



Department
for Transport

Summary of responses to the Consultation on the Enforcement of Vehicle Tyre Labelling Regulations.

September 2014

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1. Background

Comments were invited on the Department's proposed approach to enforcing the European tyre labelling Regulation 1222/2009. Due to the way that European Regulations are drafted it is necessary for the UK to have national regulations to allow effective enforcement of them. The European legislation requires the introduction of penalties for breach of the Regulations in UK law which are proportionate and dissuasive. It is an established principle of Better Regulation, meanwhile, that the UK Government avoids "gold plating" of European legislation, and goes no further than is necessary in order to meet its requirements. The aim, in this case, was to put in place an appropriate and proportionate enforcement regime in order to safeguard the benefits of the Tyre Labelling Regulation without placing unnecessary burdens on industry (and in particular, without placing unnecessary burdens on smaller businesses).

The Department's Impact Assessment considered a range of enforcement options. These were;

a) Testing the compliance of all tyre models on the market with the requirements

This option involved the appointed enforcement authority being responsible for the organisation of market surveillance and providing appropriate enforcement action to ensure that all types of replacement tyres comply with legislation. It involved the enforcement authority testing conformity of all models and brands of tyres against minimum standards, and verifying that displayed values on the tyre label matched the performance offered by the product.

b) Risk-based enforcement and use of criminal law sanctions

In this option the tyre enforcement authority was responsible for organising risk-based market surveillance and for applying appropriate enforcement measures imposing the minimum burdens necessary to meet EU obligations. Enforcement was through the use of criminal offences enacted using powers drawn from the Road Traffic Act 1988 and the Consumer Protection Act 1987. The enforcement provisions would effectively adopt the 1987 Act enforcement regime, and would be consistent with the current sanctions in place for contravention with regulatory requirements on tyres.

The intention of this option was to preserve a similar methodology to the existing regime and, by employing a risk-based approach to market surveillance using methods such as education, warning letters and cautions that gave regulated entities an opportunity to comply before prosecution, to create a behavioural change and promote compliance.

The risk-based approach was to be guided by the Hampton Principles which require enforcement to be intelligence-led, and to be based on an assessment of risk and proportionality.

c) Risk-based enforcement and the use of both criminal law and civil sanctions

This option built on the use of criminal offences to deter non-compliance described in option "b" and introduced a suite of civil sanctions to run in parallel to them. The envisaged civil sanctions included compliance notices, stop notices, enforcement undertakings and variable monetary penalties. Sanctions of this kind are in keeping with the Macrory principles, which recommend that regulators have access to more flexible enforcement measures to use in ways proportionate to the extent and seriousness of non-compliance.

The focus of the enforcement authority, in this option, was envisaged as the adoption of an educational approach over an initial period, with prosecution only being pursued in cases of persistent non-compliance.

Because the Department also intends to simplify the national requirements for the supply, fitting and use of tyres for motor vehicles and their trailers by consolidating them into one set of Regulations which will be clearer and easier to use, the opportunity was taken to ask respondents for their opinion of this intention at the same time.

Before a choice was made as to which of the enforcement options should be taken forward to consultation, they were all assessed on the basis of their costs and benefits, their alignment with the principles of Better Regulation, and their alignment with the principles identified in the Hampton review.

Whilst option “a” was assessed as providing the highest levels of compliance, the costs and burdens associated with it were judged disproportionate to its benefit in the context of the relatively low levels of serious non-compliance expected. Levels of non-compliance were estimated on the basis of the incidence of non-compliance with existing tyre Regulations, and in the context of high levels of support for the introduction of the labelling Regulations from industry stakeholders. The option, in addition, was judged inconsistent with the Hampton principles since there was no proportionality in the application of the testing regime and the blanket testing of all tyre models that it involved was indiscriminate, and not intelligence-led.

Option “b” was chosen as the basis of the Regulations that were drafted for the consultation process because, although it provided less flexibility for the enforcement authority, it was less expensive than option “c,” provided a better fit with the Hampton review and Better Regulation principles, and was less likely to result in disproportionate burdens on small businesses.

