Company A then modifies the base vehicles into motor homes and is now in the process of seeking EC Whole Vehicle Type-approval for the finished products. Many of the manufactured parts the company uses must be type approved; for example, the vehicle body must be made of type approved materials. There are also a number of weight restrictions and habitation regulations that must be complied with and requirements for some fittings (e.g. cookers) which must be EU certified and fitted into the motor homes by specialists. So far, there have been some difficulties with regards to gaining type-approval for specific parts (e.g. seat belts).

3. The requirements of the Directive have been promoted very well over the last four to five years by the national authority and industry organisation. Many companies were initially sceptical as to whether or not the legislation would be introduced, however, Company A has been proactive, attending seminars and ensuring it is aware of the requirements and their responsibilities.

4. Demand for Company A vehicles in Europe is high and its motor homes have been available in Germany and Sweden on an individual type approved basis. However, to date it has been difficult to gain these approvals and entry of their motor homes into other EU Member State markets has thus been hindered.

5. Company A has therefore invested significant time and money to ensure it gains EC Whole Vehicle Type-approval. The company considers that it has had sufficient time to implement the requirements of the Directive, although time constraints still exist for some products. Other SMEs which were not as quick to act as Company A, or which did not invest as extensively, may however experience difficulties (high financial costs, significant administrative requirements (paperwork), etc.).

6. Type-approval requirements significantly impact upon the documentation requirements experienced by companies. High levels of documentation are generally required to ensure traceability and conformity with production requirements. This requirement has increased costs to the company and extra staff have been hired to deal with the work load. To date, the type-approval requirements have cost the company approximately €80,000, a considerable amount of money for an SME.

7. Previous ISOs and national standards in the automotive industry have been unsuccessfully implemented and there is a general feeling among the industry that type-approval may have been introduced at the wrong time (i.e. during the recession), although it is recognised that type-approval within the industry is necessary. Eighteen months ago the company's views on type-approval were more negative; however Company A now has a positive outlook. This is mainly due to the potential for the company to market its vehicles more widely within Europe. This could potentially treble the size of their market and thus boost sales considerably. Contact from companies in Europe wishing to do business with Company A has already been received.

8. Finally, there is concern regarding the degree to which the requirements of the Directive have been implemented in other EU Member States. Some national authorities may over-enforce the Directive (or it may be under-enforced in other EU Member States) and this could be a burden to manufacturing businesses in some countries and may put them at a disadvantage as more stringent compliance means their costs (and subsequently the cost of their final manufactured products) are higher than in other Member States.

Table A7.6: **Company B: SME Manufacturing Heavy Trailers (Tier 1)**

1. Company B is a manufacturer of heavy trailers category O4. Some companies in its sector manufacture only bodies (bodybuilders) or chassis, Company B does both. In this sector, manufacturers can obtain type-approval for their own parts (i.e. chassis manufacturers obtain type-approval for the chassis, trailer manufacturers for the trailer, and engine compartment manufacturers for the engine part).
2. Since the introduction of the Directive, Company B has been proactive in terms of taking steps to ensure that its products are in compliance with the Directive. The recession in 2008/2009 meant that it was not able to make much progress (some of its plants had to be closed), but since business has picked up, it has submitted a number of its products for testing.
3. In selecting a technical service to use, the company compared the offerings from two technical services: one within its country (internal) and one outside (external). The external technical service offered a more comprehensive, tailored and integrated solution to their short- and long-term needs and at cheaper rates; while the internal one was more expensive and less focused. This was probably because the external technical service had been undertaking type-approval testing for some years and was fully conversant with what was needed, while the internal technical service was new to this type of testing. In the end, the company opted for the internal technical service for reasons of logistics and the costs (i.e. it would have been more expensive in the long-run and cumbersome to repeatedly transport large trailers and other equipment in and out of the country for testing over many years).
4. There have been no noticeable benefits to the company from the Directive. Prior to the Directive, the company undertook the same tests on its vehicles and complied with the national regulations, which were fairly similar to the current Directive. There is 90% similarity between what was done prior to the Directive and post-Directive. The key difference is that companies now have to pay for the same testing to be done by approved technical services and for the paperwork to be signed off accordingly.
5. The biggest impact of the Directive on their company has been the cost. The company faced initial costs of €13,000 - €15,000 and expect to have spent around €100,000 by the time it has finished testing of the entire fleet. This is a major cost for an SME and represents a significant proportion of total costs. While the costs decrease significantly after the initial outlay, there are still some on-going costs (e.g. certification needs to be obtained for each new design) and these become significant for an SME when you add in staff time spent and related trade-offs (for instance, the design engineer now spends the majority of his time dealing with type-approval). The technical service has been generally helpful and useful in dealing with queries and its prices have also reduced over time (justifying the decision to select the internal technical service).
6. Another issue with the Directive is that it is vague on the requirements for trailers. While this problem has been partly addressed by subsequent updates of the Directive, such updates create their own problems. Making legislative changes in the middle of seeking type-approval means that companies are caught between the old version of the legislation and the new. A company must, therefore, decide whether to continue certifying to the old standards or starting all over again to certify to the new requirements (with a write-off of costs already incurred, a significant consideration for SMEs.
7. A possible future problem for SMEs may be the timescale for obtaining approvals. Without being privy to the plans of all companies or SMEs in the industry, Company B's feeling from talking to other companies is that they have not really made progress with obtaining type-approval. Regardless of the reasons for this delay, a last minute rush to comply with the legislation could mean that there will be a bottleneck when the deadline is reached and technical services will not be able to conduct all the tests required before the deadline. This may mean that some SMEs will be stranded and incur costs due to waiting for approval (which could take months) or be forced to go to other EU countries where they will find technical services with the capacity to carry out the tests. For a manufacturer of trailers, this would entail large costs of transportation, etc. and for some companies, more critical outcomes depending on their specific financial situation and the specific parts requiring approval.
8. The company indicated that, while some of their production runs are sufficiently small to qualify for small series type-approval, their main models have production runs of around 1,000. Once the work had been done to approve these models, along with all the relevant brake testing, it seemed logical to tag the remainder of its models onto these approvals as the majority are variants of the same vehicle types and many of the same building blocks will be used. Some more bespoke designs which the company builds, or could build in the future, may very well follow NSSA or IVA route.

Table A7.7: **SME Manufacturing Vehicle Bodies**

1. Company C is a manufacturer of commercial vehicle bodies. It produces a wide range of specialist and bespoke bodies. Approximately 60% of its manufactured products are sent to dealers and the remaining 40% are despatched directly to the end user. Furthermore, approximately 90% of the body building work it carries out is on 'new builds' and the remaining 10% are refurbishments. The company is over 15 years old and currently employs 7 people.
2. Company C is seeking Individual Vehicle Approval (IVA) and has found it difficult to become familiar with the requirements. It is a member of an industry association and has been proactive in attending type-approval orientated meetings, including those organised by authorities. However, these meetings have not been helpful to Company C's situation and there is a general feeling that little thought has been given to the practical aspects of IVA (in comparison with the other available approval routes).
3. Company C considers that the communication of the Directive has been very poor; the legislation is constantly changing and subsequently, many companies do not know where they stand. One example given was with regards to the approval of side guards, which originally could not be purchased 'off the shelf'. However, this is now permitted but the mountings (a critical part of the side guard) still require approval.
4. Company C considers that the overall view amongst body builders is that the type-approval process is a waste of money and resources, and it is a particular burden on small businesses. It benefits the larger companies, who are able to implement the correct systems more easily (these are generally those seeking EC Whole Vehicle Type-approval).
5. An issue has also been raised regarding the location of test centres, where the physical inspection of each vehicle requiring approval must take place. Some centres may be located a significant distance from the manufacturers, who subsequently will have to pay more to take their vehicles there to be approved.
6. The deadline for Company C to begin seeking IVA for its vehicles is 2014, subsequently the cost burden at present has been fairly minimal and has consisted mainly of the general manager attending meetings. At present, it is estimated that this has taken one week of his time. However, once the legislation is fully implemented, it is anticipated that one additional member of staff will have to be hired on a full time basis to deal solely with type-approval based matters. This will come at a significant cost to the business, which cannot afford to hire any extra members of staff at present. As Company C is seeking IVA, there are no specific time constraints as vehicles will be approved as and when they need to be.
7. It is anticipated that, excluding the cost of the aforementioned additional staff member, each IVA will cost the company approximately €500. However, this price could more than double, depending on the proximity of the test centre to the company. At present, such extra outgoings would be unsustainable for the business.
8. According to Company C, many small body builders in the industry can see no point in attempting the meet the type-approval requirements as the process is too costly and will push the price of their end products up, making them significantly less competitive. The suppliers to Company C have lost two thirds of their trade due to such small scale manufacturers either reducing their production or closing. Furthermore, there is a general feeling that the legislation could not have come in at a worse time (i.e. during the recession). It was also noted that, due to the combined effect of the recession and the new type-approval requirements, the national authorities are expecting that only 10% of the small scale manufacturers (body builders) will remain in business.

Table A7.8: **SME Manufacturing Heavy Commercial Trailers**

1. Company D is a manufacturer of specialist and bespoke heavy commercial trailers, ranging from 3.5-120 tonnes. A large proportion of its business is for the carriage of construction and access equipment but it also has a wide range of clients in other industries, including military and motor sports. The company manufactures a relatively small number of units, each with a high end value, and employs 65 people.
2. Company D is in the process of seeking braking system approvals to enable it to seek individual vehicle approval (IVA). It supplies its manufactured products, almost always, directly to the end user. Sometimes it may supply its products to truck dealers, although this can have complications as many are unfamiliar with type-approval requirements for multi-stage build.
3. Company D has been proactive in ensuring it is aware of its responsibilities and requirements, familiarising itself with the Directive and attending meetings and seminars held by the authorities (who have clearly communicated the type-approval requirements) and industry associations. It is currently in the process of finalising its first application.
4. The cost of gaining an IVA for a specialist trailer is highly significant. For example, a multi-stage build trailer would previously have cost between €70,000 and €90,000. With type-approval, the same trailer would cost between €80,000 and €110,000. A large proportion of this cost will go to building test vehicles and in fees to testing houses; the latter may charge over €10,000 for component certification. Similarly, the costs of gaining type-approval for a component could be in excess of the costs of supplying, manufacturing and fitting a product and this could affect future component product development, or the use of an approved but unsuitable component.
5. Type-approval requirements, with specific reference to IVA, will have an impact on the product range of specialist trailer manufacturers. The legislation fails to take into account the complex range of modules, particularly for braking systems, over a wide range of Gross Vehicle Weights, which must first meet the requirements of EC WVTA before an application for IVA is possible. The unit cost for specialist vehicles is ten times that on volume produced vehicles.
6. Type-approval requirements are unlikely to cause an excessive burden for large volume trailer manufacturers, with a few model variations. For specialist trailer manufacturers with a large engineering input and extensive variations in Gross Vehicle Weights and axle configurations. the unit costs will be ten times greater per unit and the overall number of engineering staff doubled to prepare the documentation.
7. Where heavy trailer manufacturing is concerned, the consequences of delays in gaining type-approval are significant and it is crucial that type-approvals are gained at the first attempt. Particularly for SMEs, a single truck or trailer can be a significant capital investment, meaning large amounts of money may be tied up in a single unit and subsequently, even relatively short delays can have significant financial consequences (particularly if the Operator is using spread finance).
8. In terms of knowledge, Company D found a lack of experience for solutions to the requirements in the Directive and a large amount of guesswork has to take place for an application to the Agencies. Previously, the authorities have had problems with manufacturers seeking component approvals which have been non-compliant. It is anticipated that the problems will settle down as the national authorities and manufacturers learn how to deal with problems that arise.
9. In terms of benefits, type-approval should significantly raise standards and manufacturing consistency and higher standards mean that vehicles should last longer, reducing the demand for raw materials. On a negative note, type approval may make it uneconomical to produce certain types of vehicles and variations, and may actually lower standards of construction by having to use an existing unsuitable approval for a solution. Alternatively, an operator may use an unsuitable vehicle because of the cost of making a single special purpose product. The process may also be avoided by some companies who may adapt their products after they have been registered.
10. Companies who have not invested in their own engineering support will struggle to meet the requirements of the legislation.

A7.6. References

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ANNEX 8

CASE STUDY 2 –

COSTS OF OPTIMISING THE PROCEDURE FOR EX-ANTE PRE-MARKET CONTROLS

A8. OPTIMISING EX-ANTE PRE-MARKET CONTROLS

A8.1 Background to Case Study

The aim of this case study is to assess whether, and to what extent, the costs of optimising the procedure for ex-ante pre-market controls (through type-approval and conformity of production) could be outweighed by a resulting reduction in ex-post enforcement and mitigation efforts, due to a reduced risk of non-compliant or unsafe products finding their way to the market.

In order to address this issue, we have attempted to answer a number of simpler standalone questions (based on the views of stakeholders, mainly technical services and national authorities, provided to the study team):

1. Firstly, we have assumed that any scaling down of ex-post enforcement and mitigation activities would involve some reduction in the number of man-days currently spent on surveillance-related tasks and a compensatory increase in the man-days spent on type approval/conformity of production (CoP)-related tasks. The first task is, therefore, to attempt to **quantify the time spent** and the key questions addressed (in Section A8.2) are:
   - What are the key tasks carried out by technical services and how much time is spent on each of these tasks?
   - Similarly, how much time is spent by surveillance authorities on ex-post enforcement and mitigation efforts?
   - What can be deduced about the current and future staff needs for both organisations, in view of the case study proposal?

2. The next step is to explore the **effectiveness of current type-approval and CoP procedures and how can these be improved** and the key questions addressed (in Section A8.3) are:
   - What are the views of stakeholders in general regarding current effectiveness?
   - What are the specific views of national authorities and technical services regarding the scope for improvement?

3. The next step is to determine whether there could be **benefits from scaling down market surveillance**, where this is compensated for by enhanced type-approval and conformity assessment activities. For this step, the views of national authorities and technical services are presented in Section A8.4.

Section A8.5 pulls together the answers to the questions set out above to address the key case study question.

A8.2 Quantifying Time Spent

A8.2.1 Key Tasks Carried out by Technical Services

As would be expected, all of the Technical Services indicated that they are involved in type approval testing; 50% also indicated that they act as a testing laboratory and are involved in conformity assessment as key tasks and 25% undertake market surveillance (see Table A8.1 below).

Table A8.1: Percentage of responses to the question: Which of the following best describe your organisation's key tasks in the context of Directive 2007/46/EC

	Technical Services
Type approval testing	100%
Market surveillance	25%
Self-certification	0%
Testing laboratory	50%
Conformity assessment	50%
Other[1]	12.5%

[1]*One organisation indicated that it also performs "road traffic safety and transport expertise tasks".*

A8.2.2 Time Spent on Tasks by Technical Services

As can be seen from Table A8.2 below, the majority (71%) of technical services indicate that between 10 and 25 staff carry out type approval testing of motor vehicles and/or automotive parts. 14% of responding technical services employ fewer than 10 staff; with the same percentage indicating they employ more than 100 staff.

Table A8.2: Percentage of responses to the question: For the key tasks, roughly how many staff in your organisation work specifically on motor vehicles and/or automotive parts for such vehicles

Number of Staff	**Type approval testing**	**Market surveillance**	**Self-certification**	**Testing laboratory**	**Conformity assessment**	**Other**
Less than 10	14%	50%	0%	29%	75%	0%
10 to 25	71%	50%	0%	29%	0%	0%
25 to 50	0%	0%	0%	29%	25%	0%
50 to 100	0%	0%	0%	0%	0%	100%
More than 100	14%	0%	0%	14%	0%	0%
Response count	*7*	*2*	*0*	*7*	*4*	*1*

The percentages given above may not total 100% due to rounding.

Similarly, the majority of respondents involved in conformity assessment of motor vehicles/automotive parts indicated that they employ fewer than 10 staff, with the remaining 25% indicating they employ between 25 and 50 staff. The one organisation that carries out other key tasks employs 50 to 100 staff in this capacity.

Of the organisations that act as testing laboratories, responses were evenly split across all the employee bands; no definite conclusions can be drawn from this beyond the fact that this may reflect different levels of workload experienced by different technical services.

Finally, none of the technical services that also carry out market surveillance employs more than 25 staff for this task. Half of the respondents indicated that they employed fewer than 10 staff for this task and the other half indicated they employed between 10 and 25 staff.

Table A8.3 gives an indication of how much staff time is allocated to different tasks. The proportion of time allocated to different tasks varies between respondents, except for market surveillance, which accounted for 25% to 50% of staff time across respondents. For type approval testing and testing laboratory services, in most cases, staff spent the majority or all of their time on these tasks.

Table A8.3: Percentage of responses to the question: on average, what proportion of the above staff working time is spent specifically on motor vehicles and/or automotive parts for such vehicles

Amount of Time Spent	Type approval testing	Market Surveillance	Self-certification	Testing laboratory	Conformity assessment	Other
Not too much time (less than 25%)	0%	0%	0%	0%	25%	0%
Some time (about 25 to 50%)	14%	100%	0%	29%	25%	0%
Majority of the time (over 50%)	43%	0%	0%	29%	25%	100%
All the time (100%)	43%	0%	0%	43%	25%	0%
Response count	*7*	*2*	*0*	*7*	*4*	*1*
Totals may not equal 100% due to rounding.						

A8.2.3 Conclusions on Staff Needs for Technical Services

Based on the information provided above, some conclusions can be drawn on the amount of time which is spent on different tasks by Technical Services. This assessment is based on the assumption that staff work eight hours per day and five days per week.

- The majority of technical services have between 10 and 25 staff undertaking type-approval testing with the majority of these spending over 50% of their time or all of their time working within this area. Assuming an average of 18 staff (mean of 10 and 25 staff) and an average of 75% (mean of 50% and 100%) of time spent undertaking type-approval testing, an estimated **108 employee-hours per day (equivalent to 13 staff) per organisation is spent on type approval testing**.

- The majority of technical services responding to this question indicated that fewer than 10 staff work in the area of conformity assessment. Assuming five staff on average work in this area for 50% of their time, it is estimated that **20 employee-hours per day (equivalent to 2 staff) per organisation is spent in the area of conformity assessment**.

- For staff working in testing laboratories, assuming an average number of staff per facility of 26, and assuming they spend all of their time working in testing laboratories, gives an estimate of the **staff time spent in testing laboratories of 208 employee-hours per day (equivalent to 26 staff) per organisation**.

- Half of the technical services responding to this question indicated that less than 10 staff work in the area of market surveillance. The remaining 50% indicated that 10 to 25 staff undertake work in this area. However, all respondents suggested that between 25% and 50% of staff time is spent undertaking market surveillance. Assuming that 13 staff undertake market surveillance activities and each spends 38% (mean of 25% and 50%) of their time working in this area, **the amount of time spent on market surveillance activities is 40 employee-hours per day (equivalent to 5 staff) per organisation**.

Figure A8.1 below shows graphically the amount of time spent on the different tasks technical services are involved in.

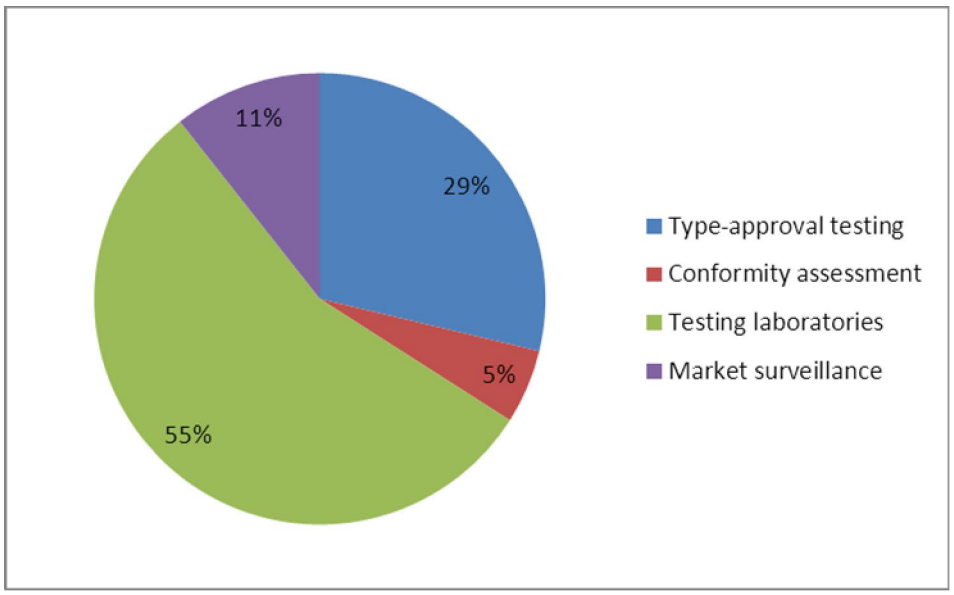

Figure A8.1: Breakdown of Average Time Spent by Technical Services on Various Tasks

Taken together, this would suggest that, on average, **46 staff** are involved in activities falling under the remit of technical services. Subtracting the time spent on market surveillance gives **42 staff**. These staff typically test, inspect or certify between 100 and 1,000 vehicles, systems, components or separate technical units for motor vehicles per year, as shown in Table A8.4. Table A8.5 indicates that between 10% and 40% of these automotive products (equating to between **10 and 400** automotive parts) give rise to difficulties during the type-approval process.

Table A8.4: Percentage of responses to the question: How many vehicles and/or systems, components and separate technical units intended for motor vehicles do you test/inspect/certify in a given year?

	Technical Services
Less than 100	25.0%
100 to 300	37.5%
300 to 1,000	12.5%
1,000 to 3,000	0.0%
More than 3,000	12.5%
Do not know	12.5%

Table A8.5: Percentage of responses to the question: What is your estimate of the percentage of automotive products that has given rise to difficulties during the type-approval or conformity assessment of vehicles and components in the last three years?	
Percentage	**Technical Services**
Less than 10%	0.0%
10 to 20%	12.5%
20 to 40%	62.5%
40 to 60%	12.5%
More than 60%	0.0%
Do not know	12.5%

A8.2.4 Time Spent on Ex-post Enforcement and Mitigation Efforts

Table A8.6 indicates that the majority of the surveillance organisations from which responses have been received have fewer than 10 staff working in the areas of market surveillance of automotive vehicles/automotive parts. Of these staff, around 40% of respondents indicated that staff spent less than 50% of their time on market surveillance of automotive vehicles/automotive parts alone (presumably, other time was spent on related areas, e.g. motorcycles).

Table A8.6: Roughly how many staff in your organisation work specifically on motor vehicles and/or automotive parts for such vehicles?	
Number of Staff	**Market surveillance**
Less than 10	86%
10 to 25	14%
25 to 50	0%
50 to 100	0%
More than 100	0%
Response count	*7*

Table A8.7: On average, what proportion of the above staff working time is spent specifically on motor vehicles and/or automotive parts for such vehicles	
Amount of Time	**Market surveillance**
Not too much time (less than 25%)	29%
Some time (about 25 to 50%)	14%
Majority of the time (over 50%)	29%
All the time (100%)	29%
Response count	*7*

A8.2.5 Conclusions on Staff Needs for National Authorities

Drawing on the information provided above, some conclusions can be drawn on the amount of time which is spent on market surveillance by national authorities. This assessment assumes that staff work eight hours per day and five days per week.

- The majority of organisations indicated that fewer than 10 staff work in the field of market surveillance. Responses were split across all the time spent bands; no definite conclusions can be drawn from this except that the differences may reflect different levels of workload experienced by different national authorities. However, assuming five staff spend 50% of their time undertaking market

surveillance activities gives an estimated **20 employee-hours per day (equivalent to 2 staff) per organisation on market surveillance**.

National authorities often have more than one function, with market surveillance being one of many tasks, which may include: type approval testing, vehicle registration, border control, etc. and this varies by Member State organisational structure. Using the information provided by stakeholders for this study (see Figure A8.2) and applying similar calculations to these tasks as applied for market surveillance (above), Figure A8.3 below shows graphically the amount of time spent on the different tasks national authorities are involved in. The majority of organisations appear to have more staff working in vehicle registration than in type approval or market surveillance.

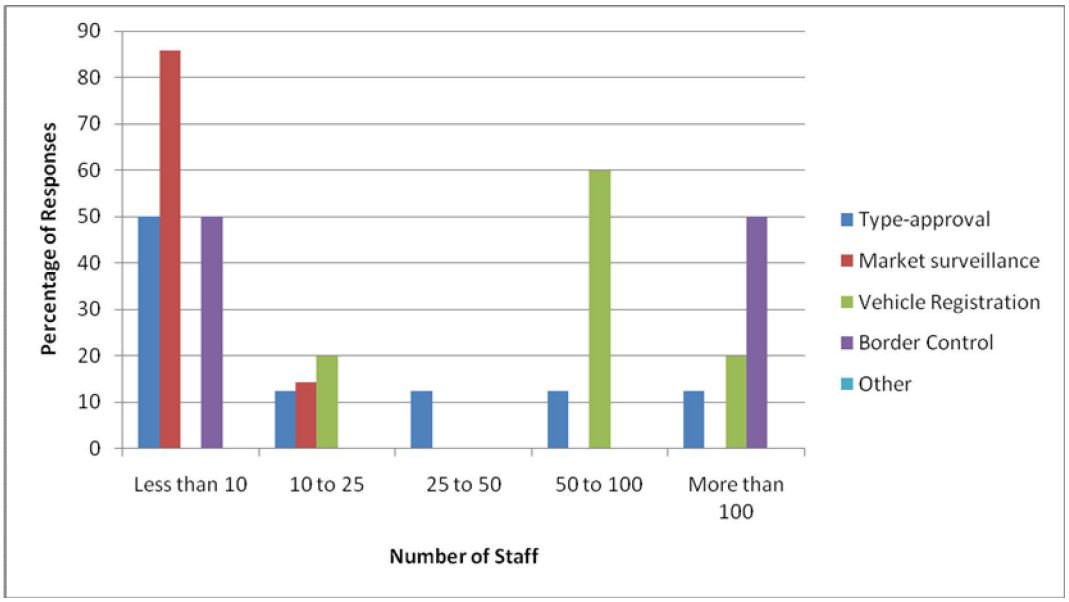

Figure A8.2: Responses to the question: For the key tasks, roughly how many staff in your organisation work specifically on motor vehicles and/or automotive parts for such vehicles?

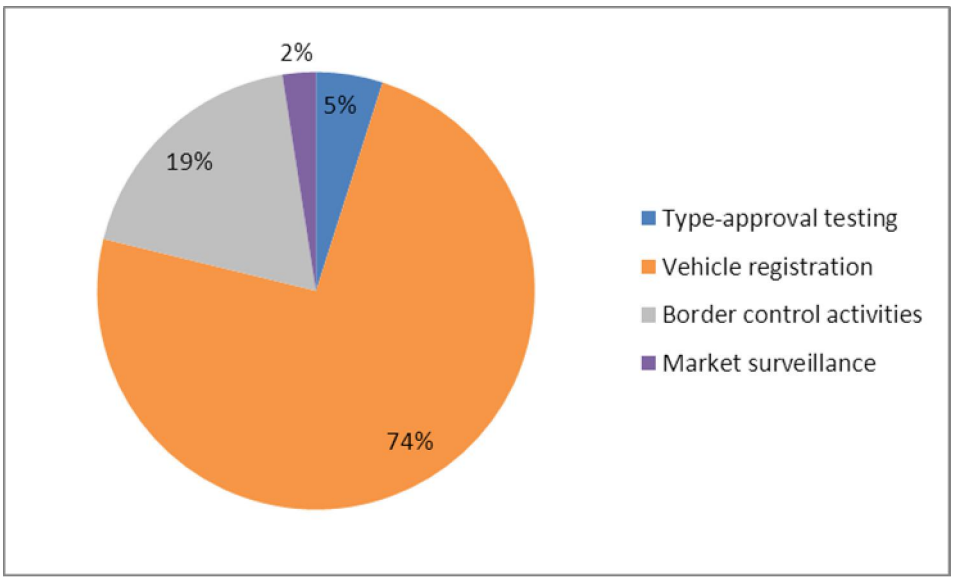

Figure A8.3: Breakdown of Average Time Spent by National Authorities on Various Tasks

A8.2.6 Likely Implications of Reducing Time Spent by Surveillance Authorities and Increasing the Time Spent by Technical Services

Firstly, there are currently only limited resources allocated to ex-post enforcement. The estimates above suggest that surveillance activities are allocated an estimated 20 employee-hours per day (equivalent to 2 staff). While this does not include field officers, it indicates that there is limited scope for reducing the resources of surveillance authorities further. Further reductions could result in a reduction of staff numbers to below an acceptable level of market surveillance; it is also possible that it could result in some Member States being unable to meet their legal obligations (e.g. under the NLF or other related legislation) to carry out market surveillance.

It is also not clear that sufficient resources can be freed through reductions in resources allocated to ex-post enforcement to meet the needs of technical services without a disproportionate adverse effect on the market surveillance department. For instance, a loss of one employee from market surveillance department would result in a loss of 25% – 50% of the department's capability (assuming around 2 to 4 staff work solely on motor-vehicle market surveillance). On the other hand, an increase of the staff working in technical services by one person would constitute an increase of less than 10% (the majority of technical services employ between 10 and 25 staff to carry out type approval testing).

In conclusion, the number of staff and, hence, hours spent undertaking market surveillance activities is relatively small in comparison with the other key tasks undertaken by technical services and surveillance authorities. This suggests that the resources used for market surveillance are already quite limited. Therefore, transferring these resources from market surveillance to type-approval is likely to result in only a limited impact on type-approval activities.

A8.3 Effectiveness of Current Type-approval and CoP Procedures and Scope for Improvement

A8.3.1 Effectiveness of Current Ex-ante Pre-market Controls

Responses to the evaluation questionnaire indicate that the majority of stakeholders consider that, over the last two years, type-approval and conformity assessment procedures have been effective or highly effective in preventing non-compliant or unsafe motor vehicles and/or automotive products for these motor vehicles, from being placed on the EU market (as shown in Table A8.8). 75% of Technical Services and 60% of National Authorities believed this to be the case.

Table A8.8: Responses to the question - In the last two years, how effective have the results of type-approval and conformity assessment procedures been in preventing non-compliant or unsafe motor vehicles and/or automotive products for these motor vehicles from being placed on the EU market?			
Response	**Percentage of responses**		
	Economic Operators	**Technical Services**	**National Authorities**
Highly Effective	25%	0%	0%
Effective	25%	75%	60%
Not Effective	25%	0%	0%
Do not know	25%	25%	40%

The key area for improvement identified by national authorities and technical services relates to a**ddressing the volume of unsafe/non-conforming products imported into the EU market**. One national authority noted that type-approval/conformity assessment activities have had an overall positive effect in reducing the number of unsafe products entering the EU market, observing that, on a case-by-case basis, there has been an improvement in the safety of products. However, in recent years, they have experienced problems with more low quality (non-conforming) products being imported from the Far East. This is likely to have led to an increase in the total number of unsafe/non-conforming products entering the EU market. Similarly, one Technical Service noted that type-approval/conformity assessment activities have led to a reduction in the number of unsafe products entering the EU market, but indicated that for those products that have been developed and homologated by non-EU laboratories, there still exists a high risk of products that are not compliant with the relevant (EU) legislation.

Responses to the evaluation questionnaire also indicate that the majority of technical services and national authorities consider the effectiveness of refusal or withdrawal of type-approval to have been reduced by "type-approval hopping" (i.e. type-approval authorities who are more lenient are selected over other more stringent authorities) and “selective selection of type-approval authority” (i.e. products for which type-approval has been refused or withdrawn being presented to other technical services and/or type-approval authorities to obtain type-approval), as shown in Table A8.9 and Table A8.10

Table A8.9: Responses to the question - To what extent could the effectiveness of refusal or withdrawal of type-approval have been reduced by type-approval hopping?			
Response	**Percentage of responses**		
	Economic Operators	**Technical Services**	**National Authorities**
Significantly Reduced	33%	0%	10%
Reduced	0%	50%	40%
Not Reduced	33%	25%	20%
Do not know	33%	25%	30%

Table A8.10: Responses to the question - To what extent could the effectiveness of refusal or withdrawal of type-approval have been reduced by selective selection of type-approval authority?			
Response	**Percentage of responses**		
	Economic Operators	**Technical Services**	**National Authorities**
Significantly Reduced	0%	0%	10%
Reduced	0%	50%	40%
Not Reduced	67%	0%	20%
Do not know	33%	50%	30%

Other suggested improvements by national authorities and technical services include:

- the current bureaucratic and complicated system could be simplified and made clearer;
- best practice in market surveillance and conformity assessment could be set out; the scope of the Directive could cover policy strategies (implementation and integrated reporting) which would enhance the Directive's operations; and
- a standard EU database could be implemented, which could be useful to enhance market surveillance and conformity assessment.

A8.3.2 Scope for Improvement - Views of National Authorities

As part of this case study, national authorities were asked to provide further details of how type-approval/conformity assessment procedures could be improved. The responses received are outlined below.

- One authority indicated that an improvement in the type-approval procedure could be achieved by an **increase in finance**, as more staff could be hired to improve and enhance the process and increase the number of approvals issued. It was noted that any changes to the current system that require more staff would not be possible currently, unless finances were made available for recruitment.

- A further issue identified is that manufacturers specify particular uses of a vehicle component (i.e. a specific part is to be used on race cars – non-road vehicles), but the component is often fitted to vehicles used on public highways. This issue would not be identified in the type-approval process and market surveillance authorities might also have difficulties due to their lack of technical expertise. Therefore, an increase in finances as well as improved training (and hence technical expertise) is deemed important.

- It was suggested by one authority that improvements should be made in terms of shared interpretation (i.e. to ensure that type-approval/conformity of production procedures are universally understood and implemented in the same manner across the EU). The respondent also indicated that conformity of production policies should be standardised across all Member States, to ensure that the same level of quality and compliance is maintained across the EU. It was suggested that the improvements outlined above are dependent on the availability of both

staff and finance. When asked how an increase in resources would assist in improving type-approval/conformity assessment activities, the respondent suggested that this would allow outsourcing to organisations that are allowed to undertake type-approval/conformity of production assessments.

- One respondent indicated that authorities should be encouraged to carry out conformity of production procedures in particular, and perhaps staff time could be used more effectively (rather than increasing the number of staff) in this area. It was also suggested that certain problematic areas (i.e. types/areas of products) relating to non-conformity) should be identified. The focus of effort and resources should then be on these problem areas, to ensure that the issues are addressed, rather than waste resources in areas in which very few problems occur.

- A market surveillance authority involved in the consultation indicated that there could be an improvement in vehicle testing expertise within the country in which the authority is located. It was noted that currently there is relatively limited technical support with regard to testing of vehicles and their components. The respondent suggested that an increase in the availability of both staff and finance would be needed to improve the lack of technical support relating to vehicle (and vehicle component) testing.

- Another authority could not really think of any improvements that are realistic and achievable, especially under current budget constraints. However, it was noted that having the potential for more flexible testing at the national level is an advantage. The most obvious weak point relates to motorcycle imports from certain countries. This is probably due to a lack of knowledge of the requirements by market actors who are not specialists in vehicles, rather than a fault in the legislation. However, as with all legislation, there is some scope for clarification.

A8.3.3 Scope for Improvement - Views of Technical Services

As part of this case study, Technical Services were asked to provide further details of how type-approval/conformity assessment procedures could be improved. The responses received are outlined below.

- It was noted by one respondent that there is currently too much paperwork involved in the type-approval and conformity assessment process, which is a particular problem for manufacturers. It was indicated that while the Directive (2007/46/EC) has resulted in an increase in work and therefore finance (income) for the organisation, the amount of paperwork involved is an issue. Thus, a reduction in the paperwork burden would reduce costs for this organisation and for manufacturers. It was also indicated that National Authorities have different procedures for carrying out conformity of production. The Directive states that conformity of production should be carried out but does not provide any details regarding frequency. Therefore, some National Authorities carry this out annually whereas others do so two-yearly etc. National Authorities have not changed conformity of production procedures since the Directive was implemented. It was suggested that a harmonised approach would be beneficial.

- One of the key areas of improvement identified by one technical service relates to the time needed for dealing with documents. It suggested that the amount of time needed could be reduced by simplifying regulations/directives/orders and ensuring that access to up-to-date versions of these is made easier. It was also suggested that information documents should be simplified and their data content harmonised with appendices of approvals. A further suggestion was that all directives should be re-worked and multi-stage type approvals (the most bureaucratic procedure) should be replaced by a single step approval for the whole vehicle. Other, more specific suggestions made by this organisation related to how type-approval/conformity assessment procedures could be improved. The respondent indicated that if the test equipment used for each kind of test remained in a prepared state (within a special test area), then the work would be more effective and efficient compared to the current situation. However, this would require a larger area than is currently available. The respondent also suggested that the organisation could widen its current activity to include personal car testing, but noted that this would require acquisition of specialised test equipment. The respondent considered that an improvement in the work undertaken by the organisation is mainly dependent on finances, with the number of staff not considered an issue. A figure of between €100,000 and €200,000 (30% of the current type-approval costs) was suggested to improve type-approval/conformity of production procedures. It was also noted that a significant improvement could be realised through better regulations.

- Another technical service organisation indicated that improvements should be made to the initial assessment and accreditation procedures of test laboratories and Technical Services that witness tests (ISO 17020). It was suggested that there should be a common initial assessment for all technical service organisations and a laboratory accreditation documentation/check list should be agreed and used by all inspection bodies carrying out the verifications.

A8.3.4 Summary

It is evident from the responses outlined above that there are a range of opinions relating to how type-approval/conformity assessment procedures could be improved and the areas in which improvement could occur. However, there are a number of common themes/methods that respondents have suggested would potentially improve type-approval/conformity assessment procedures. Both National Authorities and Technical Services indicated that harmonisation of certain procedures across EU Member States would improve type-approval and conformity of production activities. Respondents indicated that conformity of production policies and procedures should be standardised across the EU in order to ensure the same level of quality and compliance is maintained. One respondent (a Technical Service Organisation) also suggested introducing common/harmonised initial assessment and laboratory accreditation documentation/checklist that should be agreed and used by all inspection bodies. Two Technical Services indicated that a reduction in the amount of paperwork and, hence, time undertaking such activities would be beneficial as more time can be spent assessing products. One respondent suggested that this could be achieved by simplifying regulations and altering the type-approval process. Another

issue that was identified by two national authorities relates to a lack of technical expertise and knowledge; one indicated that this was in relation to vehicle testing expertise within a specific country and another suggested that market surveillance authorities have a general lack of technical expertise. Four of the eight respondents indicated that an increase in finances would improve the type-approval/conformity assessment procedures.

A8.4 Can Benefits from Scaling down Market Surveillance be Compensated for by Enhanced Type-approval and CoP Procedures?

A8.4.1 Views of Stakeholders

Stakeholders were asked whether they believed that there could be benefits from a scaling down of market surveillance activities, provided these are compensated for by enhanced type-approval and conformity assessment activities with regard to motor vehicles and/or automotive parts for such vehicles.

Table A8.11: Responses to the question - Do you consider that there could be benefits from a scaling down of market surveillance activities where these are compensated by enhanced type-approval and conformity assessment activities with regard to motor vehicles and/or automotive parts for such vehicles?

Response	Percentage of responses		
	Economic Operators	Technical Services	National Authorities
Yes	67%	25%	20%
No	0%	50%	40%
Do not know	33%	25%	40%

As Table A8.11 shows, most technical services and national authorities disagreed that such benefits would accrue, highlighting that:

- type approval and market surveillance are different, and do not replace each other;
- both are integral parts of the regulatory system for the parts of motor vehicles, even if not for whole vehicles (for which there is type approval plus registration and road-worthiness checks);
- a reduction in market surveillance would create more opportunities for dishonest persons to sell non-conforming products, thus increasing the number of these products in the EU market; and
- some defects appear during actual use of the vehicle, which would not be detected during type approval.

One organisation which suggested that scaling down of market surveillance activities could be beneficial, though, stressed that:

> *"a balance between market surveillance and pro-active type-approval system should be kept in order to optimize efforts of authorities".*

By contrast, two thirds of the economic operators that responded to this question considered that there could be benefits from scaling down market surveillance and enhancing type approval and conformity assessment.

A8.4.2 Views of National Authorities

As part of this case study, national authorities were asked to provide further details on the impacts of the case study proposal; the responses received are outlined below.

- One respondent indicated that a reduction in market surveillance would cause problems. It was suggested that car drivers' associations can help authorities identify problems with vehicles by informing them when an issue arises (for example through their monthly newsletters). However, the respondent stressed that this is no substitute for market surveillance.

- When responding to this question, one respondent indicated that there is a need for both type-approval/conformity of production and market surveillance and that the best scenario is to have a combination of these.

- Another National Authority also suggested that enhancing type-approval/conformity assessment activities and reducing market surveillance activities would not result in benefits. The respondent stated that type-approval and conformity of production procedures are proactive approaches and market surveillance is a reactive approach, which is also used to assist the planning of type-approval/conformity of production procedures in the future. Hence, these are considered separate procedures of importance that need to be balanced and maintained.

- A market surveillance authority indicated that it would be possible to reduce the number of staff working in market surveillance and increase the number working in the area of type-approval/conformity assessment. He suggested that reducing market surveillance is a potential option for organisations which carry out both type-approval and market surveillance activities, and indicated that this may be possible in other Member States whereby an authority carries out both type-approval and market surveillance. It was suggested that the benefit of reducing market surveillance and enhancing type-approval/conformity assessment activities would be a reduction in expenditure and also indicated that (in his opinion) this would not lead to a reduction in consumer safety. The respondent was also asked to indicate which market surveillance activities are considered the most and least important for reducing the number of unsafe/non-conforming products entering the EU market. The respondent suggested that technical inspection of actual products is the most important activity. He also suggested that more technical inspections of products should be carried out alongside the existing paper checks. The respondent indicated that all aspects of the market surveillance activities undertaken are important, with no activities considered to be less important than any others for reducing the number of unsafe/non-conforming products entering the EU market.

- One National Authority indicated that it does not consider that market surveillance could be reduced, as the respondent did not consider there to be scope for improving pre-market controls. The respondent suggested that reducing market surveillance would therefore simply reduce the chance that unsafe and non-conforming products entering the market would be identified.

A8.4.3 Views of Technical Services

As part of this case study, Technical Services were asked to provide further details on the impacts of the case study proposal; the responses received are outlined below.

- One respondent indicated that there is a need for type-approval/conformity assessment activities as well as market surveillance.

- Another Technical Service respondent stated that enhancing type-approval/conformity assessment activities and reducing market surveillance activities would cause severe problems because of the increasing number of imported products entering the EU. The respondent indicated that market surveillance should be developed, but the legal basis for this is missing.

- A Technical Service respondent indicated that more attention should be given to type-approval/conformity of production. The respondent stated that it is fundamental to follow-up on conformity of production with market surveillance as this directly affects the quality of products entering the EU market.

A8.4.4 Summary

The responses received from National Authorities and Technical Services indicate that six of the eight respondents believe that scaling down of market surveillance activities would not result in benefits, even where these are compensated by enhanced type-approval and conformity assessment activities with regard to motor vehicles and/or automotive parts for such vehicles. The respondents indicated that there is a need for both type-approval/conformity of production procedures and market surveillance activities.

Only two respondents suggested that there is the possibility of reducing market surveillance and enhancing type-approval/conformity of production procedures; this was indicated to be potentially possible only in Member States where a single authority carries out both type-approval and market surveillance activities. It was suggested that the benefits resulting from this would be a reduction in expenditure without detrimentally impacting consumer safety.

The findings regarding the amount of time each organisation spends undertaking different activities also suggests that reducing the number of hours spent undertaking market surveillance and adding these to the time spent undertaking type-approval/conformity assessment activities is unlikely to have a significant impact in improving type-approval activities, because of the relatively small amount of staff time spent on market surveillance.

A8.5 Case Study Conclusion

The discussions in the preceding sections indicate that it is not at all clear that, the costs of optimising the procedure for ex-ante pre-market controls (through type-approval and conformity of production) could be outweighed by a resulting reduction in ex-post enforcement and mitigation efforts, for a number of reasons:

- firstly, there are currently only limited resources allocated to ex-post enforcement and further reductions in these resources could not only result in a reduction of market surveillance below an acceptable level but may possibly result in some Member States being unable to meet their legal obligations (e.g. under the NLF or other related legislation) to carry out market surveillance;

- while around half of the respondents indicated that an increase in finances would improve the type-approval/CoP process, it is not clear that sufficient resources can be freed through reductions in resources allocated to ex-post enforcement to meet these needs, or that it would not have a disproportionate impact on the market surveillance department. For instance, the loss of one employee from market surveillance department is likely to result in a reduction in resources of 25% – 50% (around 2 to 4 staff work solely on motor-vehicle market surveillance), it would increase the staff numbers working in technical services by less than 10% (the vast majority of technical services employ between 10 and 25 staff to carry out type approval testing);

- further costs may be incurred, as the proposed resource swap does not result in like-for-like transfers of resources. For instance, it is not clear that staff from the surveillance authorities would possess the technical knowledge required to undertake type approval/CoP. In addition, some of the suggestions by technical services (and national authorities) on how to improve the type-approval/CoP procedures do not relate to additional staff resources; for instance a reduction in the amount of paperwork required. Indeed, it would appear that the major area for improvement relates to addressing increasing levels of non-compliant or unsafe imports and ensuring a high level of stringency in the services offered by technical services. These issues are of a regulatory and enforcement nature and would not necessarily be addressed by increasing resources for type approval/CoP (or indeed, reducing resources for surveillance);

- while optimising the premarket controls may lead to a reduced risk of non-compliant or unsafe products finding their way to the market, this outcome could not be wholly achieved by the allocation of additional resources. Regulatory changes (including implementation of the NLF) are likely to have a similar, or at least contributory, effect. Enforcement of the rules on the marketplace by surveillance authorities is also as important to achieving this goal, as pre-market controls, especially in the face of increasing volumes of non-compliant or unsafe products being imported into the EU. As noted by one respondent, some defects appear during actual use of the vehicle, which would not be detected during type-approval. These defects lead to recalls and an increase in recalls would imply high costs for stakeholders. It was also indicated by some respondents that there

may be dis-benefits resulting from a scaling down of market surveillance, through creating more opportunities for dishonest persons to sell non-conforming products, thus increasing the number of these products in the EU market; and

- overall, the majority of respondents do not consider that benefits would result from a scaling down of market surveillance activities, even where these are compensated by enhanced type-approval and conformity assessment activities with regard to motor vehicles and/or automotive parts for such vehicles. Many of the respondents indicated that there is a need for both type-approval/conformity of production procedures and market surveillance as both are individually important.

It can be concluded that the majority of respondents involved in the consultation consider both type-approval/conformity of production procedures and market surveillance to be integral parts of the regulatory system for motor vehicles and that both should be maintained to minimise the number of non-conforming/unsafe motor vehicles and automotive products entering the EU market.

ANNEX 9

OVERVIEW OF AUTOMOTIVE INDUSTRY SECTOR

A9 OVERVIEW OF AUTOMOTIVE INDUSTRY SECTOR

A9.1 Introduction

This section presents an overview of the EU automotive industry and market. It also provides some information on the global automotive market and how the EU operates within this. In concluding, it identifies some of the costs associated with compliance with the current legal framework.

