



Bombardier Recreational Products (BRP)

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**BRP RESPONSE TO THE EUROPEAN COMMISSION PUBLIC
CONSULTATION ON " A PROPOSAL FOR A FRAMEWORK REGULATION
OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON TYPE-
APPROVAL OF TWO- AND THREE WHEEL MOTOR VEHICLES AND
QUADRICYCLES**

1. BRP very much welcomes the opportunity for interested parties to express their views in the context of the public consultation of the European Commission's DG Enterprise & Industry, on the proposal for a Framework Regulation of the European Parliament and of the Council on type-approval of two- and three wheel motor vehicles and quadricycles (thereafter the proposal).
2. BRP is pleased to hereby provide its response on the proposal, on the specific proposals concerning technical aspects relating to road safety, and environmental aspects, and on the timing and feasibility issues concerning their introduction.
3. In addition to the below submission, we very much look forward to further pursuing our reflections in the context of discussions which we hope the Commission will hold with interested stakeholders during the further process of drafting the proposal for this framework regulation.

ABOUT BRP & ITS PRODUCTS

4. Built on a 60-year tradition, headquartered in the Canadian town of Valcourt, Quebec, Bombardier Recreational Products Inc. (BRP), a privately held company, is a leader in the design, manufacturing, distribution, and marketing of motorized recreational vehicles and powersports engines. BRP has a total workforce of about 5,500 people.
5. BRP products are sold in more than 80 countries, 18 of which have their own direct sales network, by over 5,000 dealers and distributors. Our product lines include: Ski Doo® and Lynx™ snowmobiles, Sea Doo® watercraft and sport boats, Evinrude® and Johnson® outboard engines, direct injection technologies such as E TEC®, Can Am™ all-terrain vehicles and roadsters, as well as Rotax® engines and karts.



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6. BRP operations in Europe include 2 key manufacturing facilities: our Lynx snowmobiles manufacturing plant in Rovaniemi, Finland and our Rotax engine plant in Gunskirchen, Austria. We are also investing several millions of Euros in a state of the art R&D facility in Gunskirchen. .
7. BRP's aims to create market-shaping products – products that give powersports enthusiasts a unique experience which all together, are safer, more responsible, and more respectful of communities and the environment in which they reside.
8. Since BRP manufactures L5e (Can Am Spyder Roadster) and L7 (ATVs) category vehicles within the L-category, our response will mainly focus on these two vehicle subcategories.
9. Our response below respects the structure outlined in the Commission's Public [Consultation Document](#).
10. BRP supports the three pillars of the Commission's draft proposal: simplification of the legislation (better regulation), new emission standards and new safety measures.

Question 1: What do you think of the use of one basic EU regulation and the split level approach of the legislation on two- and three-wheelers? Why?

11. BRP supports the simplification of the legal framework as proposed by the Commission since it will create a more transparent and harmonized type approval system reducing the administrative burden and cost to obtain type approval.

Question 2: Do you agree with the approach to increase the use of references to UNECE Regulations? Why?

12. BRP supports the replacement of separate (EU) directives by their equivalent UNECE regulations where appropriate, since this will avoid duplication of legislation and increases international harmonization of standards, reducing the burden and cost for both governments as well as manufacturers.



However, when replacing the separate (EU) directives with UNECE regulations, enforcement provisions should be clearly defined and should exclude existing vehicles and allow for transitional provisions.

Question 3: Which administrative measures introduced for motor vehicles (Directive 2007/46/EC) should not be included in the legislation on two- and three-wheelers? Why?

13. BRP supports the simplification of the legislation on two- and three-wheelers by aligning framework directive 2002/24/EC with framework directive 2007/46/EC since as previously mentioned, it should result in a more transparent and cost effective system, and in particular the following:

- Inclusion of the possibility to use UNECE regulations as unique regulatory instrument but without approval number marking as a WVTA number is already marked on the VIN plate;
- The inclusion of a provision to accept Global Technical Regulations (GTRs) as equivalent or instead of separate directives;
- Self testing and virtual testing;
- Designation and assessment of the test services

Question 4: Do you support the introduction of new emission limits for motorcycles equivalent to Euro 5 limits for petrol cars? Why?

14. Although BRP does support improving current emission levels of L-category vehicles in general, BRP is strongly opposed to a so-called "peanut butter approach", i.e. imposing the same emission levels to all L-category vehicles, without respecting the diverse nature, use and specific characteristics of the different subcategories within the L-category.

15. BRP proposes to introduce emission levels that better reflect and respect the specific characteristics per subcategory, e.g. considering the specific use & nature and consequently the behavior of vehicles in the three-wheeler category L5e, specific emission levels should be introduced.

16. The L5e category currently needs to comply with Euro 2 norms. In terms of consistency, we believe the same reasoning should be applied to this category, as has been done with other categories, namely to have a phased approach. Although technologically and financially already an enormous



challenge for BRP, BRP proposes a phased introduction of the following emission levels for three-wheeler category L5e^{*}:

- Euro 3 by 2012
- Euro 4 by 2015
- Euro 5 by 2018

Question 5: Do you think that additional emission measures should be introduced in the legislation? Why? What is your opinion on the introduction of additional measures such as CO2 measurement, fuel consumption, etc.?

17. BRP supports the introduction of the additional measures as proposed by the MVWG of durability; evaporative emissions control; CO2 measurement and fuel consumption. However, BRP wants to stress the importance of the introduction of a unified test and a unified method of publication of CO2 and fuel consumption data in all 27 member states.

Question 6: What is your view on the mandatory fitting of ABS on all motorcycles? Why?

