

1. Background

REVIEW OF INTERNAL MARKET LEGISLATION RELATING TO MOTOR VEHICLES (DIRECTIVE 2007/46/EC ON THE TYPE-APPROVAL OF MOTOR VEHICLES)

Questionnaire for Economic Operators

Directive 2007/46/EC establishes a legal framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles. While this Directive has only recently started to be implemented, it is recognised by various stakeholders and fora that there is still room for improvement as far as the implementation and enforcement of this legal framework is concerned.

The Commission has, therefore, set up an initiative aimed at exploring appropriate ways and means to enhance the implementation and enforcement of the legal framework for the free movement of motor vehicles. This will involve a critical review of:

- the role and responsibilities of the different actors in the type-approval process and its implementation;
- the current procedures that have been put in place for verifying conformity of production, for the recall of vehicles and for the general safeguard measures; and
- the procedures that have been (or need to be put in place) to ensure an effective and proportionate enforcement of the legislation, including the role and responsibility of different national authorities in the Member States may have in this process.

At the end of 2010, a public consultation exercise was launched by the Commission in order to obtain views of stakeholders and the wider public on the proposed initiative to review the type-approval legislation for motor vehicles and for stakeholders to comment on the possible policy options that had been identified by various stakeholders. Following from this, Risk & Policy Analysts has been contracted by DG Enterprise and Industry to collect more information from specific stakeholders groups to undertake a two-fold study:

- an ex-post evaluation of the current legal framework for the type-approval of motor vehicles (Module 1); and
- an Impact Assessment on a possible policy initiative aimed at enhancing the implementation of the internal market legislation relating to motor vehicles (Module 2).

This questionnaire is concerned mainly with the ex-post evaluation; although some questions relating to Module 2 are asked. Module 2 (the quantitative impact assessment) will be the subject of a separate targeted data collection exercise.

2. How you can help

The main aim of this questionnaire is to evaluate the effectiveness of the current legal framework, where its scope covers, but goes beyond, the problem areas specified in the public consultation. The questionnaire also seeks to obtain stakeholder views on the policy initiatives which have been identified as possibly having the potential to address specific problems and future challenges. The questionnaire aims to consider whether these are relevant and eligible for further assessment and/or whether there are additional potential initiatives (linked to yet to be identified problem areas) that would need to be considered.

In this regard, we recognise that some questions may not be applicable to you or would not contain your “preferred” option, while other questions may be difficult to answer precisely; please provide your best estimate where possible. In case you consider a question not relevant for you, please indicate so by ticking the not applicable (N/A) option. If you believe we have missed an important point, or have additional information to provide, please feel free to provide such information on the last (or a separate) sheet. Note that any quantitative information on costs will enable us to provide concrete examples of the impacts of the Directive and will significantly assist the Commission’s decision making. We are also happy to accept completed responses in other European languages.

We would like to receive your completed questionnaire by **29 April 2011**. However, if you would like to respond to this survey but are unable to do so before this date, please let us know as soon as possible.

Please note that responses to this questionnaire will be handled in the strictest confidence and will only be used for the purposes of this study. In preparing our reports for the Commission (which, subsequently, may be published), care will be taken to ensure that specific responses cannot be linked to individual companies and that the vast majority of the data used in the calculations are used in an aggregate form.

If you have further specific concerns about how your data will be treated (or on the study more generally), you can contact the Project Manager, Tobe Nwaogu ([e-mail Tobe](#)) and we will be happy to discuss your concerns.

Thank you very much for your assistance.

