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ämne: **Email from Payback Sverige - Nordic Riders Rights organisation**

Hello Peter

The meeting went well with the UK Government, but didn't provide new information other than how discussions are ongoing, and many of the National Governments continue to battle against many parts of this legislation.

I know that SMC in Sweden have been working closely with Swedish Government too, to ensure that rider's voice is heard, so I was concerned about an article I read on your website, although perhaps Google translate is to blame for any confusion. I hope that I can clarify the situation and the process involved in introducing these new laws, because as you say, facts are important.

Riders Rights groups, like MAG UK and SMC in Sweden, or SMOTO in Finland, have been working on this since October 2010 when the EU Commission first released the proposal.

The first stage in the legislative process is for the EU Parliament to examine the proposal, but because there are so many new regulations every year, a Committee of MEPs is assigned the job and they report back to the whole Parliament on their recommendations.

In this case, the committee was called IMCO (the Internal Market and Consumer Protection Committee) and they tabled 305 amendments to the Regulation. Not all of these were accepted, and after IMCO had debated the amendments, they voted on 5th December 2011 and released their modified version of the Regulation, which is what they want Parliament to vote on, on April 19th. You can read it here in English (sorry) <http://www.europarl.europa.eu/document/activities/cont/201201/20120125ATT36219/20120125ATT36219EN.pdf>

However, since the Lisbon Treaty was passed, EU Regulations do not have to have all of the technical text completed before they are voted on in EU Parliament. That is now left up to bureaucrats to complete.

The technical text in this case is contained in the 4 Delegated Acts that I mentioned in my last email, one of which, happens to be discussing modified fork length. This is a draft document and until it is final, we can have no idea what will be included and what will not. We know from our UK Government that they, and many other governments, are not at all happy about this, as there is no proof there are any safety issues, or increased accidents with modified bikes.

Much of this Regulation is simply consolidating over 15 earlier pieces of legislation which already exist, but it is the Articles referring to 'anti-tampering' or modifications, which are of greatest concern to us. (Articles 18 and 18a)

There is no evidence to back up what the EU Commission has proposed, but they have most certainly not proposed a ban on choppers. It is unfortunate that the UK newspaper MCN chose the sensational headline that they did back in February, but there is no specific proposal to ban choppers.

Just to make clear, at the present time, there is a 'draft' document, not a final one, which discusses setting a front brake test, a slalom and U turn test for bikes, both new and as part of Individual Vehicle Approval (IVA) for modified ones, and it is unlikely that even some factory production bikes will achieve the manoeuvre, which is why the National Governments are continuing to debate the issue. This debate is between the EU Commission, the National Governments and the EU Parliament and is ongoing.

The Parliament alone will be voting on the whole regulation on 19th April (unless that date is postponed), but the Parliament, Commission and National Governments still have to agree a common position before it becomes law.

This is a huge Regulation and discusses issues as disparate as what classification quadbikes should fit into and whether or not all bikes should have ABS. The mention of fork length, I must reiterate, was never in the original proposal and only came to light when we saw the 'draft' text of the Delegated Acts.

Apart from continual discussion with MEPs so that they know what they will be voting on, and how we as riders, feel about it, there is also an official complaint to the European Ombudsman which is ongoing. The Ombudsman has agreed that the Commission has a case to answer and that by introducing a proposal which has no evidence to back it up, they are in breach of the Treaty of the EU. At this stage, if you want the readers of your website to do something else against this, ask them to please be a part of the battle by contacting the Ombudsman here http://www.ombudsman.europa.eu/shortcuts/contacts_faces and ask for details of Case reference **0875/2011/JF**.

Just enter the ref in the subject box and ask for details of the case in the box below. That's all you have to do. I don't advise you print off the reply as it runs to many pages, a substantial number of which are blank where the Commission is missing required evidence and data for financial planning of their programmes. To date over 2000 riders have requested access to the case materials. The Ombudsman's office had to change their process and set up a special download site to contain their costs. The case has generated more requests than any other the European Ombudsman has had and if they find in our favour, it will amount to gross maladministration by the EU Commission.

Riders from all over Europe are taking part in this simple action, but it will have a huge effect politically, so if even more riders in Sweden get involved, the Swedish Government and the EU Commission will know you are serious.

There are many ways we are fighting this and we must use all these angles, so please ask as many riders as possible to do this simple action. If we can prove the legislation was introduced illegally, we can stop the whole thing.

All the best
Paddy