2. Summary

Tyre design affects safety and the pollution, noise, and CO₂ emissions from vehicles. The purchase of fuel efficient and safe tyres also relies on the provision of consistent, comparable, information to consumers. Previously this information has not been available, so there were deficiencies in consumer information. To address this market failure, from November 2012 new requirements for labelling of vehicle tyres came into effect by means of EU Regulation (EC) No 1222/2009. This directly applicable EU Regulation has the objective of encouraging consumers to purchase tyres that will reduce the environmental impact of motoring through reduced fuel consumption and noise.

The new national Regulations will fulfil our obligations by facilitating enforcement of the directly applicable EU Regulation.

The Department's chosen approach to enforce these requirements is to appoint a Market Surveillance Authority (as required by EU legislation), which has already been done, and to introduce the minimum legislation necessary to effectively support the enforcement of tyre labelling. The draft Regulations that were consulted upon introduced criminal and civil sanctions drawn from the 1987 Consumer Protection Act.

The consultation ran for six weeks in the early part of 2014. It was both published on the Direct Gov website and sent directly to some stakeholders. All the responses to the consultation were supportive of enforcement activity to ensure that the requirements of the regulation are complied with, thus ensuring that consumers are provided with pertinent tyre performance information at point of sale. All respondents linked to the tyre industry made the point that would like to see the introduction of a dedicated suite of civil sanctions to bolster the criminal penalties, akin to those in place for energy labelling directive, but some were content with the approach being proposed.

3. Consultation

The consultation document was published on the GOV.UK website and responses could be returned to the Department for Transport by email or by post.

<https://www.gov.uk/government/consultations/tyre-labelling-enforcement-regulations>

The consultation exercise ran for six weeks from 10 April to 23 May 2014 during which time the Department received responses from the following organisations:-

- British Tyre Manufacturing Association
- Giti Tire (UK) Ltd.
- Imported Tyre Manufacturers Association
- Pirelli UK Tyres Ltd.
- National Tyre Distributors Association
- Retread Manufacturers Association
- Michelin Tyre PLC
- DriveRight
- Royal Society for the Prevention of Accidents
- Parliamentary Advisory Council for Transport Safety
- Retail Motor Industry Federation
- British Vehicle Rental and Leasing Association
- Trading Standards Institute
- Tyre Industry Federation
- Society of Motor Manufacturers and Traders

4. Responses – Tyre Labelling

An impact assessment and a draft set of the tyre labelling regulations were included in the consultation document and respondents were asked, *whether they consider that the proposed approach to enforcement is an appropriate and proportionate way of enforcing the regulations?*

All the responses associated with the tyre industry responded in support of the position outlined by the Tyre Industry Federation, which acts as an umbrella organisation for the industry. A full copy of their responses to the consultation has been included at Annex A.

The tyre industry expressed support for enforcement activity. However, they considered that the Department should consider the lessons which they suggested could be learned from the introduction of the Energy labelling regulations, which include a dedicated suite of civil sanctions. The draft regulations that were part of the consultation document included some civil sanctions as a result of their drawing upon the provisions of the 1987 Consumer Protection Act, but these fall short of the full suite that the tyre industry would prefer to see.

Some respondents were concerned that retailers and garages for whom tyre sales are an ancillary service to their main business should not be unduly burdened by enforcement activity. Another respondent, meanwhile, considered that the Department's proposed risk-based approach to enforcement had the potential to disadvantage dedicated tyre retailers.

“We believe that this places the dedicated retailer at a great disadvantage and puts a burden upon their business that would not be realised by the small garage or even a large garage with a small turnover in tyres.”

Trading Standards Institute

Respondents expressed support for the National Measurement Office (NMO) initially focussing on *'educating retailers as to their obligations... and only pursuing prosecutions against persistent non-conforming suppliers'*.

Retail Motor Industry Federation

One respondent considered that the Department should seek to promote the tyre label amongst consumers by developing a targeted communications plan.

“Whilst businesses must make a conscious effort to ensure that the Regulations standards are met and employees are aware of their obligations, we feel it is crucial that the DfT engage in a targeted communications plan, informing consumers of the new labelling. This will ensure that consumers are also aware of what businesses are expected to provide and will have a conscious understanding that they are to consider more than simply the cost of tyres.”

Retail Motor Industry Federation

Overall, the consultation responses were supportive of the introduction of tyre labelling legislation. The message from the tyre industry is clear and unequivocal in relation to the introduction of a dedicated suite of civil sanctions. This message, however, needs to be balanced against views from outside of the tyre industry which were less unhappy with the approach being proposed.