A9.2 Overview of the EU Automotive Market

A9.2.1 Manufacturing

According to the UK Society of Motor Manufacturers and Traders (SMMT, 2011), around 17 million motor vehicles were manufactured in the EU in 2010. This is consistent with the ACEA (2010b) figure of 12.6 million vehicles manufactured in the EU between January and September 2010. Of these ACEA (2010b) figures:

- 88.8% were passenger cars;
- 8.6% were light commercial vehicles (LCVs, <3.5t);
- 2.4% were heavy commercial vehicles (HCVs, >3.5t); and
- 0.2% were buses (ACEA, 2010b).

As Figure A9.1 shows, about a third of passenger cars and LCVs were manufactured in Germany, a further third in Spain, France and the UK and the final third in the rest of the EU combined.

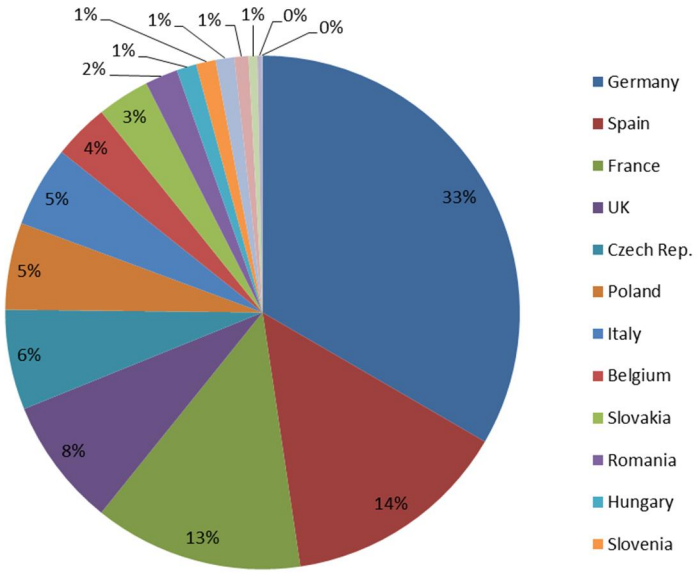

Figure A9.1: EU Car and LCV Production Share by Country, 2010
Source: SMMT (2011)

EU motor vehicle production suffered significantly as a result of the economic crisis in 2008-2009, dipping from a peak of almost 20 million vehicles in 2007 to just over 15 million in 2009. As Figure A9.2 shows, production started to recover in 2010, primarily due to increasing demand from emerging markets. Nonetheless, it still remains distinctly short of it pre-crisis average of around 18.5 million vehicles.

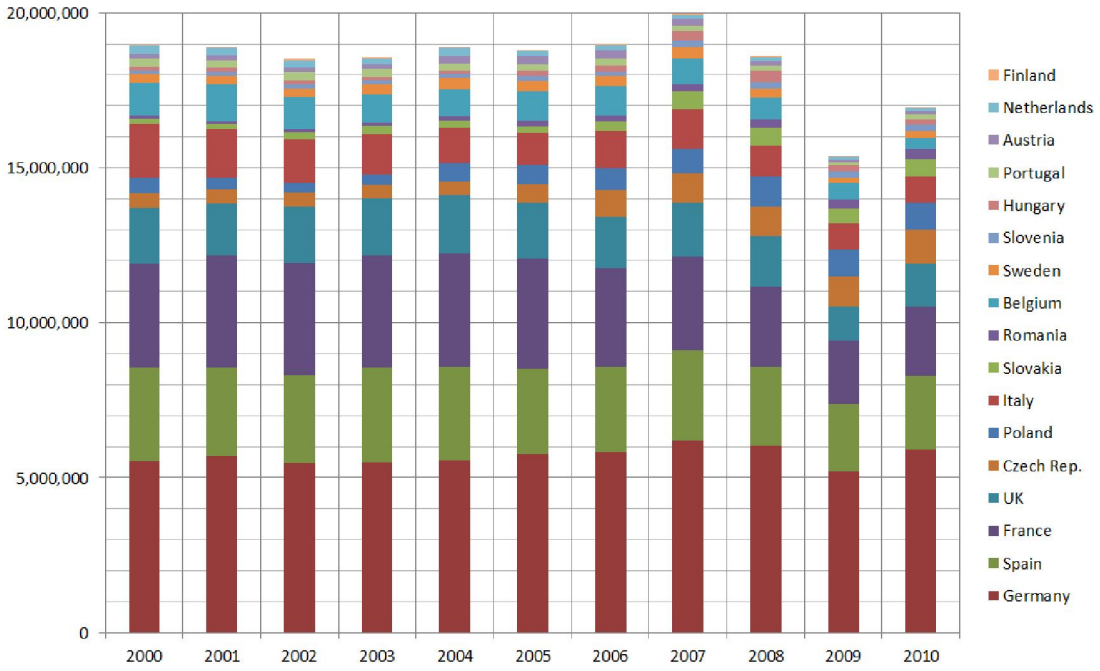

Figure A9.2: EU Car and Commercial Vehicle Production by Country, 2000-2010
Source: OICA (2011)

This also affected automotive suppliers significantly. For example, Figure A9.3 shows that sales and employment for German automotive suppliers both suffered significantly as a result of the 2008 economic crisis.

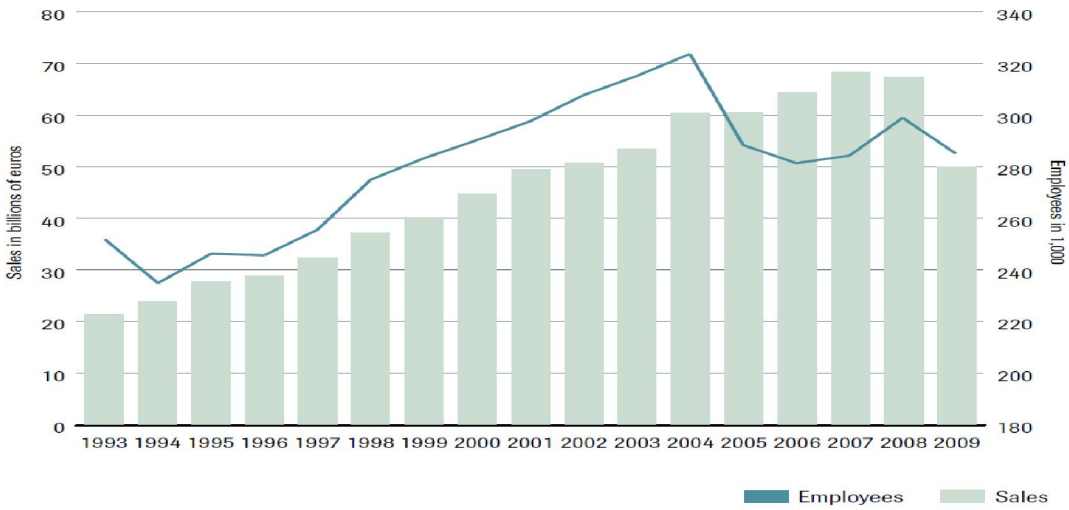

Figure A9.3: Sales and employment in the German automotive supply industry
Source: VDA (2010)

A9.2.2 Exports

In 2009, car exports from the EU were valued at around **€48 million**, as shows Table A9.1. The majority of car exports from the EU are to the USA, China and Switzerland with these accounted for 46% of exported passenger car value in 2009. The emerging markets, particularly BRIC1 and ASEAN2 countries, are of increasing importance to EU automotive manufacturers. With this in mind, ACEA (2011) has drawn attention to some of the difficulties EU manufacturers can encounter when trying to access emerging markets, both in the form of tariffs and non-tariff barriers. Examples of different categories of barriers are given in Table A9.2.

Table A9.1: Destination of EU Passenger Car Exports in 2009		
Country	**Value (€ million)**	**Percentage**
USA	12,708	26.6%
China	5,470	11.5%
Switzerland	3,841	8.0%
Japan	2,670	5.6%
Russia	2,538	5.3%
Turkey	2,047	4.3%
Norway	1,854	3.9%
Canada	1,792	3.8%
Australia	1,576	3.3%
South Africa	948	2.0%
South Korea	802	1.7%
Rest of the World	11,501	24.1%
Total	**47,747**	**100.0%**
Source: ACEA (2010)		

Table A9.2: Non-tariff barriers facing EU automotive manufacturers	
Categories	**Examples**
Technical regulations	Japan, Korea, Taiwan, India
Homologation procedures	Japan, China, Russia, Korea, Thailand
Customs procedures	Indonesia, Malaysia, India
Customs valuation	India, Malaysia, Russia, Thailand, Taiwan
Tax structure	Japan, China, Korea, Russia, India, Ecuador, Pakistan, Columbia, Malaysia
Luxury taxes	Australia, Indonesia, Philippines
Intellectual property rights	China, Near East, Indonesia, Thailand, Russia, India
Investment regulations	China, India, Malaysia
Source: ACEA (2011)	

A9.2.3 Imports

In 2009, car imports from the EU were valued at around **€22 million**, as Table A9.3 shows. Consumers within the EU purchase motor vehicles from a wide range of countries outside the EU. Despite this wide range, over three quarters of EU passenger car imports come from Japan, Turkey, the USA and South Korea,

[1] Brazil, Russia, India and China

[2] Brunei Darassulam, Cambodia, Indonesia, Laos, Malaysia, Myanmar, Philippines, Singapore, Thailand and Vietnam

Table A9.3: Origin of EU Passenger Car Imports in 2009		
Country	**Value (€ million)**	**Percentage**
Japan	7,896	36.3%
Turkey	3,193	14.7%
USA	2,990	13.8%
South Korea	2,607	12.0%
India	1,536	7.1%
Mexico	1,499	6.9%
Brazil	539	2.5%
South Africa	469	2.2%
China	360	1.7%
Switzerland	125	0.6%
Rest of the World	529	2.4%
Total	**21,743**	**100.0%**
Source: ACEA (2010)		

According to the EU Market Access Database (EUMAD, 2011), in 2010, imports accounted for 18.6% of new passenger car registrations in the EU, as shown in Figure A9.4 (excluding vehicles manufactured/assembled in the EU by non-EU companies). This was a slight increase on 2009, but lower than the average since 2002. Note that car imports on the EU market rose steadily from 2002, reaching a peak of 24.2% of new registrations in 2007. It then declined slightly in 2008 and significantly in 2009.

As shown in Figure A9.5 (below), the EU also imports a significant amount of automotive parts and accessories. In 2008, the value of such imports was equivalent to around 7% of the turnover of EU automotive parts and accessories manufacturers[3].

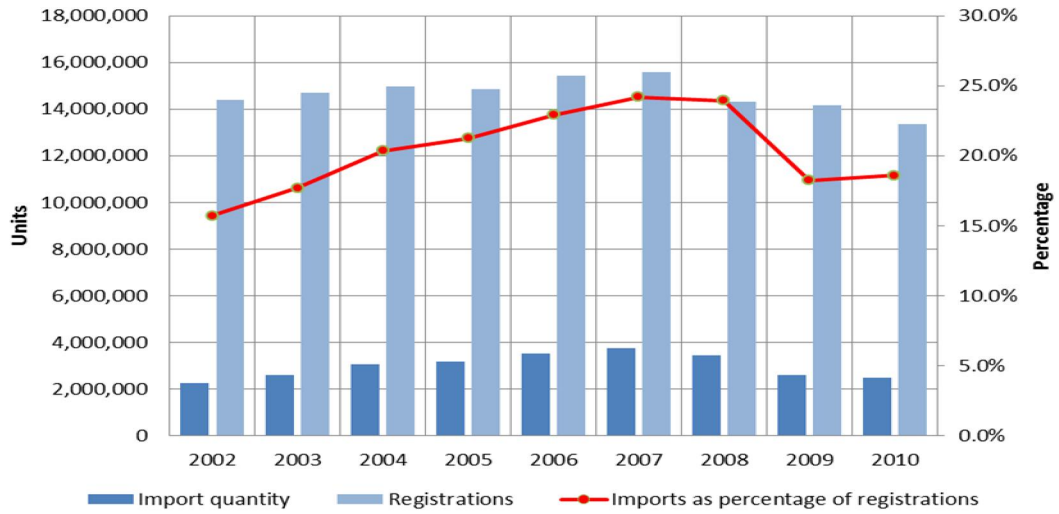

Figure A9.4: Passenger Car Imports and Registrations in the EU, 2002-2010
Source: EUMAD (2011)

Notes :

1. *Figures for 2002-2005 are for EU25, 2006-2010 are for EU27.*
2. *Import figures are for Market Access Database product code 8703 (motor cars and other motor vehicles principally designed for the transport of persons).*

[3] The figure of 6.8% is obtained from the EU Market Access Database (*imports for product code 8708 – parts and accessories of motor vehicles*) and Eurostat (*turnover from industrial activities for NACE-R2 code C293* – manufacture of parts and accessories of motor vehicles).

A9.2.4 Overall Trade

The EU automotive industry is internationally competitive and has been a net exporter for many years. As Table A9.4 shows, in 2009 the EU exported 3.8 million vehicles worth €53.7 billion while importing 2.5 million vehicles worth €25.2 billion, resulting in a positive trade balance of €28.6 billion.

Table A9.4: EU Motor Vehicle Trade in 2009

	Imports Value (€ million)	Imports Volume (units)	Exports Value (€ million)	Exports Volume (units)	Trade Balance (€ million)
Passenger Cars	21,743	2,273,745	47,747	3,437,543	26,004
Commercial Vehicles (up to 5t)	2,567	245,470	1,881	225,464	- 686
Commercial Vehicles (over 5t) + Buses & Coaches	866	14,942	4,136	143,956	3,270
Total	**25,176**	**2,534,157**	**53,764**	**3,806,963**	**28,588**

Source: ACEA (2010)

The EU has also been a net exporter of automotive parts and accessories, as shown in Figure A9.5. While the EU's trade balance in this sector suffered somewhat in the wake of the 2008 economic crisis, it recovered strongly in 2010 and the surplus currently stands at € 17 billion.

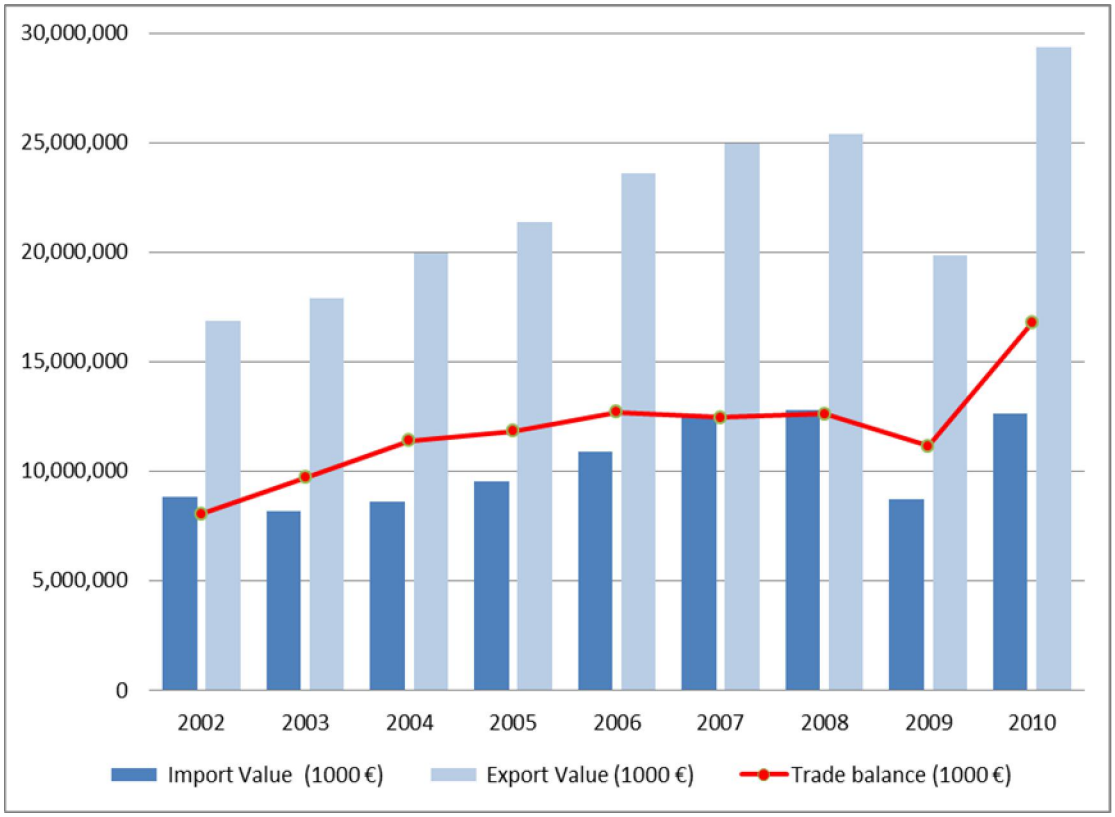

Figure A9.5: EU imports and exports of motor vehicle parts and accessories, 2002-2010
Source: EUMAD (2011)

A9.2.5 Consumption

Car sales in the EU suffered significant negative effects from the economic crisis of 2008. With very limited European growth since then, cars sales in the EU have continued to decline, as Figure A9.6 shows. The market has been further affected by the ending of the scrappage and incentive schemes put in place by some Member States in 2008 to counter the effects of the economic crisis. It is now thought that the effect of these was to bring forward demand from 2010 to 2009, which fits in with the pattern evident in Figure A9.6.

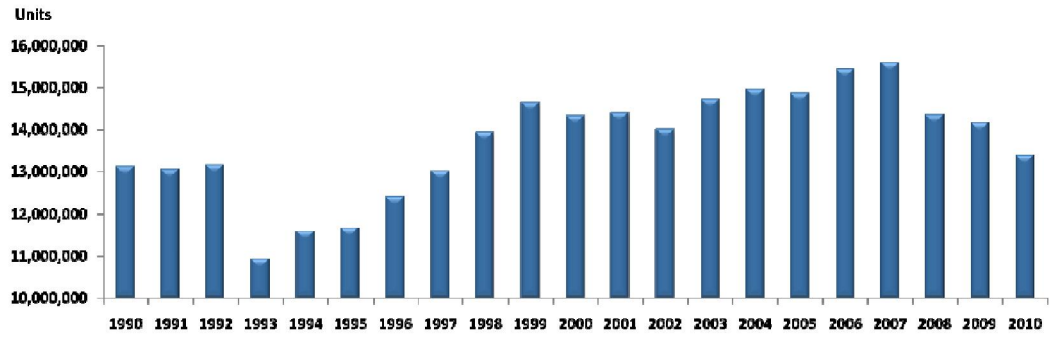

Figure A9.6: New Passenger Car Registrations in the EU, 1990-2010
Source: ACEA (2011)

Note : Figures for 1990-2002 cover the EU15, for 2003-2005 the EU25 and for 2006-2010 the EU27.

A9.2.6 Employment

According to the ACEA (2010), the EU automotive industry directly employs over 3.5 million people in manufacturing and a further 9 million in other capacities, as shown in Figure A9.7. This represents over 10% of EU manufacturing employment.

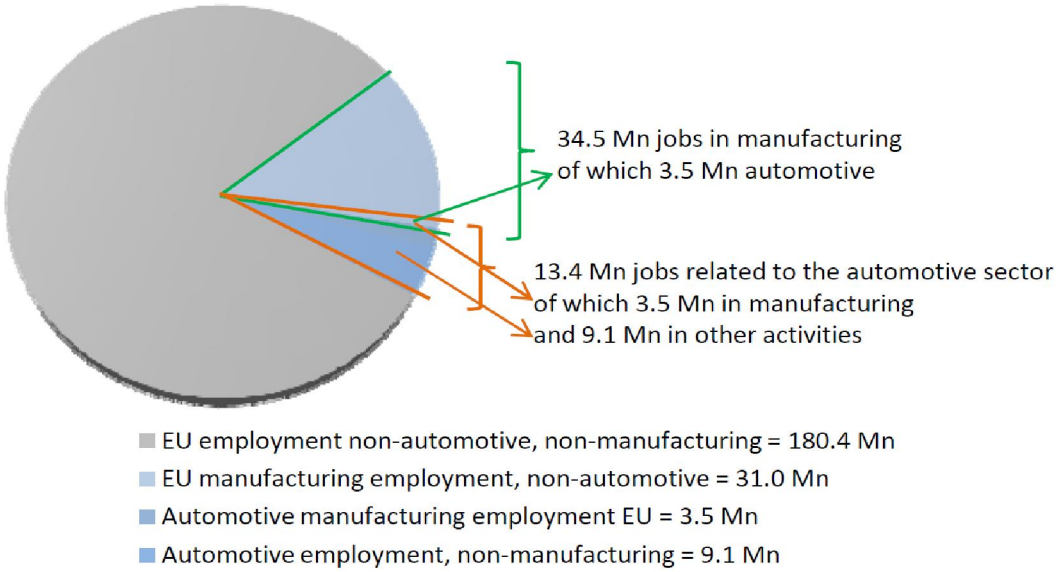

Figure A9.7: EU automotive employment in perspective
Source: ACEA (2010)

Automotive employment is primarily concentrated in Germany, with 850,000 employees, as Figure A9.8 shows. France, the UK, Italy, Spain, Poland and the Czech Republic each employ over 100,000 people.

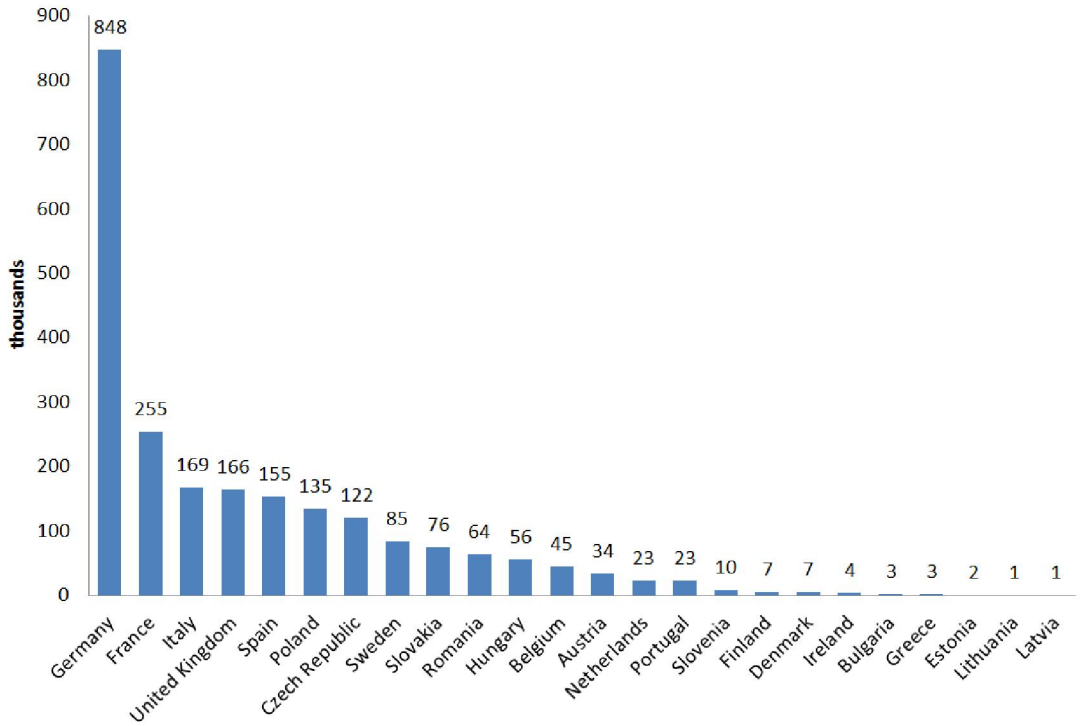

Figure A9.8: Employment in the Automotive Sector in the EU in 2007
Source: ACEA (2010)

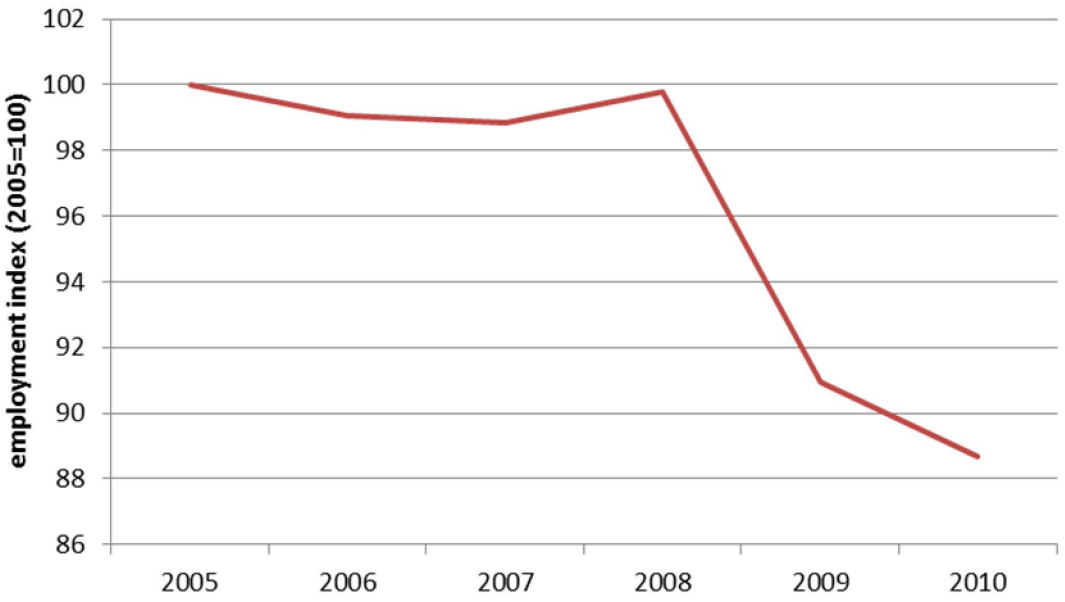

Figure A9.9: EU27 Employment Index for the Manufacture of Motors Vehicles, Trailers and Semi-trailers, 2005-2010 (2005=100)
Source: Eurostat

As with sales and production, employment in the automotive industry suffered significantly as a result of the 2008 economic crisis, as Figure A9.9 shows. The EC (2009) reports a net loss of 32,000 jobs in the last quarter of 2008, followed by a net loss of 21,000 jobs in the first quarter of 2009. Many companies tried to minimise losses as far as possible by implementing measures such as shorter working weeks, salary cuts and temporary shut downs. This appears to have been effective, as the industry has managed to increase in production in 2010 in order to meet the pick-up in demand from emerging markets. A similar pattern is evident for automotive supplier employment, as shown in Figure A9.3 above.

A9.2.7 Structure

According to EC (2009) and ACEA (2010), the EU automotive sector has an annual turnover of over €780 billion. While the exact breakdown of this figure is not provided, an examination of Eurostat statistics for 2008 would indicate that this figure of €780 billion is consistent with the Eurostat figure of €794 million relating to the annual turnover for the *manufacture of motor vehicles, trailers and semi-trailers* (NACE Code C29).

In general, companies involved in the manufacturing of motor vehicles can be defined as either suppliers or Original Equipment Manufacturers (OEMs, responsible for the final product, including design and branding). In addition, there is a significant automotive aftermarket covering customer services, repair, servicing, spare parts, accessories and tuning.

Industrial activities accounted for around 80% of the total turnover indicated (€780 billion); with 18% and 2% of the total turnover relating to 'trading' and 'service' activities respectively. Motor vehicle manufacture is also indicated to account for around 70% of total turnover, while the manufacture of parts and accessories accounts for around 25% of total turnover. There are, however, some uncertainties associated with this data. For instance, it is unclear the extent to which the turnover relating to the tyre sector (estimated at around €28 billion) has been captured in the data, as there is a separate NACE code for these tyre and rubber-related activities (*NACE Code C22.1.1 - Manufacture of rubber tyres and tubes; retreading and rebuilding of rubber tyres*).

Original Equipment Manufacturers (OEMs)

With 23 multinational OEMs manufacturing in the EU, the industry is dynamic and competitive. These are listed in Table A9.5 It is represented by the European Automobile Manufacturers' Association (ACEA), which counts fifteen industry members. In addition to the OEMs shown in Table A9.5, the ACEA identifies 56 smaller EU-based OEMs with manufacturing sites within the EU.

Table A9.5: Major Motor Vehicle OEMs Manufacturing in the EU	
Manufacturer	**Origin**
AB Volvo (Volvo Trucks)	EU (Sweden)
BMW	EU (Germany)
Daimler (Mercedes, Smart)	EU (Germany)
Fiat	EU (Italy)
MAN	EU (Germany)
Porsche	EU (Germany)
PSA (Peugeot, Citroën)	EU (France)
Renault	EU (France)
Scania	EU (Sweden)
Volkswagen	EU (Germany)
Geely (Volvo Cars)	China
Tata (Jaguar, Land Rover)	India
Honda	Japan
Mazda	Japan
Mitsubishi	Japan
Nissan	Japan
Suzuki-Maruti	Japan
Toyota	Japan
Hyundai-Kia	South Korea
Chrysler	USA
Ford	USA
General Motors	USA
Paccar (DAF Trucks)	USA
Source: CCFA	

ACEA lists 241 motor vehicle manufacturing sites across the EU. While 19 EU countries host at least one such site, almost half of them are located in Germany, France and the UK, as Figure A9.10 shows.

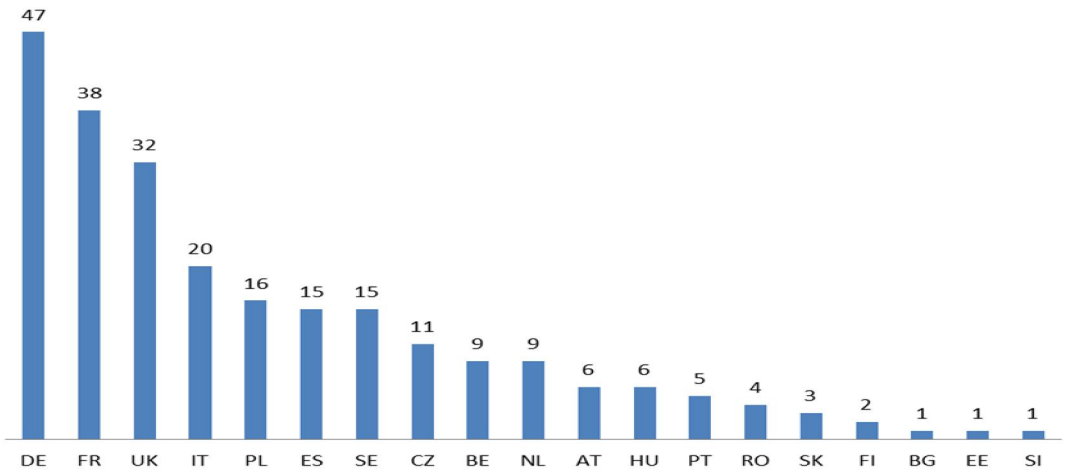

Figure A9.10: EU Motor Vehicle Manufacturing Plant Locations
Source: ACEA (2011)

Suppliers

Automotive suppliers play a critical role in motor vehicle manufacturing as, in general, they supply about 75% of a vehicle's components and technology (EC 2009:14). Within the EU, the sector employs over three million people and comprises around 3000 companies, the vast majority of which are SMEs. In 2008, the sector had a turnover of € 186 billion. It is represented by the European Association of Automotive Suppliers (CLEPA), which has 84 company members along with 13 National trade associations (and 13 European sector associations), each of which represents many automotive suppliers, and sometimes other organisations too, as shown in Table A9.6.

Table A9.6: National Trade Association Membership of CLEPA

National Trade Association	Country	Membership	Notes
ACS	Slovenia	61	
AFIA	Portugal	53	Out of 180 automotive suppliers in Portugal
AGORIA	Belgium	108	Represents the technology industry as a whole and has 1641 members
ANFIA	Italy	141	Figure is suppliers of components, bodywork, tires, out of 288 members
AUTIG	Denmark	132	
FIEV	France	131	
FKG	Sweden	approx. 300	Also covers Norway and Finland
ILEA	Luxembourg	17	
MAJOSZ	Hungary	298	Out of 340-360 automotive suppliers in Hungary
RAI	Netherlands	303	Includes manufacturers, importers and wholesalers
SERNAUTO	Spain	900	Number of supplier addresses, includes duplicate counts
SMMT	UK	over 600	Includes OEMs and more
VDA	Germany	over 500	Out of over 600 members including OEMs and more

Source: National Trade Association websites
Note: Some automotive suppliers operate in several countries and are member of several National Trade Associations

Traditionally, the value chain of the automotive industry can be said to be in a pyramid structure, as shown in Figure A9.11 below.

At the top of the pyramid, vehicle manufacturers or original equipment manufacturers (**OEMs**) are responsible for manufacturing and/or assembling the car. OEMs do not, however, produce all the components required for vehicle production themselves, but buy them or have them developed by suppliers. The outsourcing by OEMs of segments of their supply chain has changed the role of suppliers from that of component suppliers to systems suppliers. Subsequently, suppliers can now be classified even more precisely by the extent to which they have taken over functions of the vehicle supply chain (KPMG, 2008). There are a small number of large vehicle manufacturers or OEMs dominating this tier, although this is to be expected as vehicle manufacturing requires both extensive production facilities and a large number of employees (i.e. it is both capital and labour intensive). A few SMEs can, however, be

found in niche segments of the automotive market (e.g. assembling motor homes, trailers, semi-trailers, etc.).

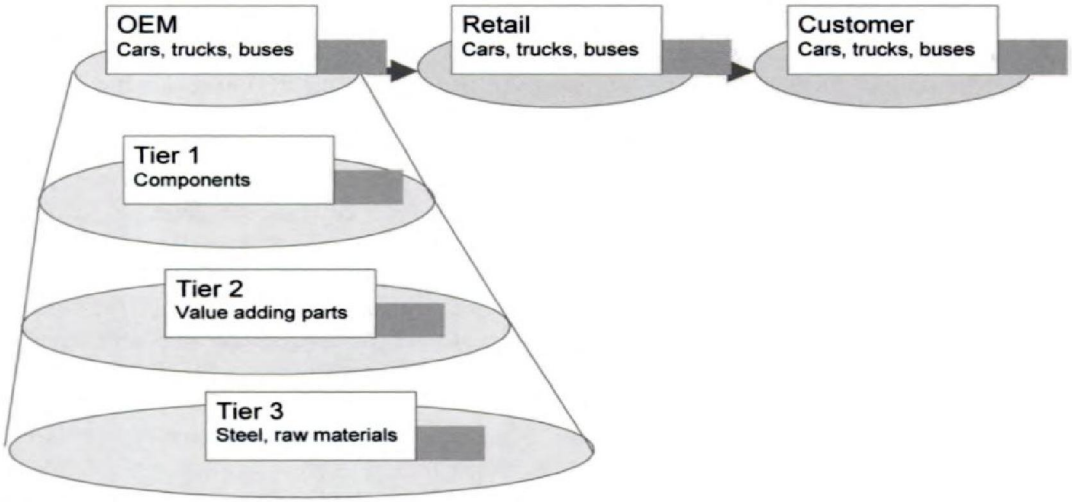

Figure A9.11: Structure of the Automotive Industry
Source: Heneric *et al*. (2005)

Tier 1 suppliers are component manufacturers delivering directly to the final vehicle manufacturers or OEMs. Tier 1 suppliers are typically responsible for the manufacture of separate technical units and components (such as the fuel pump, tyres, glass, exhaust systems, replacement brake linings, drive train units, etc.) and, as such, have the primary responsibility for seeking type-approval for them. As such, Tier 1 suppliers work closely with vehicle manufacturers/OEMs to design, manufacture and deliver these complicated automobile systems; although they hardly ever deliver their products to only one OEM. Tier 1 suppliers also tend to be large or very large enterprises originating from the USA, Japan, or Europe (but all active within Europe) and may be active not only in the manufacturing of motor vehicles, but also in other sectors such as electronics, mechanical and electrical engineering, information technology, steel, chemicals, plastics, metals and rubber, etc. These suppliers also have considerable turnover and the largest Tier 1 suppliers have over 1,000 subcontractors (mostly SMEs operating in lower tiers) (Heneric *et al*., 2005; EIM & IKEI, 2009). A few SMEs can, however, be found in niche segments of the automotive market at this tier (e.g. body builders).

Tier 2 suppliers are companies which produce value-adding parts or more simple individual components (e.g. the housing of a fuel pump) in the sub-assembly phase. Tier 2 suppliers buy parts or raw materials (from Tier 3 and others) and deliver components to companies in the higher tiers (Heneric *et al*., 2005). A significant proportion of SMEs in the automotive sector are generally found in this tier of suppliers.

Tier 3 suppliers are companies supplying engineered materials and special services, such as rolls of sheet steel, bars, surface treatments, raw materials, etc. to companies

in the higher tier. Tier 3 suppliers rank below Tiers 1 and 2 in terms of the complexity of the products they provide (Heneric *et al*., 2005) and SMEs can also be found in this tier of suppliers.

An increasing number of service providers (e.g. consulting engineers, mechanical engineers, etc.) who are not suppliers are encountered in the automotive value chain. These include companies involved in vehicle development - design phase, design engineering, manufacturing resource planning and strategic planning, etc.

After the production process, which is increasingly closely connected between the OEM and suppliers, the retail channel forwards the products to the final customer.

As OEMs outsource more of their work, their requirements have become more stringent in terms of complexity of product, technological input, timely production. This has put smaller suppliers under increasing pressure and has led to a reduction in the number of suppliers globally, as illustrated in Figure A9.12. This trend is expected to continue in future.

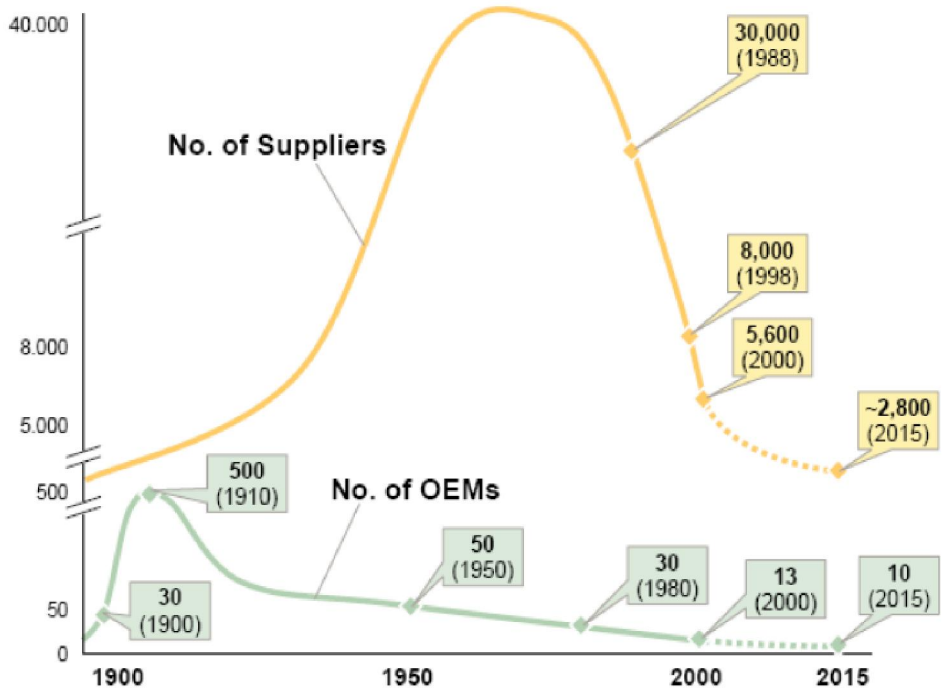

Figure A9.12: Number of OEMs and suppliers since 1900
Source: Dannenberg & Kleinhans (2007)

NOTE: Modelling based on figures from US and Germany.

Aftermarket

In addition to OEMs and their suppliers, the European automotive industry includes a large aftermarket[5], comprising about 665,000 companies that provide €82 billion worth of components, according to the European Commission (EC 2009:15). The aftermarket can be divided into several segments such as customer services, repairs, servicing, spare parts, accessories and tuning. These activities fall into NACE Rev.2 Section G45, *wholesale and retail trade and repair of motor vehicles and motorcycles*, also known as *distributive trades*[6]. Some of these have their own industry associations, including:

- The European Council for Motor Trades and Repairs (CECRA) represents 380,000 motor trade and repair businesses, about one third of which are contractually linked to specific vehicle manufacturers or importers and the rest are independent repairers, as Table A9.7 shows;
- The International Federation of Wholesale Importers and Exporters of Automotive Parts (FIGIEFA) represents more than 100,000 independent wholesalers and retailers of automotive replacement parts and their associated repair chains, most of which are SMEs;
- The International Association of Auto Body Repairers (AIRC) represents over 35,000 European vehicle repair companies that employ more than 275,000 people;
- The European Garage Equipment Association (EGEA) represents 650 companies working out of 280,000 shops that employ 40,000 people; and
- The International Federation of Engine Remanufacturers and Rebuilders (FIRM) represents more than 1000 European engine remanufacturers and rebuilders.

Table A9.7: CECRA Industry Membership

Independent Repairers	Contractually Linked to Specific OEMs or Importers		
	Companies that Both Sell and Repair Vehicles	**Companies that Only Repair Vehicles**	**Companies that Sell Spare Parts**
	71,000	42,000	7,000
260,000	Total: 120,000		
Total: 380,000			

Source: CECRA (2011)

5 The aftermarket is divided into two categories: replacement parts (which are automotive parts built or re-manufactured to replace original equipment parts as they become worn or damaged and accessories) and accessories (which are parts made for comfort, convenience, performance, safety, or customisation, and are designed for add-on after the original assembly of the motor vehicle).

6 The term *distributive trades* also includes sections G46, *all wholesale trade other than wholesaling of motor vehicles and motorcycles*, and G47, *all retail trade other than retailing of motor vehicles and motorcycles*.

A9.2.8 Future Trends

Over the next few years, EU motor vehicle production is expected to increase to about twenty million units, with the largest producers remaining Germany, France, Spain and the UK, as Figure A9.13 shows. However, this is based on a number of key assumptions:

- that there will not be a double-dip recession;
- that new models coming on line will stimulate demand of their own: and
- that there will be continuing and increasing export demand for EU vehicles, particularly from the emerging markets.

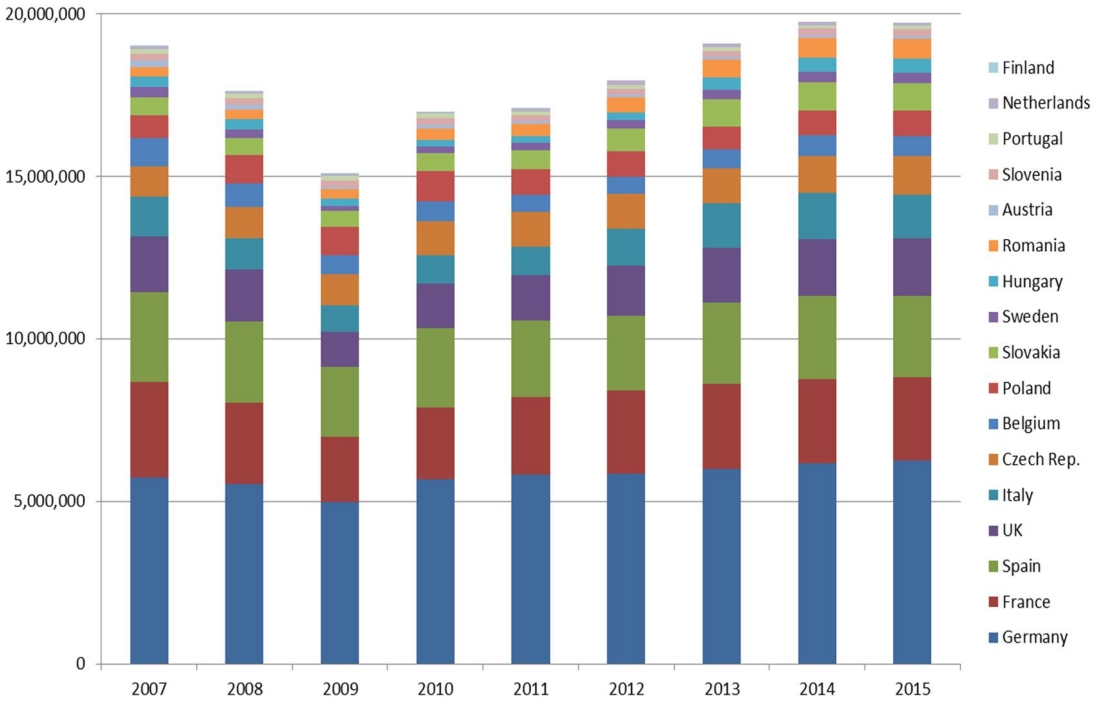

Figure A9.13: EU Passenger Car and LCV Production by Country, 2007-2015
Source: SMMT (2011)

Further ahead, several trends are already evident and are likely to continue to affect the global automotive industry in the future. These are:

- a general shift toward emerging economies, both in terms of demand and production;
- the further development of ultra-low cost cars (ULCCs); and
- a global shift toward smaller, more fuel efficient vehicles, including electric vehicles (EVs) and hybrids.

Shift to Emerging Economies

Recent research by the IMF (2008:10) suggests that car ownership in a country is low while per capita income remains below $5000, but takes off rapidly beyond that. As per capita income goes beyond this level in key emerging markets, global car

ownership is expected to grow substantially in coming decades, increasing by 2.3 billion vehicles between 2005 and 2050. This will be most pronounced in China and India, whose cars fleets are expected to increase by 500 million and 300 million respectively over that period. Strikingly, China is expected to have as many cars in 2050 as the entire world had in 2008.

This shift will have two main impacts on the European motor industry. First, this shift in demand will necessitate further technological and logistical innovation by European manufacturers in order to meet the specific demands of these new markets and remain globally competitive. Second, European manufacturers are likely to face increasing competition as emerging economies develop their own automotive manufacturing capabilities. This will be most keenly felt in the emerging markets themselves, but will also lead to increased competition in the traditional, more mature markets that EU OEMs are currently most active in. According to AT Kearney (2009), the global market share of emerging market OEMs is expected to increase from 9% in 2006 to 32% in 2020.

As both European and emerging country OEMs aim to expand into each other's traditional markets, further consolidation of the industry is expected via more alliances, mergers and acquisitions.

Ultra-Low Costs Cars (ULCCs)

One of the key developments heralded by the market shift to the emerging economies is the advent of ultra-low cost cars (ULCCs). The creation of this new market segment is generally credited to India's Tata, with the launch of the Tata Nano in 2009, which originally went on sale at around $2500. Since then, other manufacturers have announced that they intend to produce ULCCs, most notably Renault-Nissan in conjunction with India's Bajaj.

The ULCC market segment is expected to grow substantially in coming decades, particularly in India and other Southeast Asian countries. Analysts at AT Kearney (2008) have estimated that, depending on the specific price, ULCC manufacturers could have between 270 and 530 million potential customers by 2020. The ULCC segment therefore accounts for a substantial proportion of growth potential in the global automotive industry, and should therefore attract European OEMs wishing to remain globally competitive.