18. BRP believes that from a three-wheeler (L5e) perspective the use of ABS is obviously the right technology for the application. The major impact of ABS brake is to keep as much as possible directional control (steerability) under braking action. When one loses traction and brakes too much, this could result in a wheel locking effect. When wheels are locked, the ability of steering the vehicle in the desired direction is significantly reduced.

19. In addition, ABS will help prevent rear wheel lock up condition. If ever the rear wheel of a vehicle locks up, one could come in a situation where one gets "over steer condition", i.e. rear end wants to pass front end.

20. For both cases mentioned above, ABS will help the driver to manage the condition in a better way. A vehicle could be manufactured without ABS, but the performance of the vehicle on the condition above will be reduced. ABS is part of the safety approach & mindset that BRP wants to promote.

^{*} Starting point = Euro 2 limit values for tricycles and quadricycles as laid down in the Annex of Directive 2002/51/EC under point 2.2.1.1.5.



21. It is very important to note that the configuration of ATVs is different and unique compared to other L-category vehicles, namely in terms of:

- Tire configuration;
- Off road condition with many varying conditions;
- Overall vehicle performance.

22. As a result, BRP does not believe ABS should be required on ATVs.

23. Moreover, BRP believes however, that a mandatory requirement for one particular braking system through EU or any other legislation is not the way forward. This will put too much emphasis on further developing and fine-tuning of one particular braking system. By focusing on ABS, the EU would implicitly impose limitations on the R&D of new and other existing braking systems. BRP believes in innovation of new technologies, which are driven by demand and investment and not restrictive legislation.

Question 7: In your opinion, are there other/supplementary solutions better suited for certain categories (i.e. coupled, braking, stability control systems, etc.) that would produce the same/better effect at better costs?

24. For three-wheeled vehicles (L5e), there are several additional safety measures which could also be introduced in addition to ABS, such as the Proportional Brake System (PBS), the traction control system (TCS), and the Roll Over Mitigation (ROM) System. BRP's Can Am Spyder Roadster is already equipped with these systems.

25. Although BRP believes the fitting of ABS on our Can Am Spyder Roadster is vital for the performance and control vehicle, for other two- and three-wheelers and for quadricycles, BRP believes that if cost is an imperative, PBS would probably be the most cost efficient safety enhancing measure to be introduced in addition to ABS. The other systems like TCS & ROM offer different level of intervention in different conditions, but would significantly increase costs.

Question 10: Do you think that the option given to Member States to limit the maximum power of motorcycles to 74 kW should be maintained? Why?

26. BRP does not believe a maximum power limit of L-category vehicles in general. Because of the different nature and use of different L-categories across Europe, for specific (weather, road or off-road) conditions L-category



vehicles require power to be better equipped to manage dangerous situations, rather than create them. In addition, we do not believe that limiting engine power results in increased safety and a reduction of the accident occurrence of motorcycles.

Question 11: Do you think alternative criteria could be used (i.e. Power-to-ratio, acceleration potential) to limit the accident occurrence of motorcycles?

27. BRP believes that a better way addressing this issue is through education in responsible driving and through the introduction of speed limitations by national traffic rules.

Question 14: Should these vehicles be in the scope of type-approval whereas they are not designed to be used on the road?

28. In the EU, any road (paved or unpaved) can be classified as a public road. In the course of the normal usage of an ATV, riding on paved surfaces is unavoidable. In order to circulate on "public roads", all motorised vehicles are subject to type approval regulations and must be equipped with licence plates. Therefore, BRP believes ATV should be in the scope of the current type-approval system.

29. However, as a member of ATVEA, BRP believes that the categories L6-L7 have not been conceived for All Terrain Vehicles ("Off-road quads"). This the reason why ATVEA in close cooperation with EQUAL (formerly AFQUAD, the European association of micro-car manufacturers) has elaborated in 2006, following the request from the Automotive Unit (DG Enterprise) in the MCWG, the ATVEA Proposal for a New Type Approval Category for ATVs in Europe. This proposal suggests creating a specific and well defined category for ATVs next to the quadricycle category.

Question 18: What do you think will be the impact of the range of measures that are outlined above on the competitiveness of the EU industry, and in particular SMEs?

30. Generally, the simplification of the legislation will benefit to all stakeholders as it will result in more transparency and more cost-efficiency. However, it is difficult to assess the impact of the introduction of measures outlined above



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since the exact numbers are not a given at this point. It is nevertheless clear that for BRP and its suppliers, the introduction of more stringent emission and other requirements than outlined in our response above, in the current economic crisis, will have a serious impact on our activities in Europe, as well as on our suppliers, of which many are SMEs.

31. Giving sufficient transition period will be crucial for manufacturers.

Question 19: What will be the impact of the measures on employment in the EU?

32. Again, it is difficult to assess the impact of the introduction of measures outlined by the European Commission since the exact numbers are not a given at this point. As a result, it is difficult for us as a company to provide exact figures. We would nonetheless again want to stress the serious implications of imposing stringent requirements that would demand technical and financial investments in the current difficult market conditions.

Question 20: Do you think that the measures proposed could have a significant impact on the final price of the vehicles? If yes, which ones?

33. The measures proposed by the Commission are likely to have vehicle cost impact which would be mainly driven by the (possibly limited) time BRP has for the implementation of these measures. With reasonable time and with a phased approach, the extra cost could be managed by the rapid technology improvement in the emission field. The cost is directly linked with time of implementation. If the Commission will force a rapid change the cost could become so significant that this could impact final price. Regarding the price impact there are other parameters that could affect the final impact: acceptance of market to pay for emissions, the capacity of the market to pay more, the perceived value of the product versus price.



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