“We support the proposed approach and think it is an appropriate and proportionate way to enforce the regulations and will have a minimum impact on businesses.”

British Vehicle Rental and Leasing Association

“following consultation with our members, we have no objections to the proposal”

Society of Motor Manufacturers and Traders

It was evident from the responses that there is support of the aims of tyre labelling enforcement activity, but that meeting the expectations of stakeholders will involve taking care to employ the right balance between education and sanctions, whilst taking account of the range of different businesses involved in the retail of vehicle tyres.

Some of the written consultation responses can be found in annexes A - L.

5. Responses – Red tape challenge

In order to inform the Red Tape Challenge exercise which intends to simplify and consolidate UK tyre legislation, consultation respondents were asked to provide information that would allow the Department to estimate the resultant financial benefits of the simplification process within the necessary impact assessment.

It was evident that the question could have been set more clearly as several respondents gave details of resources expended familiarising themselves with the EC tyre labelling regulation 1222/2009. However the tyre industry federation gave a comprehensive estimate of the costs that are associated with reading and understanding national tyre legislation. Their complete response can be found in Annex A.

Table 1 below has been reproduced from the tyre industry federation response to the consultation and based on a charging rate of £25 per hour they estimate an annual cost to industry of the order of half a million pounds. They consider that this is a conservative estimate as there are over 100 manufacturers and in the region of 20,000 retailers supplying the UK tyre market.

Regulated entity	Number of entities concerned	Number of employees concerned / entity	Number of hours saved / employee / year	Number of man-hours saved / year
Manufacturers	20	10	8	1600
Importers / wholesalers	25	5	6	750
Retailers	5,000	1	4	20,000
Retreaders	20	2	6	240
Tyre recovery operators	50	1	4	200
Total				22,790 hours

Table 1 – TIF estimate of number of hours spent reading UK tyre legislation

6. Department for Transport reply

The Department for Transport recognises the broad support within the responses for the enforcement activity outlined in the consultation whilst acknowledging the representations of the tyre industry in relation to a dedicated suite of civil sanctions for tyre labelling.

The Department has given careful consideration to the views of the tyre industry, both during the earlier development of the proposed approach and following the formal responses to the consultation. The Department does not, however, intend to propose a dedicated suite of civil sanctions for the enforcement of tyre labelling. The draft Regulations do go some way towards the position favoured by the tyre industry in that they do not, in fact, introduce solely criminal sanctions. Because the Regulations draw on powers in the Consumer Protection Act 1987, they do include some civil sanctions such as prohibition, warning, and suspension notices. The Department intends to produce Regulations based upon the draft that was consulted upon. The limited civil sanctions that these Regulations will introduce, standing alongside the criminal ones, should allow for proportionate enforcement activity, and so ensure that the requirements are complied with and that consumers are provided with the necessary information at point of sale. Furthermore, changes brought about by the Sentencing and Punishment of Offenders Act 2012 will, in time, mean that when serious breaches of the requirements are identified there will be the potential for an unlimited, and hence evidently dissuasive, fine to be applied by a magistrate's court.

The figures supplied by the Tyre Industry Federation for the costs associated with examining and interpreting the existing tyre Regulations will be used to inform the impact assessment associated with the response to the red tape challenge.

We would like to thank everyone who took the time to respond to this consultation.

Annex A – Tyre Industry Federation responses



Phil Bailey
1/32 Great Minster House
Department for Transport
33 Horseferry Road
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7th May 2014

Dear Phil,

Consultation on the Enforcement of Vehicle Tyre Labelling Regulations

Thank you for the opportunity to respond to the recent consultation regarding the definition of enforcement powers to accompany the Tyre Labelling Regulation. We will revert separately to the second question regarding the benefits accruing from the proposed recast of the C&U regulations.

We are surprised that the consultation document does not include consideration of experience gained in the enforcement of similar regulations; in particular, those relating to the energy efficiency labelling of domestic appliances. Such an analysis could contribute to the definition of optimised enforcement powers building on past experience to deliver the requisite regulatory outcome in an efficient and timely manner with least burden for Government, Industry and the Consumer.