Smaller Cars, Electric Vehicles (EVs) and Hybrids

As concerns over climate change and fuel costs intensify, so will the demand for smaller, more fuel-efficient vehicles, including electric vehicles (EVs) and hybrids. This trend has been and is likely to remain further exacerbated by government policies that actively encourage the use of such vehicles. Examples of this include the £5000 rebate offered to purchasers of EVs in the UK, or the bonus/malus scheme in France, which offers new vehicle purchasers financial rewards or penalties depending on the vehicle's emissions. As a result of these factors, low-emissions vehicles are expected to increase their European market share in coming years. For example, EVs

are expected to make up between 15% and 45% of the European car market by 2040, as Figure A9.14 shows. Growth in this segment will largely depend on the extent to which:

- technological improvements and economies of scale reduce EV prices;
- technological improvements and/or improved infrastructure increase the range of EVs;
- fuel prices keep rising; and
- public authorities maintain and /or introduce further legislation incentivising consumers to purchase EVs.

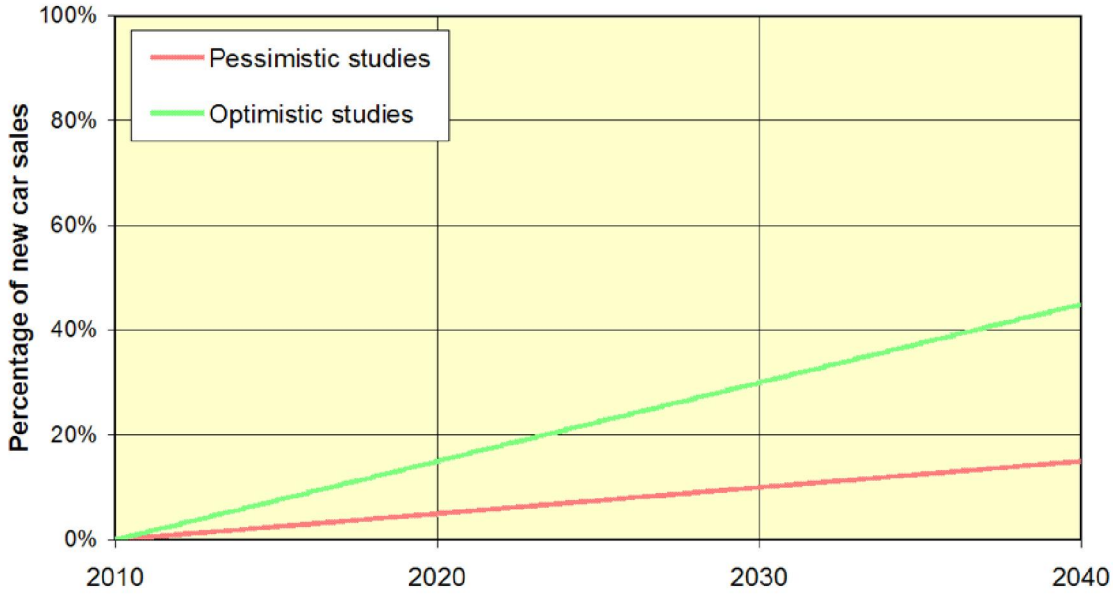

Figure A9.14: Light Electric Vehicle Sales Predictions, 2010-2040
Source: GoingElectric

This shift toward EVs, hybrids and other low-emissions vehicles will necessitate significant investment in new technologies and dedicated production equipment, thus presenting both OEMs and their suppliers with significant opportunities looking ahead.

It is worth noting that as the market share of EVs increases, this will likely lead to some legislative challenges as many of the smaller EV models on the market are classified as quads rather than passenger cars, and therefore not covered by WVTA legislation.

A9.3 Overview of Global Automotive Market

A9.2.1 The Global Automotive Market

The automotive industry is one of the most important manufacturing sectors globally, with a turnover of €1.9 trillion. It employs over eight million people directly, representing over five per cent of world manufacturing employment, and five times more indirectly (OICA, 2006).

Global automotive manufacturing is dominated by 14 companies that each produce over a million vehicles per annum, followed by about 25 that produce hundreds of thousands. As Figure A9.15 and Table A9.8 show, EU and Japanese companies make up the majority of the top twenty manufacturers, with US companies also present. Chinese companies make up the vast majority of manufacturers ranked 18 to 50. As these are quite new, this explains the pattern of production seen in Figure A9.18 above.

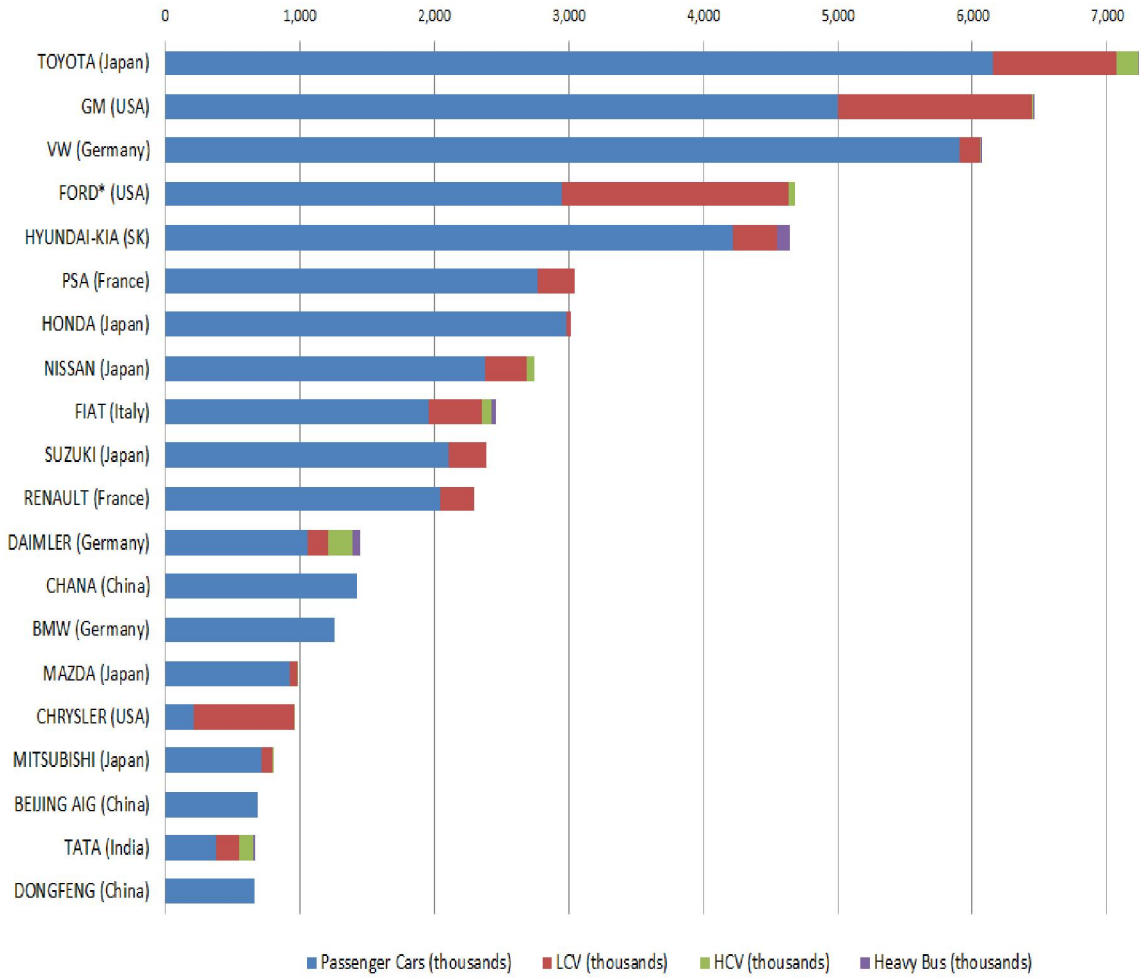

Figure A9.15: Global Motor Vehicle Production by Manufacturer, 2009
Source: OICA (2009)

Note : Ford included Volvo Cars in 2009, which is now a subsidiary of Geely (China).

Table A9.8: Global Vehicle Production by Manufacturer, 2009

Manufacturer	Rank	Total (thousands)	Passenger Cars (thousands)	LCV (thousands)	HCV (thousands)	Heavy Bus (thousands)
Toyota (Japan)	1	7,234	6,149	927	154	4
GM (USA)	2	6,459	4,998	1,448	7	7
VW (Germany)	3	6,067	5,903	155	7	2
Ford* (USA)	4	4,685	2,952	1,681	52	
Hyundai-Kia (Sk)	5	4,646	4,223	325		98
PSA (France)	6	3,042	2,770	272		
Honda (Japan)	7	3,013	2,984	29		
Nissan (Japan)	8	2,745	2,381	305	59	
Fiat (Italy)	9	2,460	1,958	398	72	32
Suzuki (Japan)	10	2,388	2,104	284		
Renault (France)	11	2,296	2,044	252		
Daimler (Germany)	12	1,448	1,055	158	183	51
Chana (China)	13	1,426	1,426			
BMW (Germany)	14	1,258	1,258			
Mazda (Japan)	15	985	921	62	1	
Chrysler (USA)	16	959	211	744	4	
Mitsubishi (Japan)	17	802	716	83	3	
Beijing Aig (China)	18	685	685			
Tata (India)	19	672	377	172	104	19
Dongfeng (China)	20	663	663			
Faw (China)	21	650	650			
Chery Auto (China)	22	509	509			
Fuji (Japan)	23	491	491			
Byd (China)	24	428	428			
Saic-Ssangyong (China)	25	348	348			
Anhui Jianghuai (China)	26	337	337			
Geely (China)	27	330	330			
Isuzu (Japan)	28	316		19	295	2
Brilliance (China)	29	314	314			
AvtoVaz (Russia)	30	295	295			
Great Wall Motor (China)	31	227	227			
Mahindra (India)	32	223	146	77		
Shangdong Kaima (China)	33	169	169			
Proton (Malaysia)	34	153	130	23		
China National (China)	35	121		121		
Volvo (Sweden)	36	106		10	85	11
Chongqing Lifan (China)	37	104	104			
Fujian (China)	38	103	103			
Kuozui (Taiwan)	39	93	89	3	2	
Shannxi Auto (China)	40	79		79		
Porsche (Germany)	41	76	76			
Ziyang Nanjin (China)	42	72	72			
Gaz (Russia)	43	70	2	45	13	10
Navistar (USA)	44	65			52	14
Guangzhou Auto (China)	45	63	63			

Table A9.8: Global Vehicle Production by Manufacturer, 2009						
Manufacturer	**Rank**	**Total (thousands)**	**Passenger Cars (thousands)**	**LCV (thousands)**	**HCV (thousands)**	**Heavy Bus (thousands)**
Paccar-DAF (USA)	46	59				
Chenzhou Ji'ao (China)	47	51	51			
Qingling Motor (China)	48	50	50			
Hebei Zhongxing (China)	49	48	48		28	18
Ashok Leyland (India)	50	48		1		
** Figure for Ford includes Volvo Cars, now a subsidiary of Geely.*						
Source: OICA (2010)						

Ownership structures for the top manufacturers are often complex, with each company having multiple subsidiaries and joint ventures operating in all major markets. Typical examples include the formal alliances of Renault (France) and Nissan (Japan), or Fiat (Italy) and Chrysler (USA). Increasingly, manufacturers wishing to expand further into new markets will do so by acquiring, or building joint ventures with, local companies. Recent examples of this include the acquisition of Jaguar-Land Rover (originally UK) by Tata (India), that of Volvo Cars (originally Sweden) by Geely (China), or Renault (France) taking a stake in AvtoVAZ (Russia). Despite this, the main markets for the top manufacturers tend to be their home ones, as Figure A9.16 shows.

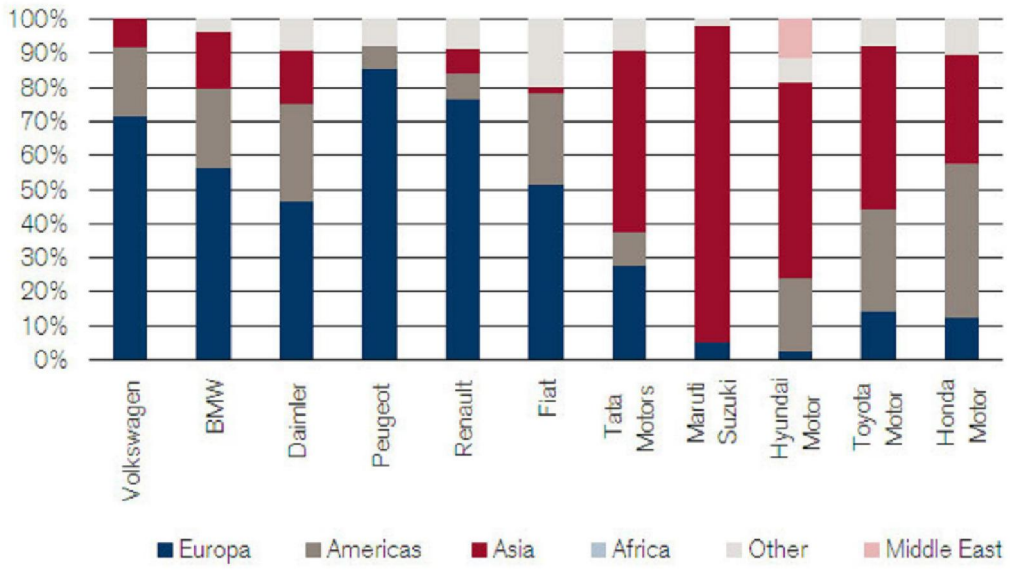

Figure A9.16: Geographical Sales Split for Selected Companies, 2009
Source: Credit Suisse (2011)

A9.2.2 The EU within the Global Context

Within the global market, the EU is a major player in terms of both demand and supply. On the demand side, the EU has the largest car fleet and highest car density in the world, as Table A9.9 shows.

Table A9.9: Car Fleet, Density and Sales in Key Areas

Area	Car Fleet 2008 (millions)	Car Density 2008 (cars per 1,000 inhabitants)	Passenger Car Sales 2010 (millions)
EU	234.08	470	11.57
USA	135.52	444	5.64
Japan	57.93	454	4.80
Russia	32.02	226	1.76
China	25.74	19	13.90
Brazil	21.88	113	2.64
South Korea	12.48	254	1.22
India	9.85	8	2.80

Source: ACEA (2010), SMMT (2011), Global Insight (2011), KAMA (2011)

With such a large fleet, even modest growth translates into significant sales, with EU car sales being second only to China in terms of volume (see Table A9.9). China's position as the world's largest car market is relatively recent and stems from consistently high growth rates over the last two decades, as Figure A9.17 shows.

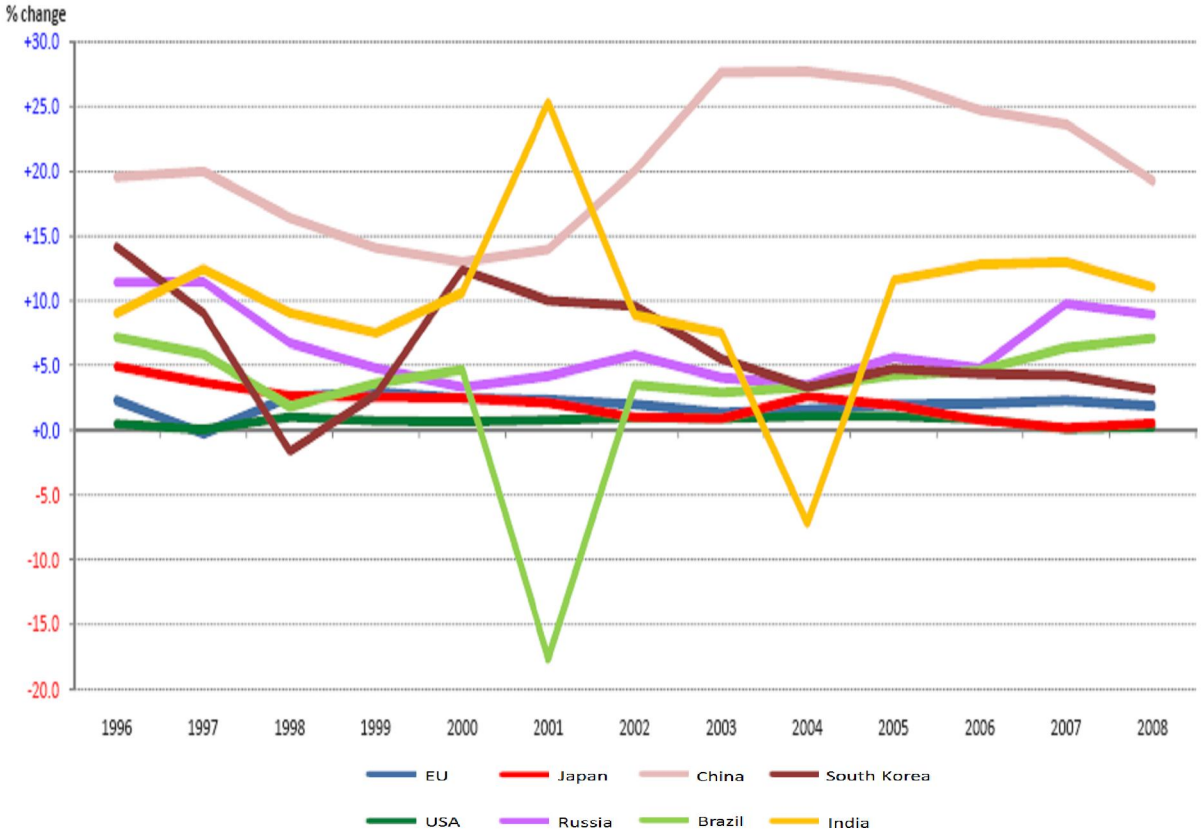

Figure A9.17: Car Fleet Growth, 1996-2008 (% change)
Source: ACEA (2010:27)

A similar picture emerges on the supply side. While the EU was consistently the world top automotive producer over the last ten years, it was overtaken by China in 2010. This was due to a combination of the effects of the 2008 economic crisis in Europe combined with rapid growth in China, as shown in Figure A9.18.

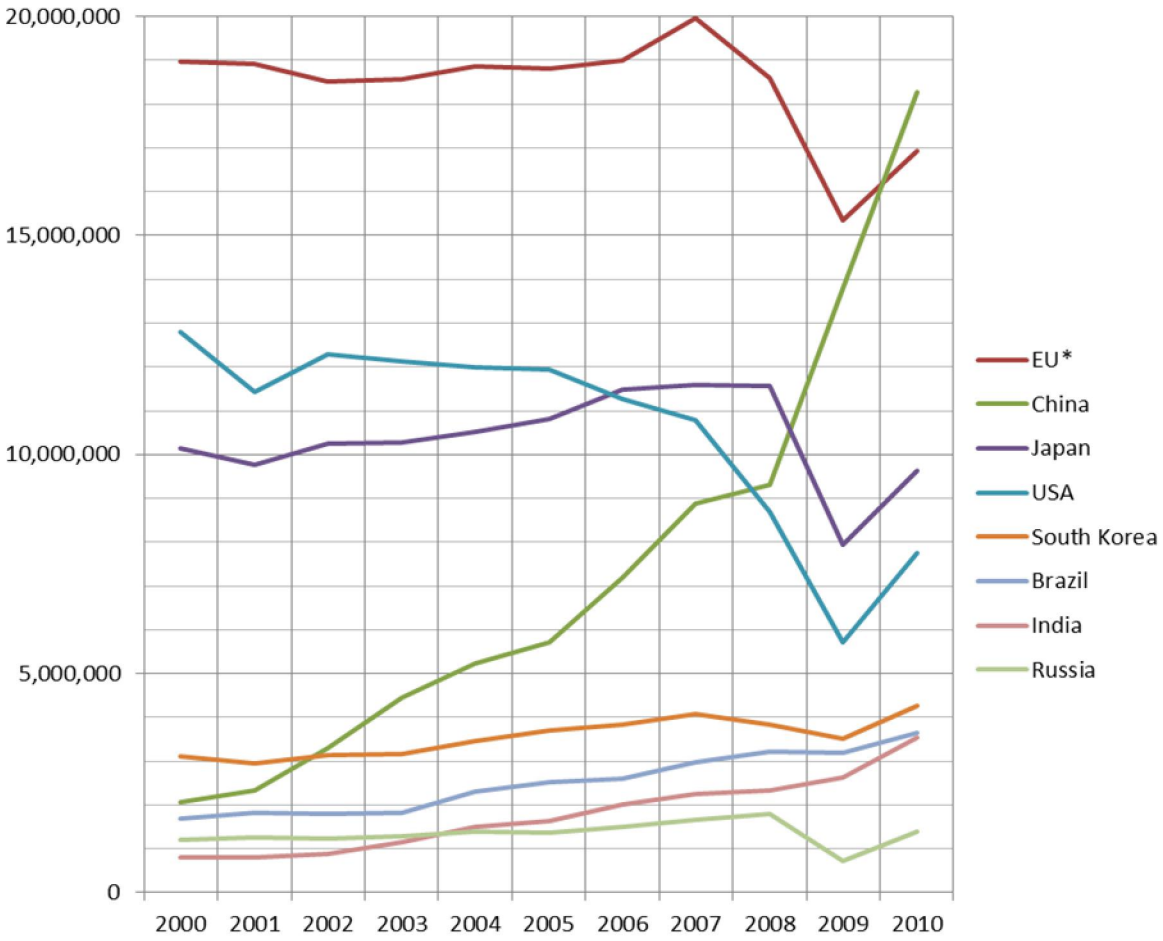

Figure A9.18: Motor Vehicle Production in Selected Countries, 2000-2010
Source: OICA (2011)

Note : EU data only includes 17 countries : Austria, Belgium, Czech Rep., Finland, France, Germany, Hungary, Italy, Netherlands, Poland, Romania, Slovakia, Slovenia, Spain, Sweden, UK.

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ANNEX 10

LIST OF CONSULTEES

A10. LIST OF CONSULTEES

A10.1 Ex-post Evaluation

Table A10.1: List of Respondents to the Evaluation Questionnaire		
Name of Organisation	**Country**	**Type of Organisation**
Economic Operators		
Hyundai Motor Europe Technical Center GmbH (Hyundai and Kia)	Germany	Manufacturer
Turkish Trailer Manufacturer Association	Turkey	Industry Association
Parlok Oy	Finland	Manufacturer
Solaris Bus & Coach S.A.	Poland	Manufacturer
Koluman Otomotiv	Turkey	Manufacturer
Technical Service Organisations		
JÁFI-AUTÓKUT Engineering Ltd.	Hungary	Technical Service
CSI SpA	Italy	Technical Service
TÜV NORD Mobilität GmbH & Co. KG	Germany	Technical Service
TÜV NORD KTI Ltd	Hungary	Technical Service
SLOVDEKRA s.r.o.	Slovakia	Technical Service
MPA NRW	Germany	Technical Service
TÜV SÜD Czech	Czech Republic	Technical Service
Motor Transport Institute	Poland	Technical Service
National Authorities		
Kraftfahrt-Bundesamt (KBA)	Germany	Vehicle Registration, Type Approval and Market Surveillance authority
Bundesministerium für Verkehr, Innovation und Technologie	Austria	Type Approval Authority
Federal Roads Office (FEDRO)	Switzerland	Type Approval Authority
Transportstyrelsen	Sweden	Type Approval Authority
National Transport Authority	Hungary	Type Approval Authority
Ministero Infrastrutture e Trasporti - Dipartimento trasporti terrestri - Direzione Generale motorizzazione	Italy	Type Approval Authority
SPF Mobolité etTransport	Belgium	Type Approval Authority
Consumer Rights Protection Centre	Latvia	Market Surveillance Authority
Transportstyrelsen	Sweden	Type Approval Authority
Umferdarstofa / The Road Traffic Directorate	Iceland	Vehicle Registration Authority
Ministry of Transport, Construction and Regional Development of the Slovak Republic	Slovakia	Type Approval Authority
RDW Centrum voor voertuigtechniek en Informatie	Netherlands	Vehicle Registration and Type Approval Authority
Department for Transport	UK	Government Department overseeing motor vehicle legislation and agencies responsible for type approval and registration

Consumer Authorities		
ANEC	Belgium	Consumer Organisation
T&E - European Federation for Transport and Environment	Belgium	Consumer Organisation

A10.2 Impact Assessment

Table A10.2: List of Respondents to the Impact Assessment Questionnaire	
Name of Organisation	**Country**
Technical Service Organisations	
Karlsruher Institut für Technologie (KIT)	Germany
TÜV SÜD Czech s.r.o.	Czech Republic
State testing Station for Machines	Lithuania
Instytut Transportu Samochodowego (Motor Transport Institute)	Poland
MBtech EMC GmbH	Germany
Vehicle & Operator Services Agency (VOSA)	UK
SLOVDEKRA Ltd.	Slovakia
BLT*	Austria
Test World Oy	Finland
TÜV SÜD SENTON GmbH	Germany
Mikes-Testing Partners GmbH	Germany
MIRA	UK
Instytut Ceramiki i Materiałów Budowlanych	Poland
Emitel	Germany
CSI S.p.A	Italy
FORCE Technology	Denmark
Tun Abdul Razak Research Centre (TARRC)	UK
Nemko Spa	Italy
JÁFI-AUTÓKUT Mérnöki Kft. (JÁFI-AUTÓKUT Engineering Ltd.)	Hungary
Compliance Engineering Ireland Ltd.	Ireland
TÜV Austria Automotive GMBH	Austria
AVL MTC Motortestcenter AB	Sweden
ADAC - Fahrleistungsprüfstand des ADAC Technik Zentrums	Germany
FAKT S.r.l.	Italy
Bertrandt Ingenieurbüro GmbH	Germany
RTI d.o.o. (Ltd)	Slovenia
Road Traffic Safety Directorate	Latvia
Luxcontrol s.a.	Luxembourg
IDIADA (Instituto De Investigación Aplicada Del Automóvil)	Spain
CE-LAB GmbH	Germany
ELMAC GmbH	Germany
VTS Vehicle Technical Service Ltd	Malta
SGS UK Ltd	UK

National Authorities	
Bundesministerium für Verkehr, Innovation und Technologie	Austria
Department of Road Transport, Ministry of Communications & Works	Cyprus
Ministry of Transport of the Czech Republic	Czech Republic
Estonian Road Administration	Estonia
Ministry of Transport and Communications, Traffic Safety Unit/ Transport Safety Agency (TraFi)	Finland
Ministère des Transports DRIRE Ile de France UTAC	France
Kraftfahrt-Bundesamt (KBA)	Germany
Hungarian Traffic Authority	Hungary
Ministry of Infrastructure and Transport	Italy
Inspectorate of Control and Certification of Vehicles, Road Traffic Safety Directorate	Latvia
Malta Competition & Consumer Affairs Authority	Malta
RDW	Netherlands
The Norwegian Public Roads Administration (NPRA)	Norway
Romanian Automotive Register	Romania
Ministry of Transport, Post and Telecommunications	Slovakia
Ministry of Transport	Slovenia
Ministeria de Industria, Turismo y Comercio (MITYC)	Spain
Federal Department of the Environment, Transport, Energy and Communications - Federal Roads Office	Switzerland
Department for Transport	UK

ANNEX 11

QUESTIONNAIRES

1. Background

REVIEW OF INTERNAL MARKET LEGISLATION RELATING TO MOTOR VEHICLES (DIRECTIVE 2007/46/EC ON THE TYPE-APPROVAL OF MOTOR VEHICLES)

Questionnaire for Economic Operators

Directive 2007/46/EC establishes a legal framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles. While this Directive has only recently started to be implemented, it is recognised by various stakeholders and fora that there is still room for improvement as far as the implementation and enforcement of this legal framework is concerned.

The Commission has, therefore, set up an initiative aimed at exploring appropriate ways and means to enhance the implementation and enforcement of the legal framework for the free movement of motor vehicles. This will involve a critical review of:

• the role and responsibilities of the different actors in the type-approval process and its implementation;

• the current procedures that have been put in place for verifying conformity of production, for the recall of vehicles and for the general safeguard measures; and

• the procedures that have been (or need to be put in place) to ensure an effective and proportionate enforcement of the legislation, including the role and responsibility of different national authorities in the Member States may have in this process.

At the end of 2010, a public consultation exercise was launched by the Commission in order to obtain views of stakeholders and the wider public on the proposed initiative to review the type-approval legislation for motor vehicles and for stakeholders to comment on the possible policy options that had been identified by various stakeholders. Following from this, Risk & Policy Analysts has been contracted by DG Enterprise and Industry to collect more information from specific stakeholders groups to undertake a two-fold study:

• an ex-post evaluation of the current legal framework for the type-approval of motor vehicles (Module 1); and

• an Impact Assessment on a possible policy initiative aimed at enhancing the implementation of the internal market legislation relating to motor vehicles (Module 2).

This questionnaire is concerned mainly with the ex-post evaluation; although some questions relating to Module 2 are asked. Module 2 (the quantitative impact assessment) will be the subject of a separate targeted data collection exercise.

2. How you can help

The main aim of this questionnaire is to evaluate the effectiveness of the current legal framework, where its scope covers, but goes beyond, the problem areas specified in the public consultation. The questionnaire also seeks to obtain stakeholder views on the policy initiatives which have been identified as possibly having the potential to address specific problems and future challenges. The questionnaire aims to consider whether these are relevant and eligible for further assessment and/or whether there are additional potential initiatives (linked to yet to be identified problem areas) that would need to be considered.

In this regard, we recognise that some questions may not be applicable to you or would not contain your “preferred” option, while other questions may be difficult to answer precisely; please provide your best estimate where possible. In case you consider a question not relevant for you, please indicate so by ticking the not applicable (N/A) option. If you believe we have missed an important point, or have additional information to provide, please feel free to provide such information on the last (or a separate) sheet. Note that any quantitative information on costs will enable us to provide concrete examples of the impacts of the Directive and will significantly assist the Commission’s decision making. We are also happy to accept completed responses in other European languages.

We would like to receive your completed questionnaire by **29 April 2011**. However, if you would like to respond to this survey but are unable to do so before this date, please let us know as soon as possible.

Please note that responses to this questionnaire will be handled in the strictest confidence and will only be used for the purposes of this study. In preparing our reports for the Commission (which, subsequently, may be published), care will be taken to ensure that specific responses cannot be linked to individual companies and that the vast majority of the data used in the calculations are used in an aggregate form.

If you have further specific concerns about how your data will be treated (or on the study more generally), you can contact the Project Manager, Tobe Nwaogu (e-mail Tobe) and we will be happy to discuss your concerns.

Thank you very much for your assistance.

3. About You and Your Organisation

1. Please provide the following details:

Contact Name:

Organisation:

Location (City/Country):

Telephone:

E-mail Address:

2. Please tick which of the following best describes your organisation

- Manufacturer
- Manufacturers' Authorised Representative
- Importer
- Distributor
- Industry Association
- Other (please specify)

3. Please indicate where your organisation is operating within the EU

- **All EU-27 Countries**
- Austria
- Belgium
- Bulgaria
- Cyprus
- Czech Republic
- Denmark
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Ireland
- Italy
- Latvia
- Lithuania
- Luxembourg
- Malta
- Netherlands
- Poland
- Portugal
- Romania
- Spain
- Slovakia
- Slovenia
- Sweden
- United Kingdom

4. Please indicate where your organisation is operating outside the EU. *Please tick all that apply*

- ☐ EEA (Iceland, Norway and Liechtenstein)
- ☐ EU Candidate Countries (Croatia, Macedonia, Turkey)
- ☐ Far East*
- ☐ Americas*
- ☐ Other*

* Please specify

5. Please tick which of the following best describes the size of your organisation?

- ☐ Micro (typically fewer than 10 employees)
- ☐ Small (typically 11 to 50 employees)
- ☐ Medium (typically 51 to 250 employees)
- ☐ Large (typically more than 250 employees)

4. Evaluation of the Current Legal Framework

This Section considers the implementation of the current regulatory framework

1. Overall, how would you rate the implementation of the existing legal framework (under Directive 2007/46/EC) to date?

- Highly Satisfactory
- Satisfactory
- Not Satisfactory
- Highly Unsatisfactory
- Do not know

2. Are there any specific areas within the existing legal framework (under Directive 2007/46/EC) for which you have positive experiences from implementation?

- NO
- Do not know
- YES, please provide more details

3. Are there specific areas within the existing legal framework (under Directive 2007/46/EC) for which you have negative experiences from implementation?

- NO
- Do not know
- YES, please provide more details

4. Taking into account your answers to the above questions, are the objectives of the Directive (as listed below) still valid and relevant for coping with the current situation in the market and for the automotive sector?

	Still Relevant	No Longer Relevant	Do not know
To establish a harmonised framework (i.e. achieve the internal market) containing the administrative provisions and general technical requirements for approval of all new vehicles within its scope and of the systems, components and separate technical units intended for those vehicles, with a view to facilitating their registration, sale and entry into service within the Community	◯	◯	◯
To establish the provisions for the sale and entry into service of parts and equipment intended for vehicles approved in accordance with this Directive	◯	◯	◯
To ensure that new vehicles, components and separate technical units put on the market provide **a high level of safety and environmental protection** (based on prior control by an approval authority before they are offered for sale)	◯	◯	◯

IF **No Longer Relevant**, please explain your answer:

5
6

5. Is the <u>current scope of the Directive</u> still valid and relevant for coping with the current situation in the market and for the automotive sector (for instance, does it cover all relevant products)?

◯ Still Relevant

◯ Do not know

◯ No Longer Relevant, *please explain your answer:*

5
6

5. Relevance - Identification of Areas of Attention

This Section considers the general relevance of the Directive to date including identification of the areas of attention for the implementation of the current regulatory framework

1. Five areas of attention have been identified as having the potential to affect the effective implementation of the EU type-approval legislation for automotive products. Indicate the extent to which you consider these areas to be problematic.

	Highly Problematic	Somewhat Problematic	Not an Important Problem	Do not know
Traceability of products and clarifying the role and responsibilities of economic operators				
Responsibilities of and co-operation between the different national authorities within the Member States involved in the enforcement of the legislation (type-approval, recalls, market surveillance, border controls)				
Quality and performance of technical services				
Application of post-market safeguard measures and obligatory recall of vehicles (and components)				
Verification procedures for ensuring conformity of production				

2. Can you give specific examples of negative experiences in these areas of attention?

	YES	NO	Do not know
Traceability of products and clarifying the role and responsibilities of economic operators			
Responsibilities of and co-operation between the different national authorities within the Member States involved in the enforcement of the legislation (type-approval, recalls, market surveillance, border controls)			
Quality and performance of technical services			
Application of post-market safeguard measures and obligatory recall of vehicles (and components)			
Verification procedures for ensuring conformity of production			

If **YES**, please provide details

5

6

3. Can you give specific examples of positive experiences in these areas of attention?

	YES	NO	Do not know
Traceability of products and clarifying the role and responsibilities of economic operators			
Responsibilities of and co-operation between the different national authorities within the Member States involved in the enforcement of the legislation (type-approval, recalls, market surveillance, border controls)			
Quality and performance of technical services			
Application of post-market safeguard measures and obligatory recall of vehicles (and components)			
Verification procedures for ensuring conformity of production			

If **YES**, please provide details

4. Are expected developments or changes (whether geographical, design, technological or market-related) in the market for motor vehicles likely to increase or decrease the importance of the identified areas of attention?

	Significantly Increase	Increase	No Change	Decrease	Significantly Decrease
Traceability of products and clarifying the role and responsibilities of economic operators					
Responsibilities of and co-operation between the different national authorities within the Member States involved in the enforcement of the legislation (type-approval, recalls, market surveillance, border controls)					
Quality and performance of technical services					
Application of post-market safeguard measures and obligatory recall of vehicles (and components)					
Verification procedures for ensuring conformity of production					

Please explain your answer

6. Effectiveness of the Current Legal Framework

This Section considers the general effectiveness of the motor vehicles type-approval Directive. Note that while the questions ask about your perception of the issues; we will welcome any hard data or evidence provided to back up any of your answers

1. In your opinion, how serious is the issue of non-compliant automotive products being placed on the EU market? (*non-compliance includes by-passing or circumvention of type-approval and/or conformity of production procedures e.g. through parallel imports*)

- Highly Serious
- Serious
- Exists, but minimal
- Not a problem
- Do not know

2. If *"highly serious"* or *"serious"*, what is the percentage of non-compliant automotive products currently on the EU market?

- Less than 1%
- 1% to 5%
- 5% to 10%
- 10% to 25%
- More than 25%

3. In your opinion, how serious is the issue of unsafe automotive products being placed on the EU market?

- Highly Serious
- Serious
- Exists, but minimal
- Not a problem
- Do not know

4. If *"highly serious"* or *"serious"*, what is the percentage of unsafe automotive products currently on the EU market?

- Less than 1%
- 1% to 5%
- 5% to 10%
- 10% to 25%
- More than 25%

5. In your opinion, how serious is the issue of vehicle or component recalls for automotive products being placed on the EU market?

- Highly Serious
- Serious
- Exists, but minimal
- Not a problem
- Do not know

6. In your opinion, what are the two primary causes of recalls?

	First Choice	Second Choice
Inadequate pre-market controls	☐	☐
Non-compliance issues	☐	☐
Unsafe automotive products	☐	☐
Design issues	☐	☐
Surveillance issues	☐	☐
Other	☐	☐

If Other (please specify)

7. Are there any shortcomings in the current legal framework potentially harming the free movement of motor vehicles and their components and/or creating obstacles to fair competition?

- ☐ NO
- ☐ Do not know
- ☐ YES, details:

8. Are there any market situations or developments in the EU potentially harming the free movement of motor vehicles and their components and/or creating obstacles to fair competition?

- ☐ NO
- ☐ Do not know
- ☐ YES, please provide details:

9. What evidence do you have for the answers provided in this Section? (Please tick all that apply)

- ☐ Personal industry experience/expertise
- ☐ Research carried out by other organisations
- ☐ Experience of your organisation
- ☐ Anecdotal evidence
- ☐ Research carried out by your organisation
- ☐ Other (please specify)

Vehicles-Econ

7. Efficiency/Cost-effectiveness of the Current Legal Framework

This Section considers the general efficiency/cost-effectiveness of the motor vehicle type-approval Directive.

1. Please describe and quantify, if possible, the costs incurred by your organisation with regard to type approval and conformity of production procedures.

2. In the last two years, how effective have the results of type-approval and conformity assessment procedures been in preventing non-compliant or unsafe motor vehicles and/or automotive products for these motor vehicles from being placed on the EU market?

- Highly Effective
- Effective
- Not Effective
- Do not know

3. To what extent could the effectiveness of refusal or withdrawal of type-approval have been reduced by "type-approval hopping" (*i.e. products for which type-approval has been refused or withdrawn being presented to other technical services and/or type approval authorities to obtain type-approval)?*

- Significantly Reduced
- Reduced
- Not Reduced
- Do not know

4. To what extent could the effectiveness of refusal or withdrawal of type-approval have been reduced by "selective selection of type-approval authority" (*i.e. type approval authorities who are more lenient are selected over other more stringent authorities*)?

- Significantly Reduced
- Reduced
- Not Reduced
- Do not know

5. Do you believe that improving the type approval and conformity of production requirements would provide a higher level of safety and environmental protection?

- YES
- NO
- Do not know

6. If *YES*, please specify which improvements you believe are needed and indicate how these will improve the functioning of the Directive and the likely benefits.

7. If *NO*, please explain your reasons

8. In the last two years, how effective have the results of market surveillance and border controls been in discovering vehicles or vehicle components on the national/EU market which were either non-compliant or presenting a serious risk?

- Highly Effective
- Effective
- Not Effective
- Do not know

9. Are there any factors that may prevent authorities from adequately addressing the problems of non-compliant or unsafe automotive products on their market, and if so could you identify these?

10. Do you consider that there could be benefits from a scaling down of market surveillance activities where these are compensated by enhanced type-approval and conformity assessment activities with regard to motor vehicles and/or automotive parts for such vehicles?

- YES
- NO
- Do not know

Please explain your answer

8. Impact of the Current Legal Framework

This Section considers the impact of the current motor vehicle type-approval Directive

1. Describe and quantify, if possible, the costs which you have incurred to comply with or to implement the Directive?

2. Are small and medium-sized enterprises (SMEs) faced with any specific problems and challenges in complying with the requirements of the Directive?

- NO
- Do not know
- YES (please provide details)

3. Has the Directive had specific positive impacts on third country (i.e. non-EU) manufacturers?

- NO
- Do not know
- YES (please provide details)

4. Has the Directive had specific negative impacts on third country (i.e. non-EU) manufacturers?

- NO
- Do not know
- YES (please provide details)

5. Has the Directive had any unexpected impacts (in relation to complying with it or its implementation) on your organisation?

- NO
- Do not know
- YES (please specify)

9. Coherence of the Current Legal Framework

This Section considers the coherence of the Directive.

1. Is the Directive consistent with other international regulations, i.e. UNECE Regulations?

- YES
- Do not know
- NO, please provide details:

5
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2. Are there any conflicts with other EU legislation, policies or strategies, e.g. air emissions, end-of-life (ELV), noise pollution?

- NO
- Do not know
- YES, details:

5
6

10. Added Value of the Current Legal Framework

This Section considers the added value of the Directive.

1. Do you consider that the areas of attention for the functioning of the internal market for automotive products and for the implementation and enforcement of the Directive in particular as described above could have been equally addressed by Member State actions alone?

- NO
- Do not know
- YES, please explain why:

2. Do you consider that action at EU level in this field has produced clear benefits compared with action at Member State level only?

- YES (*and see next question*)
- Do not know
- NO, please provide details:

3. If YES, please indicate if these benefits have been created by reason of its scale or effectiveness?

	Yes	No	Do not know
Reason of its scale			
Reason of effectiveness			

4. Are the voluntary initiatives adopted by industry or others (e.g. "Manufacturers against Product Piracy") a direct result of Directive 2007/46/EC, of other EU legislation, or are they due to other factors? (*Please tick all that apply*)

- Due to Directive 2007/46/EC
- Due to Other Factors
- Due to Other EU Legislation
- Do not know

Please provide more details

11. Potential for Improving the Current Legal Framework

A number of areas of attention associated with the implementation and enforcement of Directive 2007/46/EC have been identified by the Commission services in consultation with stakeholders (e.g. in working groups and submissions) and a number of potential initiatives have also been put forward for addressing these areas to enhance the implementation of the internal market for motor vehicles. This Section is intended to obtain your views on the suitability of the potential initiatives to enhance the current system.

1. The FIRST area of attention relates to the "traceability of products and the role and responsibilities of economic operators in the supply chain (manufacturers, authorised representatives, importers, distributors)". Which of the following potential initiatives do you consider to be the most appropriate for addressing this issue?

	Select
Do nothing (i.e. no changes to the existing situation are necessary)	☐
Undertake awareness campaigns and/or voluntary agreements with economic operators to (a) address the problems relating to the identification and traceability of noncompliant automotive products encountered on the market and (b) to clarify and agree on the responsibilities and accountability of the involved economic operators with regard to the compliance of the products for which they are involved in the supply chain	☐
Amending the existing technical harmonisation legislation, where this would involve developing, within the internal market legislation on motor vehicles, provisions to (a) address problems relating to the identification and traceability of non-compliant products encountered on the market and (b) to provide legal clarity about the responsibilities and accountability of the concerned stakeholders in the supply chain	☐
Other	☐

If Other, please specify

2. Assuming your chosen initiative is taken forward, what is your estimate of the likely scale (i.e. high, medium or low) of costs to organisations such as yours?

	High	Medium	Low
One-off set-up costs	☐	☐	☐
Annual Compliance Costs	☐	☐	☐

If you have indicated ***high costs***, please explain why you think this option will result in high costs and what is the **likelihood** of these high costs being actually incurred?

3. Assuming your chosen initiative is taken forward, what is your estimate of the likely scale (i.e. high, medium or low) of benefits to organisations such as yours?

☐ High ☐ Medium ☐ Low

Could you also identify **which benefits** you would expect from your chosen initiative?

4. The SECOND area of attention relates to the "responsibilities of and co-operation between the different national authorities within the Member States involved in enforcement of Directive 2007/46/EC in their territory". Which of the following potential initiatives do you consider to be the most appropriate for addressing this issue?

	Select
Do nothing (i.e. no changes to the existing situation are necessary)	
Undertake awareness campaigns and/or voluntary agreements with and between enforcement authorities in the Member States to clarify and agree on their respective roles and responsibilities and to enhance the information exchange and co-operation between them, both at national and cross border level	
Joint actions by the Commission and the Member States aimed at improving the enforcement of the current legal framework for automotive products, such as targeted training for national authorities and the development of interpretation guidelines on the legal provisions on type-approval, conformity of production, recall of vehicles, safeguard measures and market surveillance	
Amending the existing technical harmonisation legislation where this would involve developing, within the internal market legislation on motor vehicles, provisions to specify and clarify the role and responsibilities of the different authorities in the Member States involved in the enforcement of the Directive in their territory and to establish clear procedures for information exchange and cooperation between them to effectively remedy any market failure caused by the presence of non-compliant products on the market.	
Other	

If Other, please specify

5. Assuming your chosen initiative is taken forward, what is your estimate of the likely scale (i.e. high, medium or low) of costs to organisations such as yours?

	High	Medium	Low
One-off set-up costs			
Annual Compliance Costs			

If you have indicated ***high costs***, please explain why you think this option will result in high costs and what is the **likelihood** of these high costs being actually incurred?

6. Assuming your chosen initiative is taken forward, what is your estimate of the likely scale (i.e. high, medium or low) of benefits to organisations such as yours?

High Medium Low

Could you also identify **which benefits** you would expect from your chosen initiative?

7. The THIRD area of attention relates to the "quality and performance of technical services". Which of the following potential initiatives do you consider to be the most appropriate for addressing this issue?

	Select
Do nothing (i.e. no changes to the existing situation are necessary)	
Undertake awareness campaigns and/or voluntary agreements with and between technical services to (a) clarify and agree on their respective roles and responsibilities and (b) achieve a uniform level of stringency in type-approval testing and verification of the conformity of production, including mechanisms for information exchange and co-operation between them	
Amending the existing technical harmonisation legislation, where this would involve developing, within the internal market legislation on motor vehicles, provisions to clarify and strengthen the requirements technical services have to comply with to be entitled to perform type-approval testing and verification of conformity of production	
Other	

If Other, please specify

8. Assuming your chosen initiative is taken forward, what is your estimate of the likely scale (i.e. high, medium or low) of costs to organisations such as yours?

	High	Medium	Low
One-off set-up costs			
Annual Compliance Costs			

If you have indicated ***high costs***, please explain why you think this option will result in high costs and what is the **likelihood** of these high costs being actually incurred?

9. Assuming your chosen initiative is taken forward, what is your estimate of the likely scale (i.e. high, medium or low) of benefits to organisations such as yours?

High Medium Low

Could you also identify **which benefits** you would expect from your chosen initiative?

10. The FOURTH area of attention relates to the "application of post-market safeguard measures and the recall of vehicles and components". Which of the following potential initiatives do you consider to be the most appropriate for addressing this issue?

