

**Draft Directive on approval of motor vehicles and their trailers, and of systems,
components and separate technical units**

2003/0153 (COD)

CLEPA POSITION ON ARTICLE 31

CLEPA, the European Association of Automotive Suppliers, represents the manufacturers of parts and systems for vehicles, 3000 companies employing 3 millions persons in the EU. CLEPA members supply their products to both the vehicle manufacturers and the independent aftermarket operators.

CLEPA supports the introduction of legislation which is consistent with the guidelines of CARS21, in that it is better regulation and that it has a positive impact on the safety and environmental aspects of motor vehicles to the benefit of the consumer. In that sense, CLEPA fully supports the principle that replacement parts which are essential for road safety and the preservation of the environment should be certified before being put on the market

It is correct to say that initially CLEPA members did not welcome the introduction of Art. 31 [previously Art. 29a] as it appeared to open up the imbalance between the Vehicle Manufacturers [VMs] service and repair offer, relative to that of the Independent AfterMarket [IAM] resulting in the promotion of dominance of the VMs in this sector of our industry, and it seemed that the same objectives can be achieved via the well-known type-approval process.

Following a public hearing and a series of discussions with the European Commission concerns held by major suppliers of automotive components and spare parts on Art. 31 have been addressed. Leading to an understanding of the intention behind Art 31 within CLEPA members who are keen to maintain a wide-ranging view of the market. It is important that CLEPA members maintain a balance between the demands of supplying to the VMs and those of the IAM wholesalers.

In respect of Art. 31 CLEPA is not fully convinced it is useful to meet the objectives, but can accept the provisions, provided that the scope of the products affected remains narrow and focused on only those components which pose a significant threat to either the safety of the motor vehicle or to the environment.

CLEPA generally can support the text of Art. 31 apart from areas which we would like to now address in this position paper:

- Amend the text to make it clear that consultation with Industry and other stakeholders applies to the whole process, not only the establishment of the list of parts but the method of defining compliance, the technical specifications, the Conformity of Production requirements etc. CLEPA acknowledges the fact that using the Commitology process will quickly bring legislation into force, but this should not be detrimental to transparency. As designers and manufacturers of the affected parts, CLEPA would like to make sure that its expertise and knowledge of the market are taken into account.

- Highlight that the list developed is not able to be modified by Member States, and that “national lists” will disappear as soon as the “European list” is adopted.

- Amend text to make it clear that marking of all authorized parts is mandatory.

- Add a text on Penalties for non-compliance.