In particular, we are concerned that Government has rejected the inclusion of civil sanctions in the proposed enforcement powers despite the strong precedent set by the Energy Information Regulations 2011, applicable to domestic and other appliances and adopted during the present Parliament.

Civil sanctions offer the means of delivering an enforcement regime that is effective, proportionate and dissuasive whilst minimising the burden on both Government and Industry. Criminal sanctions, whilst a necessary part of the enforcement armoury, cannot be considered to be proportionate to both a one-man trader and a large multi-national. Furthermore, the power of dissuasion to the latter is questionable when the maximum penalty is set at level 5 on the standard scale.

Not only do civil sanctions offer a progressive and proportionate penalty regime, they also enable sanctions to be applied without recourse to the courts. This offers benefits to both Government and Industry by discharging the court system of minor cases and avoiding the burden of legal costs that can be a significant item for an SME. Civil sanctions also give greater emphasis to correcting non-compliance rather than only punishing it. We believe that the concerns regarding possible misapplication of civil sanctions are adequately addressed by the requirement in the Regulation for the appointment of a Market Surveillance Authority. NMO also has a strong track record for the responsible application of civil sanctions in the context of the Energy Information Regulations.

Constituent Associations:

• *British Tyre Manufacturers' Association* • *Imported Tyre Manufacturers Association*
• *National Tyre Distributors Association* • *Retread Manufacturers Association* • *Tyre Recovery Association*

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Secretary: G C Willson Certificate of Incorporation No: 5333857

The arguments in favour of the inclusion of civil sanctions are developed compellingly in the impact assessment presented by Defra in support of the enforcement regime adopted for the Energy Information Regulations 2011¹. We consider that the same logic is directly applicable to the enforcement of the Tyre Labelling Regulations. Furthermore, we believe that the costs of establishing a civil sanctions regime for the Tyre Labelling Regulations should be minimal since the regime created for the Energy Information Regulations could be applied with only minor adaptation.

The consultation document speculates that a low level of non-compliance can be expected in relation to the Tyre Labelling Regulations. Recent reports from the National Measurement Office² indicate quite the contrary. These findings are supported by industry and independent research: delivery falls well short of the declared policy objective of informing consumer choice.

Here too there are strong parallels with the domestic appliance story: initial Government estimates of non-compliance were considerably under-stated. Research by Defra in 2009 subsequently pointed to non-compliance of 15% or above. In addition to revised regulation and improved enforcement powers, a major pan-European project, delivered in the UK by the Energy Saving Trust, has recently been launched to address these failings. Finally, the European Commission has launched a review to evaluate the effectiveness of the underlying Directive 2010/30 on energy labelling. The initial report published in January highlights the gap between potential and delivered energy savings⁴.

In this context what logic can there be in retracing the steps of the domestic appliance labelling regulations? Must we, as then, wait 20 years to acknowledge that non-compliance is higher than Government initially expected and that criminal sanctions alone are ineffectual?

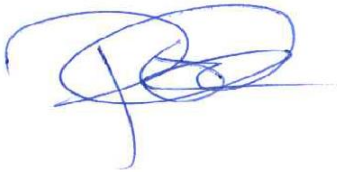
The Tyre Labelling Regulations have the potential to deliver reductions in CO₂ emissions comparable with those targeted for the domestic appliance regulations. The UK is committed to the EU package of climate and energy targets but is behind plan on improving energy efficiency. The recent progress report from the European Environmental Agency⁵ records with regard to the UK *"Some progress is made in reducing energy consumption but further improvements are necessary to further develop policies or to better implement the existing ones."* Here too, the benefits of adopting "best practice" in the enforcement of the Tyre Labelling Regulations would appear to be self-evident.

Finally, we wish to highlight that the tyre labelling information is not limited to environmental considerations. The consultation makes scant reference to the road safety contribution derived from improved wet grip, the third parameter on the label. Tyres are a safety-critical element of every road vehicle. Although difficult to monetise, any reduction to the 25 000 currently killed or seriously injured every year on the roads must be considered to be a positive benefit. In this respect the case for enforcement powers at least as effective as those adopted for domestic appliances is compelling. Where is the consistency of Government approach if the enforcement powers relating to the labelling of domestic appliances are more comprehensive than those applied to the labelling of tyres? How many lives or limbs have been lost due to the misinformed purchase of a refrigerator?