	Select
Do nothing (i.e. no changes to the existing situation are necessary)	
Undertake awareness campaigns and/or voluntary agreements with and between the different authorities in the Member States involved in the implementation and enforcement of the internal market legislation for motor vehicles to clarify and agree on their respective roles and responsibilities in post-market safeguard measures and recall actions, and the communication channels and procedures for exchange of information and co-operation.	
Amending the existing technical harmonisation legislation, where this would involve developing, within the internal market legislation on motor vehicles, provisions to specify the role of and interaction between the different authorities involved in post-market safeguard measures and recall actions, as well as the cross border information exchange and co-operation between national enforcement authorities.	
Other	

If Other, please specify

11. Assuming your chosen initiative is taken forward, what is your estimate of the likely scale (i.e. high, medium or low) of costs to organisations such as yours?

	High	Medium	Low
One-off set-up costs			
Annual Compliance Costs			

If you have indicated ***high costs***, please explain why you think this option will result in high costs and what is the **likelihood** of these high costs being actually incurred?

12. Assuming your chosen initiative is taken forward, what is your estimate of the likely scale (i.e. high, medium or low) of benefits to organisations such as yours?

High Medium Low

Could you also identify **which benefits** you would expect from your chosen initiative?

13. The FIFTH area of attention relates to the "the verification procedures for ensuring conformity of production". Which of the following potential initiatives do you consider to be the most appropriate for addressing this issue?

	Select
Do nothing (i.e. no changes to the existing situation are necessary)	
Undertake awareness campaigns and/or voluntary agreements with and between the different stakeholders involved in the conformity of production (manufacturers, technical services and type-approval authorities in the Member States) to clarify and agree on the quality criteria and procedures to be applied for verifying and ensuring the conformity of production.	
Amending the existing technical harmonisation legislation, wwhere this would involve developing, within the internal market legislation on motor vehicles, provisions to clarify and strengthen the provisions on conformity of production, through the application of the principles and provisions of the NLF related to the verification of conformity during the production stage. These provisions cover the assessment of quality management systems for production, and product related controls through inspection and testing, under surveillance by the competent authorities.	
Other	

If Other, please specify

14. Assuming your chosen initiative is taken forward, what is your estimate of the likely scale (i.e. high, medium or low) of costs to organisations such as yours?

	High	Medium	Low
One-off set-up costs			
Annual Compliance Costs			

If you have indicated ***high costs***, please explain why you think this option will result in high costs and what is the **likelihood** of these high costs being actually incurred?

15. Assuming your chosen initiative is taken forward, what is your estimate of the likely scale (i.e. high, medium or low) of benefits to organisations such as yours?

High Medium Low

Could you also identify **which benefits** you would expect from your chosen initiative?

16. Do you consider that the approaches applied in other product sectors and the harmonised legislative provisions provided by the New Legislative Framework (further information on the NLF can be found here) could contribute to addressing the attention areas that have been identified?

YES NO Do not know

Please explain your answer

17. Please feel free to provide additional information here (or on a separate sheet).

12. Next Steps

Thank you very much for completing this questionnaire

and finally:

1. If you would be willing for us to contact you to discuss your answers to this questionnaire in more detail, please tick the box below

- ( ) Yes, I would be happy to take part in follow-up interviews
- ( ) No, I do not wish to take part in follow-up interviews

2. In the next stage of the study, we plan to contact some organisations to assist us in identifying the costs of the potential policy options to be taken forward. If you would be willing for us to contact you, please tick the box below

- ( ) Yes, I would be happy to take part in the next stage of the study
- ( ) No, I do not wish to take part in the next stage of the study

3. In the next stage of the study, we plan to contact some organisations to assist us in developing case studies examining the impact of the Directive on SMEs in more detail. If you would be willing for us to contact you, please tick the box below.

- ( ) Yes, I would be happy to take part in the case study
- ( ) No, I do not wish to take part in the case study

1. Background

REVIEW OF INTERNAL MARKET LEGISLATION RELATING TO MOTOR VEHICLES (DIRECTIVE 2007/46/EC ON THE TYPE-APPROVAL OF MOTOR VEHICLES)

Questionnaire for Technical Services

Directive 2007/46/EC establishes a legal framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles. While this Directive has only recently started to be implemented, it is recognised by various stakeholders and fora that there is still room for improvement as far as the implementation and enforcement of this legal framework is concerned.

The Commission has, therefore, set up an initiative aimed at exploring appropriate ways and means to enhance the implementation and enforcement of the legal framework for the free movement of motor vehicles. This will involve a critical review of:

• the role and responsibilities of the different actors in the type-approval process and its implementation;

• the current procedures that have been put in place for verifying conformity of production, for the recall of vehicles and for the general safeguard measures; and

• the procedures that have been (or need to be put in place) to ensure an effective and proportionate enforcement of the legislation, including the role and responsibility of different national authorities in the Member States may have in this process.

At the end of 2010, a public consultation exercise was launched by the Commission in order to obtain views of stakeholders and the wider public on the proposed initiative to review the type-approval legislation for motor vehicles and for stakeholders to comment on the possible policy options that had been identified by various stakeholders. Following from this, Risk & Policy Analysts has been contracted by DG Enterprise and Industry to collect more information from specific stakeholders groups to undertake a two-fold study:

• an ex-post evaluation of the current legal framework for the type-approval of motor vehicles (Module 1); and

• an Impact Assessment on a possible policy initiative aimed at enhancing the implementation of the internal market legislation relating to motor vehicles (Module 2).

This questionnaire is concerned mainly with the ex-post evaluation; although some questions relating to Module 2 are asked. Module 2 (the quantitative impact assessment) will be the subject of a separate targeted data collection exercise.

2. How you can help

The main aim of this questionnaire is to evaluate the effectiveness of the current legal framework, where its scope covers, but goes beyond, the problem areas specified in the public consultation. The questionnaire also seeks to obtain stakeholder views on the policy initiatives which have been identified as possibly having the potential to address specific problems and future challenges. The questionnaire aims to consider whether these are relevant and eligible for further assessment and/or whether there are additional potential initiatives (linked to yet to be identified problem areas) that would need to be considered.

In this regard, we recognise that some questions may not be applicable to you or would not contain your “preferred” option, while other questions may be difficult to answer precisely; please provide your best estimate where possible. In case you consider a question not relevant for you, please indicate so by ticking the not applicable (N/A) option. If you believe we have missed an important point, or have additional information to provide, please feel free to provide such information on the last (or a separate) sheet. Note that any quantitative information on costs will enable us to provide concrete examples of the impacts of the Directive and will significantly assist the Commission’s decision making. We are also happy to accept completed responses in other European languages.

We would like to receive your completed questionnaire by **29 April 2011**. However, if you would like to respond to this survey but are unable to do so before this date, please let us know as soon as possible.

Please note that responses to this questionnaire will be handled in the strictest confidence and will only be used for the purposes of this study. In preparing our reports for the Commission (which, subsequently, may be published), care will be taken to ensure that specific responses cannot be linked to individual companies and that the vast majority of the data used in the calculations are used in an aggregate form.

If you have further specific concerns about how your data will be treated (or on the study more generally), you can contact the Project Manager, Tobe Nwaogu (e-mail Tobe) and we will be happy to discuss your concerns.

Thank you very much for your assistance.

3. About You and Your Organisation

1. Please provide the following details:

Contact Name:

Organisation:

Location (City/Country):

Telephone:

E-mail Address:

2. Please tick which of the following best describes your organisation

- Technical Service (as notified by MS Authority)
- Subsidiary
- Sub-contractor
- Other (please specify)

3. Please indicate where your organisation is operating within the EU

- **All EU-27 Countries**
- Austria
- Belgium
- Bulgaria
- Cyprus
- Czech Republic
- Denmark
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Ireland
- Italy
- Latvia
- Lithuania
- Luxembourg
- Malta
- Netherlands
- Poland
- Portugal
- Romania
- Spain
- Slovakia
- Slovenia
- Sweden
- United Kingdom

4. Please indicate where your organisation is operating outside the EU. *Please tick all that apply*

- EEA (Iceland, Norway and Liechtenstein)
- EU Candidate Countries (Croatia, Macedonia, Turkey)
- Far East*
- Americas*
- Other*

* Please specify

5. Please tick which of the following best describes the size of your organisation?

- Micro (typically fewer than 10 employees)
- Small (typically 11 to 50 employees)
- Medium (typically 51 to 250 employees)
- Large (typically more than 250 employees)

6. Please tick which of the following best describes your organisation's key tasks in the context of the Directive 2007/46/EC. You can provide further clarification and/or information in the box below.

- Type approval testing
- Market surveillance
- Self-certification
- Testing laboratory
- Conformity assessment
- Other (*please specify below*)

Further clarification/information

7. For the key tasks, roughly how many staff in your organisation work specifically on motor vehicles and/or automotive parts for such vehicles.

	less than 10	10 to 25	25 to 50	50 to 100	more than 100
Testing laboratory					
Conformity assessment					
Market Surveillance					
Type approval testing					
Self-certification					
Other					

If Other (please specify)

8. Please indicate, on average, what proportion of the above staff working time is spent specifically on motor vehicles and/or automotive parts for such vehicles.

	Not too much time (less than 25%)	Some time (about 25 to 50%)	Majority of the time (over 50%)	All the time (100%)
Testing laboratory				
Conformity assessment				
Market Surveillance				
Type approval testing				
Self-certification				
Other				

If Other (please specify)

9. How many vehicles and/or systems, components and separate technical units intended for motor vehicles do you test/inspect/certify in a given year?

- less than 100
- 100 to 300
- 300 to 1000
- 1000 to 3000
- more than 3,000
- Do not know

10. What is your estimate of the percentage of automotive products that has given rise to difficulties during the type-approval or conformity assessment of vehicles and components in the last three years?

- less than 10%
- 10 to 20%
- 20 to 40%
- 40 to 60%
- more than 60%
- Do not know

4. Evaluation of the Current Legal Framework

This Section considers the implementation of the current regulatory framework

1. Overall, how would you rate the implementation of the existing legal framework (under Directive 2007/46/EC) to date?

- Highly Satisfactory
- Satisfactory
- Not Satisfactory
- Highly Unsatisfactory
- Do not know

2. Are there any specific areas within the existing legal framework (under Directive 2007/46/EC) for which you have positive experiences from implementation?

- NO
- Do not know
- YES, please provide more details

3. Are there specific areas within the existing legal framework (under Directive 2007/46/EC) for which you have negative experiences from implementation?

- NO
- Do not know
- YES, please provide more details

4. Taking into account your answers to the above questions, are the objectives of the Directive (as listed below) still valid and relevant for coping with the current situation in the market and for the automotive sector?

	Still Relevant	No Longer Relevant	Do not know
To establish a harmonised framework (i.e. achieve the internal market) containing the administrative provisions and general technical requirements for approval of all new vehicles within its scope and of the systems, components and separate technical units intended for those vehicles, with a view to facilitating their registration, sale and entry into service within the Community	◯	◯	◯
To establish the provisions for the sale and entry into service of parts and equipment intended for vehicles approved in accordance with this Directive	◯	◯	◯
To ensure that new vehicles, components and separate technical units put on the market provide **a high level of safety and environmental protection** (based on prior control by an approval authority before they are offered for sale)	◯	◯	◯

IF **No Longer Relevant**, please explain your answer:

5
6

5. Is the current scope of the Directive still valid and relevant for coping with the current situation in the market and for the automotive sector (for instance, does it cover all relevant products)?

◯ Still Relevant

◯ Do not know

◯ No Longer Relevant, *please explain your answer:*

5
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5. Relevance - Identification of Areas of Attention

This Section considers the general relevance of the Directive to date including identification of the areas of attention for the implementation of the current regulatory framework

1. Five areas of attention have been identified as having the potential to affect the effective implementation of the EU type-approval legislation for automotive products. Indicate the extent to which you consider these areas to be problematic.

	Highly Problematic	Somewhat Problematic	Not an Important Problem	Do not know
Traceability of products and clarifying the role and responsibilities of economic operators				
Responsibilities of and co-operation between the different national authorities within the Member States involved in the enforcement of the legislation (type-approval, recalls, market surveillance, border controls)				
Quality and performance of technical services				
Application of post-market safeguard measures and obligatory recall of vehicles (and components)				
Verification procedures for ensuring conformity of production				

2. Can you give specific examples of negative experiences in these areas of attention?

	YES	NO	Do not know
Traceability of products and clarifying the role and responsibilities of economic operators			
Responsibilities of and co-operation between the different national authorities within the Member States involved in the enforcement of the legislation (type-approval, recalls, market surveillance, border controls)			
Quality and performance of technical services			
Application of post-market safeguard measures and obligatory recall of vehicles (and components)			
Verification procedures for ensuring conformity of production			

If **YES**, please provide details

5

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3. Can you give specific examples of positive experiences in these areas of attention?

	YES	NO	Do not know
Traceability of products and clarifying the role and responsibilities of economic operators			
Responsibilities of and co-operation between the different national authorities within the Member States involved in the enforcement of the legislation (type-approval, recalls, market surveillance, border controls)			
Quality and performance of technical services			
Application of post-market safeguard measures and obligatory recall of vehicles (and components)			
Verification procedures for ensuring conformity of production			

If **YES**, please provide details

4. Are expected developments or changes (whether geographical, design, technological or market-related) in the market for motor vehicles likely to increase or decrease the importance of the identified areas of attention?

	Significantly Increase	Increase	No Change	Decrease	Significantly Decrease
Traceability of products and clarifying the role and responsibilities of economic operators					
Responsibilities of and co-operation between the different national authorities within the Member States involved in the enforcement of the legislation (type-approval, recalls, market surveillance, border controls)					
Quality and performance of technical services					
Application of post-market safeguard measures and obligatory recall of vehicles (and components)					
Verification procedures for ensuring conformity of production					

Please explain your answer

6. Effectiveness of the Current Legal Framework

This Section considers the general effectiveness of the motor vehicles type-approval Directive. Note that while the questions ask about your perception of the issues; we will welcome any hard data or evidence provided to back up any of your answers

1. In your opinion, how serious is the issue of non-compliant automotive products being placed on the EU market? (*non-compliance includes by-passing or circumvention of type-approval and/or conformity of production procedures e.g. through parallel imports*)

- Highly Serious
- Serious
- Exists, but minimal
- Not a problem
- Do not know

2. If *"highly serious"* or *"serious"*, what is the percentage of non-compliant automotive products currently on the EU market?

- Less than 1%
- 1% to 5%
- 5% to 10%
- 10% to 25%
- More than 25%

3. In your opinion, how serious is the issue of unsafe automotive products being placed on the EU market?

- Highly Serious
- Serious
- Exists, but minimal
- Not a problem
- Do not know

4. If *"highly serious"* or *"serious"*, what is the percentage of unsafe automotive products currently on the EU market?

- Less than 1%
- 1% to 5%
- 5% to 10%
- 10% to 25%
- More than 25%

5. In your opinion, how serious is the issue of vehicle or component recalls for automotive products being placed on the EU market?

- Highly Serious
- Serious
- Exists, but minimal
- Not a problem
- Do not know

6. In your opinion, what are the two primary causes of recalls?

	First Choice	Second Choice
Inadequate pre-market controls	☐	☐
Non-compliance issues	☐	☐
Unsafe automotive products	☐	☐
Design issues	☐	☐
Surveillance issues	☐	☐
Other	☐	☐

If Other (please specify)

7. Are there any shortcomings in the current legal framework potentially harming the free movement of motor vehicles and their components and/or creating obstacles to fair competition?

☐ NO

☐ Do not know

☐ YES, details:

8. Are there any market situations or developments in the EU potentially harming the free movement of motor vehicles and their components and/or creating obstacles to fair competition?

☐ NO

☐ Do not know

☐ YES, please provide details:

9. What evidence do you have for the answers provided in this Section? (Please tick all that apply)

☐ Personal industry experience/expertise

☐ Research carried out by other organisations

☐ Experience of your organisation

☐ Anecdotal evidence

☐ Research carried out by your organisation

☐ Other (please specify)

7. Efficiency/Cost-effectiveness of the Current Legal Framework

This Section considers the general efficiency/cost-effectiveness of the motor vehicle type-approval Directive.

1. In the last two years, how effective have the results of type-approval and conformity assessment procedures been in preventing non-compliant or unsafe motor vehicles and/or automotive products for these motor vehicles from being placed on the EU market?

- Highly Effective
- Effective
- Not Effective
- Do not know

2. To what extent could the effectiveness of refusal or withdrawal of type-approval have been reduced by "type-approval hopping" (*i.e. products for which type-approval has been refused or withdrawn being presented to other technical services and/or type approval authorities to obtain type-approval*)?

- Significantly Reduced
- Reduced
- Not Reduced
- Do not know

3. To what extent could the effectiveness of refusal or withdrawal of type-approval have been reduced by "selective selection of type-approval authority" (*i.e. type approval authorities who are more lenient are selected over other more stringent authorities*)?

- Significantly Reduced
- Reduced
- Not Reduced
- Do not know

4. Do you believe that improving the type approval and conformity of production requirements would provide a higher level of safety and environmental protection?

- YES
- NO
- Do not know

5. If *YES*, please specify which improvements you believe are needed and indicate how these will improve the functioning of the Directive and the likely benefits.

6. If *NO*, please explain your reasons

7. In line with your suggestion above, how much would it cost to improve the procedure for type approval and conformity assessment?

8. Do you consider that there could be benefits from a scaling down of market surveillance activities where these are compensated by enhanced type-approval and conformity assessment activities with regard to motor vehicles and/or automotive parts for such vehicles?

- YES
- NO
- Do not know

Please explain your answer

5
6

8. Impact of the Current Legal Framework

This Section considers the impact of the current motor vehicle type-approval Directive

1. Are small and medium-sized enterprises (SMEs) faced with any specific problems and challenges in complying with the requirements of the Directive?

- NO
- Do not know
- YES (please provide details)

2. Has the Directive had any unexpected impacts (in relation to complying with it or its implementation) on your activity as a technical service?

- NO
- Do not know
- YES (please specify)

9. Coherence of the Current Legal Framework

This Section considers the coherence of the Directive.

1. Is the Directive consistent with other international regulations, i.e. UNECE Regulations?

- YES
- Do not know
- NO, please provide details:

2. Are there any conflicts with other EU legislation, policies or strategies, e.g. air emissions, end-of-life (ELV), noise pollution?

- NO
- Do not know
- YES, details:

10. Added Value of the Current Legal Framework

This Section considers the added value of the Directive.

1. Do you consider that the areas of attention for the functioning of the internal market for automotive products and for the implementation and enforcement of the Directive in particular as described above could have been equally addressed by Member State actions alone?

- NO
- Do not know
- YES, please explain why:

2. Do you consider that action at EU level in this field has produced clear benefits compared with action at Member State level only?

- YES (*and see next question*)
- Do not know
- NO, please provide details:

3. If YES, please indicate if these benefits have been created by reason of its scale or effectiveness?

	Yes	No	Do not know
Reason of its scale			
Reason of effectiveness			

4. Are the voluntary initiatives adopted by industry or others (e.g. "Manufacturers against Product Piracy") a direct result of Directive 2007/46/EC, of other EU legislation, or are they due to other factors? (*Please tick all that apply*)

- Due to Directive 2007/46/EC
- Due to Other Factors
- Due to Other EU Legislation
- Do not know

Please provide more details

11. Potential for Improving the Current Legal Framework

A number of areas of attention associated with the implementation and enforcement of Directive 2007/46/EC have been identified by the Commission services in consultation with stakeholders (e.g. in working groups and submissions) and a number of potential initiatives have also been put forward for addressing these areas to enhance the implementation of the internal market for motor vehicles. This Section is intended to obtain your views on the suitability of the potential initiatives to enhance the current system.

1. The FIRST area of attention relates to the "traceability of products and the role and responsibilities of economic operators in the supply chain (manufacturers, authorised representatives, importers, distributors)". Which of the following potential initiatives do you consider to be the most appropriate for addressing this issue?

	Select
Do nothing (i.e. no changes to the existing situation are necessary)	☐
Undertake awareness campaigns and/or voluntary agreements with economic operators to (a) address the problems relating to the identification and traceability of noncompliant automotive products encountered on the market and (b) to clarify and agree on the responsibilities and accountability of the involved economic operators with regard to the compliance of the products for which they are involved in the supply chain	☐
Amending the existing technical harmonisation legislation, where this would involve developing, within the internal market legislation on motor vehicles, provisions to (a) address problems relating to the identification and traceability of non-compliant products encountered on the market and (b) to provide legal clarity about the responsibilities and accountability of the concerned stakeholders in the supply chain	☐
Other	☐

If Other, please specify

2. Assuming your chosen initiative is taken forward, what is your estimate of the likely scale (i.e. high, medium or low) of costs to organisations such as yours?

	High	Medium	Low
One-off set-up costs	☐	☐	☐
Annual Compliance Costs	☐	☐	☐

If you have indicated ***high costs***, please explain why you think this option will result in high costs and what is the **likelihood** of these high costs being actually incurred?

3. Assuming your chosen initiative is taken forward, what is your estimate of the likely scale (i.e. high, medium or low) of benefits to organisations such as yours?

☐ High ☐ Medium ☐ Low

Could you also identify **which benefits** you would expect from your chosen initiative?

4. The SECOND area of attention relates to the "responsibilities of and co-operation between the different national authorities within the Member States involved in enforcement of Directive 2007/46/EC in their territory". Which of the following potential initiatives do you consider to be the most appropriate for addressing this issue?

	Select
Do nothing (i.e. no changes to the existing situation are necessary)	
Undertake awareness campaigns and/or voluntary agreements with and between enforcement authorities in the Member States to clarify and agree on their respective roles and responsibilities and to enhance the information exchange and co-operation between them, both at national and cross border level	
Joint actions by the Commission and the Member States aimed at improving the enforcement of the current legal framework for automotive products, such as targeted training for national authorities and the development of interpretation guidelines on the legal provisions on type-approval, conformity of production, recall of vehicles, safeguard measures and market surveillance	
Amending the existing technical harmonisation legislation, where this would involve developing, within the internal market legislation on motor vehicles, provisions to specify and clarify the role and responsibilities of the different authorities in the Member States involved in the enforcement of the Directive in their territory and to establish clear procedures for information exchange and cooperation between them to effectively remedy any market failure caused by the presence of non-compliant products on the market.	
Other	

If Other, please specify

5. Assuming your chosen initiative is taken forward, what is your estimate of the likely scale (i.e. high, medium or low) of costs to organisations such as yours?

	High	Medium	Low
One-off set-up costs			
Annual Compliance Costs			

If you have indicated ***high costs***, please explain why you think this option will result in high costs and what is the **likelihood** of these high costs being actually incurred?

6. Assuming your chosen initiative is taken forward, what is your estimate of the likely scale (i.e. high, medium or low) of benefits to organisations such as yours?

High Medium Low

Could you also identify **which benefits** you would expect from your chosen initiative?

7. The THIRD area of attention relates to the "quality and performance of technical services". Which of the following potential initiatives do you consider to be the most appropriate for addressing this issue?

	Select
Do nothing (i.e. no changes to the existing situation are necessary)	
Undertake awareness campaigns and/or voluntary agreements with and between technical services to (a) clarify and agree on their respective roles and responsibilities and (b) achieve a uniform level of stringency in type-approval testing and verification of the conformity of production, including mechanisms for information exchange and co-operation between them	
Amending the existing technical harmonisation legislation, where this would involve developing, within the internal market legislation on motor vehicles, provisions to clarify and strengthen the requirements technical services have to comply with to be entitled to perform type-approval testing and verification of conformity of production	
Other	

If Other, please specify

8. Assuming your chosen initiative is taken forward, what is your estimate of the likely scale (i.e. high, medium or low) of costs to organisations such as yours?

	High	Medium	Low
One-off set-up costs			
Annual Compliance Costs			

If you have indicated ***high costs***, please explain why you think this option will result in high costs and what is the **likelihood** of these high costs being actually incurred?

9. Assuming your chosen initiative is taken forward, what is your estimate of the likely scale (i.e. high, medium or low) of benefits to organisations such as yours?

High Medium Low

Could you also identify **which benefits** you would expect from your chosen initiative?

10. The FOURTH area of attention relates to the "application of post-market safeguard measures and the recall of vehicles and components". Which of the following potential initiatives do you consider to be the most appropriate for addressing this issue?

	Select
Do nothing (i.e. no changes to the existing situation are necessary)	
Undertake awareness campaigns and/or voluntary agreements with and between the different authorities in the Member States involved in the implementation and enforcement of the internal market legislation for motor vehicles to clarify and agree on their respective roles and responsibilities in post-market safeguard measures and recall actions, and the communication channels and procedures for exchange of information and co-operation.	
Amending the existing technical harmonisation legislation, where this would involve developing, within the internal market legislation on motor vehicles, provisions to specify the role of and interaction between the different authorities involved in post-market safeguard measures and recall actions, as well as the cross border information exchange and co-operation between national enforcement authorities.	
Other	

If Other, please specify

11. Assuming your chosen initiative is taken forward, what is your estimate of the likely scale (i.e. high, medium or low) of costs to organisations such as yours?

	High	Medium	Low
One-off set-up costs			
Annual Compliance Costs			

If you have indicated ***high costs***, please explain why you think this option will result in high costs and what is the **likelihood** of these high costs being actually incurred?

12. Assuming your chosen initiative is taken forward, what is your estimate of the likely scale (i.e. high, medium or low) of benefits to organisations such as yours?

High Medium Low

Could you also identify **which benefits** you would expect from your chosen initiative?

13. The FIFTH area of attention relates to the "the verification procedures for ensuring conformity of production". Which of the following potential initiatives do you consider to be the most appropriate for addressing this issue?

	Select
Do nothing (i.e. no changes to the existing situation are necessary)	
Undertake awareness campaigns and/or voluntary agreements with and between the different stakeholders involved in the conformity of production (manufacturers, technical services and type-approval authorities in the Member States) to clarify and agree on the quality criteria and procedures to be applied for verifying and ensuring the conformity of production.	
Amending the existing technical harmonisation legislation, where this would involve developing, within the internal market legislation on motor vehicles, provisions to clarify and strengthen the provisions on conformity of production, through the application of the principles and provisions of the NLF related to the verification of conformity during the production stage. These provisions cover the assessment of quality management systems for production, and product related controls through inspection and testing, under surveillance by the competent authorities.	
Other	

If Other, please specify

14. Assuming your chosen initiative is taken forward, what is your estimate of the likely scale (i.e. high, medium or low) of costs to organisations such as yours?

	High	Medium	Low
One-off set-up costs			
Annual Compliance Costs			

If you have indicated ***high costs***, please explain why you think this option will result in high costs and what is the **likelihood** of these high costs being actually incurred?

15. Assuming your chosen initiative is taken forward, what is your estimate of the likely scale (i.e. high, medium or low) of benefits to organisations such as yours?

High Medium Low

Could you also identify **which benefits** you would expect from your chosen initiative?

16. Do you consider that the approaches applied in other product sectors and the harmonised legislative provisions provided by the New Legislative Framework (further information on the NLF can be found here) could contribute to addressing the attention areas that have been identified?

- YES
- NO
- Do not know

Please explain your answer

17. Please feel free to provide additional information here (or on a separate sheet).

12. Next Steps

Thank you very much for completing this questionnaire

and finally:

1. If you would be willing for us to contact you to discuss your answers to this questionnaire in more detail, please tick the box below

- Yes, I would be happy to take part in follow-up interviews
- No, I do not wish to take part in follow-up interviews

2. In the next stage of the study, we plan to contact some organisations to assist us in identifying the costs of the potential policy options to be taken forward. If you would be willing for us to contact you, please tick the box below

- Yes, I would be happy to take part in the next stage of the study
- No, I do not wish to take part in the next stage of the study

3. In the next stage of the study, we plan to contact some organisations to assist us in developing case studies examining the potential for enhancing type-approval and conformity assessment activities and the potential implications of this for market surveillance activities. If you would be willing for us to contact you, please tick the box below.

- Yes, I would be happy to take part in the case study
- No, I do not wish to take part in the case study

Vehicles-Auth

1. Background

REVIEW OF INTERNAL MARKET LEGISLATION RELATING TO MOTOR VEHICLES (DIRECTIVE 2007/46/EC ON THE TYPE-APPROVAL OF MOTOR VEHICLES)

Questionnaire for National Authorities

Directive 2007/46/EC establishes a legal framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles. While this Directive has only recently started to be implemented, it is recognised by various stakeholders and fora that there is still room for improvement as far as the implementation and enforcement of this legal framework is concerned.

The Commission has, therefore, set up an initiative aimed at exploring appropriate ways and means to enhance the implementation and enforcement of the legal framework for the free movement of motor vehicles. This will involve a critical review of:

• the role and responsibilities of the different actors in the type-approval process and its implementation;

• the current procedures that have been put in place for verifying conformity of production, for the recall of vehicles and for the general safeguard measures; and

• the procedures that have been (or need to be put in place) to ensure an effective and proportionate enforcement of the legislation, including the role and responsibility of different national authorities in the Member States may have in this process.

At the end of 2010, a public consultation exercise was launched by the Commission in order to obtain views of stakeholders and the wider public on the proposed initiative to review the type-approval legislation for motor vehicles and for stakeholders to comment on the possible policy options that had been identified by various stakeholders. Following from this, Risk & Policy Analysts has been contracted by DG Enterprise and Industry to collect more information from specific stakeholders groups to undertake a two-fold study:

• an ex-post evaluation of the current legal framework for the type-approval of motor vehicles (Module 1); and

• an Impact Assessment on a possible policy initiative aimed at enhancing the implementation of the internal market legislation relating to motor vehicles (Module 2).

This questionnaire is concerned mainly with the ex-post evaluation; although some questions relating to Module 2 are asked. Module 2 (the quantitative impact assessment) will be the subject of a separate targeted data collection exercise.

2. How you can help

The main aim of this questionnaire is to evaluate the effectiveness of the current legal framework, where its scope covers, but goes beyond, the problem areas specified in the public consultation. The questionnaire also seeks to obtain stakeholder views on the policy initiatives which have been identified as possibly having the potential to address specific problems and future challenges. The questionnaire aims to consider whether these are relevant and eligible for further assessment and/or whether there are additional potential initiatives (linked to yet to be identified problem areas) that would need to be considered.

In this regard, we recognise that some questions may not be applicable to you or would not contain your “preferred” option, while other questions may be difficult to answer precisely; please provide your best estimate where possible. In case you consider a question not relevant for you, please indicate so by ticking the not applicable (N/A) option. If you believe we have missed an important point, or have additional information to provide, please feel free to provide such information on the last (or a separate) sheet. Note that any quantitative information on costs will enable us to provide concrete examples of the impacts of the Directive and will significantly assist the Commission’s decision making. We are also happy to accept completed responses in other European languages.

We would like to receive your completed questionnaire by **29 April 2011**. However, if you would like to respond to this survey but are unable to do so before this date, please let us know as soon as possible.

Please note that responses to this questionnaire will be handled in the strictest confidence and will only be used for the purposes of this study. In preparing our reports for the Commission (which, subsequently, may be published), care will be taken to ensure that specific responses cannot be linked to individual companies and that the vast majority of the data used in the calculations are used in an aggregate form.

If you have further specific concerns about how your data will be treated (or on the study more generally), you can contact the Project Manager, Tobe Nwaogu (e-mail Tobe) and we will be happy to discuss your concerns.

Thank you very much for your assistance.

Vehicles-Auth

3. About You and Your Organisation

1. Please provide the following details:

Contact Name:

Organisation:

Location (City/Country):

Telephone:

E-mail Address:

2. Please tick which of the following best describes your organisation

- Type-approval Authority
- Market Surveillance Authority
- Border Control Authority
- Vehicle Registration Authority
- Other (please specify)

3. Please indicate where your organisation is operating within the EU

- **All EU-27 Countries**
- Austria
- Belgium
- Bulgaria
- Cyprus
- Czech Republic
- Denmark
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Ireland
- Italy
- Latvia
- Lithuania
- Luxembourg
- Malta
- Netherlands
- Poland
- Portugal
- Romania
- Spain
- Slovakia
- Slovenia
- Sweden
- United Kingdom

4. Please indicate where your organisation is operating outside the EU. *Please tick all that apply*

- EEA (Iceland, Norway and Liechtenstein)
- EU Candidate Countries (Croatia, Macedonia, Turkey)
- Far East*
- Americas*
- Other*

* Please specify

5. For the key tasks, roughly how many staff in your organisation work specifically on motor vehicles and/or automotive parts for such vehicles.

	less than 10	10 to 25	25 to 50	50 to 100	more than 100
Type-approval					
Market Surveillance					
Vehicle Registration					
Border Control					
Other					

If Other (please specify)

6. Please indicate, on average, what proportion of the above staff working time is spent specifically on motor vehicles and/or automotive parts for such vehicles.

	Not too much time (less than 25%)	Some time (about 25 to 50%)	Majority of the time (over 50%)	All the time (100%)
Type-approval				
Market surveillance				
Vehicle Registration				
Border Control				
Other (specify)				

If Other (please specify)

4. Evaluation of the Current Legal Framework

This Section considers the implementation of the current regulatory framework

1. Overall, how would you rate the implementation of the existing legal framework (under Directive 2007/46/EC) to date?

- Highly Satisfactory
- Satisfactory
- Not Satisfactory
- Highly Unsatisfactory
- Do not know

2. Are there any specific areas within the existing legal framework (under Directive 2007/46/EC) for which you have positive experiences from implementation?

- NO
- Do not know
- YES, please provide more details

3. Are there specific areas within the existing legal framework (under Directive 2007/46/EC) for which you have negative experiences from implementation?

- NO
- Do not know
- YES, please provide more details

4. Taking into account your answers to the above questions, are the objectives of the Directive (as listed below) still valid and relevant for coping with the current situation in the market and for the automotive sector?

	Still Relevant	No Longer Relevant	Do not know
To establish a harmonised framework (i.e. achieve the internal market) containing the administrative provisions and general technical requirements for approval of all new vehicles within its scope and of the systems, components and separate technical units intended for those vehicles, with a view to facilitating their registration, sale and entry into service within the Community	◯	◯	◯
To establish the provisions for the sale and entry into service of parts and equipment intended for vehicles approved in accordance with this Directive	◯	◯	◯
To ensure that new vehicles, components and separate technical units put on the market provide **a high level of safety and environmental protection** (based on prior control by an approval authority before they are offered for sale)	◯	◯	◯

IF **No Longer Relevant**, please explain your answer:

5
6

5. Is the current scope of the Directive still valid and relevant for coping with the current situation in the market and for the automotive sector (for instance, does it cover all relevant products)?

◯ Still Relevant

◯ Do not know

◯ No Longer Relevant, *please explain your answer:*

5
6

5. Relevance - Identification of Areas of Attention

This Section considers the general relevance of the Directive to date including identification of the areas of attention for the implementation of the current regulatory framework

1. Five areas of attention have been identified as having the potential to affect the effective implementation of the EU type-approval legislation for automotive products. Indicate the extent to which you consider these areas to be problematic.

	Highly Problematic	Somewhat Problematic	Not an Important Problem	Do not know
Traceability of products and clarifying the role and responsibilities of economic operators				
Responsibilities of and co-operation between the different national authorities within the Member States involved in the enforcement of the legislation (type-approval, recalls, market surveillance, border controls)				
Quality and performance of technical services				
Application of post-market safeguard measures and obligatory recall of vehicles (and components)				
Verification procedures for ensuring conformity of production				

2. Can you give specific examples of negative experiences in these areas of attention?

	YES	NO	Do not know
Traceability of products and clarifying the role and responsibilities of economic operators			
Responsibilities of and co-operation between the different national authorities within the Member States involved in the enforcement of the legislation (type-approval, recalls, market surveillance, border controls)			
Quality and performance of technical services			
Application of post-market safeguard measures and obligatory recall of vehicles (and components)			
Verification procedures for ensuring conformity of production			

If **YES**, please provide details

5

6

3. Can you give specific examples of positive experiences in these areas of attention?

	YES	NO	Do not know
Traceability of products and clarifying the role and responsibilities of economic operators			
Responsibilities of and co-operation between the different national authorities within the Member States involved in the enforcement of the legislation (type-approval, recalls, market surveillance, border controls)			
Quality and performance of technical services			
Application of post-market safeguard measures and obligatory recall of vehicles (and components)			
Verification procedures for ensuring conformity of production			

If **YES**, please provide details

4. Are expected developments or changes (whether geographical, design, technological or market-related) in the market for motor vehicles likely to increase or decrease the importance of the identified areas of attention?

	Significantly Increase	Increase	No Change	Decrease	Significantly Decrease
Traceability of products and clarifying the role and responsibilities of economic operators					
Responsibilities of and co-operation between the different national authorities within the Member States involved in the enforcement of the legislation (type-approval, recalls, market surveillance, border controls)					
Quality and performance of technical services					
Application of post-market safeguard measures and obligatory recall of vehicles (and components)					
Verification procedures for ensuring conformity of production					

Please explain your answer

6. Effectiveness of the Current Legal Framework

This Section considers the general effectiveness of the motor vehicles type-approval Directive. Note that while the questions ask about your perception of the issues; we will welcome any hard data or evidence provided to back up any of your answers

1. In your opinion, how serious is the issue of <u>non-compliant</u> automotive products being placed on the EU market? (*non-compliance includes by-passing or circumvention of type-approval and/or conformity of production procedures e.g. through parallel imports*)

- Highly Serious
- Serious
- Exists, but minimal
- Not a problem
- Do not know

2. If *"highly serious"* or *"serious"*, what is the percentage of <u>non-compliant</u> automotive products currently on the EU market?

- Less than 1%
- 1% to 5%
- 5% to 10%
- 10% to 25%
- More than 25%

3. In your opinion, how serious is the issue of <u>unsafe</u> automotive products being placed on the EU market?

- Highly Serious
- Serious
- Exists, but minimal
- Not a problem
- Do not know

4. If *"highly serious"* or *"serious"*, what is the percentage of <u>unsafe</u> automotive products currently on the EU market?

- Less than 1%
- 1% to 5%
- 5% to 10%
- 10% to 25%
- More than 25%

5. In your opinion, how serious is the issue of <u>vehicle or component recalls</u> for automotive products being placed on the EU market?

- Highly Serious
- Serious
- Exists, but minimal
- Not a problem
- Do not know

6. In your opinion, what are the two primary causes of recalls?

	First Choice	Second Choice
Inadequate pre-market controls	☐	☐
Non-compliance issues	☐	☐
Unsafe automotive products	☐	☐
Design issues	☐	☐
Surveillance issues	☐	☐
Other	☐	☐

If Other (please specify)

7. Are there any shortcomings in the current legal framework potentially harming the free movement of motor vehicles and their components and/or creating obstacles to fair competition?

- ☐ NO
- ☐ Do not know
- ☐ YES, details:

8. Are there any market situations or developments in the EU potentially harming the free movement of motor vehicles and their components and/or creating obstacles to fair competition?

- ☐ NO
- ☐ Do not know
- ☐ YES, please provide details:

9. What evidence do you have for the answers provided in this Section? (Please tick all that apply)

- ☐ Personal industry experience/expertise
- ☐ Research carried out by other organisations
- ☐ Experience of your organisation
- ☐ Anecdotal evidence
- ☐ Research carried out by your organisation
- ☐ Other (please specify)

7. Efficiency/Cost-effectiveness of the Current Legal Framework

This Section considers the general efficiency/cost-effectiveness of the motor vehicle type-approval Directive.

1. Please describe and quantify, if possible, the costs incurred by your organisation relating to market surveillance activities and border controls (highlighting the major cost factor).

5
6

2. In the last two years, how effective have the results of type-approval and conformity assessment procedures been in preventing non-compliant or unsafe motor vehicles and/or automotive products for these motor vehicles from being placed on the EU market?

Highly Effective | Effective | Not Effective | Do not know

3. To what extent could the effectiveness of refusal or withdrawal of type-approval have been reduced by "type-approval hopping" (*i.e. products for which type-approval has been refused or withdrawn being presented to other technical services and/or type approval authorities to obtain type-approval*)?

Significantly Reduced | Reduced | Not Reduced | Do not know

4. To what extent could the effectiveness of refusal or withdrawal of type-approval have been reduced by "selective selection of type-approval authority" (*i.e. type approval authorities who are more lenient are selected over other more stringent authorities*)?

Significantly Reduced | Reduced | Not Reduced | Do not know

5. Do you believe that improving the type approval and conformity of production requirements would provide a higher level of safety and environmental protection?

YES | NO | Do not know

6. If *YES*, please specify which improvements you believe are needed and indicate how these will improve the functioning of the Directive and the likely benefits.

5
6

7. If *NO*, please explain your reasons

5
6

8. In the last two years, how effective have the results of market surveillance and border controls been in discovering vehicles or vehicle components on the national/EU market which were either non-compliant or presenting a serious risk?

- Highly Effective
- Effective
- Not Effective
- Do not know

9. Are there any factors that may prevent authorities from adequately addressing the problems of non-compliant or unsafe automotive products on their market, and if so could you identify these?

5
6

10. Please specify which improvements to current market surveillance and border control activities you believe are needed and indicate how these will improve the functioning of the Directive and the likely benefits.

5
6

11. In line with your suggestion above, how much would it cost to improve market surveillance activities and border controls?

5
6

12. Do you consider that there could be benefits from a scaling down of market surveillance activities where these are compensated by enhanced type-approval and conformity assessment activities with regard to motor vehicles and/or automotive parts for such vehicles?

- YES
- NO
- Do not know

Please explain your answer

5
6

8. Impact of the Current Legal Framework

This Section considers the impact of the current motor vehicle type-approval Directive

1. Are small and medium-sized enterprises (SMEs) faced with any specific problems and challenges in complying with the requirements of the Directive?

- NO
- Do not know
- YES (please provide details)

2. Has the Directive had any unexpected impacts (in relation to complying with it or its implementation) on your organisation?

- NO
- Do not know
- YES (please specify)

9. Coherence of the Current Legal Framework

This Section considers the coherence of the Directive.

1. Is the Directive consistent with other international regulations, i.e. UNECE Regulations?

- YES
- Do not know
- NO, please provide details:

2. Are there any conflicts with other EU legislation, policies or strategies, e.g. air emissions, end-of-life (ELV), noise pollution?

- NO
- Do not know
- YES, details:

10. Added Value of the Current Legal Framework

This Section considers the added value of the Directive.

1. Do you consider that the areas of attention for the functioning of the internal market for automotive products and for the implementation and enforcement of the Directive in particular as described above could have been equally addressed by Member State actions alone?

- NO
- Do not know
- YES, please explain why:

2. Do you consider that action at EU level in this field has produced clear benefits compared with action at Member State level only?

- YES (*and see next question*)
- Do not know
- NO, please provide details:

3. If YES, please indicate if these benefits have been created by reason of its scale or effectiveness?

	Yes	No	Do not know
Reason of its scale			
Reason of effectiveness			

4. Are the voluntary initiatives adopted by industry or others (e.g. "Manufacturers against Product Piracy") a direct result of Directive 2007/46/EC, of other EU legislation, or are they due to other factors? (*Please tick all that apply*)

- Due to Directive 2007/46/EC
- Due to Other Factors
- Due to Other EU Legislation
- Do not know

Please provide more details

11. Potential for Improving the Current Legal Framework

A number of areas of attention associated with the implementation and enforcement of Directive 2007/46/EC have been identified by the Commission services in consultation with stakeholders (e.g. in working groups and submissions) and a number of potential initiatives have also been put forward for addressing these areas to enhance the implementation of the internal market for motor vehicles. This Section is intended to obtain your views on the suitability of the potential initiatives to enhance the current system.

1. The FIRST area of attention relates to the "traceability of products and the role and responsibilities of economic operators in the supply chain (manufacturers, authorised representatives, importers, distributors)". Which of the following potential initiatives do you consider to be the most appropriate for addressing this issue?

	Select
Do nothing (i.e. no changes to the existing situation are necessary)	
Undertake awareness campaigns and/or voluntary agreements with economic operators to (a) address the problems relating to the identification and traceability of noncompliant automotive products encountered on the market and (b) to clarify and agree on the responsibilities and accountability of the involved economic operators with regard to the compliance of the products for which they are involved in the supply chain	
Amending the existing technical harmonisation legislation, where this would involve developing, within the internal market legislation on motor vehicles, provisions to (a) address problems relating to the identification and traceability of non-compliant products encountered on the market and (b) to provide legal clarity about the responsibilities and accountability of the concerned stakeholders in the supply chain	
Other	

If Other, please specify

2. Assuming your chosen initiative is taken forward, what is your estimate of the likely scale (i.e. high, medium or low) of costs to organisations such as yours?

	High	Medium	Low
One-off set-up costs			
Annual Compliance Costs			

If you have indicated ***high costs***, please explain why you think this option will result in high costs and what is the **likelihood** of these high costs being actually incurred?

3. Assuming your chosen initiative is taken forward, what is your estimate of the likely scale (i.e. high, medium or low) of benefits to organisations such as yours?

High Medium Low

Could you also identify **which benefits** you would expect from your chosen initiative?

4. The SECOND area of attention relates to the "responsibilities of and co-operation between the different national authorities within the Member States involved in enforcement of Directive 2007/46/EC in their territory". Which of the following potential initiatives do you consider to be the most appropriate for addressing this issue?

	Select
Do nothing (i.e. no changes to the existing situation are necessary)	
Undertake awareness campaigns and/or voluntary agreements with and between enforcement authorities in the Member States to clarify and agree on their respective roles and responsibilities and to enhance the information exchange and co-operation between them, both at national and cross border level	
Joint actions by the Commission and the Member States aimed at improving the enforcement of the current legal framework for automotive products, such as targeted training for national authorities and the development of interpretation guidelines on the legal provisions on type-approval, conformity of production, recall of vehicles, safeguard measures and market surveillance	
Amending the existing technical harmonisation legislation, where this would involve developing, within the internal market legislation on motor vehicles, provisions to specify and clarify the role and responsibilities of the different authorities in the Member States involved in the enforcement of the Directive in their territory and to establish clear procedures for information exchange and cooperation between them to effectively remedy any market failure caused by the presence of non-compliant products on the market.	
Other	

If Other, please specify

5. Assuming your chosen initiative is taken forward, what is your estimate of the likely scale (i.e. high, medium or low) of costs to organisations such as yours?

	High	Medium	Low
One-off set-up costs			
Annual Compliance Costs			

If you have indicated ***high costs***, please explain why you think this option will result in high costs and what is the **likelihood** of these high costs being actually incurred?

6. Assuming your chosen initiative is taken forward, what is your estimate of the likely scale (i.e. high, medium or low) of benefits to organisations such as yours?

High Medium Low

Could you also identify **which benefits** you would expect from your chosen initiative?

7. The THIRD area of attention relates to the "quality and performance of technical services". Which of the following potential initiatives do you consider to be the most appropriate for addressing this issue?

	Select
Do nothing (i.e. no changes to the existing situation are necessary)	
Undertake awareness campaigns and/or voluntary agreements with and between technical services to (a) clarify and agree on their respective roles and responsibilities and (b) achieve a uniform level of stringency in type-approval testing and verification of the conformity of production, including mechanisms for information exchange and co-operation between them	
Amending the existing technical harmonisation legislation, wwhere this would involve developing, within the internal market legislation on motor vehicles, provisions to clarify and strengthen the requirements technical services have to comply with to be entitled to perform type-approval testing and verification of conformity of production	
Other	

If Other, please specify

8. Assuming your chosen initiative is taken forward, what is your estimate of the likely scale (i.e. high, medium or low) of costs to organisations such as yours?

