



EUROPEAN CITIES AND REGIONS NETWORKING
FOR INNOVATIVE TRANSPORT SOLUTIONS



Brussels, 7 October 2016

Dear Members of Parliament and Permanent Representatives,

As the Dieselgate scandal continues to unroll across Europe, it is clear that our vehicle testing and certification system (type approval) is in urgent need of reform. We call on you to include the following reforms in your current deliberations on the Type Approval Framework Regulation proposal presented by the European Commission in January 2016:

1. The current type approval system is in dire need of more regulators' independence and accountability to restore consumer trust and offer a level playing field for industry. Any future reform must deliver **a clear separation of functions and responsibilities between all players** such as national type approval authorities, technical services and manufacturers. No overlap of roles leading to potential conflicts of interest should be allowed. This means that vehicle manufacturer cannot perform certification testing in their own labs while any testing body in charge of such tests (whether part of a national authority or not) should abide by same accreditation, designation and quality control standards. Approving systems (such as emissions) and whole vehicles should only be done by personnel with appropriate professional and technical competences from technical services designated according to very high quality standards.
2. In the absence of a harmonized EU regulator, the future reform must introduce checks and balances so that the **28 national Type Approval Authorities apply EU law in a uniformly strict and consistent manner** and are not allowed to favour their home industries. Peer reviews proposed by the Commission should be significantly strengthened to allow the

newly proposed Forum to oversee the work of national regulators, issue recommendations and apply sanctions if necessary. The membership of this Forum should be expanded.

3. Key to ensuring any compliance with standards is **effective and rigorous market surveillance** to check that vehicles comply with the regulations throughout their lifetime. In this regard, independent verification testing – whether by Member States or the Commission - is crucial, as is setting clear targets on the number of vehicles to be re-tested. Member States must check a sample that is representative of the number of cars on their roads based on well-established principles of risk assessment such as popular models, consumer complaints and third-party testing reports. The Forum is well placed to coordinate such in-use surveillance activities to avoid duplication and ensure cost-effectiveness in view of limited resources.
4. **Adequate resources are needed to effectively and rigorously check compliance on the road** by member states or the Commission. We are open to whatever funding system is opted for provided genuine independence of type approval authorities and technical services and no conflict of interest are assured. However, the funding system should not be tied to type approval activities in the member state. For example, manufacturers can be required to pay a charge on each new car sold to fund EU-wide market surveillance, a system similar to the one used in Sweden today.
5. The current type approval system in Europe partially lacks transparency and traceability. The future system will benefit from **more transparency and openness** as this will increase accountability. We call on legislators to put together a European online database with type approval data (such as where vehicles and parts were approved, Certificates of Conformity as well as some testing specifications) made public. This should allow consumers to report their complaints. Manufacturers' confidentiality concerns should not go against public interest.
6. In the absence of coherent enforcement by type approval authorities, the current provisions on using defeat devices have to be clearly defined. Manufacturers should be obliged to provide **access to the software and algorithms** of any safety and environment related systems of the vehicle during type approval, as well as of any subsequent changes and developments to software made afterwards. Continuous verification of the software status during periodic technical inspections is necessary.
7. The majority of Member States are currently under an infringement procedure for failing to comply with the EU air pollution limits. While many cities across Europe have already implemented vehicle access restrictions schemes, they are heavily dependent on the Euro Standards delivering the required emission reductions in real-world driving conditions. TAFR should therefore enable **public authorities to trust the effectiveness and accuracy of the tests undertaken** both in laboratory and on the road.

The current type approval reform is one in a decade opportunity to improve Europe's vehicle testing system and ensure no cheating scandals may happen again in the future. We call on you to

ensure the Type Approval Framework Regulation delivers consistent rules, independent regulators, rigorous testing and transparency throughout.

We remain at your disposal for further information.

Kind regards,

ECODES

Fondazione Sviluppo Sostenibile

International Motor Vehicle Inspection Committee (CITA)

POLIS

Transport & Environment

Réseau Action Climat - France

VdTÜV e.V.



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