The tyre industry believes that the Government's proposal based on criminal sanctions alone cannot be considered to be proportionate or dissuasive as required by the Tyre Labelling Regulation and the Macrory principles. Without the additional flexibility offered by civil sanctions the enforcement of the Tyre Labelling Regulation will result in undue burden on smaller operators and ineffectual action against the largest. Government's proposal does not minimise the burden on industry or Government when compared with alternative approaches. Furthermore, by omitting civil sanctions Government fails to reap the benefit identified by Defra of securing the targeted outcomes of the Regulation.

The tyre industry is united in its support of enforcement powers incorporating both criminal and civil sanctions based on the model contained in the Energy Information Regulations 2011.

Yours sincerely,



Patrick O'Connell

Chairman

References

¹ Impact Assessment for Energy Information Regulations

http://www.legislation.gov.uk/ukia/2012/26/pdfs/ukia_20120026_en.pdf

² Reports from NMO studies into manufacturer and retailer compliance with the Labelling Regulation

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/284742/tyre_manufacturer_awareness_of_annex_iii_brief.pdf

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/284738/retailer_awareness_and_compliance_project_report.pdf

³ Market watch project

<http://www.market-watch.eu/gains/>

⁴ Evaluation of the Energy Labelling Directive 2010/30

http://www.energylabelevaluation.eu/tmce/First_findings_and_recommendations_31_January_2014.pdf

⁵ EEA report on Member State progress towards 20-20-20 objectives

<http://www.eea.europa.eu/publications/trends-and-projections-2013>



TYRE INDUSTRY FEDERATION

Phil Bailey
1/32 Great Minster House
Department for Transport
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15th May 2014

Dear Phil,

Value of simplified and more accessible tyre regulations

As promised in our earlier letter we are responding to your request for information regarding the value to Industry of the proposed recast of some of the UK tyre regulations.

According to the Hampton principles good regulation should place the greatest burden on the non-compliant. The present tortuous C&U Regulations place the greatest load on the compliant majority; arising largely from their onerous endeavours to understand the requirements of the Regulations. Operators with a more cavalier attitude to compliance appear to reap the benefits of their misdeeds with impunity. We have already expressed our concerns regarding the inadequate reach and impact of the present enforcement regime; in this letter we will concentrate on the qualities of the regulations themselves.

Hampton also considered that a good regulator should increase the probability of compliance through authoritative and accessible advice. This need can best be fulfilled by ensuring that regulation is to the greatest extent possible directly understandable by the lay person without recourse to guidance from Government or advice from a lawyer. Finally, Hampton also advocated the simplification of the structure of regulation, in particular avoiding overlap in coverage. In this respect we welcome the proposed recast of regulations regarding the supply and use of tyres. However, we regret the delayed outcome, now seemingly until 2015, of the Industry's extensive collaboration with Government on this topic in 2011.

Compliance with regulation is not an option; it is the central purpose of regulation. Auto-compliance is much to be preferred to imposition so the accessibility of regulation to the lay person is of fundamental importance. Simplification and improved clarity lead to reduced costs for Industry and efficiency savings for Government throughout the enforcement process from vehicle inspection to court judgement. More accessible regulation makes it easier for the regulated to "do the right thing" with the consequent benefits of improved compliance without the cost of enforcement. Increased clarity also reduces the risk of uncertainty and error, which generate costs to both Government and Industry.

Constituent Associations:

• British Tyre Manufacturers' Association • Imported Tyre Manufacturers Association
• National Tyre Distributors Association • Retread Manufacturers Association • Tyre Recovery Association

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Secretary: G C Willson Certificate of Incorporation No: 5333857

Regulations have widespread use outside of the judicial context in defining the business environment. In this perspective their value to Industry is sharply diminished if the meaning is obscure, inaccessible or unclear. In this particular case industry users include tyre, vehicle, trailer and specialist equipment manufacturers worldwide, hauliers, fleet operators, vehicle servicing agents (including tyre retailers), Trade Associations and many others. The present byzantine regulations frequently require many hours of examination and debate between experts in order to ascertain the legal position on a particular point. Too often the services of a lawyer are engaged at hundreds of pound an hour whilst an intelligent lay person reading more accessible legislation would be able to achieve the requisite level of understanding at a tenth of the cost. The same persuasive logic applies to costs to the public purse incurred by the Constabulary and other public servants endeavouring to understand the law.