	High	Medium	Low
One-off set-up costs			
Annual Compliance Costs			

If you have indicated ***high costs***, please explain why you think this option will result in high costs and what is the **likelihood** of these high costs being actually incurred?

9. Assuming your chosen initiative is taken forward, what is your estimate of the likely scale (i.e. high, medium or low) of benefits to organisations such as yours?

High Medium Low

Could you also identify **which benefits** you would expect from your chosen initiative?

10. The FOURTH area of attention relates to the "application of post-market safeguard measures and the recall of vehicles and components". Which of the following potential initiatives do you consider to be the most appropriate for addressing this issue?

	Select
Do nothing (i.e. no changes to the existing situation are necessary)	
Undertake awareness campaigns and/or voluntary agreements with and between the different authorities in the Member States involved in the implementation and enforcement of the internal market legislation for motor vehicles to clarify and agree on their respective roles and responsibilities in post-market safeguard measures and recall actions, and the communication channels and procedures for exchange of information and co-operation.	
Amending the existing technical harmonisation legislation, where this would involve developing, within the internal market legislation on motor vehicles, provisions to specify the role of and interaction between the different authorities involved in post-market safeguard measures and recall actions, as well as the cross border information exchange and co-operation between national enforcement authorities.	
Other	

If Other, please specify

11. Assuming your chosen initiative is taken forward, what is your estimate of the likely scale (i.e. high, medium or low) of costs to organisations such as yours?

	High	Medium	Low
One-off set-up costs			
Annual Compliance Costs			

If you have indicated ***high costs***, please explain why you think this option will result in high costs and what is the **likelihood** of these high costs being actually incurred?

12. Assuming your chosen initiative is taken forward, what is your estimate of the likely scale (i.e. high, medium or low) of benefits to organisations such as yours?

High Medium Low

Could you also identify **which benefits** you would expect from your chosen initiative?

13. The FIFTH area of attention relates to the "the verification procedures for ensuring conformity of production". Which of the following potential initiatives do you consider to be the most appropriate for addressing this issue?

	Select
Do nothing (i.e. no changes to the existing situation are necessary)	
Undertake awareness campaigns and/or voluntary agreements with and between the different stakeholders involved in the conformity of production (manufacturers, technical services and type-approval authorities in the Member States) to clarify and agree on the quality criteria and procedures to be applied for verifying and ensuring the conformity of production.	
Amending the existing technical harmonisation legislation, where this would involve developing, within the internal market legislation on motor vehicles, provisions to clarify and strengthen the provisions on conformity of production, through the application of the principles and provisions of the NLF related to the verification of conformity during the production stage. These provisions cover the assessment of quality management systems for production, and product related controls through inspection and testing, under surveillance by the competent authorities.	
Other	

If Other, please specify

14. Assuming your chosen initiative is taken forward, what is your estimate of the likely scale (i.e. high, medium or low) of costs to organisations such as yours?

	High	Medium	Low
One-off set-up costs			
Annual Compliance Costs			

If you have indicated ***high costs***, please explain why you think this option will result in high costs and what is the **likelihood** of these high costs being actually incurred?

15. Assuming your chosen initiative is taken forward, what is your estimate of the likely scale (i.e. high, medium or low) of benefits to organisations such as yours?

High Medium Low

Could you also identify **which benefits** you would expect from your chosen initiative?

16. Do you consider that the approaches applied in other product sectors and the harmonised legislative provisions provided by the New Legislative Framework (further information on the NLF can be found here) could contribute to addressing the attention areas that have been identified?

YES NO Do not know

Please explain your answer

17. Please feel free to provide additional information here (or on a separate sheet).

12. Next Steps

Thank you very much for completing this questionnaire

and finally:

1. If you would be willing for us to contact you to discuss your answers to this questionnaire in more detail, please tick the box below

- Yes, I would be happy to take part in follow-up interviews
- No, I do not wish to take part in follow-up interviews

2. In the next stage of the study, we plan to contact some organisations to assist us in identifying the costs of the potential policy options to be taken forward. If you would be willing for us to contact you, please tick the box below

- Yes, I would be happy to take part in the next stage of the study
- No, I do not wish to take part in the next stage of the study

3. In the next stage of the study, we plan to contact some organisations to assist us in developing case studies examining the potential for enhancing type-approval and conformity assessment activities and the potential implications of this for market surveillance activities. If you would be willing for us to contact you, please tick the box below.

- Yes, I would be happy to take part in the case study
- No, I do not wish to take part in the case study

Vehicles-Consumers

1. Background

REVIEW OF INTERNAL MARKET LEGISLATION RELATING TO MOTOR VEHICLES (DIRECTIVE 2007/46/EC ON THE TYPE-APPROVAL OF MOTOR VEHICLES)

Questionnaire for Consumer Organisations and Individual Users

Directive 2007/46/EC establishes a legal framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles. While this Directive has only recently started to be implemented, it is recognised by various stakeholders and fora that there is still room for improvement as far as the implementation and enforcement of this legal framework is concerned.

The Commission has, therefore, set up an initiative aimed at exploring appropriate ways and means to enhance the implementation and enforcement of the legal framework for the free movement of motor vehicles. This will involve a critical review of:

• the role and responsibilities of the different actors in the type-approval process and its implementation;

• the current procedures that have been put in place for verifying conformity of production, for the recall of vehicles and for the general safeguard measures; and

• the procedures that have been (or need to be put in place) to ensure an effective and proportionate enforcement of the legislation, including the role and responsibility of different national authorities in the Member States may have in this process.

At the end of 2010, a public consultation exercise was launched by the Commission in order to obtain views of stakeholders and the wider public on the proposed initiative to review the type-approval legislation for motor vehicles and for stakeholders to comment on the possible policy options that had been identified by various stakeholders. Following from this, Risk & Policy Analysts has been contracted by DG Enterprise and Industry to collect more information from specific stakeholders groups to undertake a two-fold study:

• an ex-post evaluation of the current legal framework for the type-approval of motor vehicles (Module 1); and

• an Impact Assessment on a possible policy initiative aimed at enhancing the implementation of the internal market legislation relating to motor vehicles (Module 2).

This questionnaire is concerned mainly with the ex-post evaluation; although some questions relating to Module 2 are asked. Module 2 (the quantitative impact assessment) will be the subject of a separate targeted data collection exercise.

2. How you can help

The main aim of this questionnaire is to evaluate the effectiveness of the current legal framework, where its scope covers, but goes beyond, the problem areas specified in the public consultation. The questionnaire also seeks to obtain stakeholder views on the policy initiatives which have been identified as possibly having the potential to address specific problems and future challenges. The questionnaire aims to consider whether these are relevant and eligible for further assessment and/or whether there are additional potential initiatives (linked to yet to be identified problem areas) that would need to be considered.

In this regard, we recognise that some questions may not be applicable to you or would not contain your “preferred” option, while other questions may be difficult to answer precisely; please provide your best estimate where possible. In case you consider a question not relevant for you, please indicate so by ticking the not applicable (N/A) option. If you believe we have missed an important point, or have additional information to provide, please feel free to provide such information on the last (or a separate) sheet. Note that any quantitative information on costs will enable us to provide concrete examples of the impacts of the Directive and will significantly assist the Commission’s decision making. We are also happy to accept completed responses in other European languages.

We would like to receive your completed questionnaire by **29 April 2011**. However, if you would like to respond to this survey but are unable to do so before this date, please let us know as soon as possible.

Please note that responses to this questionnaire will be handled in the strictest confidence and will only be used for the purposes of this study. In preparing our reports for the Commission (which, subsequently, may be published), care will be taken to ensure that specific responses cannot be linked to individual companies and that the vast majority of the data used in the calculations are used in an aggregate form.

If you have further specific concerns about how your data will be treated (or on the study more generally), you can contact the Project Manager, Tobe Nwaogu (e-mail Tobe) and we will be happy to discuss your concerns.

Thank you very much for your assistance.

Vehicles-Consumers

3. About You and Your Organisation

1. Please provide the following details:

Contact Name:

Organisation:

Location (City/Country):

Telephone:

E-mail Address:

2. Please tick which of the following best describes your organisation

- Consumer Organisation
- User
- Other (please specify)

3. Please indicate where your organisation is operating within the EU

- **All EU-27 Countries**
- Austria
- Belgium
- Bulgaria
- Cyprus
- Czech Republic
- Denmark
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Ireland
- Italy
- Latvia
- Lithuania
- Luxembourg
- Malta
- Netherlands
- Poland
- Portugal
- Romania
- Spain
- Slovakia
- Slovenia
- Sweden
- United Kingdom

4. Please indicate where your organisation is operating outside the EU. *Please tick all that apply*

- EEA (Iceland, Norway and Liechtenstein)
- EU Candidate Countries (Croatia, Macedonia, Turkey)
- Far East*
- Americas*
- Other*

* Please specify

5. For <u>consumer organisations only</u>, please indicate which of the following best describes the scope of your organisation

- Regional
- National
- EU-wide
- International

4. Evaluation of the Current Legal Framework

This Section considers the implementation of the current regulatory framework

1. Overall, how would you rate the implementation of the existing legal framework (under Directive 2007/46/EC) to date?

- Highly Satisfactory
- Satisfactory
- Not Satisfactory
- Highly Unsatisfactory
- Do not know

2. Are there any specific areas within the existing legal framework (under Directive 2007/46/EC) for which you have positive experiences from implementation?

- NO
- Do not know
- YES, please provide more details

3. Are there specific areas within the existing legal framework (under Directive 2007/46/EC) for which you have negative experiences from implementation?

- NO
- Do not know
- YES, please provide more details

4. Taking into account your answers to the above questions, are the objectives of the Directive (as listed below) still valid and relevant for coping with the current situation in the market and for the automotive sector?

	Still Relevant	No Longer Relevant	Do not know
To establish a harmonised framework (i.e. achieve the internal market) containing the administrative provisions and general technical requirements for approval of all new vehicles within its scope and of the systems, components and separate technical units intended for those vehicles, with a view to facilitating their registration, sale and entry into service within the Community	○	○	○
To establish the provisions for the sale and entry into service of parts and equipment intended for vehicles approved in accordance with this Directive	○	○	○
To ensure that new vehicles, components and separate technical units put on the market provide **a high level of safety and environmental protection** (based on prior control by an approval authority before they are offered for sale)	○	○	○

IF **No Longer Relevant**, please explain your answer:

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5. Is the <u>current scope of the Directive</u> still valid and relevant for coping with the current situation in the market and for the automotive sector (for instance, does it cover all relevant products)?

- ○ Still Relevant
- ○ Do not know
- ○ No Longer Relevant, *please explain your answer:*

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Vehicles-Consumers

5. Relevance - Identification of Areas of Attention

This Section considers the general relevance of the Directive to date including identification of the areas of attention for the implementation of the current regulatory framework

1. Five areas of attention have been identified as having the potential to affect the effective implementation of the EU type-approval legislation for automotive products. Indicate the extent to which you consider these areas to be problematic.

	Highly Problematic	Somewhat Problematic	Not an Important Problem	Do not know
Traceability of products and clarifying the role and responsibilities of economic operators				
Responsibilities of and co-operation between the different national authorities within the Member States involved in the enforcement of the legislation (type-approval, recalls, market surveillance, border controls)				
Quality and performance of technical services				
Application of post-market safeguard measures and obligatory recall of vehicles (and components)				
Verification procedures for ensuring conformity of production				

2. Can you give specific examples of negative experiences in these areas of attention?

	YES	NO	Do not know
Traceability of products and clarifying the role and responsibilities of economic operators			
Responsibilities of and co-operation between the different national authorities within the Member States involved in the enforcement of the legislation (type-approval, recalls, market surveillance, border controls)			
Quality and performance of technical services			
Application of post-market safeguard measures and obligatory recall of vehicles (and components)			
Verification procedures for ensuring conformity of production			

If **YES**, please provide details

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3. Can you give specific examples of positive experiences in these areas of attention?

	YES	NO	Do not know
Traceability of products and clarifying the role and responsibilities of economic operators			
Responsibilities of and co-operation between the different national authorities within the Member States involved in the enforcement of the legislation (type-approval, recalls, market surveillance, border controls)			
Quality and performance of technical services			
Application of post-market safeguard measures and obligatory recall of vehicles (and components)			
Verification procedures for ensuring conformity of production			

If **YES**, please provide details

4. Are expected developments or changes (whether geographical, design, technological or market-related) in the market for motor vehicles likely to increase or decrease the importance of the identified areas of attention?

	Significantly Increase	Increase	No Change	Decrease	Significantly Decrease
Traceability of products and clarifying the role and responsibilities of economic operators					
Responsibilities of and co-operation between the different national authorities within the Member States involved in the enforcement of the legislation (type-approval, recalls, market surveillance, border controls)					
Quality and performance of technical services					
Application of post-market safeguard measures and obligatory recall of vehicles (and components)					
Verification procedures for ensuring conformity of production					

Please explain your answer

6. Effectiveness of the Current Legal Framework

This Section considers the general effectiveness of the motor vehicles type-approval Directive. Note that while the questions ask about your perception of the issues; we will welcome any hard data or evidence provided to back up any of your answers

1. In your opinion, how serious is the issue of <u>non-compliant</u> automotive products being placed on the EU market? (*non-compliance includes by-passing or circumvention of type-approval and/or conformity of production procedures e.g. through parallel imports*)

- Highly Serious
- Serious
- Exists, but minimal
- Not a problem
- Do not know

2. If *"highly serious"* or *"serious"*, what is the percentage of <u>non-compliant</u> automotive products currently on the EU market?

- Less than 1%
- 1% to 5%
- 5% to 10%
- 10% to 25%
- More than 25%

3. In your opinion, how serious is the issue of <u>unsafe</u> automotive products being placed on the EU market?

- Highly Serious
- Serious
- Exists, but minimal
- Not a problem
- Do not know

4. If *"highly serious"* or *"serious"*, what is the percentage of <u>unsafe</u> automotive products currently on the EU market?

- Less than 1%
- 1% to 5%
- 5% to 10%
- 10% to 25%
- More than 25%

5. In your opinion, how serious is the issue of <u>vehicle or component recalls</u> for automotive products being placed on the EU market?

- Highly Serious
- Serious
- Exists, but minimal
- Not a problem
- Do not know

6. In your opinion, what are the two primary causes of recalls?

	First Choice	Second Choice
Inadequate pre-market controls	☐	☐
Non-compliance issues	☐	☐
Unsafe automotive products	☐	☐
Design issues	☐	☐
Surveillance issues	☐	☐
Other	☐	☐

If Other (please specify)

7. Are there any shortcomings in the current legal framework potentially harming the free movement of motor vehicles and their components and/or creating obstacles to fair competition?

- ☐ NO
- ☐ Do not know
- ☐ YES, details:

8. Are there any market situations or developments in the EU potentially harming the free movement of motor vehicles and their components and/or creating obstacles to fair competition?

- ☐ NO
- ☐ Do not know
- ☐ YES, please provide details:

9. What evidence do you have for the answers provided in this Section? (Please tick all that apply)

- ☐ Personal industry experience/expertise
- ☐ Research carried out by other organisations
- ☐ Experience of your organisation
- ☐ Anecdotal evidence
- ☐ Research carried out by your organisation
- ☐ Other (please specify)

7. Efficiency/Cost-effectiveness of the Current Legal Framework

This Section considers the general efficiency/cost-effectiveness of the motor vehicle type-approval Directive.

1. In the last two years, how effective have the results of market surveillance and border controls been in discovering vehicles or vehicle components on the national/EU market which were either non-compliant or presenting a serious risk?

- Highly Effective
- Effective
- Not Effective
- Do not know

If ***Not Effective***, please specify which improvements you believe are needed and indicate how these will improve the functioning of the Directive and the likely benefits.

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2. In the last two years, how effective have the results of type-approval and conformity assessment procedures been in preventing non-compliant or unsafe motor vehicles and/or automotive products for these motor vehicles from being placed on the EU market?

- Highly Effective
- Effective
- Not Effective
- Do not know

If ***Not Effective***, please specify which improvements you believe are needed and indicate how these will improve the functioning of the Directive and the likely benefits.

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8. Impact of the Current Legal Framework

This Section considers the impact of the current motor vehicle type-approval Directive

1. Has the Directive had any unexpected impacts (in relation to complying with it or its implementation) on your organisation or on you as an individual user?

- NO
- Do not know
- YES (please specify)

9. Coherence of the Current Legal Framework

This Section considers the coherence of the Directive.

1. Are there any conflicts with other EU legislation, policies or strategies, e.g. air emissions, end-of-life (ELV), noise pollution?

- NO
- Do not know
- YES, details:

Vehicles-Consumers

10. Added Value of the Current Legal Framework

This Section considers the added value of the Directive.

1. Do you consider that the areas of attention for the functioning of the internal market for automotive products and for the implementation and enforcement of the Directive in particular as described above could have been equally addressed by Member State actions alone?

- ☐ NO
- ☐ Do not know
- ☐ YES, please explain why:

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2. Do you consider that action at EU level in this field has produced clear benefits compared with action at Member State level only?

- ☐ YES (*and see next question*)
- ☐ Do not know
- ☐ NO, please provide details:

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3. If YES, please indicate if these benefits have been created by reason of its scale or effectiveness?

	Yes	No	Do not know
Reason of its scale	☐	☐	☐
Reason of effectiveness	☐	☐	☐

4. Are the voluntary initiatives adopted by industry or others (e.g. "Manufacturers against Product Piracy") a direct result of Directive 2007/46/EC, of other EU legislation, or are they due to other factors? (*Please tick all that apply*)

- ☐ Due to Directive 2007/46/EC
- ☐ Due to Other Factors
- ☐ Due to Other EU Legislation
- ☐ Do not know

Please provide more details

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Vehicles-Consumers

11. Potential for Improving the Current Legal Framework

A number of areas of attention associated with the implementation and enforcement of Directive 2007/46/EC have been identified by the Commission services in consultation with stakeholders (e.g. in working groups and submissions) and a number of potential initiatives have also been put forward for addressing these areas to enhance the implementation of the internal market for motor vehicles. This Section is intended to obtain your views on the suitability of the potential initiatives to enhance the current system.

1. The FIRST area of attention relates to the "traceability of products and the role and responsibilities of economic operators in the supply chain (manufacturers, authorised representatives, importers, distributors)". Which of the following potential initiatives do you consider to be the most appropriate for addressing this issue?

	Select
Do nothing (i.e. no changes to the existing situation are necessary)	
Undertake awareness campaigns and/or voluntary agreements with economic operators to (a) address the problems relating to the identification and traceability of noncompliant automotive products encountered on the market and (b) to clarify and agree on the responsibilities and accountability of the involved economic operators with regard to the compliance of the products for which they are involved in the supply chain	
Amending the existing technical harmonisation legislation, where this would involve developing, within the internal market legislation on motor vehicles, provisions to (a) address problems relating to the identification and traceability of non-compliant products encountered on the market and (b) to provide legal clarity about the responsibilities and accountability of the concerned stakeholders in the supply chain	
Other	

If Other, please specify

2. Assuming your chosen initiative is taken forward, what is your estimate of the likely scale (i.e. high, medium or low) of costs to organisations such as yours?

	High	Medium	Low
One-off set-up costs			
Annual Compliance Costs			

If you have indicated ***high costs***, please explain why you think this option will result in high costs and what is the **likelihood** of these high costs being actually incurred?

3. Assuming your chosen initiative is taken forward, what is your estimate of the likely scale (i.e. high, medium or low) of benefits to organisations such as yours?

High Medium Low

Could you also identify **which benefits** you would expect from your chosen initiative?

4. The SECOND area of attention relates to the "responsibilities of and co-operation between the different national authorities within the Member States involved in enforcement of Directive 2007/46/EC in their territory". Which of the following potential initiatives do you consider to be the most appropriate for addressing this issue?

	Select
Do nothing (i.e. no changes to the existing situation are necessary)	
Undertake awareness campaigns and/or voluntary agreements with and between enforcement authorities in the Member States to clarify and agree on their respective roles and responsibilities and to enhance the information exchange and co-operation between them, both at national and cross border level	
Joint actions by the Commission and the Member States aimed at improving the enforcement of the current legal framework for automotive products, such as targeted training for national authorities and the development of interpretation guidelines on the legal provisions on type-approval, conformity of production, recall of vehicles, safeguard measures and market surveillance	
Amending the existing technical harmonisation legislation, where this would involve developing, within the internal market legislation on motor vehicles, provisions to specify and clarify the role and responsibilities of the different authorities in the Member States involved in the enforcement of the Directive in their territory and to establish clear procedures for information exchange and cooperation between them to effectively remedy any market failure caused by the presence of non-compliant products on the market.	
Other	

If Other, please specify

5. Assuming your chosen initiative is taken forward, what is your estimate of the likely scale (i.e. high, medium or low) of costs to organisations such as yours?

	High	Medium	Low
One-off set-up costs			
Annual Compliance Costs			

If you have indicated ***high costs***, please explain why you think this option will result in high costs and what is the **likelihood** of these high costs being actually incurred?

6. Assuming your chosen initiative is taken forward, what is your estimate of the likely scale (i.e. high, medium or low) of benefits to organisations such as yours?

High Medium Low

Could you also identify **which benefits** you would expect from your chosen initiative?

7. The THIRD area of attention relates to the "quality and performance of technical services". Which of the following potential initiatives do you consider to be the most appropriate for addressing this issue?

	Select
Do nothing (i.e. no changes to the existing situation are necessary)	
UUndertake awareness campaigns and/or voluntary agreements with and between technical services to (a) clarify and agree on their respective roles and responsibilities and (b) achieve a uniform level of stringency in type-approval testing and verification of the conformity of production, including mechanisms for information exchange and co-operation between them	
Amending the existing technical harmonisation legislation, where this would involve developing, within the internal market legislation on motor vehicles, provisions to clarify and strengthen the requirements technical services have to comply with to be entitled to perform type-approval testing and verification of conformity of production	
Other	

If Other, please specify

8. Assuming your chosen initiative is taken forward, what is your estimate of the likely scale (i.e. high, medium or low) of costs to organisations such as yours?

	High	Medium	Low
One-off set-up costs			
Annual Compliance Costs			

If you have indicated ***high costs***, please explain why you think this option will result in high costs and what is the **likelihood** of these high costs being actually incurred?

9. Assuming your chosen initiative is taken forward, what is your estimate of the likely scale (i.e. high, medium or low) of benefits to organisations such as yours?

High Medium Low

Could you also identify **which benefits** you would expect from your chosen initiative?

10. The FOURTH area of attention relates to the "application of post-market safeguard measures and the recall of vehicles and components". Which of the following potential initiatives do you consider to be the most appropriate for addressing this issue?

	Select
Do nothing (i.e. no changes to the existing situation are necessary)	
UUndertake awareness campaigns and/or voluntary agreements with and between the different authorities in the Member States involved in the implementation and enforcement of the internal market legislation for motor vehicles to clarify and agree on their respective roles and responsibilities in post-market safeguard measures and recall actions, and the communication channels and procedures for exchange of information and co-operation.	
Amending the existing technical harmonisation legislation, where this would involve developing, within the internal market legislation on motor vehicles, provisions to specify the role of and interaction between the different authorities involved in post-market safeguard measures and recall actions, as well as the cross border information exchange and co-operation between national enforcement authorities.	
Other	

If Other, please specify

11. Assuming your chosen initiative is taken forward, what is your estimate of the likely scale (i.e. high, medium or low) of costs to organisations such as yours?

	High	Medium	Low
One-off set-up costs			
Annual Compliance Costs			

If you have indicated ***high costs***, please explain why you think this option will result in high costs and what is the **likelihood** of these high costs being actually incurred?

12. Assuming your chosen initiative is taken forward, what is your estimate of the likely scale (i.e. high, medium or low) of benefits to organisations such as yours?

High Medium Low

Could you also identify **which benefits** you would expect from your chosen initiative?

13. The FIFTH area of attention relates to the "the verification procedures for ensuring conformity of production". Which of the following potential initiatives do you consider to be the most appropriate for addressing this issue?

	Select
Do nothing (i.e. no changes to the existing situation are necessary)	
Undertake awareness campaigns and/or voluntary agreements with and between the different stakeholders involved in the conformity of production (manufacturers, technical services and type-approval authorities in the Member States) to clarify and agree on the quality criteria and procedures to be applied for verifying and ensuring the conformity of production.	
Amending the existing technical harmonisation legislation, where this would involve developing, within the internal market legislation on motor vehicles, provisions to clarify and strengthen the provisions on conformity of production, through the application of the principles and provisions of the NLF related to the verification of conformity during the production stage. These provisions cover the assessment of quality management systems for production, and product related controls through inspection and testing, under surveillance by the competent authorities.	
Other	

If Other, please specify

14. Assuming your chosen initiative is taken forward, what is your estimate of the likely scale (i.e. high, medium or low) of costs to organisations such as yours?

	High	Medium	Low
One-off set-up costs			
Annual Compliance Costs			

If you have indicated ***high costs***, please explain why you think this option will result in high costs and what is the **likelihood** of these high costs being actually incurred?

15. Assuming your chosen initiative is taken forward, what is your estimate of the likely scale (i.e. high, medium or low) of benefits to organisations such as yours?

High Medium Low

Could you also identify **which benefits** you would expect from your chosen initiative?

16. Do you consider that the approaches applied in other product sectors and the harmonised legislative provisions provided by the New Legislative Framework (further information on the NLF can be found here) could contribute to addressing the attention areas that have been identified?

- YES
- NO
- Do not know

Please explain your answer

17. Please feel free to provide additional information here (or on a separate sheet).

12. Next Steps

Thank you very much for completing this questionnaire

and finally:

1. If you would be willing for us to contact you to discuss <u>your answers to this questionnaire</u> in more detail, please tick the box below

- ☐ Yes, I would be happy to take part in follow-up interviews
- ☐ No, I do not wish to take part in follow-up interviews

2. In the next stage of the study, we plan to contact some organisations to assist us in <u>identifying the costs of the potential policy options</u> to be taken forward. If you would be willing for us to contact you, please tick the box below

- ☐ Yes, I would be happy to take part in the next stage of the study
- ☐ No, I do not wish to take part in the next stage of the study

Questions for National Authorities

We would like to obtain your views on the following questions. Kindly answer with a YES or NO to each question and **where possible, provide further explanation of your answer, highlighting possible advantages (benefits) and/or drawbacks (costs), in English or your native language**. Even if you are not able to do this, a simple YES or NO answer would still be very helpful.

1) Several of the policy options are designed to ensure consistency and coherence of Directive 2007/46/EC with the New Legislative Framework (See NLF for further information). Would alignment with the NLF result in benefits (or costs savings) for your organisation, for instance, in having a streamlined and consistent approach to enforcement across consumer products within your area of responsibility?

YES		**NO**		Explanation:

2) Are the benefits (or cost savings) from alignment with the NLF likely to outweigh any costs arising from this?

YES		**NO**		Explanation:

3) Are you aware of major differences in how different national authorities deal with non-compliant and/or unsafe products on their markets and the overall enforcement of Directive 2007/46/EC?

YES		**NO**		Explanation:

4) Do you believe that co-ordinating communication and reporting with other Member States would be useful for addressing any such differences?

YES		**NO**		Explanation:

5) As part of market surveillance efforts, would you support a pan-European approach to sampling and testing of motor vehicles and/or vehicle components? (This could, for instance, involve different Member States being designated to undertake tests on specific vehicles/aspects and informing other Member States of the results of these tests).

YES		**NO**		Explanation:

6) Do you believe that enforcement of the current legislation can be improved by providing targeted training for national authorities?

YES		**NO**		Explanation:

7) Do you believe that enforcement of the current legislation can be improved by developing interpretation guidelines on the legal provisions of Directive 2007/46/EC?

YES		**NO**		Explanation:

8) If there is no amendment to Directive 2007/46/EC, would you consider adopting additional measures at the national level to counter the threat posed by non-compliant and/or low-quality automotive products and to ensure the continued safety of consumers?

YES		**NO**		Explanation:

9) Do you agree that existing information and co-operation instruments (such as CIRCA, TAAEG, TAAM, etc.) provide good platforms for facilitating information exchange and co-operation between national authorities?

YES		**NO**		Explanation:

10) Are there likely to be particular benefits from clarifying the roles and responsibilities of enforcement authorities, in particular, making clear reference to the role of market surveillance authorities?

YES		**NO**		Explanation:

11) Do you believe that it is feasible and cost-effective for national authorities to develop and enforce a voluntary agreement which clarifies the roles and responsibilities of enforcement authorities and aims at improving enforcement of the Directive?

YES		**NO**		Explanation:

12) One of the policy options introduces a new and simplified two-step approach for safeguard measures in line with the principles of the NLF. This would mean that not all safeguard cases would have to be dealt with at EU level. Member States would only inform the Commission and the other Member States where the approval authority considers that non-conformity is not restricted to their national territory. Do you support this simplified approach?

YES		**NO**		Explanation:

13) Finally, do you believe that policy action in the automotive area should be based on a combination of voluntary action by stakeholders for some of the problem areas identified and legislative changes for others?

YES		**NO**		Explanation:

Questions for Technical Services

We would like to obtain your views on the following questions. Kindly answer YES or NO to each question and **where possible, provide further explanation of your answer, highlighting possible advantages (benefits) and/or drawbacks (costs), in English or your native language**. Even if you are not able to do this, a simple YES or NO answer would still be very helpful.

1) Is your organisation involved in the type-approval testing and verification of conformity of production for other products apart from vehicles and/or vehicle components (e.g. motorcycles)?

YES		**NO**		Explanation:

2) Is alignment of Directive 2007/46/EC with other related legislation in the automotive area (e.g. for motorcycles) likely to result in benefits or costs savings for your organisation, for example, by having a streamlined and consistent approach to requirements across your portfolio of products?

YES		**NO**		Explanation:

3) Are you aware of technical services that are currently involved in the design, manufacture, supply, installation, use or maintenance of the vehicles and/or vehicle components they test?

YES		**NO**		Explanation:

4) Are you aware of situations in which the pay of the personnel of a technical service is dependent on the number of assessments carried out or on the results of those assessments?

YES		**NO**		Explanation:

5) Would the quality and performance of technical services be improved by strengthening the technical independence of technical services (i.e. they are not allowed to be the designer, manufacturer, supplier, installer, purchaser, owner, user or maintainer of the vehicles or components tested)?

YES		**NO**		Explanation:

6) Would the quality and performance of technical services be improved by strengthening the financial independence of technical services (i.e. personnel pay should not be linked to assessments carried out)?

YES		**NO**		Explanation:

7) Would the quality and performance of technical services be improved by strengthening the requirements for accredited in-house bodies?

YES		**NO**		Explanation:

8) Would it be feasible and cost-effective for technical services to develop and enforce a voluntary agreement which clarifies and strengthens the requirements for technical services to be entitled to perform type-approval testing and verification of conformity of production?

YES		**NO**		Explanation:

9) Would amending Directive 2007/46/EC be the most effective solution for ensuring high quality and performance of technical services?

YES		**NO**		Explanation:

10) Would enhancing and establishing clear procedures for information exchange and co-operation between technical services be sufficient to achieve a uniform level of stringency in type approval testing and verification of conformity of production?

YES		**NO**		Explanation:

11) Could existing bodies (such as the TAAEG, TAAM) have a role in ensuring a uniform level of stringency in type approval testing and verification of conformity of production?

YES		**NO**		Explanation:

12) Finally, do you expect any impacts (benefits, costs) on your organisation from updating the conformity of production for cars to be in line with the New Legislative Framework; see NLF for further information)?

YES		**NO**		Explanation:

Dotazník pro technické zkušebny – Czech Questionnaire

Rádi bychom Vás poprosili o odpověd (ano nebo ne) na každou otázku, a pokud je to možné, také o poskytnutí podrobnějšího vysvětlení důvodů které Vás vedly k Vaší odpovědi, s důrazem na možné výhody (prospěch) a / nebo nevýhody (náklady), a to v angličtině nebo ve Vašem rodném jazyce. I pokud nejste schopni poskytnout toto podrobnější vysvětlení, odpověd ANE nebo NE je pro nás také velmi užitečná.

1) Věnuje se Vaše organizace také testování za účelem schvalování typu a ověřování shodnosti výroby jiných produktů než vozidel a jejich konstrukčních částí (např. motocyklů)?

ANE		**NE**		Vysvětlení:

2) Bylo by sladění Směrnice 2007/46/ES s dalšími souvisejícími právními předpisy v oblasti autoprůmyslu (např. těmi pro motocykly) přínosem a/nebo úsporou nákladů pro Vaši organizaci, například proto, že by znamenalo možnost efektivnějšího a konsistentního postupu v rámci Vašeho portfolia produktů?

ANE		**NE**		Vysvětlení:

3) Pokud víte, existují technické zkušebny, které se v současné době podílejí na navrhování, výrobě, dodávkách, instalaci, používání nebo údržbě vozidel a / nebo konstrukčních částí vozidel, které testují?

ANE		**NE**		Vysvětlení:

4) Pokud víte, dochází k situacím, ve kterých plat zaměstnanců technických zkušeben závisí na počtu provedených posouzení nebo na výsledcích těchto posouzení?

ANE		**NE**		Vysvětlení:

5) Zlepšila by se kvalita a výkon technických zkušeben posílením jejich technické nezávislosti (tzn. že by nesměly take být těmi kdo navrhuje, vyrábí, dodává, instaluje, nakupuje, vlastní, používá nebo provádí údržbu testovaných vozidel nebo jejich konstrukční části?

ANE		**NE**		Vysvětlení:

6) Zlepšila by se kvalita a výkon technických zkušeben posílením jejich finanční nezávislosti (tzn. platy zaměstnancůl by nesměly být závislé na provedených zhodnoceních)?

ANE		**NE**		Vysvětlení:

7) Zlepšila by se kvalita a výkon technických zkušeben zpřísněním požadavků na akreditované vnitropodnikové zkušebny?

ANE		**NE**		Vysvětlení:

8) Bylo by pro technické služby možné a nákladově efektivní vyvinout a implementovat dobrovolnou dohodu, která by upřesňila a zpřísnila požadavky na technické zlušebny, které musí být splněny, aby byly oprávněny vykonávat zkoušky pro schválení typu a ověřování shodnosti výroby?

ANE		**NE**		Vysvětlení:

9) Byla by změna Směrnice 2007/46/ES nejefektivnějším řešením pro zajištění vysoké kvality a výkonu technických zkušeben?

ANE		**NE**		Vysvětlení:

10) Bylo by zlepšení či stanovení jasných postupů pro výměnu informací a spolupráci mezi technickými zkušebnami dostatečné k dosažení jednotné úrovně přísnosti při schvalování typu a ověřování shody výroby?

ANE		**NE**		Vysvětlení:

11) Myslíte si, že by bylo možné použít existující uskupení (jako např. TAAEG či TAAM) k činostem s cílem dosažení jednotné úrovně přísnosti při schvalování typu a ověřování shody výroby?

ANE		**NE**		Vysvětlení:

12) Očekávávali by jste nějaké dopady (přínosy, náklady) na Vaši organizaci v důsledku aktualizace pravidel pro automobily tak aby byly v souladu s tzv. Novým Legislativním Rámcem (anglická zkratka NLF, pro další informace prosím kliknout zde: NLF)?

ANE		**NE**		Vysvětlení:

Questions pour les Services Techniques – French Questionnaire

Nous aimerions vous demander votre point de vue sur les questions suivantes. Nous vous prions de répondre par OUI ou NON à chaque question et, **si possible, de fournir des explications supplémentaires concernant votre réponse, en soulignant les avantages et / ou inconvénients (coûts) potentiels**. Vous pouvez répondre **en anglais ou en français**. Même si vous n'êtes pas capable de nous fournir des explications supplémentaires, nous vous prions de bien vouloir répondre au minimum par OUI ou NON car vos réponses nous seront très utiles.

1) Votre organisation est-elle impliquée dans les tests d'homologation et de vérification de conformité de la production pour d'autres produits en dehors des véhicules et / ou des composants des véhicules (les motos, par exemple)?

OUI		**NON**		Explication:

2) L'alignement de la directive 2007/46/CE avec les autres lois concernant les véhicules (par exemple pour les motos) est-il susceptible d'entraîner des bénéfices ou des réductions de coûts pour votre organisation, par exemple, en vous permettant une approche plus rationalisée et cohérente vis-à-vis de l'ensemble de votre portefeuille de produits?

OUI		**NON**		Explication:

3) Avez-vous connaissance de services techniques qui sont actuellement impliqués dans la conception, la fabrication, la fourniture, l'installation, l'utilisation ou l'entretien des véhicules et / ou des composants des véhicules qu'ils testent?

OUI		**NON**		Explication:

4) Avez-vous connaissance de situations dans lesquelles le salaire du personnel d'un service technique est tributaire du nombre d'évaluations réalisées ou sur les résultats de ces évaluations?

OUI		**NON**		Explication:

5) La qualité et la performance des services techniques seraient-elles améliorées en renforçant leur indépendance technique (c'est-à-dire, s'ils n'étaient pas autorisés à être le concepteur, fabricant, fournisseur, installateur, l'acheteur, propriétaire, utilisateur ou mainteneur des véhicules ou des composants testés)?

OUI		**NON**		Explication:

6) La qualité et la performance des services techniques seraient-elles améliorées en renforçant leur indépendance financière (c'est-à-dire, si la rémunération du personnel ne pouvait pas être liée aux analyses effectuées)?

OUI		**NON**		Explication:

7) La qualité et la performance des services techniques seraient-elles améliorées en renforçant les exigences envers les organismes internes accrédités?

OUI		**NON**		Explication:

8) Serait-il faisable et rentable pour les services techniques d'élaborer et d'appliquer un accord volontaire qui clarifierait et renforcerait les exigences pour les services techniques pour être en droit d'effectuer les essais de réception et de vérification de conformité de la production?

OUI		**NON**		Explication:

9) La modification de la directive 2007/46/CE serait-elle la solution la plus efficace pour assurer la qualité et la performance des services techniques?

OUI		**NON**		Explication:

10) L'amélioration et l'établissement de procédures claires concernant l'échange d'information et la coopération entre les services techniques seraient-ils suffisants pour atteindre un niveau uniforme de rigueur dans les essais de réception et de vérification de conformité de la production?

OUI		**NON**		Explication:

11) Les organismes existants (tels que le TAAEG, TAAM) pourraient-ils avoir un rôle à jouer dans l'assurance d'un niveau uniforme de rigueur dans les essais de réception et de vérification de conformité de la production?

OUI		**NON**		Explication:

12) Vous attendez-vous à ce que la mise à jour des procédures de conformité de production pour les voitures afin qu'elles soient alignées avec le nouveau cadre législatif (voir NLF pour plus d'informations) ait des impacts (avantages, coûts) sur votre organisation?

OUI		**NON**		Explication:

Fragebogen – Technische Dienste – German Questionnaire

Wir wären Ihnen sehr dankbar wenn Sie die folgenden Fragen beantworten könnten. Wir bitten Sie die Fragen mit JA oder NEIN zu beantworten und **falls möglich jeweils eine weitere Erklärung Ihrer Antwort mit Schwerpunkt auf mögliche Vorteile (Nutzen) und / oder Nachteile (Kosten)** zu ergänzen. Falls sie nicht in der Lage sind, weitere Erklärungen anzugeben, eine Antwort mit JA oder NEIN ist für uns auch sehr hilfreich. **Ihre Antworten können Sie auf Englisch oder in Ihrer Muttersprache angeben.**

1) Beschäftigt sich Ihre Organisation neben dem Testverfahren zur Typgenehmigung und der Überwachung der Übereinstimmung der Produktion von Kraftfahrzeugen und Fahrzeugteilen auch mit denselben Tätigkeiten in Bezug auf andere Produkte (z. B. Motorräder)?

JA		**NEIN**		Weitere Infos:

2) Würde die Anpassung der Richtlinie 2007/46/EG an andere für den Bereich Autoindustrie einschlägige Rechtsvorschriften (z.B. an die im Bereich Motorräder geltenden Vorschriften) wahrscheinlich zum Nutzen oder Kosteneinsparungen für Ihre Organisation führen, zum Beispiel, indem sie einen rationalisierten und kohärenten Ansatz zu Ihrem gesamtem Produktportfolio ermöglichen würde?

JA		**NEIN**		Weitere Infos:

3) Können Sie einige Techische Dienste, die auch an der Entwicklung, Herstellung, Lieferung, Installation, Verwendung oder Wartung von Fahrzeugen und / oder Fahrzeugbauteilen beteiligt sind?

JA		**NEIN**		Weitere Infos:

4) Sind Ihnen solche Fälle bekannt, in denen die Bezahlung des Personals eines Technischen Dienstes von der Anzahl der durchgeführten Bewertungen oder deren Ergebnissen abhängig ist?

JA		**NEIN**		Weitere Infos:

5) Lässte sich die Qualität und Leistung der Technischen Diensten durch eine Stärkung ihrer technischen Unabhängigkeit verbessern? Der Bergriff „technische Unabhängigkeit“ bezieht sich z.B. auf ein Vebot gleichzeitiger Entwicklung, Herstellung, Lieferung, Installation, Verwendung, Kauf, Besitz oder Wartung von Fahrzeugen und / oder Fahrzeugbauteilen?

JA		**NEIN**		Weitere Infos:

6) Lässte sich die Qualität und Leistung der Technischen Diensten durch eine Stärkung ihrer finanziellen Unabhängigkeit verbessern? Der Bergriff „finanzielle Unabhängigkeit“ bezieht sich z.B. auf Unabhängigkeit der Entlohnung von durchgeführten Bewertungen.

JA		**NEIN**		Weitere Infos:

7) Lässte sich die Qualität und Leistung der Technischen Diensten durch eine Stärkung der Anforderungen an akkreditierte organisationsinterne Stellen verbessern?

JA		**NEIN**		Weitere Infos:

8) Wäre es durchführbar und kosteneffizient, eine freiwillige Vereinbarung der Technischen Diensten zu entwickeln und durchzusetzen, die eine Klärung und Stärkung der Anforderungen, die Technische Dienste erfüllen müssen um typgenehmigungsrelevante Prüfungen und Verifizierung der Übereinstimmung der Produktion durchführen dürfen erzielt?

JA		**NEIN**		Weitere Infos:

9) Wäre eine Änderung der Richtlinie 2007/46/EG die effektivste Lösung um ein hohes Qualitäts- und Leistungsniveau Technischer Diensten zu gewährleisten?

JA		**NEIN**		Weitere Infos:

10) Würde ein besseres und klares Verfahren zum Informationsaustausch und zur Zusammenarbeit zwischen Technischen Diensten ausreichend sein, um ein einheitliches Anforderungsniveau bzgl. typgenehmigungsrelevante Prüfung und Überprüfung der Übereinstimmung der Produktion zu erreichen?

JA		**NEIN**		Weitere Infos:

11) Können bestehende Einrichtungen (z.B. TAAEG, TAAM) eine Rolle bei der Gewährleistung einer einheitlichen Anforderungsniveau bzgl. typgenehmigungsrelevante Prüfung und Überprüfung der Übereinstimmung der Produktion spielen?

JA		**NEIN**		Weitere Infos:

12) Erwarten Sie einige Auswirkungen (Nutzen, Kosten) auf Ihr Unternehmen aus möglicher Anpassung von Übereinstimmung der Kfz-Produktion an den Neuen Rechtsrahmen (auf English New Legislative Framework – weitere Infos hier: NLF)?

JA		**NEIN**		Weitere Infos:

Ερωτήσεις για τις Τεχνικές Υπηρεσίες – Greek Questionnaire

Θα θέλαμε να έχουμε τη γνώμη σας σχετικά με τα ακόλουθα ερωτήματα. Παρακαλείστε να απαντήσετε ΝΑΙ ή ΟΧΙ για κάθε ερώτηση και, **όπου είναι δυνατόν, να παρέχετε περαιτέρω διευκρινίσεις για την απάντησή σας, σχετικά με τα πιθανά πλεονεκτήματα (οφέλη) ή/και τα μειονεκτήματα (κόστος), είτε στην αγγλική ή στην ελληνική γλώσσα**. Ακόμα κι αν δεν είστε σε θέση να δώσετε λεπτομερείς απαντήσεις, ένα απλό ΝΑΙ ή ΟΧΙ θα ήταν πολύ χρήσιμο για την ανάλυσή μας.

