

The Consumer Voice in Europe

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16 November 2017

Subject: BEUC's Key Recommendations for the Trilogue negotiations on type approval and market surveillance on 23 November 2017

Dear Deputy Ambassador,

On 23 November 2017 you will have to take important decisions during the third Trilogue with regard to reforming the EU's type approval and market surveillance system for cars. The revision of the type approval and market surveillance system is a unique opportunity to reinstall consumers' trust that cars are safe and in compliance with legislation. Below we list the key areas where we believe the Council must strengthen its position in order to achieve this objective:

- **Avoid any conflicts of interest** by clearly separating functions and responsibilities between national type approval authorities, market surveillance authorities, technical services and manufacturers;
- **Ensure rigorous and robust market surveillance** by setting an ambitious quantifiable target for the number of vehicles to be re-tested as proposed by the European Parliament. We are concerned by the Council's proposal to enable a division of tests into categories as it would result in watering down the ambition of market surveillance;
- **Ensure a strong EU oversight** to ensure consumers enjoy the same level of protection throughout all EU Member States. To this end, peer reviews as proposed by the European Commission should be strengthened. The forum for type-approval and market-surveillance should monitor the work of national regulators and be able to consider substantiated complaints represented by third parties on possible non-compliance. Its membership should be expanded to include external observers such as consumer organizations. To this end, peer reviews as proposed by the European Commission should be strengthened via regular reviews undertaken by the Commission;
- **Strengthen transparency, openness and accountability towards the public** from all involved in the type approval process by setting-up an online database with type-approval and market surveillance data available to all stakeholders;
- **Granting access for surveillance purposes and repair needs** to include an obligation for manufacturers to provide access to software, algorithms and engine management strategies, including their subsequent changes, especially for safety or environment-related systems;

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- **Extend as soon as possible in-service conformity checks to assess CO2 emissions** as proposed by the European Commission in the recast of regulation 715/2007 on the reduction of CO2 emissions from light-duty vehicles. Besides ISC, it is necessary to expand real-driving emission tests to CO2 emissions as well.

The ongoing emissions scandal has highlighted numerous weaknesses in the European type approval and market surveillance regime. To avoid future scandals, it is essential that the EU addresses these weaknesses and puts national interests apart. Two years after Dieselgate, it is time to agree the reform. On behalf of EU consumers, we call on you to reach a deal in the coming weeks under the Estonian Presidency of the EU as we need to implement this reform as soon as possible.

Yours sincerely,

Sylvia Maurer
Director, Sustainability and Safety

Dimitri Vergne
Senior Sustainable Transport Officer