Furthermore, uncertainty regarding the application of the Regulations undermines both enforcement "on the ground" and the determination of enforcement authorities to bring cases to court. Compliance suffers on both counts, the more so with the passage of time as the regulated come to the increasing realisation that the regulations are ineffectual.

It is difficult to quantify with any precision the annual saving to Industry arising from the proposed recast of some of the UK tyre regulations. However, the following is an attempt to establish at least the order of magnitude of the sum involved regarding the tyre industry.

	Number of entities concerned	Number of employees concerned / entity	Number of hours saved / employee/ yr	Number of man-hours saved / yr
Manufacturers	20	10	8	1600
Importers / wholesalers	25	5	6	750
Retailers	5,000	1	4	20,000
Retreaders	20	2	6	240
Tyre recovery operators	50	1	4	200
Total				22,790 hours

At an all-inclusive charging rate of £25 per hour (equivalent to £42,000 pa) this would suggest that the value to the tyre industry of the proposed recast of tyre regulations is in excess of £0.5 million per year. We believe this to be a prudent estimate since there are over 100 manufacturers and an estimated 20,000 retailers supplying the UK market. Our analysis assumes that the majority of these will not give direct consideration to the regulations but may rather procure external advice in the matter. We have not attempted to estimate the impact of regulatory simplification on the cost of these third-party services.

Yours sincerely,



Patrick O'Connell,
Chairman.

Annex B – Retail Motor Industry Federation response



Retail Motor Industry Federation 201 Great Portland Street, London, W1W 5AB

RMI response to consultation on the enforcement of vehicle tyre labelling regulations

The Retail Motor Industry Federation ('RMI') would like to thank the Department for Transport ('DfT') for the opportunity to respond to this consultation and politely request that our response, and the views of our members, is considered during the review process.

The RMI is the UK's leading automotive trade body, representing over 8400 members ranging from; franchised car and commercial vehicle dealers, independent garages, bodyshops, motorcycle dealers, auction houses, petrol retailers and cherished number plate dealers, who provide sales and services to motorists and businesses throughout the UK.

We would like to address the following question:

1. Do you consider that the proposed approach to enforcement is an appropriate and proportionate way of enforcing the regulations? If not, please explain how you think it could be improved.

1.1 The RMI agrees with the overall objective of the Regulation and the Government's suggested policy. However, the RMI does feel that the proposal has not fully considered the practical implementation of the policy on businesses and consumers.

1.2 The RMI therefore has two main concerns in regards to the proposal; firstly the lack of consideration for businesses who sell tyres but not as their primary service, and thus secondly, the consideration that consumers must be proactive in educating themselves on new regulations and essentially, 'knowing what to look for' and the purpose in regards to tyre labelling.

1.3 In regards to our first concern, the RMI is pleased to see that the National Measurement Office ('NMO') will be focused on 'educating retailers as to their obligations... and only pursuing prosecutions against persistent non-conforming suppliers'. This is encouraging, especially relating to those businesses whose primary services are not the retail of tyres.

1.4 Therefore, following on from the above, the RMI feel that it is crucial to appreciate different types of businesses and to ensure that the NMO understands the differences in their operations, assessing each type of provider appropriately. For example, a smaller retailers labelling and their point of sale information, is provided by the tyre distributors/importers. Therefore, as a direct result, the smaller retailers' ability to provide information and educate the consumer is at first instance, constrained by the information provided by the distributor/importer. Additionally, businesses who do not sell tyres as their primary product, may also find that trainings staff to understand the new labelling's and how and what to advise consumers, may take longer, as employees work on different products, or may be advising consumers on a product they do not routinely work on. As such, the RMI believe it is essential for a higher support infrastructure to be provided to those businesses that do not singularly or primarily provide the sale of tyres as their primary service. It is with this in mind that the RMI are strongly advising that the position of the NMO explained in paragraph 1.3 is maintained and upheld.



1.5 Moreover, it is also a concern that those garages *most* well-known or easily found, for example, through trade association membership, will be monitored at a higher level than other businesses that are not part of a recognised institution and therefore may be less detectable but just as easily in breach of the Regulations requirements. The RMI is therefore keen to be provided with a further understanding of how all businesses providing tyres will be assessed in terms of compliance.