1) Συμμετέχει ο οργανισμός σας σε δοκιμές έγκρισης ΕΚ τύπου και στην επαλήθευση της συμμόρφωσης της παραγωγής για άλλα προϊόντα εκτός από τα οχήματα ή/και κατασκευαστικά στοιχεία του οχήματος (π.χ. μοτοσυκλέτες);

ΝΑΙ		**ΟΧΙ**		Επεξήγηση:

2) Είναι πιθανόν η ευθυγράμμιση της οδηγίας 2007/46/ΕΚ με άλλες σχετικές νομοθετικές πράξεις στον τομέα της αυτοκινητοβιομηχανίας (π.χ. για τις μοτοσυκλέτες) να οδηγήσει σε οφέλη ή εξοικονόμηση κόστους για τον οργανισμό σας, για παράδειγμα, έχοντας μία βελτιωμένη και συνεπή προσέγγιση των απαιτήσεων για όλα τα προϊόντα που περιλαμβάνονται στο χώρο ευθύνης σας;

ΝΑΙ		**ΟΧΙ**		Επεξήγηση:

3) Έχετε επίγνωση των τεχνικών υπηρεσιών που σήμερα ασχολούνται με το σχεδιασμό, την κατασκευή, την προμήθεια, την εγκατάσταση, τη χρήση ή τη συντήρηση των οχημάτων ή/και των κατασκευαστικών στοιχείων του οχήματος το οποίο ελέγχουν/δοκιμάζουν;

ΝΑΙ		**ΟΧΙ**		Επεξήγηση:

4) Γνωρίζετε περιπτώσεις κατά τις οποίες η αμοιβή του προσωπικού της τεχνικής υπηρεσίας εξαρτάται από τον αριθμό των αξιολογήσεων που διενεργούνται ή από τα αποτελέσματα αυτών των αξιολογήσεων;

ΝΑΙ		**ΟΧΙ**		Επεξήγηση:

5) Θα βελτίωνε την ποιότητα και την απόδοση των τεχνικών υπηρεσιών η ενίσχυση της τεχνικής ανεξαρτησίας των τεχνικών υπηρεσιών (δηλαδή να μην επιτρέπεται στις τεχνικές υπηρεσίες να ταυτίζονταιν με τον σχεδιαστή, κατασκευαστή, προμηθευτή, εγκαταστάτη, αγοραστή, ιδιοκτήτη, χρήστη ή συντηρητή των υπό δοκιμή οχημάτων ή κατασκευαστικών στοιχείων);

ΝΑΙ		**ΟΧΙ**		Επεξήγηση:

6) Θα βελτίωνε την ποιότητα και την απόδοση των τεχνικών υπηρεσιών η ενίσχυση της οικονομικής ανεξαρτησίας των τεχνικών υπηρεσιών (δηλαδή η μισθοδοσία του προσωπικού να μην επιτρέπεται να συνδέεται με τις αξιολογήσεις που διενεργούνται);

ΝΑΙ		**ΟΧΙ**		Επεξήγηση:

7) Θα βελτίωνε την ποιότητα και την απόδοση των τεχνικών υπηρεσιών η ενίσχυση των απαιτήσεων για τα διαπιστευμένα εσωτερικά όργανα και υπηρεσίες των κατασκευαστών;

ΝΑΙ		**ΟΧΙ**		Επεξήγηση:

8) Θα ήταν εφικτό και οικονομικώς αποδοτικό για τις τεχνικές υπηρεσίες να αναπτύξουν και να εφαρμόσουν μια εθελοντική συμφωνία, η οποία να διευκρινίζει και να καθιστά αυστηρότερες τις απαιτήσεις για τις τεχνικές υπηρεσίες, ώστε αυτές να έχουν το δικαίωμα να εκτελούν δοκιμές έγκρισης τύπου και να εξακριβώνουν συμμόρφωσης της παραγωγής;

ΝΑΙ		**ΟΧΙ**		Επεξήγηση:

9) Θα ήταν η τροποποίηση της οδηγίας 2007/46/ΕΚ η πλέον αποτελεσματική λύση για την εξασφάλιση της υψηλής ποιότητας και απόδοσης των τεχνικών υπηρεσιών;

ΝΑΙ		**ΟΧΙ**		Επεξήγηση:

10) Θα ήταν η ενίσχυση και η θέσπιση σαφών διαδικασιών για την ανταλλαγή πληροφοριών και τη συνεργασία μεταξύ των τεχνικών υπηρεσιών επαρκείς για να επιτευχθεί ένα ενιαίο επίπεδο αυστηρότητας στις δοκιμές έγκρισης τύπου και την επαλήθευση της συμμόρφωσης της παραγωγής;

ΝΑΙ		**ΟΧΙ**		Επεξήγηση:

11) Θα μπορούσαν υφιστάμενα όργανα (όπως τα TAAEG, TAAM) να έχουν κάποιο ρόλο στη διασφάλιση ενός ενιαίου επιπέδου αυστηρότητας στις δοκιμές έγκρισης τύπου και την επαλήθευση της συμμόρφωσης της παραγωγής;

ΝΑΙ		**ΟΧΙ**		Επεξήγηση:

12) Τέλος, αναμένετε τυχόν επιπτώσεις (οφέλη, κόστη) για τον οργανισμό σας από την ενημέρωση της συμμόρφωσης της παραγωγής για τα αυτοκίνητα ώστε να είναι σύμφωνη με το Νέο Νομοθετικό Πλαίσιο? (δείτε το σχετικό σύνδεσμο εδώ για περαιτέρω πληροφορίες);

ΝΑΙ		**ΟΧΙ**		Επεξήγηση:

Kérdések Műszaki Szolgáltatókhoz – Hungarian Questionnaire

Néhány fontos kérdéshez kapcsolódóan szeretnénk megtudni az Ön véleményét. Szeretnénk megkérni hogy IGEN és NEM válaszok megadásával **illetve amennyiben lehetséges bővebb magyarázattal szolgálva a felmerülő előnyök és hátrányok (költségek) kérdésében** segítse munkánkat. Amennyiben ez nem lehetséges az egyszerű IGEN vagy NEM válaszok is nagy segítséget jelentenek számunkra.

1) Szervezete/cége részt vesz-e más, nem jármű és/vagy jármű alkatrész (pl. motorkerékpár) típus-jóváhagyási és gyártás-megfelelőségi ellenőrzésében?

Igen		**Nem**		Magyarázat:

2) Jelent-e az Ön szervezete/cége számára hasznot vagy költségmegtakarítást a 2007/46/EC irányelvösszehangolása egyéb, az autóipari területén (pl. motorkerékpárok) releváns kapcsolódó jogszabályokkal azáltal, hogy egyszerűsített és következetes követelmények támaszt az Önök által gyártott termékekkel kapcsolatosan?

Igen		**Nem**		Magyarázat:

3) Van tudomása olyan műszaki szolgáltatásokról, amelyeket jelenleg alkalmazásban vannak járművek és/vagy jármű alkatrészek tervezési, gyártási, üzembe helyezési, használati vagy karbantartartási fázisában?

Igen		**Nem**		Magyarázat:

4) Van tudomása olyan helyzetről, amelyben a műszaki szolgáltatást nyujtó személyzet fizetése az elvégzett értékelések, tesztelések számától vagy azok eredményétől függene?

Igen		**Nem**		Magyarázat:

5) Javulna-e a műszaki szolgáltatások minősége és teljesítménye amennyiben megerősítésre kerülne a műszaki szolgáltatást nyujtó személyzet műszaki függetlensége (azaz nem lenne megengedett, hogy a műszaki szolgáltató legyen egyszemélyben a tervező, gyártó, szállító, üzembehelyező, vásárló, tulajdonos, felhasználó vagy karbantartó)?

Igen		**Nem**		Magyarázat:

6) Javulna-e a műszaki szolgáltatások minősége és teljesítménye amennyiben megerősítésre kerülne a műszaki szolgáltatást nyujtó személyzet műszaki függetlensége (pl. személyi költségek nem kapcsolódnának az elvégzett vizsgálatokhoz)?

Igen		**Nem**		Magyarázat:

7) Javulna-e a műszaki szolgáltatások minősége és teljesítménye amennyiben megerősítésre kerülnének a házon belül müködő akkreditált szervezetekre vonatkozó szabályzatok?

Igen		**Nem**		Magyarázat:

8) Megvalósítható és költséghatékony megoldás lenne-e a műszaki szolgáltatások végzőire nézve egy önkéntes megállapodás kidolgozása és érvényesítése amely pontosítja és szigorítja azon elvárásokat melyek alapján meghatározásra kerül a típus-jóváhagyási és gyártás-megfelelőségi szolgáltatások nyujtóinak köre?

Igen		**Nem**		Magyarázat:

9) Véleménye szerint a 2007/46/EC irányelv módosítása a leghatékonyabb megoldás a magas minőségű és a teljesítményű technikai szolgáltatások eléréséhez?

Igen		**Nem**		Magyarázat:

10) Véleménye szerint az információ csere valamint a műszaki szolgáltatást nyujtó felek közti együttműködés eljárásainak egyértelműbbé tétele és erősítése elegendő lenne-e egy egységes szigorú típus-jóváhagyási és gyártás komformitást ellenörző rendszer kialakításához?

Igen		**Nem**		Magyarázat:

11) Lehetégesnek tartja, hogy meglévő szervezeteknek (mint például a TAAEG, TAAM) szerepe legyen annak biztosításában, hogy egységes szigorú típus-jóváhagyási és ellenőrzése a gyártás komformitást ellenörző rendsyer kerüljön kialakításra?

Igen		**Nem**		Magyarázat:

12) Végezetül, számít-e bármilyen a szervezetére/cégére vonatkozó következményre (haszon, költségek) a gyártás komformitás felülvizsgálatából adódóan amelyre az Új Jogi Keretrendszerhez (lásd New Legislation Framework) való harmonizáció okán kerül sor?

Igen		**Nem**		Magyarázat:

Domande per i Servizi Tecnici – Italian Questionnaire

Ci piacerebbe avere le Vostre opinioni su alcune questioni. Si prega di rispondere SI o NO ad ogni domanda e, **se possibile, fornire ulteriori spiegazioni della vostra risposta, mettendo in evidenza i possibili vantaggi (benefici) e/o svantaggi (costi), in inglese o nella vostra lingua madre**. Anche se non foste in grado di fare ciò, una semplice risposta sì o no sarebbe ancora molto utile.

1) La Vostra organizzazione è coinvolta nella prova di omologazione e verifica della conformità della produzione di altri prodotti oltre a veicoli e/o componenti di veicoli (moto per esempio)?

SÌ		**NO**		Spiegazione:

2) L'allineamento della direttiva 2007/46/CE con altre normative nel settore automobilistico (ad esempio per i motocicli) può comportare benefici o risparmi di costi per la Vostra organizzazione, ad esempio, avendo un approccio snello e coerente ai requisiti per il Vostro portafoglio di prodotti?

SÌ		**NO**		Spiegazione:

3) Siete a conoscenza di servizi tecnici che sono attualmente coinvolti nella progettazione, fabbricazione, fornitura, installazione, utilizzo o manutenzione dei veicoli e/o componenti del veicolo che testano?

SÌ		**NO**		Spiegazione:

4) Siete a conoscenza di situazioni in cui la paga del personale di un servizio tecnico dipende dal numero di valutazioni eseguite o dai risultati di tali valutazioni?

SÌ		**NO**		Spiegazione:

5) La qualità e le prestazioni dei servizi tecnici verrebbe migliorata rafforzando l'indipendenza finanziaria dei servizi tecnici (cioè non possono essere progettisti, fabbricanti, fornitori, installatori, acquirenti, proprietari, utenti o manutentori dei veicoli o dei componenti testati)?

SÌ		**NO**		Spiegazione:

6) La qualità e le prestazioni dei servizi tecnici verrebbe migliorata rafforzando l'indipendenza finanziaria dei servizi tecnici (ad esempio la paga del personale non dovrebbe essere collegata alle valutazioni effettuate)?

SÌ		**NO**		Spiegazione:

7) La qualità e le prestazioni dei servizi tecnici verrebbe migliorata rafforzando i requisiti per gli organismi interni accreditati?

SÌ		**NO**		Spiegazione:

8) Sarebbe fattibile e conveniente per i servizi tecnici sviluppare e applicare un accordo volontario che chiarisca e rafforzi i requisiti che i servizi tecnici devono soddisfare per ottenere il titolo ad eseguire le prove di omologazione e la verifica della conformità della produzione?

SÌ		**NO**		Spiegazione:

9) Modificare la direttiva 2007/46/CE sarebbe la soluzione più efficace per garantire alta qualità e prestazioni dei servizi tecnici?

SÌ		**NO**		Spiegazione:

10) Migliorare e stabilire chiare procedure per lo scambio di informazioni e la cooperazione tra servizi tecnici sarebbe sufficiente a raggiungere un livello uniforme di rigore nelle prove di omologazione e verifica della conformità della produzione?

SÌ		**NO**		Spiegazione:

11) Gli organismi esistenti (come TAAEG, TAAM) potrebbero avere un ruolo nel garantire un livello uniforme di rigore nelle prove di omologazione e verifica della conformità della produzione?

SÌ		**NO**		Spiegazione:

12) Infine, vi aspettate degli effetti (vantaggi, costi) sulla Vostra organizzazione dall'aggiornamento della conformità della produzione per le auto per essere in linea con il nuovo quadro legislativo (si veda NLF per ulteriori informazioni)?

SÌ		**NO**		Spiegazione:

Pytania dla Dozru Technicznego – Polish Questionnaire

Chcielibyśmy uzyskać Państwa opinię na poniższe pytania. Prosimy o udzielenie odpowiedzi TAK lub NIE na poniżej zawarte pytania oraz **w miarę możliwości, przedstawić dalsze wyjaśnienia odpowiedzi, podkreślając możliwe korzyści i / lub wady (koszty), w języku angielskim lub w języku polskim**. Jeśli Pańswto nie są w stanie przedstawić szczegółowych wyjaśnień, udzielenie odpowiedzi TAK lub NIE będzie dla nas niezmmiernie pomocne.

1) Czy Państwa organizacja jest zaangażowana w badania homologacji typu i weryfikacji zgodności produkcji dla innych produktów, z wyjątkiem pojazdów i / lub części pojazdów (np. motocykli)? **TAK / NIE**

TAK		**NIE**		Wyjaśnienie:

2) Czy zrównanie Dyrektywy 2007/46/WE z innych powiązanymi aktami prawnymi w obszarze motoryzacyjnym (np. dotyczącymi motocykli) mogłoby przynieść korzyści lub oszczędności dla Państwa organizacji, na przykład poprzez usprawnione i spójne podejście do potrzeb całego portfolio produktów w obszarze motoryzacyjnym?

TAK		**NIE**		Wyjaśnienie:

3) Czy znają Państwo jakiekolwiek usługi techniczne, które są obecnie zaangażowane w projektowanie, produkcję, dostawę, instalację, użytkowanie lub konserwację pojazdów i / lub części pojazdów, które są przez te usługi testowane?

TAK		**NIE**		Wyjaśnienie:

4) Czy znają Państwo sytuacje w których wynagrodzenia personelu technicznego są zależne od liczby wykonanych ocen lub od wyników tych ocen?

TAK		**NIE**		Wyjaśnienie:

5) Czy jakość i wydajność usług technicznych mogłaby zostać ulepszona poprzez techniczne wzmocnienie niezależności dozoru technicznego (tj. dozory techniczne nie mogłyby być projektantami, producentami, dostawcami, instalatorami, nabywcami, właścicielami, użytkownikami czy konserwatorami testowanych pojazdów lub ich części)?

TAK		**NIE**		Wyjaśnienie:

6) Czy jakość i wydajność usług technicznych mogłaby zostać ulepszona poprzez wzmocnienie niezależności finansowej dozoru technicznego (tj. płace personelu nie powinny być powiązane z przeprowadzonymi testami)?

TAK		**NIE**		Wyjaśnienie:

7) Czy jakość i wydajność usług technicznych mogłaby zostać ulepszona poprzez zaostrzenie wymagań dotyczących wewnętrznych jednostek akredytacji?

TAK		**NIE**		Wyjaśnienie:

8) Czy byłoby wykonalne i opłacalne dla dozoru technicznego, opracowanie i wdrożenie dobrowolnej umowy, który wyjaśnia i kładzie nacisk na wymagania techniczne by być uprawnionym do wykonywania badania homologacji typu i weryfikacji zgodności produkcji?

TAK		**NIE**		Wyjaśnienie:

9) Czy zmiana dyrektywy 2007/46/WE byłaby najbardziej efektywnym rozwiązaniem dla zapewnienia wysokiej jakości i wydajności usług technicznych?

TAK		**NIE**		Wyjaśnienie:

10) Czy zwiększenie i ustanowienie jasnych procedur wymiany informacji i współpracy dozoru technicznego, byłoby wystarczające do osiągnięcia jednolitego, rygorystycznego poziomu badań homologacyjnych i kontroli zgodności produkcji?

TAK		**NIE**		Wyjaśnienie:

11) Czy istniejące instytucje (takie jak TAAEG, TAAM) które odgrywają istotną rolę w zapewnieniu jednolitego rygorystycznego poziomu badań homologacyjnych i kontroli zgodności produkcji?

TAK		**NIE**		Wyjaśnienie:

12) Czy oczekują Pańswto konkretnych skutków (korzyści, kosztów) dla Państwa organizacji, w związku z aktualizacją zgodności produkcji samochodów zgodnych z New Legislative Framework (patrz NLF celu uzyskania dalszych informacji)?

TAK		**NIE**		Wyjaśnienie:

Cuestionario para los Servicios Técnicos – Spanish Questionnaire

Nos gustaría obtener Sus puntos de vista sobre algunas cuestiones (véase el anexo). Por favor conteste SÍ o NO a cada pregunta y si es posible, proporcione una explicación complementaria de su respuesta, poniendo de relieve las posibles ventajas (beneficios) y/o desventajas (costes), en Inglés o en su idioma nativo. Aunque no sea capaz de hacer esto, un simple SÍ o NO sería de toda forma muy útil.

1) ¿Su organización está involucrada en la prueba de homologación y verificación de la conformidad de la producción de otros productos aparte de los vehículos y/o componentes de vehículos (motocicletas, por ejemplo)?

SÍ		**NO**		Explicación:

2) ¿El alineamiento de la Directiva 2007/46/CE con otras leyes relacionadas en el sector "automotive" (por ejemplo, para las motocicletas) podría resultar en beneficios o ahorros de costes para Su organización, por ejemplo, por tener un enfoque racional y coherente a los requisitos a lo largo de Su cartera de productos?

SÍ		**NO**		Explicación:

3) ¿Usted está a conocimiento de Servicios Técnicos que actualmente están involucrados en el diseño, fabricación, suministro, instalación, uso o mantenimiento de los vehículos y/o componentes de los vehículos que ponen a prueba?

SÍ		**NO**		Explicación:

4) ¿Está a conocimiento de situaciones en las que el sueldo del personal de un Servicio Técnico depende del número de evaluaciones realizadas o de los resultados de esas evaluaciones?

SÍ		**NO**		Explicación:

5) ¿La calidad y el rendimiento de los Servicios Técnicos podrían mejorarse mediante el fortalecimiento de la independencia técnica de los Servicios Técnicos (es decir, no se les permite ser diseñador, fabricante, proveedor, instalador, comprador, propietario, usuario o personal de mantenimiento de los vehículos o componentes probados)?

SÍ		**NO**		Explicación:

6) ¿La calidad y el rendimiento de los Servicios Técnicos podrían mejorarse mediante el fortalecimiento de la independencia financiera de los Servicios Técnicos (es decir, el sueldo del personal no debe estar vinculado a las evaluaciones realizadas)?

SÍ		**NO**		Explicación:

7) ¿La calidad y el rendimiento de los Servicios Técnicos podrían mejorarse mediante el fortalecimiento de los requisitos para los organismos internos acreditados?

SÍ		**NO**		Explicación:

8) ¿Sería factible y rentable para los Servicios Técnicos desarrollar y cumplir un acuerdo voluntario que aclare y refuerce los requisitos para los Servicios Técnicos para tener derecho a realizar las pruebas de homologación y verificación de la conformidad de la producción?

SÍ		**NO**		Explicación:

9) ¿Modificar la Directiva 2007/46/CE sería la solución más eficaz para garantizar la alta calidad y rendimiento de los Servicios Técnicos?

SÍ		**NO**		Explicación:

10) ¿Sería la mejora y el establecimiento de claros procedimientos para el intercambio de información y cooperación entre los Servicios Técnicos suficientes para lograr un nivel uniforme de rigor en las pruebas de homologación y verificación de la conformidad de la producción?

SÍ		**NO**		Explicación:

11) ¿Los órganos ya existentes (como el TAAEG, TAAM) podrían tener la función de garantizar un nivel uniforme de rigor en las pruebas de homologación y verificación de la conformidad de la producción?

SÍ		**NO**		Explicación:

12) ¿Por último, se espera algún impacto (beneficios, costes) en Su organización de la actualización de la conformidad de la producción de automóviles para estar en línea con el Nuevo Marco Legislativo (ver Nuevo Marco Legislativo para más información)?

SÍ		**NO**		Explicación:

ANNEX 12

REVIEW OF THE NEW LEGISLATIVE FRAMEWORK (NLF)

A12 OVERVIEW

This Annex provides a comparative overview of the current legislative framework relating to cars (Directive 2007/46/EC) and of the New Legislative Framework (NLF)[1]. The aim of this Annex is to identify the main differences between the current framework which is based on Directive 2007/46/EC and that proposed by the NLF.

This is achieved by means of the following three steps:

- Step 1: Identification of provisions in the NLF that are relevant to the five problem areas considered by this study;
- Step 2: Comparison of the current regulatory framework and relevant provisions identified under Task 1, with the aim of compiling a list of provisions which could provide significant added value as opposed to the status quo (Directive 2007/46/EC and current practices); and
- Step 3: Summary of key points of those NLF provisions identified under Steps 1 and 2 as relevant and substantially adding to the current framework, and an assessment of their relevance to the policy options considered in this study.

This Annex refers to Regulation 765/2008/EC as the NLF Regulation (or NLFR) and Decision 768/2008/EC as the NLF Decision (NLFD).

A12.1 Step 1: Identification of Relevant Provisions

This Chapter provides an overview of the relevant articles in the NLF Regulation and in the NLF Decision that are relevant to the five problem areas.

Table A12.1: Relevant Articles in NLF Regulation and NLF Decision

Problem Area	Relevant Articles
Problem Area 1: traceability of products and the role and responsibilities of economic operators in the supply chain	*In relation to traceability:* NLFD Article R2(5) (Obligations of Manufacturers) *In relation to the responsibilities of stakeholders in the supply chain:* NLFD Article R2 (Obligations of Manufacturers) NLFD Article R3 (Authorised Representatives) NLFD Article R4 (Obligations of Importers) NLFD Article R5 (Obligations of Distributors) NLFD Article R6 (Cases where obligations of manufacturers apply to importers and distributors) NLFD Article R7 (Identification of economic operators)
Problem Area 2: Responsibilities of and co-operation between the	*In relation to market surveillance authorities:* NLFR Article 17 (Information obligations) NLFR Article 18 (Obligations of the Member States as regards organisation) as regards market surveillance

[1] The NLF comprises Regulation 765/2008/EC on accreditation and market surveillance and Decision 768/2008/EC establishing a common framework for the marketing of products.

Table A12.1: Relevant Articles in NLF Regulation and NLF Decision	
Problem Area	**Relevant Articles**
different national authorities within the Member States involved in enforcement of Directive 2007/46/EC in their territory	NLFR Article 19 (Market surveillance measures) NLFR Article 22 (Exchange of information - Community Rapid Information System) NLFR Article 23 (General information support system) NLFR Article 24 (Principles of cooperation between the Member States and the Commission) NLFR Article 25 (Sharing of resources) *In relation to customs authorities:* NLFR Article 27 (Controls of products entering the Community market) NLFR Article 28 (Release of products) NLFR Article 29 (National measures)
Problem Area 3: Quality and performance of technical services	NLFD Article R13 (Notification) NLFD Article R14 (Notifying authorities) NLFD Article R15 (Requirements relating to notifying authorities) NLFD Article R16 (Information obligation on notifying authorities) NLFD Article R17 (Requirements relating to notified bodies) NLFD Article R18 (Presumption of conformity) NLFD Article R20 (Subsidiaries of and subcontracting by notified bodies) NLFD Article R21 (Accredited in-house bodies) NLFD Article R22 (Application for notification) NLFD Article R26 (Challenge of competence of notified bodies)
Problem Area 4: Application of post-market safeguard measures and the recall of vehicles and components	NLFR Article 20 (Products presenting a serious risk) NLFR Article 21 (Restrictive measures) NLFR Article 22 (Exchange of information – Community Rapid Information System) NLFD Article R31 (Procedure for dealing with products presenting a risk at national level) NLFD Article R32 (Community safeguard procedure) NLFD Article R33 (Compliant products which present a risk to health and safety)
Problem Area 5: The verification procedures for ensuring conformity of production	NLFD Annex II, Module D.

A12.2 Step 2: Initial Assessment of the NLF's Potential for Improving the Current Directive

Some of the topically relevant provisions in the NLF listed in Table A12.1 may either not result in tangible benefits over and above the existing regulatory framework and/or their implementation is not likely to be associated with significant additional costs. As such, these provisions are of limited relevance to this study. This Section therefore provides an initial assessment of NLF articles listed in Table A12.1 in terms of their potential to improve the current regulatory framework. The output is a list of those provisions in the NLF that are not only relevant to the five problem areas but whose implementation would also result in tangible benefits (these are indicated by means of a "yes" in Tables A12.2 to A12.39).

A12.2.1 Problem Area 1: Traceability, Roles and Responsibilities of Economic Operators

Table A12.2: Clarifying the Responsibilities and Accountability of 'Manufacturers'	
Obligations of Manufacturers	**Added value?**
1. When placing their products on the market, manufacturers shall ensure that they have been designed and manufactured in accordance with the requirements set out in … [reference to the relevant part of the legislation].	No
2. Manufacturers shall draw up the required technical documentation and carry out the conformity assessment procedure applicable or have it carried out. Where compliance of a product with the applicable requirements has been demonstrated by that procedure, manufacturers shall draw up an EC declaration of conformity and affix the conformity marking.	No
3. Manufacturers shall keep the technical documentation and the EC declaration of conformity for ... *[period to be specified in proportion to the lifecycle of the product and the level of risk]* after the product has been placed on the market.	No
4. Manufacturers shall ensure that procedures are in place for series production to remain in conformity. Changes in product design or characteristics and changes in the harmonised standards or in technical specifications by reference to which conformity of a product is declared shall be adequately taken into account.	No
When deemed appropriate with regard to the risks presented by a product, manufacturers shall, to protect the health and safety of consumers, carry out sample testing of marketed products, investigate, and, if necessary, keep a register of complaints, of non-conforming products and product recalls, and shall keep distributors informed of any such monitoring.	No
5. Manufacturers shall ensure that their products bear a type, batch or serial number or other element allowing their identification, or, where the size or nature of the product does not allow it, that the required information is provided on the packaging or in a document accompanying the product.	Yes
6. Manufacturers shall indicate their name, registered trade name or registered trade mark and the address at which they can be contacted on the product or, where that is not possible, on its packaging or in a document accompanying the product. The address must indicate a single point at which the manufacturer can be contacted.	Yes
7. Manufacturers shall ensure that the product is accompanied by instructions and safety information in a language which can be easily understood by consumers and other end-users, as determined by the Member State concerned.	No
8. Manufacturers who consider or have reason to believe that a product which they have placed on the market is not in conformity with the applicable Community harmonisation legislation shall immediately take the necessary corrective measures to bring that product into conformity, to withdraw it or recall it, if appropriate. Furthermore, where the product presents a risk, manufacturers shall immediately inform the competent national authorities of the Member States in which they made the product available to that effect, giving details, in particular, of the noncompliance and of any corrective measures taken.	No
9. Manufacturers shall, further to a reasoned request from a competent national authority, provide it with all the information and documentation necessary to demonstrate the	No

Table A12.2: Clarifying the Responsibilities and Accountability of 'Manufacturers'	
Obligations of Manufacturers	**Added value?**
conformity of the product, in a language which can be easily understood by that authority. They shall cooperate with that authority, at its request, on any action taken to eliminate the risks posed by products which they have placed on the market.	
Source: Article R2, Chapter R2 of Decision No 768/2008/EC	

Table A12.3: Clarifying the Responsibilities and Accountability of 'Distributors'	
Obligations of Distributors	**Added value?**
1. When making a product available on the market distributors shall act with due care in relation to the requirements applicable.	No
2. Before making a product available on the market distributors shall verify that the product bears the required conformity marking or markings, that it is accompanied by the required documents and by instructions and safety information in a language which can be easily understood by consumers and other end-users in the Member State in which the product is to be made available on the market, and that the manufacturer and the importer have complied with the requirements set out in Article [R2(5) and (6)] and Article [R4(3)]. **Where a distributor considers or has reason to believe that a product is not in conformity with … [reference to the relevant part of the legislation], he shall not make the product available on the market until it has been brought into conformity. Furthermore, where the product presents a risk, the distributor shall inform the manufacturer or the importer to that effect as well as the market surveillance authorities.**	Yes
3. Distributors shall ensure that, while a product is under their responsibility, storage or transport conditions do not jeopardise its compliance with the requirements set out in ... *[reference to the relevant part of the legislation]*.	No
4. Distributors who consider or have reason to believe that a product which they have made available on the market is not in conformity with the Community harmonisation legislation applicable shall make sure that the corrective measures necessary to bring that product into conformity, to withdraw it or recall it, if appropriate, are taken. Furthermore, where the product presents a risk, distributors shall immediately inform the competent national authorities of the Member States in which they made the product available to that effect, giving details, in particular, of the non-compliance and of any corrective measures taken.	No
5. Distributors shall, further to a reasoned request from a competent national authority, provide it with all the information and documentation necessary to demonstrate the conformity of a product. They shall cooperate with that authority, at its request, on any action taken to eliminate the risks posed by products which they have made available on the market.	No
Source: Article R5, Chapter R2 of Decision No 768/2008/EC	

Table A12.4: Clarifying the Responsibilities and Accountability of 'Representatives'	
Obligations of Representatives	**Added value?**
1. A manufacturer may, by a written mandate, appoint an authorised representative. The obligations laid down in Article [R2(1)] and the drawing up of technical documentation shall not form part of the authorised representative's mandate.	No

Table A12.4: Clarifying the Responsibilities and Accountability of 'Representatives'	
Obligations of Representatives	**Added value?**
2. An authorised representative shall perform the tasks specified in the mandate received from the manufacturer. The mandate shall allow the authorised representative to do at least the following: (a) keep the EC declaration of conformity and the technical documentation at the disposal of national surveillance authorities for … [period to be specified in proportion to the lifecycle of the product and the level of risk]; (b) further to a reasoned request from a competent national authority, provide that authority with all the information and documentation necessary to demonstrate the conformity of a product; (c) cooperate with the competent national authorities, at their request, on any action taken to eliminate the risks posed by products covered by their mandate.	No
Source: Article R3, Chapter R2 of Decision No 768/2008/EC	

Table A12.5: Clarifying the Responsibilities and Accountability of 'Importers'	
Obligations of Importers	**Added value?**
1. Importers shall place only compliant products on the Community market.	No
2. Before placing a product on the market importers shall ensure that the appropriate conformity assessment procedure has been carried out by the manufacturer. They shall ensure that the manufacturer has drawn up the technical documentation, that the product bears the required conformity marking or markings and is accompanied by the required documents, and that the manufacturer has complied with the requirements set out in Article [R2(5) and (6)]. **Where an importer considers or has reason to believe that a product is not in conformity with … [reference to the relevant part of the legislation], he shall not place the product on the market until it has been brought into conformity. Furthermore, where the product presents a risk, the importer shall inform the manufacturer and the market surveillance authorities to that effect.**	Yes
3. Importers shall indicate their name, registered trade name or registered trade mark and the address at which they can be contacted on the product or, where that is not possible, on its packaging or in a document accompanying the product.	Yes
4. Importers shall ensure that the product is accompanied by instructions and safety information in a language which can be easily understood by consumers and other end-users, as determined by the Member State concerned.	No
5. Importers shall ensure that, while a product is under their responsibility, storage or transport conditions do not jeopardise its compliance with the requirements set out in … [reference to the relevant part of the legislation].	No
6. When deemed appropriate with regard to the risks presented by a product, importers shall, to protect the health and safety of consumers, carry out sample testing of marketed products, investigate, and, if necessary, keep a register of complaints, of non-conforming products and product recalls, and shall keep distributors informed of such monitoring.	Yes
7. Importers who consider or have reason to believe that a product which they have placed on the market is not in conformity with the Community harmonisation legislation applicable shall immediately take the corrective measures necessary to	Yes

Table A12.5: Clarifying the Responsibilities and Accountability of 'Importers'	
Obligations of Importers	**Added value?**
bring that product into conformity, to withdraw it or recall it, if appropriate. Furthermore, where the product presents a risk, importers shall immediately inform the competent national authorities of the Member States in which they made the product available to that effect, giving details, in particular, of the non-compliance and of any corrective measures taken. **8. Importers shall, for ... [period to be specified in proportion to the lifecycle of the product and the level of risk], keep a copy of the EC declaration of conformity at the disposal of the market surveillance authorities and ensure that the technical documentation can be made available to those authorities, upon request.**	Yes
Source: Article R4, Chapter R2 of Decision No 768/2008/EC	

Table A12.6: Clarifying the Responsibilities and Accountability of 'Importers' and 'Distributors' Which Act as Manufacturers	
Obligations of Importers and Distributors	**Added value?**
An importer or distributor shall be considered a manufacturer for the purposes of this ... *[name of relevant piece of legislation]* and he shall be subject to the obligations of the manufacturer under *[reference to the relevant part of the legislation]*, where he places a product on the market under his name or trademark or modifies a product already placed on the market in such a way that compliance with the applicable requirements may be affected.	No
Source: Article R6, Chapter R2 of Decision No 768/2008/EC	

Table A12.7: Clarifying the Responsibilities of Economic Operators	
Obligations of Economic Operators	**Added value?**
Economic operators shall, on request, identify the following to the market surveillance authorities, for ... [*period to be specified in proportion to the lifecycle of the product and the level of risk*]: **(a) any economic operator who has supplied them with a product;** **(b) any economic operator to whom they have supplied a product.**	Yes
Source: Article R7, Chapter R2 of Decision No 768/2008/EC	

A12.2.2 Problem Area 2: Responsibilities and Co-operation between National Authorities

Table A12.8: Clarifying the Responsibilities of Market Surveillance Authorities (Information Obligations)	
Obligations of Member States	**Improvement?**
1. Member States shall inform the Commission of their market surveillance authorities and their areas of competence. The Commission shall transmit that information to the other Member States.	No[2]
2. Member States shall ensure that the public is aware of the existence, responsibilities and identity of national market surveillance authorities, and of how those authorities may be contacted.	Yes
Source: Article 17, Regulation (EC) 765/2008	

Table A12.9: Clarifying the Responsibilities of Market Surveillance Authorities (Obligations of Member States as regards Organisation)	
Obligations of Member States	**Improvement?**
1) Member States shall establish appropriate communication and coordination mechanisms between their market surveillance authorities.	Yes
2) Member States shall establish adequate procedures in order to: (a) follow up complaints or reports on issues relating to risks arising in connection with products subject to Community harmonisation legislation; (b) monitor accidents and harm to health which are suspected to have been caused by those products; (c) verify that corrective action has been taken; and (d) follow up scientific and technical knowledge concerning safety issues.	No
3) Member States shall entrust market surveillance authorities with the powers, resources and knowledge necessary for the proper performance of their tasks.	No
4) Member States shall ensure that market surveillance authorities exercise their powers in accordance with the principle of proportionality.	No
5. Member States shall establish, implement and periodically update their market surveillance programmes. Member States shall draw up either a general market surveillance programme or sector specific programmes, covering the sectors in which they conduct market surveillance, communicate those programmes to the other Member States and the Commission and make them available to the public, by way of electronic communication and, where appropriate, by other means. The first such communication shall be effected by 1 January 2010. Subsequent updates of the programmes shall be made public in the same manner. Member States may cooperate with all relevant stakeholders to those ends.	Yes
6. Member States shall periodically review and assess the functioning of their surveillance activities. Such reviews and assessments shall be carried out at least every fourth year and the results thereof shall be communicated to the other Member States and the Commission and be made available to the public, by way of electronic communication and, where appropriate, by other means.	Yes
Source: Article 18, Regulation (EC) 765/2008	

[2] (Limited) reporting is already taking place: http://ec.europa.eu/enterprise/policies/single-market-goods/regulatory-policies-common-rules-for-products/index_en.htm

Table A12.10: Clarifying the Responsibilities of Market Surveillance Authorities (Market Surveillance Measures)	
Obligations of Member States	**Added value?**
1. Market surveillance authorities shall perform appropriate checks on the characteristics of products on an adequate scale, by means of documentary checks and, where appropriate, physical and laboratory checks on the basis of adequate samples. When doing so they shall take account of established principles of risk assessment, complaints and other information. Market surveillance authorities may require economic operators to make such documentation and information available as appear to them to be necessary for the purpose of carrying out their activities, and, where it is necessary and justified, enter the premises of economic operators and take the necessary samples of products. They may destroy or otherwise render inoperable products presenting a serious risk where they deem it necessary.	No
Where economic operators present test reports or certificates attesting conformity issued by an accredited conformity assessment body, market surveillance authorities shall take due account of such reports or certificates. 2. Market surveillance authorities shall take appropriate measures to alert users within their territories within an adequate timeframe of hazards they have identified relating to any product so as to reduce the risk of injury or other damage.	No
They shall cooperate with economic operators regarding actions which could prevent or reduce risks caused by products made available by those operators. 3. Where the market surveillance authorities of one Member State decide to withdraw a product manufactured in another Member State, they shall inform the economic operator concerned at the address indicated on the product in question or in the documentation accompanying that product.	No
4. Market surveillance authorities shall carry out their duties independently, impartially and without bias.	No
5. Market surveillance authorities shall observe confidentiality where necessary in order to protect commercial secrets or to preserve personal data pursuant to national legislation, subject to the requirement that information be made public under this Regulation to the fullest extent necessary in order to protect the interests of users in the Community.	No
Source: Article 19, Regulation (EC) 765/2008	

Table A12.11: Clarifying the Responsibilities of Market Surveillance Authorities (Exchange of information - Community Rapid Information System)	
Obligations of Member States	**Added value?**
1. Where a Member State takes or intends to take a measure in accordance with Article 20 and considers that the reasons which prompted the measure or the effects of the measure go beyond its territory, it shall immediately notify the Commission of that measure, in accordance with paragraph 4 of this Article. It shall also inform the Commission without delay of the modification or withdrawal of any such measure.	No
2. If a product presenting a serious risk has been made available on the market, Member States shall notify the Commission of any voluntary measures taken and communicated by an economic operator.	No
3. The information provided in accordance with paragraphs 1 and 2 shall include all available details, in particular the data necessary for the identification of the product, the origin and the supply chain of the product, the related risk, the nature and the duration of the national measure taken and any voluntary measures taken by economic operators.	No
4. For the purposes of paragraphs 1, 2 and 3, the market surveillance and information exchange system provided for in Article 12 of Directive 2001/95/EC shall be used. Paragraphs 2, 3 and 4 of Article 12 of that Directive shall apply mutatis mutandis.	No
Source: Article 22, Regulation (EC) 765/2008	

Table A12.12: Clarifying the Responsibilities of Market Surveillance Authorities (General information support system)	
Obligations of Member States	**Added value?**
1. The Commission shall develop and maintain a general archiving and exchange of information system, using electronic means, on issues relating to market surveillance activities, programmes and related information on non-compliance with Community harmonisation legislation. The system shall appropriately reflect notifications and information provided under Article 22.	Yes
2. For the purposes of paragraph 1, Member States shall provide the Commission with information at their disposal and not already provided under Article 22 on products presenting a risk regarding, in particular, identification of risks, results of testing carried out, provisional restrictive measures taken, contacts with the economic operators concerned and justification for action or inaction.	Yes
3. Without prejudice to Article 19(5) or to national legislation in the area of confidentiality, the safeguarding of confidentiality with regard to the information content shall be ensured. The protection of confidentiality shall not prevent the dissemination to market surveillance authorities of information relevant to ensuring the effectiveness of market surveillance activities.	No
Source: Article 23, Regulation (EC) 765/2008	

Table A12.13: Clarifying the Responsibilities of Market Surveillance Authorities (Principles of cooperation between the Member States and the Commission)	
Obligations of Member States	**Added value?**
1. Member States shall ensure efficient cooperation and exchange of information between their market surveillance authorities and those of the other Member States and between their own authorities and the Commission and the relevant Community agencies regarding their market surveillance programmes and all issues relating to products presenting risks.	Yes
2. For the purposes of paragraph 1, the market surveillance authorities of one Member State shall give the market surveillance authorities of other Member States assistance on an adequate scale by supplying information or documentation, by carrying out appropriate investigations or any other appropriate measure and by participating in investigations initiated in other Member States.	Yes
3. The Commission shall collect and organise such data on national market surveillance measures as will enable it to fulfil its obligations.	Yes
Source: Article 24, Regulation (EC) 765/2008	

Table A12.14: Clarifying the Responsibilities of Market Surveillance Authorities (Sharing of Resources)	
Obligations of Member States	**Added value?**
1. Market surveillance initiatives designed to share resources and expertise between the competent authorities of the Member States may be set up by the Commission or the Member States concerned. Such initiatives shall be coordinated by the Commission.	Yes
2. For the purposes of paragraph 1, the Commission shall, in cooperation with the Member States: **(a) develop and organise training programmes and exchanges of national officials;** **(b) develop, organise and set up programmes for the exchange of experience, information and best practice, programmes and actions for common projects, information campaigns, joint visit programmes and the consequent sharing of resources.**	Yes
3. Member States shall ensure that their competent authorities participate fully in the activities referred to in paragraph 2, where appropriate.	Yes
Source: Article 25, Regulation (EC) 765/2008	

Table A12.15: Clarifying the Responsibilities of Member States in Relation to Controls of Products Entering the Community Market	
Obligations of Member States	**Added value?**
1. The authorities of the Member States in charge of the control of products entering the Community market shall have the powers and resources necessary for the proper performance of their tasks. They shall carry out appropriate checks on the characteristics of products on an adequate scale, in accordance with the principles set out in Article 19(1), before those products are released for free circulation.	Yes
2. Where in a Member State more than one authority is responsible for market	No

Table A12.15: Clarifying the Responsibilities of Member States in Relation to Controls of Products Entering the Community Market	
Obligations of Member States	**Added value?**
surveillance or external border controls, those authorities shall cooperate with each other, by sharing information relevant to their functions and otherwise as appropriate. 3. The authorities in charge of external border controls shall suspend release of a product for free circulation on the Community market when any of the following findings are made in the course of the checks referred to in paragraph 1: (a) the product displays characteristics which give cause to believe that the product, when properly installed, maintained and used, presents a serious risk to health, safety, the environment or any other public interest referred to in Article 1; (b) the product is not accompanied by the written or electronic documentation required by the relevant Community harmonisation legislation or is not marked in accordance with that legislation; (c) the CE marking has been affixed to the product in a false or misleading manner. The authorities in charge of external border controls shall immediately notify the market surveillance authorities of any such suspension. 4. In the case of perishable products, the authorities in charge of external border controls shall, as far as possible, seek to ensure that any requirements they may impose with regard to the storage of products or the parking of vehicles used for transport are not incompatible with the preservation of those products. 5. For the purposes of this Section, Article 24 shall apply in respect of authorities in charge of external border controls, without prejudice to the application of Community law providing for more specific systems of cooperation between those authorities.	No No No
Source: Article 27, Regulation (EC) 765/2008	

Table A12.16: Clarifying the Responsibilities of Member States in Relation to Controls of Products Entering the Community Market (Release of Products)	
Obligations of Member States	**Added value?**
1. A product the release of which has been suspended by the authorities in charge of external border controls pursuant to Article 27 shall be released if, within three working days of the suspension of release, those authorities have not been notified of any action taken by the market surveillance authorities, and provided that all the other requirements and formalities pertaining to such release have been fulfilled. 2. Where the market surveillance authorities find that the product in question does not present a serious risk to health and safety or cannot be regarded as being in breach of Community harmonisation legislation, that product shall be released, provided that all the other requirements and formalities pertaining to such release have been fulfilled.	No No
Source: Article 28, Regulation (EC) 765/2008	

Table A12.17: Clarifying the Responsibilities of Member States in Relation to Controls of Products Entering the Community Market (National Measures)	
Obligations of Member States	**Added value?**
1. Where the market surveillance authorities find that a product presents a serious risk, they shall take measures to prohibit that product from being placed on the market and shall require the authorities in charge of external border controls to include the following endorsement on the commercial invoice accompanying the product and on any other relevant accompanying document or, where data processing is carried out electronically, in the data-processing system itself: "Dangerous product — release for free circulation not authorised — Regulation (EC) No 765/2008".	No
2. Where the market surveillance authorities find that a product does not comply with Community harmonisation legislation, they shall take appropriate action, which may, if necessary, include prohibiting the product's being placed on the market. Where placing on the market is prohibited pursuant to the first subparagraph, the market surveillance authorities shall require the authorities in charge of external border controls not to release the product for free circulation and to include the following endorsement on the commercial invoice accompanying the product and on any other relevant accompanying document or, where data processing is carried out electronically, in the data-processing system itself: "Product not in conformity — release for free circulation not authorised — Regulation (EC) No 765/2008".	No
3. Where that product is subsequently declared for a customs procedure other than release for free circulation and provided that the market surveillance authorities do not object, the endorsements set out in paragraphs 1 and 2 shall also be included, under the same conditions, on the documents used in connection with that procedure.	No
4. Member States' authorities may destroy or otherwise render inoperable products presenting a serious risk where they deem it necessary and proportionate.	No
5. Market surveillance authorities shall provide authorities in charge of external border controls with information on product categories in which a serious risk or non-compliance within the meaning of paragraphs 1 and 2 has been identified.	No
Source: Article 29, Regulation (EC) 765/2008	

Table A12.18: Overview of Provisions Clarifying the Roles of Enforcement Authorities		
Body	**Definition**	**Role**
Member State (General)		Member States shall inform the Commission of their **market surveillance authorities** and their areas of competence Each Member State shall appoint a single **national accreditation body**. Member States shall designate a **notifying authority**… but may decide that their tasks shall be carried out by a national accreditation body.
Market surveillance body	…shall mean an authority of a Member State responsible for carrying out market surveillance on its territory	'market surveillance' shall mean the activities carried out and measures taken by public authorities to ensure that products comply with the requirements set out in the relevant Community harmonisation legislation and do not endanger health, safety or any other aspect of public interest protection. Market surveillance authorities shall provide authorities in charge of external border controls with information on product categories in which a serious risk or non-compliance has been identified.
National accreditation body	…shall mean the sole body in a Member State that performs accreditation with authority derived from the State	A national accreditation body shall, when requested by a conformity assessment body, evaluate whether that conformity assessment body is competent to carry out a specific conformity assessment activity. Where it is found to be competent, the national accreditation body shall issue an accreditation certificate to that effect. National accreditation bodies shall monitor the conformity assessment bodies to which they have issued an accreditation certificate. Where a national accreditation body ascertains that a conformity assessment body which has received an accreditation certificate is no longer competent to carry out a specific conformity assessment activity or has committed a serious breach of its obligations, that accreditation body shall take all appropriate measures within a reasonable timeframe to restrict, suspend or withdraw the accreditation certificate. National accreditation bodies shall subject themselves to peer evaluation organised by the body recognised under Article 14 (European accreditation infrastructure). …'peer evaluation' shall mean a process for the assessment of a national accreditation body by other national accreditation bodies, carried out in accordance with the requirements of this Regulation, and, where applicable, additional sectoral technical specifications.
Notifying Authority		Member States shall designate a notifying authority that shall be responsible for setting up and carrying out the necessary procedures for the assessment and notification of conformity assessment bodies and the monitoring of notified bodies, including compliance with the provisions of the legislation.