3. About You and Your Organisation

1. Please provide the following details:

Contact Name:

Organisation:

Location (City/Country):

Telephone:

E-mail Address:

2. Please tick which of the following best describes your organisation

Manufacturer

Manufacturers' Authorised Representative

Importer

Distributor

Industry Association

Other (please specify)

3. Please indicate where your organisation is operating within the EU

All EU-27 Countries

Germany

Poland

Austria

Greece

Portugal

Belgium

Hungary

Romania

Bulgaria

Ireland

Spain

Cyprus

Italy

Slovakia

Czech Republic

Latvia

Slovenia

Denmark

Lithuania

Sweden

Estonia

Luxembourg

United Kingdom

Finland

Malta

France

Netherlands

4. Please indicate where your organisation is operating outside the EU. *Please tick all that apply*

EEA (Iceland, Norway and Liechtenstein)

Americas*

EU Candidate Countries (Croatia, Macedonia, Turkey)

Other*

Far East*

* Please specify

5. Please tick which of the following best describes the size of your organisation?

Micro (typically fewer than 10 employees)

Medium (typically 51 to 250 employees)

Small (typically 11 to 50 employees)

Large (typically more than 250 employees)

4. Evaluation of the Current Legal Framework

This Section considers the implementation of the current regulatory framework

1. Overall, how would you rate the implementation of the existing legal framework (under Directive 2007/46/EC) to date?

Highly Satisfactory

Highly Unsatisfactory

Satisfactory

Do not know

Not Satisfactory

2. Are there any specific areas within the existing legal framework (under Directive 2007/46/EC) for which you have positive experiences from implementation?

NO

Do not know

YES, please provide more details

3. Are there specific areas within the existing legal framework (under Directive 2007/46/EC) for which you have negative experiences from implementation?

NO

Do not know

YES, please provide more details

4. Taking into account your answers to the above questions, are the objectives of the Directive (as listed below) still valid and relevant for coping with the current situation in the market and for the automotive sector?

	Still Relevant	No Longer Relevant	Do not know
To establish a harmonised framework (i.e. achieve the internal market) containing the administrative provisions and general technical requirements for approval of all new vehicles within its scope and of the systems, components and separate technical units intended for those vehicles, with a view to facilitating their registration, sale and entry into service within the Community	jn	jn	jn
To establish the provisions for the sale and entry into service of parts and equipment intended for vehicles approved in accordance with this Directive	jn	jn	jn
To ensure that new vehicles, components and separate technical units put on the market provide a high level of safety and environmental protection (based on prior control by an approval authority before they are offered for sale)	jn	jn	jn

IF **No Longer Relevant**, please explain your answer:

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5. Is the current scope of the Directive still valid and relevant for coping with the current situation in the market and for the automotive sector (for instance, does it cover all relevant products)?

Still Relevant

Do not know

No Longer Relevant, *please explain your answer:*

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5. Relevance - Identification of Areas of Attention

This Section considers the general relevance of the Directive to date including identification of the areas of attention for the implementation of the current regulatory framework

1. Five areas of attention have been identified as having the potential to affect the effective implementation of the EU type-approval legislation for automotive products. Indicate the extent to which you consider these areas to be problematic.

	Highly Problematic	Somewhat Problematic	Not an Important Problem	Do not know
Traceability of products and clarifying the role and responsibilities of economic operators	ja	ja	ja	ja
Responsibilities of and co-operation between the different national authorities within the Member States involved in the enforcement of the legislation (type-approval, recalls, market surveillance, border controls)	ja	ja	ja	ja
Quality and performance of technical services	ja	ja	ja	ja
Application of post-market safeguard measures and obligatory recall of vehicles (and components)	ja	ja	ja	ja
Verification procedures for ensuring conformity of production	ja	ja	ja	ja

2. Can you give specific examples of negative experiences in these areas of attention?

	YES	NO	Do not know
Traceability of products and clarifying the role and responsibilities of economic operators	ja	ja	ja
Responsibilities of and co-operation between the different national authorities within the Member States involved in the enforcement of the legislation (type-approval, recalls, market surveillance, border controls)	ja	ja	ja
Quality and performance of technical services	ja	ja	ja
Application of post-market safeguard measures and obligatory recall of vehicles (and components)	ja	ja	ja
Verification procedures for ensuring conformity of production	ja	ja	ja

