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18 May 2017

**RE: Type approval and market surveillance – Council must agree on an ambitious position in line with the European parliament and Commission**

Dear Deputy Permanent Representative,

I am writing on behalf of BEUC, The European Consumer Organisation, ahead of the Competitiveness Council's meeting on May 29 and which will consider adopting a General Approach on type approval and market surveillance of motor vehicles. We fear the Council is on the verge of taking a position that will put at risk the encouraging positions of both the European Parliament and the European Commission.

I would like to reiterate the importance of this topic for consumers: The ongoing emissions scandal has highlighted numerous weaknesses in the European type approval and market surveillance regime. To avoid another automotive scandal, it is essential that the EU addresses these weaknesses, puts national interests to one side and gives a clear signal that restoring consumer confidence is its primary aim.

Europe needs a type approval and market surveillance system that works for consumers. Below we list some of the key areas where the Council must adopt a strong position in order to achieve this objective (Please see our full position [here](#)):

- **Significant quantifiable target for market surveillance – Article 8**

A significant and binding quantifiable market surveillance target should be in line with the Parliament's proposal of testing 20% of new vehicle types put on the market each year. This is crucial for restoring consumer trust in vehicle testing.

- **Strong EU oversight – Article 9**

A stronger role for the Commission to oversee vehicle testing and a role to test cars is also essential. The Commission must be independent in testing cars and be able to test registered vehicles that are in-use; not only to avoid conflicts of interest at the national level but also to support Member States where they don't have adequate capacity or resources.

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- **Allow the Commission to impose fines - Article 90**

Car makers must be aware that if they attempt to circumvent EU type approval rules, and are caught doing so, that they should expect to receive a damaging financial penalty. Allowing the Commission a role in testing vehicles must also therefor mean that the Commission can impose fines of up to €30,000 per non-compliant vehicle. **Without allowing the Commission to fine car makers, it will mean that its own market surveillance activities will be worthless.** The Council should move in line with both the Commission and Parliament's position on this issue.

- **The Forum must be transparent and independent – Article 10**

The Forum for type approval and market surveillance should be fully transparent, allow for all test data and reports to be publically accessible, involve external observer groups including consumer organisations and be overseen by an independent board.

- **Eliminate conflicts of interest in vehicle testing – Article 30**

It is essential that any potential conflict of interest between technical services, be them public or privately run, and automotive manufacturers is eliminated. For this purpose, **it is essential that technical services do not levy fees directly on car makers for the purpose of type approval testing.** If fees are demanded from car makers for this purpose, then the Member State authority should collect them and pay the technical service directly for their work.

- **Fuel consumption figures must be representative – Article 91**

The Commission's proposal that Regulation 715/2007 is amended to ensure that laboratory tested CO<sub>2</sub> and fuel consumption values are representative of real driving conditions is essential. **Today, consumers are spending 100's of Euros more on fuel than otherwise expected because the official figures are completely unrepresentative of real driving conditions.** We urge the Council to support Article 91, particularly in line with the amendments proposed by the Parliament.

Yours sincerely,

Monique Goyens  
Director General, BEUC

Please note that this letter will be made publically available.