Table A12.18: Overview of Provisions Clarifying the Roles of Enforcement Authorities		
Body	**Definition**	**Role**
		Member States may decide that the assessment and monitoring referred to in paragraph 1 shall be carried out by a national accreditation body within the meaning of and in accordance with Regulation (EC) No 765/2008.
Conformity assessment body	…shall mean a body that performs conformity assessment activities including calibration, testing, certification and inspection; For the purposes of notification [i.e. becoming a notified body], a conformity assessment body shall meet the requirements laid down in the legislation.	'conformity assessment' shall mean the process demonstrating whether specified requirements relating to a product, process, service, system, person or body have been fulfilled;
Border Controls		Where in a Member State more than one authority is responsible for market surveillance or external border controls, those authorities shall cooperate with each other, by sharing information relevant to their functions and otherwise as appropriate. The authorities in charge of external border controls shall suspend release of a product for free circulation on the Community market when… the product presents a serious risk to health, safety, the environment or any other public interest,… is not accompanied by the written or electronic documentation required by the relevant Community harmonisation legislation or is not marked in accordance with that legislation, … or the CE marking has been affixed to the product in a false or misleading manner. The authorities in charge of external border controls shall immediately notify the market surveillance authorities of any such suspension. Where the market surveillance authorities find that a product presents a serious risk, they shall take measures to prohibit that product from being placed on the market and shall require the authorities in charge of external border controls to include an endorsement on the commercial invoice accompanying the product and on any other relevant accompanying document.
Source: Regulation (EC) 765/2008, Decision (EC) 768/2008		

A12.2.3Problem Area 3: Quality and Performance of Technical Services

Table A12.19: Quality and Performance of Technical Services (Notification)	
Obligations of Member States	**Added value?**
Member States shall notify the Commission and the other Member States of bodies authorised to carry out third-party conformity assessment tasks under this ... [act].	No
Source: Article R13, Decision (EC) 768/2008	

Table A12.20: Quality and Performance of Technical Services (Notifying Authorities)	
Obligations of Member States	**Added value?**
1. Member States shall designate a notifying authority that shall be responsible for setting up and carrying out the necessary procedures for the assessment and notification of conformity assessment bodies and the monitoring of notified bodies, including compliance with the provisions of Article [R20].	No
2. Member States may decide that the assessment and monitoring referred to in paragraph 1 shall be carried out by a national accreditation body within the meaning of and in accordance with Regulation (EC) No 765/2008.	No
3. Where the notifying authority delegates or otherwise entrusts the assessment, notification or monitoring referred to in paragraph 1 to a body which is not a governmental entity, that body shall be a legal entity and shall comply mutatis mutandis with the requirements laid down in Article [R15(1) to (6)]. In addition it shall have arrangements to cover liabilities arising out of its activities.	No
4. The notifying authority shall take full responsibility for the tasks performed by the body referred to in paragraph 3.	No
Source: Article R14, Decision (EC) 768/2008	

Table A12.21: Quality and Performance of Technical Services (Requirements relating to Notifying Authorities)	
Obligations of Member States	**Added value?**
1. A notifying authority shall be established in such a way that no conflict of interest with conformity assessment bodies occurs.	No
3. A notifying authority shall be organised in such a way that each decision relating to notification of a conformity assessment body is taken by competent persons different from those who carried out the assessment.	No
4. A notifying authority shall not offer or provide any activities that conformity assessment bodies perform or consultancy services on a commercial or competitive basis.	No
Source: Article R15, Decision (EC) 768/2008	

Table A12.22: Quality and Performance of Technical Services (Information Obligation on Notifying Authorities)	
Obligations of Member States	**Added value?**
Member States shall inform the Commission of their procedures for the assessment and notification of conformity assessment bodies and the monitoring of notified bodies, and of any changes thereto. The Commission shall make that information publicly available.	No
Source: Article R16, Decision (EC) 76/2008	

Table A12.23: Quality and Performance of Technical Services (Requirements Relating to Notified Bodies)	
Obligations of Member States	**Added value?**
For the purposes of notification, a conformity assessment body shall meet the requirements laid down in paragraphs 2 to 11.	No
2. A conformity assessment body shall be established under national law and have legal personality.	No
3. A conformity assessment body shall be a third-party body independent of the organisation or the product it assesses. **A body belonging to a business association or professional federation representing undertakings involved in the design, manufacturing, provision, assembly, use or maintenance of products which it assesses, may, on condition that its independence and the absence of any conflict of interest are demonstrated, be considered such a body.**	Yes
4. A conformity assessment body, its top level management and the personnel responsible for carrying out the conformity assessment tasks shall not be the designer, manufacturer, supplier, installer, purchaser, owner, user or maintainer of the products which they assess, nor the authorised representative of any of those parties. This shall not preclude the use of assessed products that are necessary for the operations of the conformity assessment body or the use of such products for personal purposes. **A conformity assessment body, its top level management and the personnel responsible for carrying out the conformity assessment tasks shall not be directly involved in the design, manufacture or construction, the marketing, installation, use or maintenance of those products, or represent the parties engaged in those activities. They shall not engage in any activity that may conflict with their independence of judgement or integrity in relation to conformity assessment activities for which they are notified. This shall in particular apply to consultancy services.** **Conformity assessment bodies shall ensure that the activities of their subsidiaries or subcontractors do not affect the confidentiality, objectivity or impartiality of their conformity assessment activities.**	Yes
5. Conformity assessment bodies and their personnel shall carry out the conformity assessment activities with the highest degree of professional integrity and the requisite technical competence in the specific field and shall be free from all pressures and inducements, particularly financial, which might influence their judgement or the results of their conformity assessment activities, especially as regards persons or groups of persons with an interest in the results of those activities.	No

Table A12.23: Quality and Performance of Technical Services (Requirements Relating to Notified Bodies)	
Obligations of Member States	**Added value?**
6. A conformity assessment body shall be capable of carrying out all the conformity assessment tasks assigned to it by … ***[reference to relevant part of the legislation]*** and in relation to which it has been notified, whether those tasks are carried out by the conformity assessment body itself or on its behalf and under its responsibility. At all times and for each conformity assessment procedure and each kind or category of products in relation to which it has been notified, a conformity assessment body shall have at its disposal the necessary: (a) personnel with technical knowledge and sufficient and appropriate experience to perform the conformity assessment tasks; (b) descriptions of procedures in accordance with which conformity assessment is carried out, ensuring the transparency and the ability of reproduction of those procedures. It shall have appropriate policies and procedures in place that distinguish between tasks it carries out as a notified body and other activities; (c) procedures for the performance of activities which take due account of the size of an undertaking, the sector in which it operates, its structure, the degree of complexity of the product technology in question and the mass or serial nature of the production process. It shall have the means necessary to perform the technical and administrative tasks connected with the conformity assessment activities in an appropriate manner and shall have access to all necessary equipment or facilities.	No
7. The personnel responsible for carrying out conformity assessment activities shall have the following: (a) sound technical and vocational training covering all the conformity assessment activities in relation to which the conformity assessment body has been notified; (b) satisfactory knowledge of the requirements of the assessments they carry out and adequate authority to carry out those assessments; (c) appropriate knowledge and understanding of the essential requirements, of the applicable harmonised standards and of the relevant provisions of Community harmonisation legislation and of its implementing regulations; (d) the ability to draw up certificates, records and reports demonstrating that assessments have been carried out.	No
8. The impartiality of the conformity assessment bodies, their top level management and of the assessment personnel shall be guaranteed. **The remuneration of the top level management and assessment personnel of a conformity assessment body shall not depend on the number of assessments carried out or on the results of those assessments.**	Yes
9. Conformity assessment bodies shall take out liability insurance unless liability is assumed by the State in accordance with national law, or the Member State itself is directly responsible for the conformity assessment.	No
10. The personnel of a conformity assessment body shall observe professional secrecy with regard to all information obtained in carrying out their tasks under … [reference to the relevant part of the legislation] or any provision of national law giving effect to it, except in relation to the competent authorities of the Member State in which its activities	No

Table A12.23: Quality and Performance of Technical Services (Requirements Relating to Notified Bodies)	
Obligations of Member States	**Added value?**
are carried out. Proprietary rights shall be protected. 11. Conformity assessment bodies shall participate in, or ensure that their assessment personnel are informed of, the relevant standardisation activities and the activities of the notified body coordination group established under the relevant Community harmonisation legislation and apply as general guidance the administrative decisions and documents produced as a result of the work of that group.	No
Source: Article R17, Decision (EC) 768/2008	

Table A12.24: Quality and Performance of Technical Services (Presumption of Conformity)	
Rules relating to presumption of conformity	**Added value?**
Where a conformity assessment body demonstrates its conformity with the criteria laid down in the relevant harmonised standards or parts thereof the references of which have been published in the Official Journal of the European Union it shall be presumed to comply with the requirements set out in Article [R17] in so far as the applicable harmonised standards cover those requirements.	No
Source: Article R18, Decision (EC) 768/2008	

Table A12.25: Quality and Performance of Technical Services (Subsidiaries of and Subcontracting by Notified Bodies)	
Obligations of Notified Bodies	**Added value?**
1. Where a notified body subcontracts specific tasks connected with conformity assessment or has recourse to a subsidiary, it shall ensure that the subcontractor or the subsidiary meets the requirements set out in Article [R17] and shall inform the notifying authority accordingly.	No
2. Notified bodies shall take full responsibility for the tasks performed by subcontractors or subsidiaries wherever these are established.	No
3. Activities may be subcontracted or carried out by a subsidiary only with the agreement of the client.	No
4. Notified bodies shall keep at the disposal of the notifying authority the relevant documents concerning the assessment of the qualifications of the subcontractor or the subsidiary and the work carried out by them under … [reference to the relevant part of the legislation].	No
Source: Article R20, Decision (EC) 768/2008	

Table A0.26: Quality and Performance of Technical Services (Accredited In-house Bodies)	
Obligations of Accredited In-house Bodies	**Added value?**
1. An accredited in-house body may be used to carry out conformity assessment activities for the undertaking of which it forms a part for the purpose of implementing the procedures set out in [Annex II — modules A1, A2, C1 or C2]. That body shall constitute a separate and distinct part of the undertaking and shall not participate in the design, production, supply, installation, use or maintenance of the products it assesses.	**Yes**

Table A0.26: Quality and Performance of Technical Services (Accredited In-house Bodies)	
Obligations of Accredited In-house Bodies	**Added value?**
2. An accredited in-house body shall meet the following requirements: **(a) it shall be accredited in accordance with Regulation (EC) No 765/2008;** **(b) the body and its personnel shall be organisationally identifiable and have reporting methods within the undertaking of which they form a part which ensure their impartiality and demonstrate it to the relevant national accreditation body;** **(c) neither the body nor its personnel shall be responsible for the design, manufacture, supply, installation, operation or maintenance of the products they assess nor shall they engage in any activity that might conflict with their independence of judgment or integrity in relation to their assessment activities;** **(d) the body shall supply its services exclusively to the undertaking of which it forms a part.**	**Yes (though possibly covered to some extent by EN ISO/IEC 17025: 2005)**
3. An accredited in-house body shall not be notified to the Member States or the Commission, but information concerning its accreditation shall be given by the undertaking of which it forms a part or by the national accreditation body to the notifying authority at the request of that authority.	No
Source: Article R21, Decision (EC) 768/2008	

Table A12.27: Quality and Performance of Technical Services (Application for Notification)	
Obligations of Notified Bodies	**Added value?**
1. A conformity assessment body shall submit an application for notification to the notifying authority of the Member State in which it is established.	No
2. That application shall be accompanied by a description of the conformity assessment activities, the conformity assessment module or modules and the product or products for which that body claims to be competent, as well as by an accreditation certificate, where one exists, issued by a national accreditation body attesting that the conformity assessment body fulfils the requirements laid down in Article [R17] of this ... [act].	No
3. Where the conformity assessment body concerned cannot provide an accreditation certificate, it shall provide the notifying authority with all the documentary evidence necessary for the verification, recognition and regular monitoring of its compliance with the requirements laid down in Article [R17].	No
Source: Article R22, Decision (EC) 768/2008	

Table A12.28: Quality and Performance of Technical Services (Challenge of the Competence of Notified Bodies)	
Obligations of Member States	**Added value?**
1. The Commission shall investigate all cases where it doubts, or doubt is brought to its attention regarding, the competence of a notified body or the continued fulfilment by a notified body of the requirements and responsibilities to which it is subject.	Yes
2. The notifying Member State shall provide the Commission, on request, with all information relating to the basis for the notification or the maintenance of the competence of the body concerned.	Yes
3. The Commission shall ensure that all sensitive information obtained in the course of its	No

Table A12.28: Quality and Performance of Technical Services (Challenge of the Competence of Notified Bodies)	
Obligations of Member States	**Added value?**
investigations is treated confidentially. **4. Where the Commission ascertains that a notified body does not meet or no longer meets the requirements for its notification, it shall inform the notifying Member State accordingly and request it to take the necessary corrective measures, including de-notification if necessary.**	Yes
Source: Article R26, Decision (EC) 768/2008	

A12.2.4 Problem Area 4: Application of post-market safeguard measures and the recall of vehicles and components

Table A12.29: Safeguard Measures (General obligations)	
Obligations of Member States	**Added value?**
1. Member States shall ensure that products which present a serious risk requiring rapid intervention, including a serious risk the effects of which are not immediate, are recalled, withdrawn or that their being made available on their market is prohibited, and that the Commission is informed without delay thereof, in accordance with Article 22.	No
2. The decision whether or not a product represents a serious risk shall be based on an appropriate risk assessment which takes account of the nature of the hazard and the likelihood of its occurrence. The feasibility of obtaining higher levels of safety or the availability of other products presenting a lesser degree of risk shall not constitute grounds for considering that a product presents a serious risk.	No
Source: Article 20, Regulation (EC) 765/2008	

Table A12.30: Safeguard Measures (Restrictive measures)	
Obligations of Member States	**Added value?**
1. Member States shall ensure that any measure taken, pursuant to the relevant Community harmonisation legislation, to prohibit or restrict the product's being made available on the market, to withdraw it from the market or to recall it, is proportionate and states the exact grounds on which it is based.	No
2. Such measures shall be communicated without delay to the relevant economic operator, which shall at the same time be informed of the remedies available under the law of the Member State concerned and of the time limits to which such remedies are subject.	No
3. Prior to the adoption of a measure referred to in paragraph 1, the economic operator concerned shall be given the opportunity to be heard within an appropriate period of not less than 10 days, unless such consultation is not possible because of the urgency of the measure to be taken, as justified by health or safety requirements or other grounds relating to the public interests covered by the relevant Community harmonisation legislation. […]	No
4. Any measure referred to in paragraph 1 shall be promptly withdrawn or amended upon the economic operator's demonstrating that he has taken effective action.	No
Source: Article 21, Regulation (EC) 765/2008	

Table A12.31: Safeguard Measures (RAPEX)	
Obligations of Member States	**Added value?**
1. Where a Member State takes or intends to take a measure in accordance with Article 20 and considers that the reasons which prompted the measure or the effects of the measure go beyond its territory, it shall immediately notify the Commission of that measure, in accordance with paragraph 4 of this Article. It shall also inform the Commission without delay of the modification or withdrawal of any such measure.	No
2. If a product presenting a serious risk has been made available on the market, Member States shall notify the Commission of any voluntary measures taken and communicated by an economic operator.	No
3. The information provided in accordance with paragraphs 1 and 2 shall include all available details, in particular the data necessary for the identification of the product, the origin and the supply chain of the product, the related risk, the nature and the duration of the national measure taken and any voluntary measures taken by economic operators.	No
Source: Article 22, Regulation (EC) 765/2008	

Table A12.32: Safeguard Measures (Procedure for dealing with products presenting a risk at national level)	
Obligations of Member States	**Added value?**
1. Where the market surveillance authorities of one Member State have taken action pursuant to Article 20 of Regulation (EC) No 765/2008, or where they have sufficient reason to believe that a product covered by this ... [act] presents a risk to the health or safety of persons or to other aspects of public interest protection covered by this ... [act], they shall carry out an evaluation in relation to the product concerned covering all the requirements laid down in this ... [act]. The relevant economic operators shall cooperate as necessary with the market surveillance authorities. **Where, in the course of that evaluation, the market surveillance authorities find that the product does not comply with the requirements laid down in this ... [act], they shall without delay require the relevant economic operator to take all appropriate corrective action to bring the product into compliance with those requirements, to withdraw the product from the market, or to recall it within a reasonable period, commensurate with the nature of the risk, as they may prescribe.** **The market surveillance authorities shall inform the relevant notified body accordingly.** **Article 21 of Regulation (EC) No 765/2008 shall apply to the measures referred to in the second subparagraph.**	Yes
2. Where the market surveillance authorities consider that non-compliance is not restricted to their national territory, they shall inform the Commission and the other Member States of the results of the evaluation and of the actions which they have required the economic operator to take.	**Yes**
3. The economic operator shall ensure that all appropriate corrective action is taken in respect of all the products concerned that it has made available on the market throughout the Community.	No
4. Where the relevant economic operator does not take adequate corrective action within the period referred to in the second subparagraph of paragraph 1, the market surveillance	No

Table A12.32: Safeguard Measures (Procedure for dealing with products presenting a risk at national level)	
Obligations of Member States	**Added value?**
authorities shall take all appropriate provisional measures to prohibit or restrict the product's being made available on their national market, to withdraw the product from that market or to recall it. They shall inform the Commission and the other Member States, without delay, of those measures.	
5. The information referred to in paragraph 4 shall include all available details, in particular the data necessary for the identification of the non-compliant product, the origin of the product, the nature of the non-compliance alleged and the risk involved, the nature and duration of the national measures taken and the arguments put forward by the relevant economic operator. In particular, the market surveillance authorities shall indicate whether the non-compliance is due to either: (a) failure of the product to meet requirements relating to the health or safety of persons or to other aspects of public interest protection laid down in this ... [act]; or (b) shortcomings in the harmonised standards referred to in … [reference to the relevant part of the legislation] conferring a presumption of conformity.	No
6. Member States other than the Member State initiating the procedure shall without delay inform the Commission and the other Member States of any measures adopted and of any additional information at their disposal relating to the non-compliance of the product concerned, and, in the event of disagreement with the notified national measure, of their objections.	**Yes**
7. Where, within …. [period to be specified] of receipt of the information referred to in paragraph 4, no objection has been raised by either a Member State or the Commission in respect of a provisional measure taken by a Member State, that measure shall be deemed justified.	**Yes**
8. Member States shall ensure that appropriate restrictive measures are taken in respect of the product concerned, such as withdrawal of the product from their market, without delay.	No
Source: Article R31, Decision (EC) 768/2008	

Table A12.33: Safeguard Measures (Community safeguard procedure)	
Obligations of Member States	**Added value?**
1. Where, on completion of the procedure set out in Article [R31(3) and (4)], objections are raised against a measure taken by a Member State, or where the Commission considers a national measure to be contrary to Community legislation, the Commission shall without delay enter into consultation with the Member States and the relevant economic operator or operators and shall evaluate the national measure. On the basis of the results of that evaluation, the Commission shall decide whether the national measure is justified or not. **The Commission shall address its decision to all Member States and shall immediately communicate it to them and the relevant economic operator or operators.**	**Yes**
2. If the national measure is considered justified, all Member States shall take the	**Yes**

Table A12.33: Safeguard Measures (Community safeguard procedure)	
Obligations of Member States	**Added value?**
measures necessary to ensure that the non-compliant product is withdrawn from their market, and shall inform the Commission accordingly. If the national measure is considered unjustified, the Member State concerned shall withdraw the measure. **3. Where the national measure is considered justified and the non-compliance of the product is attributed to shortcomings in the harmonised standards referred to in [Article R31(5)(b)], the Commission shall inform the relevant European standardisation body or bodies and shall bring the matter before the Committee set up by Article 5 of Directive 98/34/EC. That Committee shall consult the relevant European standardisation body or bodies and deliver its opinion without delay.**	**Yes**
Source: Article R32, Decision (EC) 768/2008	

Table A12.34: Safeguard Measures (Compliant products which present a risk to health and safety)	
Obligations of Member States	**Added value?**
1. Where, having performed an evaluation under Article [R31(1)], a Member State finds that although a product is in compliance with this ... [act], it presents a risk to the health or safety of persons or to other aspects of public interest protection, it shall require the relevant economic operator to take all appropriate measures to ensure that the product concerned, when placed on the market, no longer presents that risk, to withdraw the product from the market or to recall it within a reasonable period, commensurate with the nature of the risk, as it may prescribe.	No
2. The economic operator shall ensure that corrective action is taken in respect of all the products concerned that he has made available on the market throughout the Community.	No
3. The Member State shall immediately inform the Commission and the other Member States. That information shall include all available details, in particular the data necessary for the identification of the product concerned, the origin and the supply chain of the product, the nature of the risk involved and the nature and duration of the national measures taken.	No
4. The Commission shall without delay enter into consultation with the Member States and the relevant economic operator or operators and shall evaluate the national measures taken. On the basis of the results of that evaluation, the Commission shall decide whether the measure is justified or not, and where necessary, propose appropriate measures.	No
5. The Commission shall address its decision to all Member States and shall immediately communicate it to them and the relevant economic operator or operators.	No
Source: Article R33, Decision (EC) 768/2008	

A12.2.5 Problem Area 5

Table A12.35: Conformity to Type Based on Quality Assurance of the Production Process	
Obligations of Manufacturers	**Added value?**
Note Module D is not reproduced here in full but its key points include:	
2. The manufacturer shall lodge an application for assessment of his quality system with the notified body of <u>his choice</u>.	Yes
3.3 The notified body shall assess the quality system.	Yes
5.2 The manufacturer shall draw up a written declaration of conformity for each product model and keep it at the disposal of the national authorities for 10 years after the product has been placed on the market. The declaration of conformity shall identify the product model for which it has been drawn up.	Yes
6. The manufacturer shall, for a period ending at least 10 years after the product has been placed on the market, keep at the disposal of the national authorities: the application for initial assessment and any changes to the quality system, audit reports by the notified body and reports from unexpected visits by the notified body.	Yes
Source: Annex II, Decision (EC) 768/2008	

A12.3 Step 3: Summary of Provisions Identified under Steps 1 and 2 and their Practical Implications

The summary of provisions identified under Steps 1 and 2 is provided below. These table also provide an assessment of the relevance to these provisions to the policy options considered in this study.

Table A12.36: Policy Options for Addressing Problem Area 1		
Problem Area	**Policy Option**	**Summary of Key Provisions in the NLF**
Traceability of products placed on the market and respective responsibilities of economic operators in the supply chain	**Option A2: self-regulatory initiatives**	***Manufacturers' obligations*** NLFR R2(5): Manufacturers shall ensure that their products bear a type, batch or serial number or other element allowing their identification, or, where the size or nature of the product does not allow it, that the required information is provided on the packaging or in a document accompanying the product. NLFR R2(6): Manufacturers shall indicate their name, registered trade name or registered trade mark and the address at which they can be contacted on the product or, where that is not possible, on its packaging or in a document accompanying the product. The address must indicate a single point at which the manufacturer can be contacted. ***Distributors' obligations*** NLFR R5(2): Before making a product available on the market distributors shall verify that the product bears the required conformity marking or markings, that it is accompanied by the required documents and instructions, and that the manufacturer and the importer have complied with the requirements placed on them. Where a distributor considers or has reason to believe that a product is not in conformity with the relevant legislation, he shall not make the product available on the market and where the product presents a risk, the distributor shall inform the manufacturer or the importer to that effect as well as the market surveillance authorities. ***Importers' obligations*** NLFR R4(2): Before placing a product on the market importers shall ensure that the appropriate conformity assessment procedure has been carried out by the manufacturer. They shall ensure that the manufacturer has drawn up the technical documentation, that the product bears the required conformity marking or markings and is accompanied by the required documents, and that the manufacturer has complied with the relevant requirements. Where an importer considers or has reason to believe that a product is not in conformity with the relevant legislation, he shall not place the product on the market and where the product presents a risk, the importer shall inform the manufacturer and the market surveillance authorities. NLFR R4(3): Importers shall indicate their name, registered trade name or registered trade mark and the address at which they can be contacted on the product or, where that is not possible, on its packaging or in a document accompanying the product. NLFR R4(6): When deemed appropriate, importers shall, to protect the health and safety of consumers, carry out sample testing of marketed products, investigate, and, if necessary, keep a register of complaints, of non-conforming products and product recalls, and shall keep distributors informed of such monitoring. NLFR R4(7): Importers who consider or have reason to believe that a product which they have placed on the market is not in conformity with the Community harmonisation legislation applicable shall immediately take the corrective measures necessary to bring that product into conformity, to withdraw it or recall it, and where the product presents a risk, importers shall immediately inform the competent national authorities of the relevant Member States. NLFR R4(8): Importers shall, for ... [period to be specified in proportion to the lifecycle of the product and the level of risk], keep a copy of the EC declaration of conformity at the disposal of the market surveillance authorities and ensure that the technical documentation can be made available to those authorities, upon request.

Table A12.36: Policy Options for Addressing Problem Area 1		
Problem Area	**Policy Option**	**Summary of Key Provisions in the NLF**
		Traceability-related obligations on all economic operators: NLFR R7: Economic operators shall, on request, identify the following to the market surveillance authorities, for ... [*period to be specified in proportion to the lifecycle of the product and the level of risk*]: (a) any economic operator who has supplied them with a product; (b) any economic operator to whom they have supplied a product.
	Option A3: regulatory initiatives through amending the existing technical harmonisation legislation	***Manufacturers' obligations*** NLFR R2(5): Manufacturers shall ensure that their products bear a type, batch or serial number or other element allowing their identification, or, where the size or nature of the product does not allow it, that the required information is provided on the packaging or in a document accompanying the product. NLFR R2(6): Manufacturers shall indicate their name, registered trade name or registered trade mark and the address at which they can be contacted on the product or, where that is not possible, on its packaging or in a document accompanying the product. The address must indicate a single point at which the manufacturer can be contacted. ***Distributors' obligations*** NLFR R5(2): Before making a product available on the market distributors shall verify that the product bears the required conformity marking or markings, that it is accompanied by the required documents and instructions, and that the manufacturer and the importer have complied with the requirements placed on them. Where a distributor considers or has reason to believe that a product is not in conformity with the relevant legislation, he shall not make the product available on the market and where the product presents a risk, the distributor shall inform the manufacturer or the importer to that effect as well as the market surveillance authorities. ***Importers' obligations*** NLFR R4(2): Before placing a product on the market importers shall ensure that the appropriate conformity assessment procedure has been carried out by the manufacturer. They shall ensure that the manufacturer has drawn up the technical documentation, that the product bears the required conformity marking or markings and is accompanied by the required documents, and that the manufacturer has complied with the relevant requirements. Where an importer considers or has reason to believe that a product is not in conformity with the relevant legislation, he shall not place the product on the market and where the product presents a risk, the importer shall inform the manufacturer and the market surveillance authorities. NLFR R4(3): Importers shall indicate their name, registered trade name or registered trade mark and the address at which they can be contacted on the product or, where that is not possible, on its packaging or in a document accompanying the product. NLFR R4(6): When deemed appropriate with regard to the risks presented by a product, importers shall, to protect the health and safety of consumers, carry out sample testing of marketed products, investigate, and, if necessary, keep a register of complaints, of non-conforming products and product recalls, and shall keep distributors informed of such monitoring.

Table A12.36: Policy Options for Addressing Problem Area 1		
Problem Area	**Policy Option**	**Summary of Key Provisions in the NLF**
		NLFR R4(7): Importers who consider or have reason to believe that a product which they have placed on the market is not in conformity with the Community harmonisation legislation applicable shall immediately take the corrective measures necessary to bring that product into conformity, to withdraw it or recall it, if appropriate. Furthermore, where the product presents a risk, importers shall immediately inform the competent national authorities of the relevant Member States. NLFR R4(8): Importers shall, for ... [period to be specified in proportion to the lifecycle of the product and the level of risk], keep a copy of the EC declaration of conformity at the disposal of the market surveillance authorities and ensure that the technical documentation can be made available to those authorities, upon request. ***Traceability-related obligations on all economic operators:*** NLFR R7: Economic operators shall, on request, identify the following to the market surveillance authorities, for ... [*period to be specified in proportion to the lifecycle of the product and the level of risk*]: (a) any economic operator who has supplied them with a product; (b) any economic operator to whom they have supplied a product.

Table A12.37: Policy Options for Addressing Problem Area 2		
Problem Area	**Policy Option**	**Summary of Key Provisions in the NLF**
Responsibilities of and co-operation between the different national authorities involved in the enforcement of the technical harmonisation legislation for the free movement of motor vehicles:	**Option B2: self-regulatory initiatives**	NLFR definitions of a market surveillance body, national accreditation body, notifying body, conformity assessment body, border controls (see Table A12.18). NLFR 24 (1,2,3): Member States shall ensure efficient cooperation and exchange of information between their market surveillance authorities and those of the other Member States and between their own authorities and the Commission and the relevant Community agencies regarding their market surveillance programmes and all issues relating to products presenting risks. For the purposes of paragraph 1, the market surveillance authorities of one Member State shall give the market surveillance authorities of other Member States assistance on an adequate scale by supplying information or documentation, by carrying out appropriate investigations or any other appropriate measure and by participating in investigations initiated in other Member States. The Commission shall collect and organise such data on national market surveillance measures.
	OptionB3: co-regulatory initiatives	NLFR 24 (1,2,3): Member States shall ensure efficient cooperation and exchange of information between their market surveillance authorities and those of the other Member States and between their own authorities and the Commission and the relevant Community agencies regarding their market surveillance programmes and all issues relating to products presenting risks. For the purposes of paragraph 1, the market surveillance authorities of one Member State shall give the market surveillance authorities of other Member States assistance on an adequate scale by supplying information or documentation, by carrying out appropriate investigations or any other appropriate measure and by participating in investigations initiated in other Member States. The Commission shall collect and organise such data on national market surveillance measures. NLFR 25 (1,2,3): Market surveillance initiatives designed to share resources and expertise between the competent authorities of the Member States may be set up by the Commission or the Member States concerned. Such initiatives shall be coordinated by the Commission. The Commission shall, in cooperation with the Member States: (a) develop and organise training programmes and exchanges of national officials; (b) develop, organise and set up programmes for the exchange of experience, information and best practice, programmes and actions for common projects, information campaigns, joint visit programmes and the consequent sharing of resources. Member States shall ensure that their competent authorities participate fully in the activities referred to above.
	Option B4: regulatory initiatives through amending the existing technical harmonisation legislation	NLFR definitions of a market surveillance body, national accreditation body, notifying body, conformity assessment body, border controls (see Table A12.18). NLFR 17(2): Member States shall ensure that the public is aware of the existence, responsibilities and identity of national market surveillance authorities, and of how those authorities may be contacted. NLFR 18(1, 5, 6): Member States shall establish appropriate communication and coordination mechanisms between their market surveillance authorities. Member States shall communicate their market surveillance programmes to the other Member States and the Commission and make them available to the public. Member States shall periodically (at least every fourth year) review and assess the functioning of their surveillance activities. The results thereof shall be communicated to the other Member States and the Commission and be made available to the public. NLFR 23 (1,2): The Commission shall develop and maintain a general archiving and exchange of information system and Member States should provide the Commission with information.. NLFR 27 (1): The authorities of the Member States in charge of the control of products entering the Community market shall have the powers and resources necessary for the proper performance of their tasks. They shall carry out appropriate checks on the characteristics of products on an adequate scale, in accordance with the principles set out in Article 19(1), before those products are released for free circulation.

Table A12.38: Policy Options for Addressing Problem Area 3		
Problem Area	**Policy Option**	**Summary of Key Provisions in the NLF**
Address weaknesses in the quality of the type-approval and conformity assessment tasks carried out by technical services	**Option C3: regulatory initiatives through amending the existing technical harmonisation legislation**	NLFD Article R17 (3,4,8): A conformity assessment body, its top level management and the personnel responsible for carrying out the conformity assessment tasks shall not be directly involved in the design, manufacture or construction, the marketing, installation, use or maintenance of those products, or represent the parties engaged in those activities. They shall not engage in any activity that may conflict with their independence of judgement or integrity in relation to conformity assessment activities for which they are notified. This shall in particular apply to consultancy services. The impartiality of the conformity assessment bodies, their top level management and of the assessment personnel shall be guaranteed. The remuneration of the top level management and assessment personnel of a conformity assessment body shall not depend on the number of assessments carried out or on the results of those assessments. NLFD R21 (1,2): 1. An accredited in-house body shall constitute a separate and distinct part of the undertaking and shall not participate in the design, production, supply, installation, use or maintenance of the products it assesses. An accredited in-house body and its personnel shall be organisationally identifiable and have reporting methods within the undertaking of which they form a part which ensure their impartiality and demonstrate it to the relevant national accreditation body. Neither the body nor its personnel shall be responsible for the design, manufacture, supply, installation, operation or maintenance of the products they assess nor shall they engage in any activity that might conflict with their independence of judgment or integrity in relation to their assessment activities. The body shall supply its services exclusively to the undertaking of which it forms a part. NLFD R26 (1, 2, 4): The Commission shall investigate all cases where it doubts, or doubt is brought to its attention regarding, the competence of a notified body or the continued fulfilment by a notified body of the requirements and responsibilities to which it is subject. The notifying Member State shall provide the Commission, on request, with all information relating to the basis for the notification or the maintenance of the competence of the body concerned. Where the Commission ascertains that a notified body does not meet or no longer meets the requirements for its notification, it shall inform the notifying Member State accordingly and request it to take the necessary corrective measures, including de-notification if necessary.

Table A12.39: Policy Options for Addressing Problem Area 4		
Problem Area	**Policy Option**	**Summary of Key Provisions in the NLF**
Addressing difficulties in applying post-market safeguard procedures and the provisions for the recall of vehicles applying post-market safeguard procedures and the provisions for the recall of vehicles	**Option D2: self-regulatory initiatives**	NLFR definitions of a market surveillance body, national accreditation body, notifying body, conformity assessment body, border controls (see Table A12.18).
	Option D3: regulatory initiatives through amending the existing technical harmonisation legislation	**Two-step procedure and relationship between market surveillance authorities and notified bodies.** NLFD R31 (Procedure for dealing with risk at national level): [Where following an evaluation of a problem,] the market surveillance authorities find that [a] product does not comply with the requirements laid down in this [act], they shall without delay require the relevant economic operator to take all appropriate corrective action to bring the product into compliance with those requirements, to withdraw the product from the market, or to recall it within a reasonable period... The market surveillance authorities shall inform the relevant notified body accordingly. **[Only]** where the market surveillance authorities consider that noncompliance is not restricted to their national territory, they shall inform the Commission and the other Member States of the results of the evaluation and of the actions which they have required the economic operator to take. [However, operators] shall ensure that all appropriate corrective action is taken in respect of all the products concerned that it has made available on the market throughout the Community. [Where adequate corrective action is not taken and market surveillance authorities restrict or prohibit the product's being made available on their national market, withdraw it or restrict it,] they shall inform the Commission and the other Member States, without delay, of those measures. Member States other than the Member State initiating the procedure shall without delay inform the Commission and the other Member States of any measures adopted and of any additional information at their disposal relating to the non-compliance of the product concerned, and, in the event of disagreement with the notified national measure, of their objections. NLFD R32 (Community safeguard procedure): Where [...] objections are raised against a measure taken by a Member State, or where the Commission considers a national measure to be contrary to Community legislation, [...] the Commission shall decide whether the national measure is justified or not. If the national measure is considered justified, all Member States shall take the measures necessary to ensure that the non-compliant product is withdrawn from their market [...]. If the national measure is considered unjustified, the Member State concerned shall withdraw the measure.

Table A12.40: Policy Options for Addressing Problem Area 5		
Problem Area	**Policy Option**	**Key Provisions in the NLF**
Addressing weak links in the procedures for ensuring conformity of production	**Option D2: Self-regulatory initiatives**	**NLFD Module D (Production quality assurance)**: **2. The manufacturer shall lodge an application for assessment of his quality system with the notified body of his choice.** **3.3 The notified body shall assess the quality system.** **5.2 The manufacturer shall draw up a written declaration of conformity for each product model and keep it at the disposal of the national authorities for 10 years after the product has been placed on the market. The declaration of conformity shall identify the product model for which it has been drawn up.** **6. The manufacturer shall, for a period ending at least 10 years after the product has been placed on the market, keep at the disposal of the national authorities: the application for initial assessment and any changes to the quality system, audit reports by the notified body and reports from unexpected visits by the notified body.**
	Option E3: regulatory initiatives through amending the existing technical harmonisation legislation	

ANNEX 13

VIEWS OF NATIONAL AUTHORITIES

A13. VIEWS OF NATIONAL AUTHORITIES

A13.1 Respondents

A total of 18 National Authorities provided responses to the questionnaire relating to the impact assessment undertaken by RPA into various policy options suggested for enhancing the implementation of the internal market legislation relating to motor vehicles. Responses have been received from the following countries: Austria, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Hungary, Italy, Latvia, Malta, Norway, Romania, Slovakia, Spain, Switzerland, The Netherlands and the United Kingdom. One Member State indicated that they were unable to answer the questionnaire because of a lack of time and resources to become familiar with the topic.

Each National Authority provided a response to each of the questions asked with some providing further explanation to the answers given. The responses to each of the questions and any other comments made in relation to these are outlined in the following sections.

A13.2 Questionnaire Responses

The responses received for each question are outlined below.

A13.2.1 Question 1

Several of the policy options are designed to ensure consistency and coherence of Directive 2007/46/EC with the New Legislative Framework (See NLF for further information). Would alignment with the NLF result in benefits (or costs savings) for your organisation, for instance, in having a streamlined and consistent approach to enforcement across consumer products within your area of responsibility?

As indicated in Table A13.1 the majority of respondents (9 of the 18) indicated that alignment of Directive 2007/46/EC with the New Legislative Framework would result in benefits for their organisation. However, 44% of the national authorities responding to this question (8 of 18) believe that alignment with the New Legislative Framework would not result in benefits. The remaining respondent did not provide a definitive answer to the question (i.e. did not answer 'yes' or 'no'). However, a more detailed explanation is outlined below.

Table A13.1: Responses to Question 1: Would Alignment of Directive 2007/46/EC with the NLF result in Benefits?

	Number of Responses	% of Responses
Yes	9	50%
No	8	44%
No Definitive Answer Given	1	6%
TOTAL	18	100%

Further explanations of the responses given were provided by a number of national authorities. Those that answered 'yes' to Question 1 also suggested the following:

- One national authority indicated that *"even though we do not have a lot of experiences with the NLF and therefore we do not know for sure if it will be cost saving for us, we feel that having a consistent approach will simplify the whole area"*;
- A national authority that believed alignment of Directive 2007/46/EC with the New Legislative Framework would result in benefits also noted that *"surveillance methods in NLF are only limited to cases in which the product is dangerous"*;
- One respondent highlighted that *"harmonization of the obligations and role of each stakeholder"* would be beneficial;
- Another respondent indicated that *"legal coherence between the two systems is considered beneficial"*; and
- One national authority indicated that there would be *"benefits in the implementation of the legislation. The actions for market surveillance will require supplementary costs for the organization"*.

National authorities indicating that alignment of Directive 2007/46/EC with the New Legislative Framework would not result in benefits (answered 'no' to Question 1) were given the opportunity to provide an explanation for the response given. These are outlined below:

- One national authority indicated that alignment with the New Legislative Framework would result in *"a higher amount of work"*;
- Another organisation indicated the following: *"the alignment with NLF will result in additional efforts. The work with technical services on an accreditation basis is more complicated. Accreditation and Designation used to be done by the organisation in one action. Now it's divided to two authorities' accreditation body and Type-approval authority, who both need to survey the work of the technical service. Best would be to keep the 2007/46/EC separated from the 765/2008 as they are. The NLF and the type approval legislation are complementing each other very well as they are. Every authority knows clearly what to do, every issue is addressed. There is a high risk of mixing so far clear responsibilities, when aligning 2007/46 with 765/2008"*;
- One respondent suggested that *"at the moment, the procedure foreseen in Directive 2007/46/EC is self-sufficient"*; and
- Another national authority answering 'no' to Question 1 also stated: *"we focus on automotive products so alignment with NLF would not really add anything and we cannot identify any benefits/cost savings that would result. There may be costs from having to implement new legislation although it's difficult to assess at this early stage"*.

One national authority responding to the questionnaire did not provide a definitive 'yes' or 'no' answer to this question. The explanation given for this is as follows:

- The respondent suggested that *"I don't know at this moment, we are talking with the ministry about this topic. There is more than 1 organization involved so responsibility is not always clear"*.

A13.2.2 Question 2

Are the benefits (or cost savings) from alignment with the NLF likely to outweigh any costs arising from this?

Only 4 of the 18 (22%) national authorities responding to this question believe that the benefits from alignment (of Directive 2007/46/EC) with the New Legislative Framework are likely to outweigh any costs arising from this. 9 respondents (50%) indicated that the benefits of alignment will not outweigh the costs (see Table A13.2). The remaining 5 respondents did not respond to this question with either a 'yes' or 'no' answer (however, a more detailed explanation is outlined below).

Table A13.2: Responses to Question 2: Are the Benefits from Alignment with the NLF likely to Outweigh any Costs Arising from this?

	Number of Responses	% of Responses
Yes	4	22%
No	9	50%
No Definitive Answer Given	5	28%
TOTAL	18	100%

Respondents were asked to provide further explanation of the answer given. The national authorities that answered 'yes' to Question 2 and provided further details are outlined below:

- One national authority indicated that *"legal coherence between the two systems is considered beneficial"*.

National authorities indicating that the benefits from alignment of Directive 2007/46/EC with the New Legislative Framework would not outweigh the costs from this were given the opportunity to provide an explanation for the response given. These are outlined below:

- One respondent answering 'no' to Question 2 suggested the following: *"there are no cost savings expected"*; and
- A national authority indicated that *"there are no benefits or cost savings"*.

Five national authorities responding to the questionnaire did not provide an answer to this question. One did not provide any further comments, however, four national authorities did provide further explanations (outlined below):

- One respondent suggested that *"as mentioned in the first question we do not have a lot of experiences with the NLF and we do not know for sure if it result in a cost saving or not for us. Therefore we prefer not to answer this question"*;
- Another national authority did not provide a definitive answer indicating that the *"position* [is] *reserved pending the proposed measures"*;
- One national authority indicated that *"such evaluation is not available"*; and
- Another respondent indicated that it is *"not clear"* whether the benefits (or cost savings) from alignment with the NLF are likely to outweigh any costs arising from this.

A13.2.3 Question 3

Are you aware of major differences in how different national authorities deal with non-compliant and/or unsafe products on their markets and the overall enforcement of Directive 2007/46/EC?

As indicated in Table A13.3, 39% of national authorities responding to this question (or 7 of 18 respondents) indicated that they are aware of major differences in how national authorities deal with non-compliant and/or unsafe products on their markets and the overall enforcement of Directive 2007/46/EC. 56% of respondents (or 10 of 18) indicated that they are not aware of any major differences in how national authorities enforce Directive 2007/46/EC. One national authority did not provide a definitive answer to this question, but a more detailed explanation was given which is outlined below.

Table A13.3: Responses to Question 3: Are you Aware of Major Differences in how Different National Authorities Deal with Non-compliant and/or Unsafe Products?

	Number of Responses	% of Responses
Yes	7	39%
No	10	56%
No Definitive Answer Given	1	6%
TOTAL	18	100%

Note:
The percentages presented in the table do not add up to 100% exactly due to rounding

National authorities responding to this question were also asked to provide an explanation of their answer, if possible. Those authorities that responded 'yes' to Question 3 (there are major differences in how national authorities enforce Directive 2007/46/EC) also provided the following explanations:

- One respondent suggested that *"there are contacts with some Member States"*; and
- Another national authority answering 'yes' to Question 3 did so *"because the Directive isn't always concrete differences will appear. Differences in* [the] *number of manufacturers, types of manufacturers and the location of manufacturers will influence the way of surveillance"*.

Respondents that answered 'no' to Question 3 provided the following explanations:

- A national authority responding to this question indicated that: *"information between* [Member] *States seems sufficient to achieve the objectives of market surveillance. Member States inform us of non-conforming products and/or dangerous* [products] *in their market, when they feel it is appropriate"*;
- Another respondent indicated that *"this matter has been discussed between the European Commission and the Member State Type approval authorities. A uniform solution is not found"*;
- One national authority noted that they *"are not aware of any major differences between Member States on how unsafe products related to motor vehicles are recalled. A good channel of communication exists between Type approval authorities and the Commission; updates of unsafe products related to motor vehicles are currently well divulged. We were duly notified by the responsible Type approval authority (which issued the EC type approval) of components/systems or vehicles which were affected by such recalls"*; and
- Another respondent answering 'no' to Question 3 indicated that they have *"little knowledge of how other Member States deal with non compliant or unsafe products"*.

One national authority responding to the questionnaire did not provide a definitive answer to this question (neither 'yes' nor 'no'). The explanation given for this is as follows:

- The respondent suggested that *"for the first part of the question, we would answer NO, because we do not know how different national authorities deal with non-compliant and/or unsafe products on their markets. For the second part of the question (overall enforcement of Directive 2007/46/EC), we would answer YES. This question has been raised on several meetings and we have a basic overview (not a detail) of enforcement of Directive 2007/46/EC in different Member States"*.

A13.2.4 Question 4

Do you believe that co-ordinating communication and reporting with other Member States would be useful for addressing any such differences?

From the responses received from national authorities it is evident that the majority (83% or 15 of the 18 respondents) believe that co-ordinating communication and reporting with other Member States would be useful for addressing differences in dealing with non-compliant and/or unsafe products on their markets and the overall enforcement of Directive 2007/46/EC between authorities. Only 6% of (or 1 authority) respondents believe this not to be the case (see Table A13.4). 2 respondents did not provide a definitive answer (either 'yes' or 'no') to the question, but one has provided further explanation (outlined below).

Table A13.4: Responses to Question 4: Do you Believe that Co-ordinating Communication and Reporting with Other Member States would be Useful for Addressing any such Differences?		
	Number of Responses	**% of Responses**
Yes	15	83%
No	1	6%
No Definitive Answer Given	2	11%
TOTAL	18	100%

The national authorities responding to this question were also asked to provide a more detailed explanation of their answer if possible. Respondents that answered 'yes' to Question 4 provided the following explanations:

- One respondent indicated that *"we believe that co-ordinating communication between other Member States would be useful for addressing any such differences, but we are not sure if reporting will help. The reporting has to be done at the moment also"*;
- A national authority answering 'yes' to Question 4 indicated that *"it should be very useful to come to common views, as most of the automotive issues are global or at least European"*;
- A respondent noted *"however, it is believed that this procedure is already in place between Type approval authorities"*; and
- Another respondent noted that *"reconciliation is the basis of equal approach"*.

The national authority indicating that they do not believe that co-ordinating communication and reporting with other Member States would be useful for addressing differences in dealing with non-compliant and/or unsafe products on their markets and the overall enforcement of Directive 2007/46/EC between authorities (i.e. answered 'no' to Question 4) was given the opportunity to provide an explanation for this response. The explanation provided is as follows:

- The respondent noted that *"there are already several forums for exchanges between Member States. It is also possible to have two-way trade for specific topics"*.

Two national authorities responding to the questionnaire did not provide a definitive answer to this question (neither 'yes' nor 'no'). Further explanation is provided by one respondent below:

- One national authority suggested they do believe that co-ordinating communication and reporting with other Member States would be useful for addressing any such differences *"to some extent, but I think to a large extent this happens already. Avenues of communication like CIRCA and RAPEX are used"*.

A13.2.5 Question 5

As part of market surveillance efforts, would you support a pan-European approach to sampling and testing of motor vehicles and/or vehicle components? (This could, for instance, involve different Member States being designated to undertake tests on specific vehicles/aspects and informing other Member States of the results of these tests)

Table A13.5 indicates that the majority of national authorities responding to this Question would not support a pan-European approach to sampling and testing of motor vehicles and/or vehicle components (50% or 9 of the 18 respondents answered 'no' to this question). 44% of respondents (8 of the 18) suggested that they would support a pan-European approach. The remaining respondent did not provide a 'yes' or 'no' answer to the question, but did explain why this was the case (see below).

Table A13.5: Responses to Question 5: Would you Support a Pan-European Approach to Sampling and Testing of Motor Vehicles and/or Vehicle Components?

