

Robert Lloyd Smith  
Department for Transport  
Zone 1/33  
Great Minster House  
33 Horseferry Road  
London  
SW1P 4DR

6 September 2017

Dear Mr Smith,

**RoSPA Response to Department of Transport Consultation Paper “Implementing EU regulation 168/2013 on Type Approval of Motorcycles, Tricycles and Quadricycles”**

RoSPA supports the proposal for the UK to implement EU Regulation 168/2013 that will introduce more stringent environmental and safety standards for motorcycles, including:

- New Euro 4 and Euro 5 gaseous emissions standards, from 2017 and 2020 respectively
- Requiring manufacturers to publish fuel consumption figures
- New noise standards
- Compulsory Anti-lock Braking Systems (ABS) on motorcycles over 125cc engine capacity, and Combined Braking Systems (CBS) on all other motorcycles over 50cc, registered after 1 January 2017
- Enhanced requirements for anti-tampering to avoid performance enhancing modifications of motorcycles that are specifically limited in speed and/or power
- Technical standards in new areas such as structural integrity
- Enduro and Trials motorcycles used on the road to be subject to type approval (those manufactured for use exclusively in competition will remain exempt)
- Some electrically assisted pedal cycles (‘Twist and go’ types) to be subject to type approval
- Requiring manufacturers to make repair and maintenance information available to both franchised dealers and independent repairers in a non-discriminatory way
- Requiring importers and distributors to ensure the legality of vehicles they sell and keep certain records
- Requiring governments to carry out market surveillance to ensure vehicles on sale are correctly approved
- Requiring manufacturer to notify the approval authority of safety recalls
- Procedures for taking a decision to withdraw the type approval of a vehicle that presents a risk to safety.

**Penalties**

The European regulation also requires Member States, including the UK, to impose penalties on manufacturers who use ‘defeat’ devices that enable them to circumvent the intent of regulation. It makes it clear that using a “defeat device” is an offence.

RoSPA supports this requirement and agrees that such penalties should be stringent enough to act as a credible deterrent. We also agree that there should also be an offence of registering or placing on the market a vehicle using a defeat device, or other similar functionality, to deliberately circumvent EU Regulation, irrespective of which national authority is used to obtain type approval.

**Electrically Assisted Pedal Cycles (EAPC)**

RoSPA agrees that electrically assisted pedal cycles that provide power when the rider is not pedalling (sometimes known as “Twist and Go”) should be required to obtain type approval, but remain exempt from other requirements, such as licensing and annual MOT test.

More powerful or faster electric cycles should continue to be treated as motor vehicles, as either mopeds or motorcycles depending on their power and speed, and subject to laws on registration, driver licensing, compulsory motor insurance and compulsory helmet wearing.

RoSPA thanks the Department of Transport for the opportunity to comment on the proposals. We have no objection to our response being reproduced or attributed.

Yours sincerely,

**Kevin Clinton**  
**Head of Road Safety**