

Basingstoke M.A.G.

Minutes

14/07/2011



Rep Keith:

E-mails:

British MEP doubts appropriateness of Commission's anti-tampering efforts



The European Commission has proposed to implement measures against the modification of the powertrain for all powered two wheelers, including medium to large motorcycles used by full licence holders. Even though the Commission is still waiting for a mandate of the European Parliament it has already launched an anti-tampering study. Now a British Member of the European Parliament has questioned the facts on which the Commission is basing its initiative.

[Mary Honeyball](#) MEP belongs to the Group of the Progressive Alliance of Socialists and Democrats in the European Parliament

Mary Honeyball, Member of the European Parliament (MEP) has made use of her right to demand an answer of the Commission and launched a parliamentary question about the appropriateness of anti-tampering measures for medium to large motorcycles used by full licence holders as part of a regulation currently underway ([Regulation on the approval and market surveillance for L-category vehicles](#)). Ms. Honeyball argues that hardly any severe accidents were attributable to the mechanical condition of motorcycles and therefore asks some simple questions:

"Why does the Commission believe this to be such an important issue despite the absence of evidence that tampering with motorcycles substantially increases risk levels or emissions? Has the Commission fully weighed up how this proposed regulation will impact upon the freedom of its motorbike-riding citizens?"

FEMA has continuously tried to convince Commission officials that there is no empirical evidence that indicates the existence of a significant safety or environmental problem stemming from modified motorcycles above 125cc. Ms. Honeyball refers to MAIDS, a motorcycle accident study co-funded by the European Commission, which "suggests that only 0.7 % of accidents involving fatality or serious injury are attributable to the mechanical condition of the motorcycle." And 'mechanical condition' of course doesn't automatically point towards a modified powertrain.

The Commission's reply

In its answer to the questions of Ms. Honeyball the Commission refers to the [impact assessment](#) which has been conducted prior to drafting of the proposal where it "became obvious and justified that all L-category vehicles may be subject to measures to prevent the tampering of powertrain and noise abatement systems." L-category vehicles means everything that rolls on two or three wheels and has an engine, including quads and minicars.

But the 'impact assessment' the Commission is referring to merely explains that once an engine was produced by a manufacturer it could be expected to run perfectly and any change of the settings could "easily lead to an unsafe vehicle for both rider and environment." Without mentioning motorcycles above 125cc the impact assessment concludes that "for this reason, anti-tampering measures are included in the current Framework Directive for mopeds and low-displacement motorcycles."

Other MEPs have already become active

Previous to the parliamentary question of Mary Honeyball other MEPs have been following FEMA's call to maintain the right of European riders to modify their motorcycles. MEPs from all kinds of countries and parliamentary groups have handed in amendments to the proposal of the Commission. Tomorrow (on Tuesday, 12th July) these amendments will be discussed in Parliament. FEMA will keep you updated!

Lenient sentences:

You are probably aware that MAG is concerned with what many consider to be lenient sentencing, for the perpetrators of crimes committed while behind the wheel of a car. For example the unremorseful drunk driver Richard Borrett who said he didn't care about killing Jason Mickleburgh and got 3 years, though he'll probably serve 1. Or the truck driver in the South West who fell asleep and killed Jason Molyneaux and received community service and court costs.

Well last week in the House of Commons Karl Turner MP (Kingston upon Hull East) (Lab) asked the following question:

Does the Prime Minister agree that the maximum sentence for the offence of dangerous driving does not properly reflect the potential harm caused to victims, some of whom are left paralysed and brain-damaged? Will he support me and Labour Front Benchers in moves to increase the maximum sentence to seven years?

Now this is not totally unconnected and we welcome the question, but given the responses we continue to receive from the Attorney General about sentences 'fitting the guidelines' I'd like to draw your attention to part of the Prime Minister's reply

The Prime Minister: In our Sentencing (Reform) Bill we are looking at this issue and we hope to make some progress.

The good news is that we can target lobbying toward our MPs when we see the full text of the Bill and ensure that we do achieve change. Causing death by dangerous or drunk driving must be taken seriously. Death is not a mild inconvenience.

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Kind regards

Paddy Tyson
Campaigns Co-ordinator
MAG (UK) - Motorcycle Action Group

How the EU Anti-tampering Regulation is progressing:

Further to the meeting I've just had with Malcolm Harbour MEP, the chairman of the EU Internal Market and Consumer Protection Committee (IMCO), I now have a better idea of what we are looking at as the Type Approval and Market Surveillance Regulation moves through the EU legislative process. This is the one covering anti-tampering, ABS etc.

Because so much legislation is created within Europe, MEPs can't reasonably debate all of it, so certain committees are tasked with the job in the early days and they then recommend things to the whole EU Parliament.

Because there are so many different subjects, even the committee members often don't know what they're debating, so they in turn appoint what is called a Rapporteur, who does their best to study the topic in depth and then Reports back their recommendations. See how this democracy works?

Anyway, after the committee members have viewed the Rapporteurs ideas, they put in their own amendments and the whole committee vote on what amendments they are happy to see. We are lucky that it just happens the Rapporteur in this instance actually rides a bike.

Whenever that has been done the Council of Ministers and the EU Parliament get to see it, so those are other places that we can direct our lobbying.

As this is a 'Framework Regulation' once it's passed it does not have to be transposed into Law in Individual Member States, as it will happen automatically.

