



European Tyre Industry's contribution to the public consultation organised by the European Commission on the General Product Safety Legislative Initiative:

Revision of the General Product Safety Directive (2001/95/EC)

Brussels, 20 August 2010

ETRMA on behalf of its tyre and rubber manufacturer Members wishes to thank the European Commission for giving the possibility to present its views regarding the Revision of the General Product Safety Directive. The following text was submitted as a part of the on-line questionnaire of the consultation and focuses on the market surveillance challenges in European tyre manufacturing sector.

Concerning the tyre industry, the complexity of EU Legislation is increasing and focusing especially in the context of environmental concerns, on specific tyre characteristics and components which were not legislated in such a way in the past. EU Legislation is in certain areas more stringent than on other continents. Test procedures to check the compliance of tyres get more specific, require highly specialised test machines, take time to obtain results and are very expensive.

At the Member States level, the volume of goods entering into Europe is increasing and Custom authorities have limited resources and possibilities. It is estimated that no more than about 5 % of the total EU imports are checked visually, mostly concentrating on weapons, narcotics, fake medicines and counterfeit. Member States have more and more budgetary constraints preventing them from increasing the necessary dedicated resources to follow this trend and to have more efficient controls.

Present global over-production of tyres will encourage unscrupulous producers or exporters to get rid of stocks by any means to generate cash. Commercial decisions compromising quality and conformity will oblige producers or exporters to focus on new markets. Europe is one of those.

Given this background, the likelihood to find tyres which are non-compliant with European legislation entering into Europe is higher than ever, with the following consequences:

- 1. the risk for consumers on key safety features of their vehicle becomes real, and dangerous,**
- 2. the risk of competition distortion is high: European producers in conformity with the legislation will have a competitive disadvantage if products are sold in the EU without fully complying with EU standards,**
- 3. the global cost for Society at large linked to those risks might be important. (Safety, environment, social, legal...).**

The necessity for a generic market surveillance programme

Under this increasing EU regulatory pressure for a safer and “greener” environment, the European tyre industry has been acting to the best of its efforts to ensure timely and efficient compliance with the

norms. This requires a costly, complex and lengthy process for developing, testing and implementing new technologies and substances for the tyre production against tight deadlines. Also, it needs to be kept in mind that these efforts occur on the background of the additional burden generated by the economic and financial crisis, which has hit particularly seriously the automotive industry.

However, the producer's consciousness alone is not a guarantee for proper enforcement of EU regulations and, ultimately for the achievement of the EU vision for a safer and cleaner society. ETRMA members make all necessary efforts to fully comply with current and pending legislation. They wish to see firm guarantees that all the liable economic actors on the EU market will be compliant. Tyres produced in or imported into the EU should be either compliant with all relevant rules or must be removed from the market. National and EU authorities should make all efforts to build and maintain a level playing field in the EU tyre market. **ETRMA is therefore pleading for a robust compliance programme for tyre-related legislation.**

Such a programme should be organised in relation to most of the legislative acts enumerated below, and its first building block should be compliance with the legislation on aromatic oils in tyres (Reach 1907/2006, Annex XVII, entry #50), as this is one of the most significant regulations, in terms of costs and complexity.

The Regulation 765/2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products, which came into force on 1 January 2010, provides a brand new opportunity. **National plans for its enforcement are under elaboration, and the tyre sector pleads for being covered therein.**

WHY A COMPLIANCE PROGRAMME FOR THE EUROPEAN TYRE SECTOR?

With the introduction of environmental and safety standards, both at international and EU level, the industry is continuously responding to the need to adapt products and production processes. The tyre sector is no exception. Over the last few years alone, the EU regulatory landscape for tyres has significantly changed, introducing more stringent requirements for safety, health and environmental purposes, and enhancing information transparency towards consumers. It will not be exaggerated to say that while the EU tyre producers just succeed in making technological adjustments to meet legislation coming into force, they are already confronted with new high requirements to become effective in the short to medium term.

Present & Forthcoming Challenges

In support of the statement above, an overview is provided of the most important tyre-related regulations, which have been recently adopted or are pending for implementation:

- Waste restrictions: in the EU, landfill of end of life tyres and parts of tyres is forbidden since 2006; tyre producers have anticipated the requirements and have taken action to organise the different players in the recovery industry, with the creation of end-of-life tyre management companies under producer responsibility statutory regimes, introduced in the majority of EU Member States;
- Chemicals reporting: under the REACH Regulation¹, tyre producers have to comply with the obligation to declare and/or register all chemicals and substances used in tyre production. This is a process with various stages, and the efforts are concentrated between December 2009 and 2011;

¹ Regulation (EC) 1907/2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)

- **Chemicals restrictions and hence need of substitution: a ban on the use of certain oils in tyres in force from 1 January 2010, as part of REACH²;**
- **Limits on rolling noise: technical requirements in force from 1 October 2009 to reduce tyre rolling noise pollution³;**
- Solvent reduction: new limits on solvent input in rubber conversion, as well as on certain emissions (SO₂, NO_x, CO) from industrial installations⁴;
- Reduction of CO₂ emissions from manufacturing facilities: obligations for the tyre sector under the revised rules of the EU Greenhouse Gas Emission Trading System; from 2013 onwards, the industry will have to buy pollution permits and increase efforts to produce in a more environmentally-friendly manner;

And most recently:

- **New type approval requirements for the general safety of vehicles and tyres⁵: new tyres from 2012 will have to meet higher standards for fuel consumption, safety, and noise. This legislative demand is coupled with requirements of the original equipment manufacturers, which look for tyres with less rolling resistance (a factor for fuel consumption and vehicle emissions) to meet vehicle-related legislation on CO₂ and other greenhouse gases. A progressive implementation of standards for rolling resistance, wet grip and noise will take place between 2012 and 2020;**
- **Also effective from 2012: an EU tyre labelling scheme⁶ will oblige tyre producers to provide consumers with information on rolling resistance (related to fuel consumption), wet grip (related to safety) and external noise of tyres.**

To summarise, the intention of the European tyre industry is to engage in a long-term strategic compliance campaign stressing the importance of the quality of tyres. This campaign should be supported by the EU and national governments and enhance awareness of all relevant stakeholders: consumers, dealers, consumer organisations, governments, and enforcement authorities, amongst others.

As a first and immediate step to this overall programme, the tyre industry wishes to launch intelligence-based market surveillance programme specifically on the aromatic oils ban.

A next stage would be awareness-raising communication campaigns, coupled with market checks on the tyre labelling legislation. The latter represents a significant change for the industry, across the entire supply chain, down to the consumers. Tyre type approval requirements following 661/2009 will be the ensuing actions.

For further information:

Mrs F. Cinaralp, Secretary General

Tel.: +32 2 218 49 40, Email: f.cinaralp@etrma.org

² Regulation 552/2009; Annex XVII - entry number 50

³ Directive 2001/43/EC relating to tyres for motor vehicles and their trailers and to their fitting

⁴ Ongoing recast of the Directive on Integrated Pollution Prevention and Control [COM(2007) 843 final]

⁵ Regulation 661/2009

⁶ Regulation 2009/1222