

Brussels, 18 June 2021

**European Tyre Industry assessment of EC Market Surveillance draft Implementing Act (Ref. Ares(2021)3743615 - 08/06/2021)**

Dear Madam, dear sir,

The European Tyre Industry reviewed the draft regulation on Market Surveillance draft Implementing Act and would like to provide the following comments:

Article	EC Proposal	Tyre industry Comments
1	Testing results published by third parties in the previous three years, that meet the requirements laid down in Article 5	Article 5 refers to 'Data to be made available to third parties for the purpose of testing for possible noncompliance'. <b>Reference to Article 6 should be made</b> to specify to whom the data shall be addressed: 'Requirements for third parties to demonstrate their legitimate interest and their recourse to adequate testing facilities'
4	All test reports referred to in Article 30, including parameters and settings data, of the tests and checks required pursuant to Regulation (EU) 2018/858 and the regulatory acts listed in Annex II to that Regulation	<ul style="list-style-type: none"> <li>• What is the expectation from "parameters and settings data" any info which is required to replicate the homologation test set-up which is not available in the test report?</li> <li>• <b>Tyre Industry request that the 'Full type approval dossier' shall be kept confidential restricted to Type Approval Authorities (as of today) and will not need to be provided to the vehicle manufacturer. This "Full type approval dossier" includes the test report and application form, that have to be considered as confidential and restricted information to be addressed to the Type Approval Authority.</b></li> </ul>


<b>5</b>	The data to be made available to third parties under Article 13(10) of Regulation (EU) 2018/858 shall include the following:..	It is unclear what data has to be provided - see Article 5 (b) & (c) in items 7 and 8 below. Additionally, it should be restricted to data which is necessary to replicate the homologation test set-up which is not available in the test report.
<b>5B</b>	All test reports referred to in Article 30, including parameters and settings data, of the tests and checks required pursuant to Regulation (EU) 2018/858 and the regulatory acts listed in Annex II to that Regulation	What is the expectation from "parameters and settings data": any information, which is required to replicate the homologation test set-up which is not available in the test report?
<b>6</b>	For the purposes of demonstrating their legitimate interests in the fields of public safety or environmental protection and their recourse to adequate testing facilities pursuant to Article 13(10) of Regulation (EU) 2018/858, the third parties shall fulfil the following requirements....	It would be advisable that EC provides a public available list with recognized 3rd parties and their contact details. Can any public organization request data, even if not recognized as 3rd Party?
<b>additional comments</b>		There is no article that specifies the data to be made available to the Member States Authorities for the purpose of compliance verification. Can any public organization request data, even if not recognized as 3 <sup>rd</sup> party?

ETRMA and ETRTO thank the European Commission to consider their comments on the Market Surveillance draft Implementing Act.

Best Regards



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Secretary General  
ETRMA



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ETRTO