If **YES**, please provide details

3. Can you give specific examples of positive experiences in these areas of attention?

	YES	NO	Do not know
Traceability of products and clarifying the role and responsibilities of economic operators	jn	jn	jn
Responsibilities of and co-operation between the different national authorities within the Member States involved in the enforcement of the legislation (type-approval, recalls, market surveillance, border controls)	jn	jn	jn
Quality and performance of technical services	jn	jn	jn
Application of post-market safeguard measures and obligatory recall of vehicles (and components)	jn	jn	jn
Verification procedures for ensuring conformity of production	jn	jn	jn

If **YES**, please provide details

4. Are expected developments or changes (whether geographical, design, technological or market-related) in the market for motor vehicles likely to increase or decrease the importance of the identified areas of attention?

	Significantly Increase	Increase	No Change	Decrease	Significantly Decrease
Traceability of products and clarifying the role and responsibilities of economic operators	jn	jn	jn	jn	jn
Responsibilities of and co-operation between the different national authorities within the Member States involved in the enforcement of the legislation (type-approval, recalls, market surveillance, border controls)	jn	jn	jn	jn	jn
Quality and performance of technical services	jn	jn	jn	jn	jn
Application of post-market safeguard measures and obligatory recall of vehicles (and components)	jn	jn	jn	jn	jn
Verification procedures for ensuring conformity of production	jn	jn	jn	jn	jn

Please explain your answer

6. Effectiveness of the Current Legal Framework

This Section considers the general effectiveness of the motor vehicles type-approval Directive. Note that while the questions ask about your perception of the issues; we will welcome any hard data or evidence provided to back up any of your answers

1. In your opinion, how serious is the issue of non-compliant automotive products being placed on the EU market? (*non-compliance includes by-passing or circumvention of type-approval and/or conformity of production procedures e.g. through parallel imports*)

Highly Serious

Exists, but minimal

Do not know

Serious

Not a problem

2. If “*highly serious*” or “*serious*”, what is the percentage of non-compliant automotive products currently on the EU market?

Less than 1%

5% to 10%

More than 25%

1% to 5%

10% to 25%

3. In your opinion, how serious is the issue of unsafe automotive products being placed on the EU market?

Highly Serious

Exists, but minimal

Do not know

Serious

Not a problem

4. If “*highly serious*” or “*serious*”, what is the percentage of unsafe automotive products currently on the EU market?

Less than 1%

5% to 10%

More than 25%

1% to 5%

10% to 25%

5. In your opinion, how serious is the issue of vehicle or component recalls for automotive products being placed on the EU market?

Highly Serious

Exists, but minimal

Do not know

Serious

Not a problem

6. In your opinion, what are the two primary causes of recalls?

	First Choice	Second Choice
Inadequate pre-market controls	jn	jn
Non-compliance issues	jn	jn
Unsafe automotive products	jn	jn
Design issues	jn	jn
Surveillance issues	jn	jn
Other	jn	jn

If Other (please specify)

7. Are there any shortcomings in the current legal framework potentially harming the free movement of motor vehicles and their components and/or creating obstacles to fair competition?

NO

Do not know

YES, details:

8. Are there any market situations or developments in the EU potentially harming the free movement of motor vehicles and their components and/or creating obstacles to fair competition?

NO

Do not know

YES, please provide details:

9. What evidence do you have for the answers provided in this Section? (Please tick all that apply)

Personal industry experience/expertise

Research carried out by other organisations

Experience of your organisation

Anecdotal evidence

Research carried out by your organisation

Other (please specify)

7. Efficiency/Cost-effectiveness of the Current Legal Framework

This Section considers the general efficiency/cost-effectiveness of the motor vehicle type-approval Directive.

1. Please describe and quantify, if possible, the costs incurred by your organisation with regard to type approval and conformity of production procedures.

2. In the last two years, how effective have the results of type-approval and conformity assessment procedures been in preventing non-compliant or unsafe motor vehicles and/or automotive products for these motor vehicles from being placed on the EU market?

