



ATVEA' S ANSWER TO THE COMMISSION NON-PAPER

ELEMENTS FOR THE MCWG MEETING

Monday 20th October 2008

1. ATVEA' S COMMENTS ON THE COMMISSION' S NON-PAPER

Text of the non-paper

"5.5 Off-road quads (L7)

In recent years, another type of quadricycle has been EC type-approved, mainly in L7 category, even though the legislation was not made for that kind of vehicle: off-road quads. As their name suggests, these vehicles are mainly intended to be used off-road. Using them on the road may be difficult because of their high acceleration and their high centre of gravity. The purpose of these vehicles is mainly leisure although some of them may be used for agricultural purposes. As the EU legislation was not intended to cover such vehicles, the Commission would like to clarify the legal situation of such vehicles"

ATVEA' s comments

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| <p>...“another type of quadricycle has been EC type-approved, mainly in L7 category, even though the legislation was not made for that kind of vehicle”...</p> <p>...“As their name suggests, these vehicles are mainly intended to be used off-road”...</p> | <ul style="list-style-type: none"> • ATVEA agrees with the fact that the categories L6-L7 have not been conceived for All Terrain Vehicles (“Off-road quads”) • ATVEA defines its vehicles as ATVs and not “off-road quads”, because they are not designed for riding on paved road, but on unpaved areas. Therefore we refer to the notion of All Terrain and not to off-road. • What is defined legally as “public road” includes paved and non-paved roads open to the public; ATVs need thus to be type-approved if they are used on unpaved public terrain. |
| <p>“As the EU legislation was not intended to cover such vehicles, the Commission would like to clarify the legal situation of such vehicles”</p> | <ul style="list-style-type: none"> • ATVEA entirely agrees with the Commission. There is a need of clarifying at European level the categorisation of ATVs to ensure that their unique characteristics are taken into account and that thus safety is improved. ATV manufacturers (ATVEA) have upon request of the MCWG in 2005 undertaken this work of clarification which has resulted in the “ATVEA proposal”. ATVEA stresses the fact that homologation is necessary for this type of vehicle and that a |



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| | change in legislation inducing the impossibility to homologate those vehicles would make the use of ATVs impossible outside private terrains. |
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2. ATVEA’S REPLY TO THE 3 QUESTIONS

Question 15:

Should these vehicles be in the scope of type-approval whereas they are not designed to be used on the road?

In the major part of the world, ATVs are not considered as “road vehicles”. For instance, in the USA, these vehicles are not regulated by NHTSA (National Highway Traffic Safety Administration) but by CPSC (Consumer Product Safety Commission).

In fact, the only part of the world where ATVs are included in one of the road vehicle categories is the EU, where these vehicles have been classified in the Quadricycle category for 5 to 6 years even though this category was intended to cover only “micro-cars”.

The main reason for this specific and unusual situation is that, in the EU, any road (paved or unpaved) can be classified as a public road and thus is open to the general public. In order to circulate on “public roads motorised vehicles are subject to type-approval regulations and must be equipped with licence plates. If they do not comply, their use is limited to confined private terrains.

Two examples of uses for which ATVs need type approval are described below:

- Utility users may go from one field or forest to another via paved or unpaved “public road”
- Leisure users go via (paved or unpaved) authorised trails which are part of the public road network.

Question 15:

Why type approval?



Registration is necessary for the EU market because most trails are public road network and riding on paved surfaces from one trail to the next is unavoidable

Question 16:

Do you think that at present the category in which these vehicles are type-approved is adapted to the design of such vehicles? Why?

ATVEA's answer is: clearly no. ATVs should be classified in a dedicated category so as to be clearly distinguished from motorcycles and micro-cars. Their technical requirements and structure are substantially different from motorcycles

ATVs have nothing in common with micro-cars; that is why the European Commission in 2005 invited both ATVEA and AFQUAD/EQUAL to prepare proposals, differentiating between "bodied quadricycles" (micro-cars) and "unbodied quadricycles" (ATVs).

ATVs should be classified in a specific category to reflect the unique characteristics of these vehicles: ATVs are designed for multiple tasks ranging from pulling and pushing work equipment to travelling over different terrains for utility and recreational purposes. Their main characteristics match this profile:

- Rider-active vehicle
- Steering handle with thumb operated throttle control
- Low pressure tyres
- Live rear axle (no differential)
- Need for engine power to perform the work they are designed for and to travel over terrain variations

Moreover, ATVs should be classified in a precise enough category to ensure a high level of safety and prevent inappropriate use of this category by vehicles that do not have the above characteristics.

Question 17:

Should new specific requirements be added to improve the safety of such vehicles? Why

Quadricycle single brake control, lighting installation, ... requirements are suitable for microcars but not for ATVs. Such inadequate requirements should be addressed when the new ATV category is established.

Design restrictive requirements on the basis of the current category and aimed at making paved road use easier will not improve safety and will destroy some of the essential characteristics of the ATV.

ATVs should be classified in a dedicated, specific and precise enough category to ensure a high level of safety and prevent inappropriate use of this category:

- An imprecise definition can lead to type-approval of vehicles that do not really belong to this category or that normally should not be homologated.
- Mini quads, karts, tracked machines have all tried to obtain homologation in order to escape from requirements in other pieces of legislation or in order to gain access to traffic.

⇒ **A precise definition of what an ATV is would prevent unwanted effects from taking place and increase road safety**

ATVEA's credentials regarding safety

ATVEA's main objective is to promote the safe and responsible use of ATVs. ATVEA's initiatives are:

- The ATV riders instruction DVD
- Collaboration with EASI (European ATV Safety Institute) for ATV riders training.
- Launch of ATV riders "code of conduct"
- Responsible use of the vehicle should be stimulated through design prescriptions.

ATVEA proposes practical recommendations on the subject of usage and on access to the public road network in the European Union (for example, through speed plate and warning labels); by doing so traffic authorities can select the most appropriate national requirements for the proper usage of ATVs in their area.

3. ATVEA'S PROPOSAL

ATVEA proposes that ATVs should be classified under the following category and with the following definition:

"CATEGORY A, ALL TERRAIN VEHICLE (ATV)"

Any motorized vehicle designed primarily to travel on unpaved surfaces on four low-pressure tires, having a seat designed to be straddled by the operator and handlebars for steering control.

ATVs are subdivided into two types as designated by the manufacturer:

Type I – A Type I ATV is intended for use by a single operator and no passenger.

Type II – A Type II ATV is intended for use by an operator or an operator and a passenger. It is equipped with a designated seating position behind the operator designed to be straddled by no more than one passenger.

ATVEA, the All Terrain Vehicle Industry European Association is a non-profit industry association founded in 2003, at a moment when the European ATV (All Terrain Vehicles) market began to experience strong growth.

ATVEA wants to promote the correct and responsible use of ATVs (also known as Quads) in Europe, and to enable its members to work more closely together on issues of mutual interest. Our membership accounts for approximately 2/3rd of the ATV markets in Europe and offers a unique technical expertise in the field of ATVs

For more details, consult: www.atvea.org