The Rapporteur has reported back and amendments are on the table now and being discussed within IMCO. Like giving an opt out for special 'one-off' bike builders, (but only the British and the Finns want that) and also making ABS compulsory on mopeds too (Germans want

that- or rather the German ABS industry wants that). Generally the British representatives are prepared to consider the switch option for ABS, but Malcolm Harbour for example, wants all of the onboard diagnostics thrown out too. We'll see how the negotiations go.

The good news is that every email and letter you've written has caused members of the committee to think and with MAGs equivalent organisations doing the same in Finland for example, we may realistically get some of the worst elements of this legislation under control. We've already upset the timetable, as the Parliament were due to vote on this in September and now IMCO won't even finally vote on their changes until 4/5 or 6th Oct and it can't go to Parliament till after that.

However, it's not just the Regulation from Europe that will be effecting us soon. The 10 very real European issues that we still need to draw attention to are:

- 1- The Anti tampering Regulation: Specifically Article 18 which wants to stop all modifications to complete power train, from air box to controlling the rear tyre profile.
- 2- Compulsory ABS. If we can't stop this, we must get a switch so that we have an option in difficult conditions where ABS doesn't function well.
- 3- Automatic headlights on- passing the blame for poor observation on to us.
- 4- OBD. On Board Diagnostics so that easy roadside checks can be made of our emissions and so that constant readouts of engine performance can be obtained. Expensive, complicated and with the threat, rather like a tacho, of identifying past riding style...
- 5- RMI. Repair and Maintenance Information. Rather than keeping it hidden and available for huge expense, there is a chance that manufacturers will be forced to provide ECU codes etc for a fee. What that fee is remains to be seen.
- 6- The very worrying article 52: "If systems, components or separate technical units on a list in a delegated act to this regulation, have a dual use, for vehicles intended exclusively for racing on roads and for vehicles intended for use on public roads, they may not be sold or offered for sale to consumers"

So if your K&N filter can fit a CBR race bike and a CBR road bike, the best way to police that, is to make it illegal to sell the filter in Europe.

The Delegated Acts are the most scary thing, as they are the lists and details drawn up by the unelected and we won't get to see what they are including until after the Regulation has been passed!

7- In solidarity with the French we need to be drawing attention to their recent gov proposal to ban all bikes over 7 years old from an urban area and to make the wearing of day-glo/ reflective clothing compulsory.

8- Full sleeve day-glo clothing for riders and passengers has been proposed in the Irish Parliament too.

9- All these issues lead to the same thing, that we must take the blame for the incompetence of other road users. And while the emergency stop has been removed as a compulsory element of the UK car driving test, we are jumping through hoops with ill-judged UK interpretations of EU licensing directives.

10- Another EU licensing Directive is on its way (3DLD) to step the bike licensing system still further and the DfT and DSA still haven't sorted even the consultation process, even though it is meant to be in law by now and enacted January 2013.

I'd very much like you to put a mark in your diary on 25th September.

This will be before the IMCO vote.

Plans are afoot for something very special which I'll tell you about soon, but for now, please tell everyone you'll be busy that day and if they ride a bike, ask them to come and help you.

Our MEPs will be preparing to rubber stamp another Regulation put before them. This time they may all just stop to read it.

Kind regards

Paddy Tyson
Campaigns Co-ordinator
MAG (UK) - Motorcycle Action Group

New Groups are Go!!

Last night saw the first meeting of a new MAG group in Evesham. Mike Starkings is the activist who decided Evesham should have its own group, so he organised the event at the Gate Inn in Honeybourne.

48 riders attended to enjoy the excellent buffet and to endure a presentation from MAG's Campaigns Manager, Paddy Tyson. The most pressing issue discussed was the new EU Regulation on Type Approval which has many implications for riders and the motorcycle industry. Some of the recent amendments that have been tabled even call for regular roadside emissions 'stop and test' rights to be given to the carried out by the police or another Gov agency!

The new group hope to meet every Wednesday through the summer and perhaps twice a month through the winter, but check the meetings pages on the MAG website to stay up to date.

Later this month a new group will be starting in Abergele, North Wales and next month will see new groups get off the ground in Cardiff and Plymouth as MAG continues to grow.

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Kind regards

Paddy Tyson
Campaigns Co-ordinator
MAG (UK) - Motorcycle Action Group

A.O.B.

Cheryl: Does anyone want too go to the British Superbikes at Brands Hatch over the weekend of 5/6/7 August.

Colin: Got some paperwork on animals which we can adopt.

Monkey World. £120 will get most monkeys

Wildlife Heritage Foundation £75 will get most animals including The Big Cats.

Voting is on the 4th August and money in asap.

2011 Events:

July:

Andycap Rally. 15th-17th July At Wells, Somerset.

South West Bike Day. 15th July. At Wells, Somerset

Calne Bike Meet 23rd July. SATURDAY. www.calnebikes@freehostia.com. 9.30AM at the Royal Oak.

Basingstoke MAG Ride out to Ace Café Show at Brentwood – 31st July. Time of meet to be arranged near the date. 9.30AM at the Royal Oak.

August:

The Bull Dog Bash. 11th -14th August.

Popham Bike Show. 21st August.

Brackley Bike Festival 21st August www.bfom.co.uk

September:

Rog and Lyn Charity Run: Sunday 25th September.

November:

Southern Region AGM. Held at the New Queens Head Winchester.8pm

2012.

Basingstoke MAG 2012 AGM. 22nd March, 8pm at The Royal Oak.