Highly Effective Effective Not Effective Do not know

3. To what extent could the effectiveness of refusal or withdrawal of type-approval have been reduced by "type-approval hopping" (i.e. products for which type-approval has been refused or withdrawn being presented to other technical services and/or type approval authorities to obtain type-approval)?

Significantly Reduced Reduced Not Reduced Do not know

4. To what extent could the effectiveness of refusal or withdrawal of type-approval have been reduced by "selective selection of type-approval authority" (i.e. type approval authorities who are more lenient are selected over other more stringent authorities)?

Significantly Reduced Reduced Not Reduced Do not know

5. Do you believe that improving the type approval and conformity of production requirements would provide a higher level of safety and environmental protection?

YES NO Do not know

6. If YES, please specify which improvements you believe are needed and indicate how these will improve the functioning of the Directive and the likely benefits.

7. If NO, please explain your reasons

Vehicles-Econ

8. In the last two years, how effective have the results of market surveillance and border controls been in discovering vehicles or vehicle components on the national/EU market which were either non-compliant or presenting a serious risk?

Highly Effective

Effective

Not Effective

Do not know

9. Are there any factors that may prevent authorities from adequately addressing the problems of non-compliant or unsafe automotive products on their market, and if so could you identify these?

10. Do you consider that there could be benefits from a scaling down of market surveillance activities where these are compensated by enhanced type-approval and conformity assessment activities with regard to motor vehicles and/or automotive parts for such vehicles?

YES

NO

Do not know

Please explain your answer

8. Impact of the Current Legal Framework

This Section considers the impact of the current motor vehicle type-approval Directive

1. Describe and quantify, if possible, the costs which you have incurred to comply with or to implement the Directive?

2. Are small and medium-sized enterprises (SMEs) faced with any specific problems and challenges in complying with the requirements of the Directive?

NO

Do not know

YES (please provide details)

3. Has the Directive had specific positive impacts on third country (i.e. non-EU) manufacturers?

NO

Do not know

YES (please provide details)

4. Has the Directive had specific negative impacts on third country (i.e. non-EU) manufacturers?

NO

Do not know

YES (please provide details)

5. Has the Directive had any unexpected impacts (in relation to complying with it or its implementation) on your organisation?

NO

Do not know

YES (please specify)

9. Coherence of the Current Legal Framework

This Section considers the coherence of the Directive.

1. Is the Directive consistent with other international regulations, i.e. UNECE Regulations?

YES

Do not know

NO, please provide details:

2. Are there any conflicts with other EU legislation, policies or strategies, e.g. air emissions, end-of-life (ELV), noise pollution?

NO

Do not know

YES, details:

10. Added Value of the Current Legal Framework

This Section considers the added value of the Directive.

1. Do you consider that the areas of attention for the functioning of the internal market for automotive products and for the implementation and enforcement of the Directive in particular as described above could have been equally addressed by Member State actions alone?

NO

Do not know

YES, please explain why:

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2. Do you consider that action at EU level in this field has produced clear benefits compared with action at Member State level only?

YES (*and see next question*)

Do not know

NO, please provide details:

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3. If YES, please indicate if these benefits have been created by reason of its scale or effectiveness?

	Yes	No	Do not know
Reason of its scale	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Reason of effectiveness	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

4. Are the voluntary initiatives adopted by industry or others (e.g. “Manufacturers against Product Piracy”) a direct result of Directive 2007/46/EC, of other EU legislation, or are they due to other factors? (*Please tick all that apply*)

Due to Directive 2007/46/EC

Due to Other Factors

Due to Other EU Legislation

Do not know

Please provide more details

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11. Potential for Improving the Current Legal Framework

A number of areas of attention associated with the implementation and enforcement of Directive 2007/46/EC have been identified by the Commission services in consultation with stakeholders (e.g. in working groups and submissions) and a number of potential initiatives have also been put forward for addressing these areas to enhance the implementation of the internal market for motor vehicles. This Section is intended to obtain your views on the suitability of the potential initiatives to enhance the current system.

