Position Paper to Council Members on Scope of Motor Insurance Directive and Power Assisted Bicycles

Ceri Woolsgrove, c.woolsgrove@ecf.com
Manuel Marsilio manuel.marsilio@conebi.eu
Lauha Fried l.fried@cyclingindustries.com

ECF, CIE, CONEBI Comments on Council Financial Services Working Paper:

This document is a technical document looking into the proposal of the Council to establish the scope of the Motor Insurance Directive with regards in particular to Light Electric Vehicles (LEVs) and Power Assisted Bicycles (EPACs).

We are in general, very happy with this direction of the Council towards looking for a constructive solution to include as many vehicles while also attempting to exclude those vehicles that do not cause major damages but will greatly contribute to the goals of cities across the EU to reduce CO2 emissions, Air pollution, and improve health of citizens.

More specifically with regards to the Council suggestions:

- ECF, CONEBI, and CIE are very happy that the paper recognises that pedelec crashes are rarely third-party crashes, it is usually the rider themselves who is injured, not other road users (if barriers to pedelec were put in place such as being included in scope of the MID there would be more third party crashes since more people would be using motorised vehicles which do cause 3rd party crashes).
- The document wisely points out that this is a minimum directive and that MS can also (if they wish) use regulatory tools at the national level to mandate insurance for those vehicles that may be excluded from the MID; this also chimes with the Parliament approach.
- It is good that the paper recognises that even if they were to be exclusions through article 5 a registration system would still be needed for all light electric vehicles and pedelecs, and this would be a big administration burden on MS, as well as a barrier to their use.
- It seems that the paper will look to include some text from the articles in the Type Approval rather than point to the Type Approval itself as a way of defining which vehicles. Though we would prefer that type approval is used, it would be acceptable to use text from the Type Approval legislation.
- Including a design speed of 25 kph would also be acceptable and sensible.
Definition of motor vehicle in the Working Paper

The Working Group has put forward the basis for a definition of vehicle as;

“1. ‘vehicle’ means any motor vehicle with a maximum designated speed of [25/xx] km/h or higher and a motor having a minimum continuous rated power more than or equal to 250 W, intended to serve as a means of transport of persons, goods or the vehicle itself on land and propelled exclusively by mechanical power, but not running on rails, and any trailer, whether coupled or uncoupled”

We have identified one or two issues that could cause confusion;
1. If all trailers are included this could mean small trailers that cyclists use for carrying small children, we have therefore adopted a definition approach to define what is meant by specifically defining trailer (EU Type Approval uses the same method)
2. We were a bit confused by whether the different characteristics were ‘and’ or ‘or’, and so we have put a general definition and then put into bullet points those more specific in order to make it easier to read
3. Since the working paper is seeking to include vehicles rather than exclude vehicles (as in type approval) it is not necessary to use the 250 watt power definition. We exclude this characteristic since there may be confusion as to how Segways, monowheels, or other vehicles may be powered.

Here is a possible ECF/CONEBI/CIE reworking of the definition.

1 ‘vehicle’ means any motor vehicle or its trailer, whether coupled or uncoupled, as defined in points (1a) and (1b)

1a Motor Vehicle means any vehicle running on land, but not on rails, intended to serve as a means of transport of persons, goods or the vehicle itself, and fulfilling all the following criteria:
• having a maximum design speed of more than 25 km/h
• propelled exclusively by mechanical power (without muscle power)

1b ‘trailer’ means any non-self-propelled vehicle on wheels which is designed and constructed to be towed by a motor vehicle

Things to bear in mind;
• 1 is used to define the scope while 1a and 1b are definitions
• By using this text the speed can be increased or decreased to include or exclude various type of LEVs the Council wishes. EPAC power assisted bikes will always be excluded.
• Our reworked definition does not include vehicles like low speed mopeds. However, they could be included if the speed were decreased, or could be included within a mandatory insurance at the national level.
• Speed pedelecs (power assisted bicycles with a top speed of 45 km/h and with higher wattage) would be excluded using this definition but could be included through a national mandatory insurance.

Of course, we would be happy to speak with any Member State to attempt to come up with a good solution. If our methods do not chime with how Council members wish to define the scope we would be than happy to assist.