	Number of Responses	% of Responses
Yes	8	44%
No	9	50%
No Definitive Answer Given	1	6%
TOTAL	18	100%

National authorities responding to this question were also asked to provide an explanation of their answer, if possible. Those authorities that responded 'yes' to Question 5 (i.e. indicated that they would support a pan-European approach to sampling and testing of motor vehicles/vehicle components) also provided the following explanations:

- One national authority indicated that they would support a pan-European Approach, *"but it differs from the basic principle, that the TAA* [Type-approval authority] *having issued the EC-TA* (type-approval] *is responsible for COP* [Conformity of Production] *and not the other ones"*;
- A respondent answering 'yes' to Question 5 indicated *"however, one has to factor in the issue of technical pertinent expertise and testing facilities which are definitely not uniform amongst the Member States"*;

Respondents indicating that they would not support a pan-European Approach (answered 'no' to Question 5) provided the following explanations:

- One respondent indicated that they *"do not feel that a pan-European approach to sampling and testing of motor vehicles and/or vehicle components is necessary. The products have to be tested according to type-approval legislation and every Member State can use these provisions to re-examine whether the products comply or not to the legislation"*;

- A national authority suggested that *"there is no such testing infrastructure in all Members States. Also the costs incurred by the testing may be high compared to market surveillance budget in small Member States"*;
- One national authority answering 'no' to Question 5 indicated that *"so far, we are not convinced, if this approach will lead to success. Every Member State sets* [its] *own aspects in investigating issues and carrying out tests, depending on the individual national sensitivity. Especially smaller manufacturers will prefer the national ways of dealing with product issues"*;
- Another respondent suggested that *"if procedures are harmonised this* [a pan-European approach] *is not necessary"*;
- A national authority noted *"that the designation of some Member States could disadvantage the other Member States and create a distortion on the market"*;
- One respondent indicated that they *"would not support this. Although on an ad-hoc basis we have worked with other Member States in the past, and could do so again, where circumstances made it beneficial"*; and
- Another respondent noted *"in basic, the sampling and testing should be done in a controlled way. If this is done in such way the differences should be minimal and involving different Member States will increase the costs with minimum added value"*.

One national authority responding to the questionnaire did not provide a definitive answer to this question (neither 'yes' nor 'no'). Further explanation is provided below:

- The national authority indicated that their position relating to this is *"reserved pending the measures proposed for particular vehicles/components from outside the EU. A centralized and controlled* [approach] *at the European level would seem the most relevant"*.

A13.2.6 Question 6

Do you believe that enforcement of the current legislation can be improved by providing targeted training for national authorities?

Table A13.6 indicates that the majority of national authorities (61% or 11 of the 18 respondents) responding to this question believe that enforcement of the current legislation can be improved by providing targeted training for national authorities. 28% of respondents (5 of 18) do not believe that enforcement of the current legislation can be improved by providing targeted training. The remaining 2 respondents did not provide a definitive answer, but did provide further explanation as to why a 'yes' or 'no' answer could not be given.

Table A13.6: Responses to Question 6: Do you Believe that Enforcement of the Current Legislation can be Improved by Providing Targeted Training for National Authorities?		
	Number of Responses	**% of Responses**
Yes	11	61%
No	5	28%
No Definitive Answer Given	2	11%
TOTAL	18	100%

National authorities responding to this question were also asked to provide an explanation of their answer, if possible. Those authorities that responded 'yes' to Question 6 (enforcement of the current legislation can be improved by providing targeted training) also provided the following explanations:

- One national authority suggested that *"the training will be adapted to the complexity of the measures chosen"*;
- Another national authority indicated that *"this seems to be possible to a certain extent"*; and
- One respondent that answered 'yes' to Question 6 suggested that this is *"definitely one of the most beneficial approaches to be recommended"*.

Respondents that answered 'no' to Question 6 provided the following explanations:

- One respondent suggested that *"it's more a question of personnel resources (administrations have less personnel each year)"*;
- Another national authority indicated that they *"mainly apply national market surveillance legislation"*; and
- One national authority answered 'no' to Question 6 *"if it concerns enforcement of the regulatory acts in the national legislation of the Member States"*.

Two national authorities responding to the questionnaire did not provide a definitive answer to this question (neither 'yes' nor 'no'). Further explanation is provided below:

- One national authority respondent indicated that *"I would probably say 'don't know' to this. Without more information on what kind of training, and what is the level of knowledge of the authorities, I would not like to be drawn"*; and
- Another respondent stated "*training with what purpose? Which topics?"*.

A13.2.7 Question 7

Do you believe that enforcement of the current legislation can be improved by developing interpretation guidelines on the legal provisions of Directive 2007/46/EC?

The majority of national authorities responding to this question (72% or 13 of 18) believe that enforcement of the current legislation can be improved by developing interpretation guidelines on the legal provisions of Directive 2007/46/EC (Table A13.7). 3 respondents do not believe this to be the case (answered 'no'). The remaining two respondents were unable to provide a definitive 'yes' or 'no' answer, but have given an explanation as to why this was the case (see below).

Table A13.7: Responses to Question 7: Do you Believe that Enforcement of the Current Legislation can be Improved by Developing Interpretation Guidelines on the Legal Provisions of Directive 2007/46/EC?

	Number of Responses	% of Responses
Yes	13	72%
No	3	17%
No Definitive Answer Given	2	11%
TOTAL	18	100%

The national authorities responding to this question were given the opportunity to provide an explanation of their answer. None of the authorities that answered 'yes' to Question 7 (believe that enforcement of the current legislation can be improved by developing interpretation guidelines on the legal provisions of Directive 2007/46/EC) provided any further explanations.

However, respondents that answered 'no' to Question 7 provided the following explanations:

- One national authority suggested that *"it's more a question of personnel resources (administrations have less personnel each year)"*;
- Another respondent indicated that *"in general, the provisions of Directive 2007/46/EC must be clear and precise"*;
- Another authority suggested that they *"do not see a lack of interpretation guidelines"*; and
- One respondent indicated that *"if we minimize the possibility of interpretation differently the*[re] *will be no differences between the approaches of Member States"*.

Two national authorities responding to the questionnaire did not provide a definitive answer to this question (neither 'yes' nor 'no'). Further explanation is provided below:

- A national authority indicated that *"this is a very tricky matter: whereas experience shows that guidelines assist both regulators and economic operators alike, when it comes to interpretation, one must always bear in mind that our courts have the last say"*; and
- Another national authority indicated *"possibly there is at least scope for improvement. But I don't know if it would definitely be improved by interpretation guidelines. It's a bit open ended and relies on the interpretations being drafted carefully etc. The TAAM group already agree interpretations between the various approval authorities"*.

A13.2.8 Question 8

If there is no amendment to Directive 2007/46/EC, would you consider adopting additional measures at the national level to counter the threat posed by non-compliant and/or low-quality automotive products and to ensure the continued safety of consumers?

As indicated in Table A13.8, the majority of national authorities responding to this question (61% or 11 of the 18 respondents) would not consider adopting additional measures at the national level to counter the threat posed by non-compliant and/or low-quality automotive products should there be no amendment to Directive 2007/46/EC. A third of respondents (6 of the 18) indicated that they would consider adopting additional measures. The remaining national authority was unable to provide a definitive 'yes' or 'no' answer, but did give an explanation as to why this was the case (see below).

Table A13.8: Responses to Question 8: If Directive 2007/46/EC is not amended would you consider adopting additional measures at the national level to counter the threat posed by non-compliant and/or low-quality automotive products?

	Number of Responses	% of Responses
Yes	6	33%
No	11	61%
No Definitive Answer Given	1	6%
TOTAL	18	100%

Each respondent was given the opportunity to explain the answer provided. The national authorities that indicated that they would consider adopting additional measures at the national level to counter the threat posed by non-compliant and/or low-quality automotive products (answered 'yes' to Question 8) provided the following explanations:

- One national authority indicated that *"legislation for non–conforming products is already under development"*; and
- Another respondent answering 'yes' to Question 8 noted *"I guess we could at least consider additional measures. It's difficult to say if these would come to fruition"*.

Respondents that answered 'no' to Question 6 provided the following explanations:

- One respondent noted that *"the necessary legislation has been adopted to ensure consumer safety, including implementation of the Directive 'product safety'. It will be amended as necessary encountered"*;
- A national authority that answered 'no' to Question 8 indicated that *"we think our processes are already well in place"*;
- Another national authority suggested that these issues should be *"kept at European level"*;
- A respondent indicated that *"technical harmonisation across the whole EU is our long-standing policy"*; and
- Another national authority agreed with the comments made in the previous points by stating *"we consider that is better to have a coherent EU approach"*.

One national authority responding to the questionnaire did not provide a definitive answer to this question (neither 'yes' nor 'no'). Further explanation is provided below:

- The national authority respondent indicated *"that is a responsibility of the ministry"*, meaning adopting measures to counter the threat posed by non-compliant and/or low-quality automotive products.

It is evident from the responses received that a number of national authorities favour an EU-wide approach to counter the threat of posed by non-compliant and/or low-quality automotive products and to ensure the continued safety of consumers.

A13.2.9 Question 9

Do you agree that existing information and co-operation instruments (such as CIRCA, TAAEG, TAAM, etc.) provide good platforms for facilitating information exchange and co-operation between national authorities?

Table A13.9 outlines the views of national authorities responding to Question 9. All 18 respondents agree that existing information and co-operation instruments (such as CIRCA, TAAEG, TAAM, etc.) provide good platforms for facilitating information exchange and co-operation between national authorities. None of the national authorities disagreed with this statement.

Table A13.9: Responses to Question 9: Do you Agree that Existing Information and Co-operation Instruments (such as CIRCA, TAAEG, TAAM etc.) provide Good Platforms for Facilitating Information Exchange and Co-operation Between National Authorities?

	Number of Responses	% of Responses
Yes	18	100%
No	0	0%
TOTAL	18	100%

The national authorities responding to this question were given the opportunity to further explain the answer provided. The explanations provided by some of the respondents that answer 'yes' to Question 9 are outlined below:

- One respondent answering 'yes' to Question 9 noted *"but in fact each TAA* [Type-approval authority] *wants to continue on their interpretation; this doesn't higher* [increase] *the number of personnel"*;
- Another national authority indicated that *"however, the role of TAAEG should be strengthened in line with TAAM and TCMV"*;
- A national authority suggested that the existing information and co-operation instruments are *"definitely a good start, but more needs to be done by all"*; and
- Another respondent indicated that *"I support these platforms and believe that they are very worthwhile"*.

A13.2.10 Question 10

Are there likely to be particular benefits from clarifying the roles and responsibilities of enforcement authorities, in particular, making clear reference to the role of market surveillance authorities?

The majority of national authorities responding to this question (89% or 16 of 18) believe that there are likely to be particular benefits from clarifying the roles and responsibilities of enforcement authorities (i.e. answered 'yes' to Question 10). Only 2 respondents (11%) did not consider there to be any particular benefits from clarifying the roles and responsibilities of enforcement authorities (see Table A13.10).

Table A13.10: Responses to Question 10: Are there likely to be Particular Benefits from Clarifying the Roles and Responsibilities of Enforcement Authorities, in Particular, Making Clear Reference to the Role of Market Surveillance Authorities?

	Number of Responses	% of Responses
Yes	16	89%
No	2	11%
TOTAL	18	100%

National authorities responding to this question were also asked to provide an explanation of their answer, if possible. Those authorities that responded 'yes' to Question 10 (there are likely to be particular benefits from clarifying the roles and responsibilities of enforcement authorities) also provided the following explanations:

- One national authority indicated that *"this will help very much; but it must be clear in which case the TAA* [Type-approval authority] *is responsible and in which cases the market surveillance authority is responsible. Another problem is the right for both authorities to take samples by the dealers, etc."*;
- Another national authority indicated that there are likely to be particular benefits, whilst *"maintaining clear roles and skills (existing) of approval authority"*;

- One respondent noted that *"we do not see a lack of clarity, but in order to reach a harmonized doing* [approach] *of the Member State authorities it seems to be reasonable"*;
- A national authority suggested that *"more clarity is needed"*;
- Another respondent indicated that *"legal certainty is also a most welcomed principle"*; and
- One national authority noted that *"at this moment the roles* [of enforcement authorities] *are not always clear"*.

The respondents that answered 'no' to Question 10 (not likely to be particular benefits from clarifying the roles and responsibilities of enforcement authorities) provided the following explanations:

- One national authority stated *"I don't really think so. I am not sure how this would really help much"*.

A13.2.11 Question 11

Do you believe that it is feasible and cost-effective for national authorities to develop and enforce a voluntary agreement which clarifies the roles and responsibilities of enforcement authorities and aims at improving enforcement of the Directive?

As indicated in Table A13.11, a third of respondents (33% or 6 of 18) believe that it is feasible and cost-effective for national authorities to develop and enforce a voluntary agreement which clarifies the roles and responsibilities of enforcement authorities and aims at improving enforcement of the Directive. 8 respondents have indicated that they do not believe this to be feasible. The remaining 4 respondents were unable to provide a definitive 'yes' or 'no' answer, but have given an explanation as to why this was the case (see below).

Table A13.11: Responses to Question 11: Do you Believe that it is Feasible and Cost-effective for National Authorities to Develop and Enforce a Voluntary Agreement which Clarifies the Roles and Responsibilities of Enforcement Authorities and Aims at Improving Enforcement of the Directive?

	Number of Responses	% of Responses
Yes	6	33%
No	8	44%
No Definitive Answer Given	4	22%
TOTAL	18	100%

Note:
The percentages presented in the table do not add up to 100% exactly due to rounding

Further explanations of the responses given were provided by a number of National Authorities. The national authorities that answered 'yes' to Question 10 also provided the following explanations:

- One respondent noted *"we believe that a voluntary agreement would be feasible, but we cannot say for sure that it would be cost-effective. In addition we feel that such kind of agreement should be developed in conjunction with all the different national authorities responsible for the area"*; and
- Another national authority indicated that they *"would support this, because it would give the authorities the chance to benefit from each other on a cost-effective basis"*.

The explanations provided by respondents that answered 'no' to Question 10 are outlined below:

- One national authority indicated that *"the roles and responsibilities* [of enforcement authorities] *should be clarified in the regulatory framework"*;
- Another respondent noted that *"experience shows that voluntary agreements are not that effective in the long term"*; and
- A national authority indicated that they *"don't think that the voluntary agreement will assure the enforcement of the Directive"*.

Four national authorities responding to the questionnaire did not provide a definitive answer to this question (neither 'yes' nor 'no'). Further explanation is provided below:

- One national authority respondent indicated that their *"position* [is] *reserved awaiting a framework setting out the EC requirements"*;
- One respondent indicated that it is *"difficult to say"* it is feasible and cost-effective for national authorities to develop and enforce a voluntary agreement which clarifies the roles and responsibilities of enforcement authorities. They also noted that they *"don't think a voluntary agreement is easy to 'enforce', but there are benefits to adopting this form of agreement. I still don't really see what the benefits of this would be"*;
- Another respondent indicated that *"voluntary* [agreements] *will give space to deviate"*; and
- One authority indicated that it is *"not clear"* if it is feasible and cost-effective for national authorities to develop and enforce a voluntary agreement which clarifies the roles and responsibilities of enforcement authorities and aims at improving enforcement of the Directive.

A13.2.12 Question 12

One of the policy options introduces a new and simplified two-step approach for safeguard measures in line with the principles of the NLF. This would mean that not all safeguard cases would have to be dealt with at EU level. Member States would only inform the Commission and the other Member States where the approval authority considers that non-conformity is not restricted to their national territory. Do you support this simplified approach?

Three quarters of the national authorities responding to the questionnaire (67% or 12 of 18) support the simplified two-step approach for safeguard measures in line with the principles of the NLF (see Table A13.12). 6 of the 18 respondents (33%) do not support the simplified approach.

Table A13.12: Responses to Question 12: Do you Support the Simplified Approach (Outlined Above)?

	Number of Responses	% of Responses
Yes	12	67%
No	6	33%
TOTAL	18	100%

National authorities responding to this question were also asked to provide an explanation of their answer, if possible. Those authorities that responded 'yes' to Question 12 (they do support the simplified two-step approach) also provided the following explanations:

- One national authority that answered 'yes' to Question 12 noted that *"it is seldom the case that non-conformity is restricted to national territory"*;
- Another respondent indicated that they do support the simplified two-step approach *"if the role and powers of the existing community approval authority of the vehicle or component are still preserved"*; and
- A national authority answering 'yes' to this question indicated that *"it seems sensible and would simplify matters"*.

The national authorities that do not support the simplified approach (outlined above) and therefore answered 'no' to Question 12 provided the following explanations:

- One national authority indicated that *"if a product is sold in one Member State it is presumable that this product is on the market of another Member State too; but this depends on the way of the product into the EU market"*;
- Another authority noted that *"we do not support the simplified approach, because we feel that in the concept of EU market (no borders), it is very difficult to be sure that dangerous products are sold or taken into service only in one Member State or that the products have not spread into different Member States in years. Also we believe that there is a possibility for producers to misuse their obligation by not telling the approval authority the exact number of products and Member States to which they have sold their products. By doing so, they can reduce the cost of recall in that Member State and* [other] *Member States do not know if products used in their territory are dangerous*;
- One respondent suggested that *"if there are serious risks identified, they should be communicated in the whole EU. The action taken by the national authority can be independent. In* [the] *case when an authority is requiring a measure such as recall from an economic operator, there should be information for the other Member States but no possibility to challenge this decision, except for court.*

Otherwise the position of this authority would be too weak and how long should it take, to remove vehicles posing a serious risk out of traffic, when every decision of the market surveillance authority will stand under the general reservation of the Commission"; and

- Another national authority noted that *"technical harmonisation across the whole EU is our long-standing policy"*.

A13.2.13 Question 13

Finally, do you believe that policy action in the automotive area should be based on a combination of voluntary action by stakeholders for some of the problem areas identified and legislative changes for others?

As indicated in Table A13.13, over half of the national authorities responding to this question (72% or 13 of 18) believe that policy action in the automotive area should be based on a combination of voluntary action by stakeholders for some problem areas identified and legislative changes for others. 4 respondents do not believe that policy action should be a combination of voluntary action and legislative changes. 1 respondent did not provide a definitive answer (either 'yes' or 'no') to the question, but has provided further explanation (outlined below).

Table A13.13: Responses to Question 13: Do you Believe that Policy Action in the Automotive Area Should be Based on a Combination of Voluntary Action by Stakeholders for Some Problem Areas Identified and Legislative Changes for Others?

	Number of Responses	% of Responses
Yes	13	72%
No	4	22%
No Definitive Answer Given	1	6%
TOTAL	18	100%

The respondents to this question were also asked to provide further explanation of the answers given, if possible. The national authorities that answered 'yes' to Question 13 provided the following explanations for their answers:

- A national authority noted that *"the right mix* [of] *voluntary action/legislation remains the condition for the success of this approach! Voluntary action can be such a first step before a legislative requirement for provisions not fundamental"*; and
- Another national authority indicated that this *"could be a good symbiosis"*.

The national authorities that answered 'no' to Question 13 provided the following explanations:

- One national authority that answered 'no' to Question 13 also noted that *"legal certainty is also a most welcomed principle"*; and

- Another respondent indicated that they *"don't think that the voluntary agreement will assure the enforcement of the Directive"*.

One national authority responding to the questionnaire did not provide a definitive answer to this question (neither 'yes' nor 'no'). Further explanation is provided below:

- This national authority indicated *"I think it's too simplistic to answer Yes or No to this. The present Government has a preference for voluntary action over legislation. So we would favour voluntary action. But for some things it may be necessary to introduce legislation. If indeed it is necessary to do anything. In many cases we would support the status quo. Some of the legislative options seem too expensive – e.g. requiring records to be kept of certain transactions: all components? This is not really feasible although you could keep track of your main suppliers and some of this info may be collected automatically"*.

ANNEX 14

VIEWS OF TECHNICAL SERVICES

A14. VIEWS OF TECHNICAL SERVICES

A14.1 Respondents

A total of 33 technical services provided responses to the questionnaire relating to the impact assessment undertaken by RPA into various policy options suggested for enhancing the implementation of the internal market legislation relating to motor vehicles. Responses have been received from the following countries: Austria, Czech Republic, Denmark, Finland, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Poland, Slovakia, Slovenia, Spain, Sweden and the United Kingdom.

The technical services provided a response to each of the questions asked with some providing further explanation to the answers given. The responses to each of the questions and any other comments made in relation to these are outlined in the following sections.

A14.2 Questionnaire Responses

The responses received for each question are outlined below.

A14.2.1 Question 1

Is your organisation involved in the type-approval testing and verification of conformity of production for other products apart from vehicles and/or vehicle components (e.g. motorcycles)?

As indicated in Table A14.1 the majority of respondents (82% or 27 of 33) indicated that their organisation is involved in the type-approval testing and verification of conformity of production of other products apart from vehicles/vehicle components (answered 'yes' to question 1). 18% of technical services (6 of 33) do not undertake type-approval and verification of conformity of production activities for other products.

Table A14.1: Responses to Question 1: Is your Organisation Involved in the Type-approval Testing and Verification of Conformity of Production for Other Products Apart from Vehicles and/or Vehicle Components?

	Number of Responses	% of Responses
Yes	27	82%
No	6	18%
TOTAL	33	100%

The technical services were given the opportunity to provide an explanation of their answer. Further comments made by the respondents that answered 'yes' to Question 1 are outlined below:

- One technical service indicated that they are also involved in the type-approval testing and verification of conformity of production of *"biomass heating boilers"*;
- Another respondent indicated that they are involved in the type-approval testing and verification of conformity of production of *"motorcycles, bicycles: light technical equipment"*;
- Another respondent that answered 'yes' to Question 1 indicated that they are also involved in the type-approval testing and verification of conformity of production of *"LIFT, MID, PED and PPE"*;
- A technical service indicated that they also undertake *"homologation in the area of pedestrian protection"*;
- One technical service also indicated that they are involved in the type-approval testing and verification of conformity of production of *"motorcycles and agricultural* [equipment]*"*; and
- Another respondent indicated that their organisation is involved in the type-approval testing and verification of conformity of production of *"component/ESA/STU only for M-cycles trackers, and vehicle security systems"*.

None of the technical services that answered 'no' to Question 1 (organisations that are only involved in the type-approval testing and verification of conformity of production of vehicles/vehicle components) provided any further explanation for the response given.

A14.2.2 Question 2

Is alignment of Directive 2007/46/EC with other related legislation in the automotive area (e.g. for motorcycles) likely to result in benefits or costs savings for your organisation, for example, by having a streamlined and consistent approach to requirements across your portfolio of products?

38% of the technical services responding to this question (13 of 33) indicated that alignment of Directive 2007/46/EC with other related legislation in the automotive area is likely to result in benefits or cost savings for their organisation. 52% of respondents (or 17 of 33) believe that this would not result in benefits or cost savings. The remaining 3 technical services did not provide a definitive answer to this question (see Table A14.2).

Table A14.2: Responses to Question 2: Is alignment of Directive 2007/46/EC with Other Related Legislation in the Automotive Area (e.g. Motorcycles) likely to Result in Benefits or Costs Savings for your Organisation?

	Number of Responses	% of Responses
Yes	13	39%
No	17	52%
No Definitive Answer Given	3	9%
TOTAL	33	100%

The respondents were also given the opportunity to provide further comments relating to their answer. The explanations provided by the technical services that answered 'yes' to Question 2 are outlined below:

- One technical service answered *"yes, if all legislation is clear and without corrections and further amendments* [are] *to be done"*;
- Another respondent that answered 'yes' to Question 2 provided a list of other legislation *"74/151/EEC* [on the approximation of the laws of the Member States relating to certain parts and characteristics of wheeled agricultural or forestry tractors]*, Annex VI; 77/311/EEC* [approximation of the laws of the Member States relating to the driver-perceived noise level of wheeled agricultural or forestry tractors]*, Annex I; 2001/85/EC* [relating to special provisions for vehicles used for the carriage of passengers comprising more than eight seats in addition to the driver's seat, and amending Directives 70/156/EEC and 97/27/EC]*"*;
- One respondent that answered 'yes' to Question 2 noted *"however we are a certification/test organisation so the major benefit will be more for our customers. It will be beneficial for us in processing certification"*; and
- Another technical service indicated that alignment of Directive 2007/46/EC with other related legislation in the automotive area would *"reduce client testing/paperwork"*.

The technical services that answered 'no' to Question 2 (alignment of Directive 2007/46/EC with other related legislation is not likely to result in benefits) provided the following explanations for this answer:

- A technical service noted that they *"do not type approve anything regarding vehicles"*;
- Another respondent indicated *"I do not agree that Directive 2007/46/EC would have a streamlined and consistent approach- in my opinion it is complicated and non-transparent. I don't understand the question as we are not producing any products, this does not refer to companies offering technical services"*; and
- One respondent noted that *"more than a saving cost issue is a harmonization issue. Does it make sense that the approval of a motorcycles differ from the approval of a M/N/O vehicle? Does it make sense that a European representative is a must for a non European manufacturer of a M/N/O vehicle while it is not for an L vehicle?"*.

Three technical services responding to the questionnaire did not provide a definitive answer to this question (neither 'yes' nor 'no'). One respondent did not answer this question whilst another indicated that they *"did not know"*. Another technical service indicated that this question is not applicable as *"we are a test lab"*.

A14.2.3 Question 3

Are you aware of technical services that are currently involved in the design, manufacture, supply, installation, use or maintenance of the vehicles and/or vehicle components they test?

Table A14.3 indicates that the majority of technical services responding to this question (52% or 17 of 33) are not aware of technical services that are currently involved in the design, manufacture, supply installation, use or maintenance of the vehicles/components they test. Just under half of the respondents (48% or 16 of 33) indicated that they are aware of technical services that are involved in these activities.

Table A14.3: Responses to Question 3: Are you Aware of Technical Services that are Currently Involved in the Design, Manufacture, Supply, Installation, Use or Maintenance of the Vehicles/Vehicle Components they Test?

	Number of Responses	% of Responses
Yes	16	48%
No	17	52%
TOTAL	33	100%

The technical services that responded to this question were asked, where possible, to provide further explanation relating to the answer given. The respondents that answered 'yes' to Question 3 provided the following comments:

- A technical service indicated that *"a manufacturer can be a technical service for some items, so this question is losing the sense"*;
- Another technical service that answered 'yes' to Question 3 named a specific company as an example;
- Another respondent indicated that *"as part of our organisation, we design small electrical components and test* [these] *but do not certify"*; and
- One technical service also noted *"but this does not necessarily mean that the performance of the approval activity is not made in an independent way. Of course, it must be checked that the independency is assured by involving teams of people which, at no extend, play any role in the design or development phase. On the other side it happens that on several regulations (for instance the approval of tyres) the manufacturer can be designated as a technical service"*.

The technical services that answered 'no' to Question 3 provided the following comments:

- A technical service indicated that *"I have personally a long experience of certification and certification systems. One of the biggest problems that I see with the present system is the following: The demand on a technical service is that we are accredited. To be accredited is very complicated and costly. For example, in order to be accredited there are a need that we own all the equipment that we use for the tests. All this together is very good from a quality perspective and ensure that sufficient quality will be achieved. BUT, type approval authorities have the possibility to act as a Technical Service and to carry out tests for Directives where they don't have the documented quality level. Some of the Type Approval authorities are very aggressive on the market and they disable competition. For example, one person can alone cover a large number of directives/legislations and carry out tests and issue Type Approvals at the same time. It is from my point of view very strange that this is allowed!"*.

A14.2.4 Question 4

Are you aware of situations in which the pay of the personnel of a technical service is dependent on the number of assessments carried out or on the results of those assessments?

The majority of technical services responding to this question (88% or 29 of 33) are not aware of any situation whereby the pay of personnel of a technical service is dependent on the number of assessments carried out or on the results of these assessments. Only 3 respondents (9%) indicated that they are aware of situations in which the pay of personnel is dependent on the number of assessments undertaken or on the results of these (see Table A14.4). The remaining respondent did not provide a definitive answer to this question.

Table A14.4: Responses to Question 4: Are you Aware of Situations in which the Pay of the Personnel of a Technical Service is Dependent on the Number of Assessments Carried Out or on the Results of those Assessments?

	Number of Responses	% of Responses
Yes	3	9%
No	29	88%
No Definitive Answer Given	1	3
TOTAL	33	100%

Respondents were given the opportunity to include further details in relation to answer provided. The technical services that answered 'yes' to Question 4 provided the following explanations:

- A technical service indicated that *"not directly, but can you imagine a technical service which would pay its staff without making their job"*.

One of the technical services that answered 'no' to Question 4 (not aware of personnel pay of technical services depending on the number of assessments undertaken or the outcome of these) provided the following explanation:

- One technical service indicated *"normal practice in efficient organizations is that the payment of the personnel is dependent on the excellence in performing its activity. Not doing this brings the organization to poor performance"*.

One technical service responding to the questionnaire did not provide a definitive answer to this question (neither 'yes' nor 'no'). This respondent indicated that this question was *"not applicable"* to them.

A14.2.5 Question 5

Would the quality and performance of technical services be improved by strengthening the technical independence of technical services (i.e. they are not allowed to be the designer, manufacturer, supplier, installer, purchaser, owner, user or maintainer of the vehicles or components tested)?

As indicated in Table A14.5, the majority of technical services responding to this question (61% or 20 of 33) believe that the quality of technical services would be improved by strengthening their technical independence. 9 of the 33 respondents disagreed with this position. The remaining 4 respondents did not provide a definitive 'yes' or 'no' answer, but have given an explanation (which is outlined below).

Table A14.5: Responses to Question 5: Would the Quality of Technical Services be Improved by Strengthening the Technical Independence of Technical Services?

	Number of Responses	% of Responses
Yes	20	61%
No	9	27%
No Definitive Answer Given	4	12%
TOTAL	33	100%

The technical services were given the opportunity to provide an explanation of their answer. The additional comments made by respondents that answered 'yes' to Question 5 are outlined below:

- A technical service indicated that *"technical independence would undoubtedly avoid any potential conflict of interest situations"*;
- Another respondent noted that *"this is the process we currently adopt as the certification aspect is a separate function from the design and engineering function and is in no way influenced by it"*; and
- One technical service noted that *"technical independence would undoubtedly avoid any potential conflict of interest situations"*.

Respondents that answered 'no' to Question 5 provided the following comments:

- One technical service indicated that *"there are many unresolved problems in the world however I cannot see one in this field"*;
- Another respondent suggested that there is a *"risk of loss of competence; but it should always be a third party"*;
- Another technical service indicated that *"the quality and performance of technical services would be improved by assuring that all of them are adopting harmonized technical criteria, not only regarding the performance of the tests (or witness tests) and interpretation of the test results but regarding CoP surveillance too. There are several Technical Services [that are] fully independent from a theoretical point of view that perform approval programs poorly by being less demanding"*; and
- One respondent that answered 'no' to Question 5 noted *"as long as the technical service is audited I cannot see a problem with this"*.

Four technical services responding to the questionnaire did not provide a definitive answer to this question (neither 'yes' nor 'no'). One indicated that this question was *"not applicable"* to them, but the three other respondents have provided an explanation for not providing a definitive answer (outlined below):

- One technical service indicated that *"an accreditation by* [an] *independent body should be a good guarantee, but it is not required by every approval authority"*;
- Another respondent indicated that *"no simple relation exists: depending on implementation & organisation, other activities may have either negative (reliability) or positive (know-how, motivation) influence. Perhaps focus (if considered at the global level) should be put on reliable knowledge exchange system, personnel qualities, HR management rather"*; and
- When whether the quality and performance of technical services would be improved by strengthening the technical independence of technical services, one respondent indicated *"probably not, but independent testing would be preferable: testing would then be seen to be fair. However, for many components there is probably insufficient testing capacity to remove Technical Service status from the manufacturers"*.

A14.2.6 Question 6

Would the quality and performance of technical services be improved by strengthening the financial independence of technical services (i.e. personnel pay should not be linked to assessments carried out)?

Table A14.6 indicates that 64% of respondents (21 of 33) believe that the quality and performance of technical services would be improved by strengthening their financial independence. Only 7 of the 33 technical services (21%) responding to this question thought that strengthening the financial independence of technical services would not improve their quality and performance. The remaining 5 respondents did not provide a 'yes' or 'no' answer to the question, but did explain why this was the case (see below).

Table A14.6: Responses to Question 6: Would the Quality and Performance of Technical Services be Improved by Strengthening the Financial Independence of Technical Services?

	Number of Responses	% of Responses
Yes	21	64%
No	7	21%
No Definitive Answer Given	5	15%
TOTAL	33	100%

The respondents were also given the opportunity to provide further comments relating to their answer. The explanations provided by the technical services that answered 'yes' to Question 6 are outlined below:

- One technical service that answered 'yes' to this question indicated *"we are a Federal Institute, our personnel costs are not related to the income test services. It helps to gain a very high (and strong) quality and avoids favourable approvals"*; and
- Another respondent suggested that *"technical services should be completely independent to avoid potential conflict of interest situations should they arise"*.

The technical services that answered 'no' to Question 6 provided the following explanations for this answer:

- One respondent indicated *"I don't understand the question, there is no connection between the two"*; and
- Another respondent indicated that strengthening the financial independence of technical services *"should not make any difference to quality"*.

Five technical services responding to the questionnaire did not provide a definitive answer to this question (neither 'yes' nor 'no'). Two respondents did not provide any further comments, whereas another indicated that this question was *"not applicable"* to them. Further explanation from the other technical services is provided below:

- One technical service indicated that *"an accreditation by* [an] *independent body should be a good guarantee, but it is not required by every approval authority"*; and
- Another technical service suggested that *"no simple relation exists: may have either positive (on thoroughness, reliability) or negative (motivation, creativity) consequences"*.

A14.2.7 Question 7

Would the quality and performance of technical services be improved by strengthening the requirements for accredited in-house bodies?

As indicated by Table A14.7 the majority of respondents (61% or 20 of 33) believe that strengthening the requirements for accredited in-house bodies would improve the quality and performance of technical services. 11 respondents (33%) have indicated that they do not believe the quality and performance of technical services would be improved by strengthening the requirements for accredited in-house bodies (answered 'no' to this question). The remaining 2 respondents did not provide a 'yes' or 'no' answer, but have explained the reason for this (outlined below).

Table A14.7: Responses to Question 7: Would the Quality and Performance of Technical Services be Improved by Strengthening the Requirements for Accredited In-house Bodies?

	Number of Responses	% of Responses
Yes	20	61%
No	11	33%
No Definitive Answer Given	2	6%
TOTAL	33	100%

The technical services also had the opportunity to provide an explanation for the answer given. The additional comments made by the respondents that answered 'yes' to Question 7 are outlined below:

- One technical service answered *"yes, if performance was currently in doubt, otherwise, no"*; and
- Another technical service indicated that *"everything linked with the strengthening of the harmonization of the assessment procedures of the technical services would be positive"*.

The technical services that responded 'no' to Question 7 provided the following explanations:

- A technical service indicated *"our accreditation is already ISO 17025 assessed by UKAS for Notified Body activity and this is carried over for our technical service activities with the VCA and the RDW"*;
- Another respondent indicated that *"the quality and the performance would deteriorate as the accreditation – especially for small companies – means an extra and unnecessary burden"*; and
- One technical service noted *"the VCA requires TARRC to carry UKAS accreditation for the test. This independent body ensures the quality of our testing"*.

One technical service responding to the questionnaire did not provide a definitive answer to this question (neither 'yes' nor 'no'). Further explanation is provided below:

- The technical service indicated *"maybe* [the quality and performance of technical services would be improved by strengthening the requirements for accredited in-house bodies]*; but EU cannot change ISO 17025 or others and EU cannot supervise accreditation authorities; which I find very good"*; and
- Another respondent suggested *"the focus is probably not on the right perspective: more systematic approach seeing the system as a whole is needed first, covering all the stakeholders (mfg-TS-TAA). Then one might look at the separate pieces"*.

A14.2.8 Question 8

Would it be feasible and cost-effective for technical services to develop and enforce a voluntary agreement which clarifies and strengthens the requirements for technical services to be entitled to perform type-approval testing and verification of conformity of production?

17 of the 33 technical services responding to this question (52%) believe that it would be feasible and cost-effective for technical services to develop and enforce a voluntary agreement which clarifies and strengthens the requirements for technical services to be entitled to perform type-approval and verification of conformity of production (answered 'yes' to this question). 13 of the 33 respondents (39%) do not agree that this would be feasible or cost-effective (see Table A14.8). The remaining three respondents did not provide a definitive 'yes' or 'no' answer but has provided further explanation as to why this is the case (see below).

Table A14.8: Responses to Question 8: Would it be Feasible and Cost-effective for Technical Services to Develop and Enforce a Voluntary Agreement which Clarifies and Strengthens the Requirements for Technical Services to be Entitled to Perform Type-approval and Verification of Conformity of Production?		
	Number of Responses	**% of Responses**
Yes	17	52%
No	13	39%
No Definitive Answer Given	3	9%
TOTAL	33	100%

Respondents were given the opportunity to provide further comments/information in relation to their answer. The technical services that answered 'yes' to Question 8 provided the following comments:

- One technical service noted that *"those who are already high performing would most likely agree with this whereas those struggling to comply would oppose this"*;
- Another respondent answered 'yes' to Question 8 *"as this is how we currently operate albeit backed by UKAS surveillance"*;
- Another technical service answering 'yes' to Question 8 *noted "but it would not work if it was voluntary, because that would bring to unfair competition by the ones who are not going to adopt it. Therefore, could be useful provided* [if] *it was mandatory to all technical services"*; and
- One respondent noted that *"some technical services would be able to do this CoP work, within their company services"*.

The explanations provided by technical services that answered 'no' to Question 8 are outlined below:

- One respondent indicated that the development and enforcement of a voluntary agreement makes *"no sense, what about the companies that did not sign it? Who will supervise it?"*;
- Another technical service indicated that *"it will not work if there isn't any penalty and/or it isn't must* [mandatory] *for everyone"*; and
- Another respondent noted that *"it definitely would not be cost efficient as it would result in more work and costs and would not provide a significant result"*.

Three technical services responding to the questionnaire did not provide a definitive answer to this question (neither 'yes' nor 'no'). One respondent did not provide any further comments, but the other technical services did provide further explanation (outlined below):

- The technical service indicated that they believe this is *"feasible yes, cost effective? I believe not"*; and

- Another respondent indicated that there is *"no direct relation: depends much more on individual technical service implementation"*.

As indicated above one respondent that answered 'yes' to Question 8 indicated that they already use voluntary agreements, which help clarify and strengthen the requirements for technical services. This respondent was contacted in order to establish the voluntary agreement(s) for which their organisation abides. The respondent indicated that their organisation is assessed against a number of International Organisation for Standardisation (ISO) standards. These are ISO 17025 (for the notified body accreditation), 17020 (for inspection bodies) and 17021 (for audit and certification of management systems). The respondent noted that this allows them to conduct testing as well as witness independently of their test labs and audit production facilities for quality systems and is generally accepted as evidence of capability in addition to the regular audits undertaken by the type-approval bodies.

It should be noted that ISO standards are voluntary and the technical service contacted indicated that compliance with ISO standards *"very much depends on the issuing type-approval body"*. It was indicated that some type-approval bodies insist on ISO 17025 accreditation, whereas others insist on an ISO 17025 equivalent operation without having full accreditation. Therefore, there is the possibility of some technical services operating without formal accreditation, providing the issuing body has audited the organisation regularly.

A14.2.9 Question 9

Would amending Directive 2007/46/EC be the most effective solution for ensuring high quality and performance of technical services?

As indicated in Table A14.9, the majority of respondents (49% or 16 of 33) do not believe that amending Directive 2007/46/EC would be the most effective solution for ensuring high quality and performance of technical services. Only 12 of the 33 Technical services responding to this question indicated that amending the Directive would be the most effective solution. 5 respondents did not respond with a 'yes' or 'no' answer to Question 9.

Table A14.9: Responses to Question 9: Would Amending Directive 2007/46/EC be the Most Effective Solution for Ensuring High Quality and Performance of Technical Services?

	Number of Responses	% of Responses
Yes	12	36%
No	16	49%
No Definitive Answer Given	5	15%
TOTAL	33	100%

The technical services were given the opportunity to provide an explanation of their answer. The respondents that answered 'yes' to Question 10 provided the following explanations:

- One technical service indicated that *"It would be an effective solution if they would modify-simplify the directive"*; and
- Another respondent noted that *"change 2007/46/EC from directive to Regulation"* would be an effective solution for ensuring high quality and performance of technical services".

The respondents that answered 'no' to Question 9 provided the following explanations:

- A technical service indicated *"no 'COP'* [Conformity of Production] *of the technical service itself"*;
- Another respondent suggested *"potentially more robust surveillance audits and enforcement action by the commission where Technical Services are found to be at fault may be a more beneficial solution"*; and
- One technical service noted that *"only the totally independent companies can assure quality and performance"*.

Five technical services responding to the questionnaire did not provide a definitive answer to this question (neither 'yes' nor 'no'). Two respondents indicated that they *"don't know"* whether amending Directive 2007/46/EC would be the most effective solution for ensuring high quality and performance of technical services, whilst another suggested that this was *"not applicable"* to them as they do not approve anything regarding vehicles. Further explanation of the second technical service's response is provided below:

- The technical service indicated that amendment of Directive 2007/46/EC *"might prove effective, if* [a] *well thought-out strategy's in place"*.

A14.2.10 Question 10

Would enhancing and establishing clear procedures for information exchange and co-operation between technical services be sufficient to achieve a uniform level of stringency in type approval testing and verification of conformity of production?

The majority of respondents (76% or 25 of 33) indicate that enhancing and establishing clear procedures for information exchange and co-operation between technical services would be sufficient to achieve a uniform level of stringency in type-approval and verification of conformity of production (answered 'yes'). Only 7 of the 33 respondents (21%) disagreed with this view (see Table A14.10). One respondent did not respond with a 'yes' or 'no' answer to Question 10.

Table A14.10: Responses to Question 10: Would Enhancing and Establishing Clear Procedures for Information Exchange and Co-operation Between Technical Services be Sufficient to Achieve a Uniform Level of Stringency in Type-approval Testing and Verification of Conformity of Production?		
	Number of Responses	**% of Responses**
Yes	25	76%
No	7	21%
No Definitive Answer Given	1	3%
TOTAL	33	100%

Respondents to this question were given the opportunity to provide an explanation for their answer. The technical services that answered 'yes' to Question 10 provided the following explanations:

- A technical service indicated *"sufficient? It is a necessary tool* [enhancing and establishing clear procedures for information exchange and co-operation between technical services]*"*;
- Another respondent noted that this is a *"good idea, but who will pay* [for] *it?"*;
- One technical service indicated *"yes, this would be a good step; also a direct link to the commission would be beneficial where a Technical Service and approval authority are found to be poorly performing"*;
- A respondent noted that *"general acceptance across Europe of technical service opinions would help; we have instances where we can approve for European wide approval but cannot approve for national approvals!"*; and
- One technical service noted *"actually there are only voluntary committees; but it would be interesting to have such exchanges"*.

The technical services that answered 'no' to Question 10 provided the following comments:

- A technical service that answered 'no' to Question 10 noted *"the standards would have to be modified as well"*; and
- Another respondent indicated that enhancing and establishing clear procedures for information exchange and co-operation between technical services *"could be effective if mandatory"*.

One technical service responding to the questionnaire did not provide a definitive answer to this question (neither 'yes' nor 'no').

A14.2.11 Question 11

Could existing bodies (such as the TAAEG, TAAM) have a role in ensuring a uniform level of stringency in type approval testing and verification of conformity of production?

Table A14.11 indicates that the majority of technical services responding to this question (70% or 23 of 33) believe that existing bodies (such as the TAAEG, TAAM etc.) do have a role in ensuring a uniform level of stringency in type-approval testing and verification of conformity of production. Only 6 of the 33 respondents disagreed with this view (answered 'no' to Question 11). The remaining 4 respondents did not provide a definitive 'yes' or 'no' answer.

Table A14.11: Responses to Question 11: Could Existing Bodies (Such as the TAAEG, TAAM) have a Role in Ensuring a Uniform Level of Stringency in Type-approval Testing and Verification of Conformity of Production?

	Number of Responses	% of Responses
Yes	23	70%
No	6	18%
No Definitive Answer Given	4	12%
TOTAL	33	100%

Note:
The percentages presented in the table do not add up to 100% exactly due to rounding

The technical services also had the opportunity to provide an explanation for the answer given. The additional comments made by the respondents that answered 'yes' to Question 11 are outlined below:

- One technical service answering 'yes' to Question 11 also noted *"but why are TAAM meeting results not freely available on the EU web? What's the sense then?"*;
- Another technical service indicated *"establish a 'testhouse' for 'testhouses'"*;
- A respondent noted that *"these groups may be well placed to monitor technical services on behalf of the commission"*;
- Another technical service indicated *"I don't know these bodies so I cannot exclude that it would be possible"*; and
- One technical service noted that existing bodies could have a role in ensuring a uniform level of stringency in type approval testing and verification of conformity of production *"if their position is compulsory"*.

Technical services that responded 'no' to Question 11 provided the following comments:

- One respondent indicated that *"the bodies already now have problems to find common interpretation"*.

Four technical services responding to the questionnaire did not provide a definitive answer to this question (neither 'yes' nor 'no'). One respondent indicated that they *"did not know"* if existing bodies could have a role in ensuring a uniform level of stringency in type-approval testing and verification of conformity or production. The other respondent suggested that this was *"not applicable"* to them as they do not approve anything regarding vehicles.

A14.2.12 Question 12

Finally, do you expect any impacts (benefits, costs) on your organisation from updating the conformity of production for cars to be in line with the New Legislative Framework (NLF)?

As indicated in Table A14.12 39% of technical services responding to this question (or 13 of 32) expect there to be impacts on their organisation from updating the conformity of production for cars to be in line with the New Legislative Framework. The same number of respondents (12 of the 32) indicated that they do not expect there to be any impacts for their organisation. 7 technical services did not provide a definitive 'yes' or 'no' answer to this question.

Table A14.12: Responses to Question 12: Do you Expect any Impacts (Benefits, Costs) on your Organisation from Updating the Conformity of Production for Cars to be in Line with the New Legislative Framework?

	Number of Responses	% of Responses
Yes	13	39%
No	13	39%
No Definitive Answer Given	7	21%
TOTAL	33	100%

Note:
The percentages presented in the table do not add up to 100% exactly due to rounding

Respondents were given the opportunity to provide further comments/information in relation to their answer. The technical services that answered 'yes' to Question 8 provided the following comments:

- One technical service noted that updating the conformity of production for cars to be in line with the New Legislative Framework *"could increase our test sales"*;
- Another respondent suggested the following impacts would be expected *"higher costs for continuous adaption and re-accreditation and verification without a real benefit to the safety"*; and
- Another technical service indicated that they would expect "additional costs".

The technical services that answered 'no' to Question 12 provided the following explanations for this answer:

- One respondent indicated *"I don't know these therefore I can only assume that these will not bring big changes"*.

Seven technical services responding to the questionnaire did not provide a definitive answer to this question (neither 'yes' nor 'no'). One respondent indicated that they *"did not know"* if updating the conformity of production for cars to be in line with the New Legislative Framework would result in any impacts for their organisation. Further explanation of the other technical services responses are provided below:

- One technical service indicated *"no, we are not acting in* [the] *automotive area"*;
- Another respondent noted *"we will see!"*;
- Another technical service indicated that *"despite consisting of a team of ISO 9001 lead auditors, currently type approval bodies insist on their own CoP* [Conformity of Production] *audits. As such if we were allowed to conduct CoP audits, it would benefit our customer base"*; and
- One respondent noted that they *"cannot judge"* whether there would be any impacts from updating the conformity of production for cars to be in line with the New Legislative Framework.