1. The FIRST area of attention relates to the “traceability of products and the role and responsibilities of economic operators in the supply chain (manufacturers, authorised representatives, importers, distributors)”. Which of the following potential initiatives do you consider to be the most appropriate for addressing this issue?

	Select
Do nothing (i.e. no changes to the existing situation are necessary)	jn
Undertake awareness campaigns and/or voluntary agreements with economic operators to (a) address the problems relating to the identification and traceability of noncompliant automotive products encountered on the market and (b) to clarify and agree on the responsibilities and accountability of the involved economic operators with regard to the compliance of the products for which they are involved in the supply chain	jn
Amending the existing technical harmonisation legislation, where this would involve developing, within the internal market legislation on motor vehicles, provisions to (a) address problems relating to the identification and traceability of non-compliant products encountered on the market and (b) to provide legal clarity about the responsibilities and accountability of the concerned stakeholders in the supply chain	jn
Other	jn

If Other, please specify

2. Assuming your chosen initiative is taken forward, what is your estimate of the likely scale (i.e. high, medium or low) of costs to organisations such as yours?

	High	Medium	Low
One-off set-up costs	jn	jn	jn
Annual Compliance Costs	jn	jn	jn

If you have indicated **high costs**, please explain why you think this option will result in high costs and what is the **likelihood** of these high costs being actually incurred?

3. Assuming your chosen initiative is taken forward, what is your estimate of the likely scale (i.e. high, medium or low) of benefits to organisations such as yours?

jn High

jn Medium

jn Low

Could you also identify **which benefits** you would expect from your chosen initiative?

4. The **SECOND** area of attention relates to the “**responsibilities of and co-operation between the different national authorities within the Member States involved in enforcement of Directive 2007/46/EC in their territory**”. Which of the following potential initiatives do you consider to be the most appropriate for addressing this issue?

	Select
Do nothing (i.e. no changes to the existing situation are necessary)	jn
Undertake awareness campaigns and/or voluntary agreements with and between enforcement authorities in the Member States to clarify and agree on their respective roles and responsibilities and to enhance the information exchange and co-operation between them, both at national and cross border level	jn
Joint actions by the Commission and the Member States aimed at improving the enforcement of the current legal framework for automotive products, such as targeted training for national authorities and the development of interpretation guidelines on the legal provisions on type-approval, conformity of production, recall of vehicles, safeguard measures and market surveillance	jn
Amending the existing technical harmonisation legislation where this would involve developing, within the internal market legislation on motor vehicles, provisions to specify and clarify the role and responsibilities of the different authorities in the Member States involved in the enforcement of the Directive in their territory and to establish clear procedures for information exchange and cooperation between them to effectively remedy any market failure caused by the presence of non-compliant products on the market.	jn
Other	jn

If Other, please specify

5. Assuming your chosen initiative is taken forward, what is your estimate of the likely scale (i.e. high, medium or low) of costs to organisations such as yours?

	High	Medium	Low
One-off set-up costs	jn	jn	jn
Annual Compliance Costs	jn	jn	jn

If you have indicated **high costs**, please explain why you think this option will result in high costs and what is the **likelihood** of these high costs being actually incurred?

6. Assuming your chosen initiative is taken forward, what is your estimate of the likely scale (i.e. high, medium or low) of benefits to organisations such as yours?

jn High

jn Medium

jn Low

Could you also identify **which benefits** you would expect from your chosen initiative?

7. The THIRD area of attention relates to the “quality and performance of technical services”. Which of the following potential initiatives do you consider to be the most appropriate for addressing this issue?

	Select
Do nothing (i.e. no changes to the existing situation are necessary)	jn
Undertake awareness campaigns and/or voluntary agreements with and between technical services to (a) clarify and agree on their respective roles and responsibilities and (b) achieve a uniform level of stringency in type-approval testing and verification of the conformity of production, including mechanisms for information exchange and co-operation between them	jn
Amending the existing technical harmonisation legislation , where this would involve developing, within the internal market legislation on motor vehicles, provisions to clarify and strengthen the requirements technical services have to comply with to be entitled to perform type-approval testing and verification of conformity of production	jn
Other	jn

If Other, please specify

8. Assuming your chosen initiative is taken forward, what is your estimate of the likely scale (i.e. high, medium or low) of costs to organisations such as yours?

	High	Medium	Low
One-off set-up costs	jn	jn	jn
Annual Compliance Costs	jn	jn	jn

If you have indicated **high costs**, please explain why you think this option will result in high costs and what is the **likelihood** of these high costs being actually incurred?

9. Assuming your chosen initiative is taken forward, what is your estimate of the likely scale (i.e. high, medium or low) of benefits to organisations such as yours?

jn High

jn Medium

jn Low

Could you also identify **which benefits** you would expect from your chosen initiative?

13. The FIFTH area of attention relates to the “the verification procedures for ensuring conformity of production”. Which of the following potential initiatives do you consider to be the most appropriate for addressing this issue?

	Select
Do nothing (i.e. no changes to the existing situation are necessary)	jn
Undertake awareness campaigns and/or voluntary agreements with and between the different stakeholders involved in the conformity of production (manufacturers, technical services and type-approval authorities in the Member States) to clarify and agree on the quality criteria and procedures to be applied for verifying and ensuring the conformity of production.	jn
Amending the existing technical harmonisation legislation , wwhere this would involve developing, within the internal market legislation on motor vehicles, provisions to clarify and strengthen the provisions on conformity of production, through the application of the principles and provisions of the NLF related to the verification of conformity during the production stage. These provisions cover the assessment of quality management systems for production, and product related controls through inspection and testing, under surveillance by the competent authorities.	jn
Other	jn
If Other, please specify	
<div style="border: 1px solid #ccc; height: 30px; width: 100%;"></div> <div style="text-align: right; margin-top: 2px;"> <input type="button" value="5"/> <input type="button" value="6"/> </div>	

14. Assuming your chosen initiative is taken forward, what is your estimate of the likely scale (i.e. high, medium or low) of costs to organisations such as yours?

	High	Medium	Low
One-off set-up costs	jn	jn	jn
Annual Compliance Costs	jn	jn	jn

If you have indicated **high costs**, please explain why you think this option will result in high costs and what is the **likelihood** of these high costs being actually incurred?

15. Assuming your chosen initiative is taken forward, what is your estimate of the likely scale (i.e. high, medium or low) of benefits to organisations such as yours?

jn High
jn Medium
jn Low

Could you also identify **which benefits** you would expect from your chosen initiative?

Vehicles-Econ

16. Do you consider that the approaches applied in other product sectors and the harmonised legislative provisions provided by the New Legislative Framework (further information on the NLF can be found [here](#)) could contribute to addressing the attention areas that have been identified?

YES

NO

Do not know

Please explain your answer

17. Please feel free to provide additional information here (or on a separate sheet).

12. Next Steps

Thank you very much for completing this questionnaire

and finally:

1. If you would be willing for us to contact you to discuss your answers to this questionnaire in more detail, please tick the box below

Yes, I would be happy to take part in follow-up interviews

No, I do not wish to take part in follow-up interviews

2. In the next stage of the study, we plan to contact some organisations to assist us in identifying the costs of the potential policy options to be taken forward. If you would be willing for us to contact you, please tick the box below

Yes, I would be happy to take part in the next stage of the study

No, I do not wish to take part in the next stage of the study

3. In the next stage of the study, we plan to contact some organisations to assist us in developing case studies examining the impact of the Directive on SMEs in more detail. If you would be willing for us to contact you, please tick the box below.

Yes, I would be happy to take part in the case study

No, I do not wish to take part in the case study