1.5 The aforementioned also raises concerns relating to the sanctions that will be implemented for repeated non-compliance; causing a criminal offence. The RMI would be keen for the DfT to look at the aspect of civil sanctions, which seem proportionate to the policy subject matter, rather than simply implementing criminal. This has also been voiced by the Tyre Industry Federation and the RMI share their concerns.

1.6 The second key concern for the RMI relates to consumer 'thinking' and education. To an extent this can relate directly to the aforementioned considerations in paragraph 1.4. Whilst businesses must make a conscious effort to ensure that the Regulations standards are met and employees are aware of their obligations, we feel it is crucial that the DfT engage in a targeted communications plan, informing consumers of the new labelling. This will ensure that consumers are also aware of what businesses are expected to provide and will have a conscious understanding that they are to consider more than simply the cost of tyres.

1.7 As stated by the National Tyre Distributors Association ('NTDA'), consumers often look to purchase tyres of the lowest price; not in the main, because of the environmental impact differing grades of tyres have on reduced fuel consumption and noise pollution. There is a clear reluctance therefore, for consumers to look further into tyre labelling when cost seems on the whole, to be the priority. Ultimately, it must be articulated publicly that it is in the customer's interest to ask questions and look beyond costs in regards to vehicle tyre purchase.

Concluding

2.1 The RMI endorse the overall proposal detailed within the consultation document. However, as expressed throughout the above submission, we are concerned by the way in which the NMO will operate. By this, we are referring to the levels of support that will be provided to those businesses whose primary function is not the sale of tyres and to what extent the current position of educating retailers before prosecution for non compliance, will be maintained and enforced.

2.2 Furthermore, we are keen for an extension of sanctions for non compliant businesses to civil sanctions and implore that the NMO find ways to ensure that less identifiable businesses are monitored to the same extent as other more reputable retailers.

2.3 Finally, the RMI feel it is important that a clear communications plan is presented alongside the national introduction of the new labelling. This is of the upmost importance, not only to educate employers and their employees of obligations and objectives but to ensure that consumers are aware and understand the environmental impact element of the Regulation.

Annex C – RoSPA and PACTS response



Enforcement of Tyre Labelling Regulations

This is a joint response from RoSPA and PACTS to the DfT's consultation on the Enforcement of Vehicle Tyre Labelling Regulations. We thank the Department for the opportunity to comment on the proposals.

Tyres are fundamental to road safety, being the only point of contact between the vehicle and the road surface. Clearly, tyres that provide better stopping performance help to improve road safety and reduce the risk of collisions. We welcome the improvements to the tyre labelling regulations, which we believe will help consumers and vehicle owners to ensure that they use safer tyres.

Our preferred enforcement option is option 1c, "a risk-based enforcement approach and the use of both criminal law and civil sanctions". We believe that the wider range of civil sanctions will be more flexible and provide the tyre enforcement authority (the National Measurement Office) with more tools to ensure compliance. We also believe that it will help with the education and warning approach specified in the consultation paper, rather than only relying on criminal sanctions.

Of course, the real test of any enforcement regime is how it is implemented in practice. To be a credible deterrent it requires tyre retailers to understand that inspections and enforcement will take place. We are concerned that budget and staff cuts in the public sector may severely restrict the number of inspections and the level of enforcement, which in turn will reduce the credibility and deterrence of the enforcement regime.

We understand the desire to limit the burden on business and to comply with the Hampton principles, and we believe these are consistent with enforcement option 1c. We have no objections to the "simplification of existing tyre regulations" (as included in option 2) provided this does not water down the safety requirements for tyres.

Yours sincerely,

Kevin Clinton
Head of Road Safety
RoSPA PACTS

David Davies
Executive Director

Annex D – Trading Standards institute response



Tyre labelling enforcement regulations – Department for Transport consultation

Trading Standards Institute response – May 2014

1. Do you consider that the proposed approach to enforcement is an appropriate and proportionate way of enforcing the regulations? If not please explain how you think it could be improved.

The proposed approach would appear to be more of a remit for tyre manufacturers than retailers, as a retailer has no control over what is embossed upon a tyre. All tyres currently contain some relevant information, and, as they do not lend themselves to adhesive labels or other physical fixing methods because of their composition, it would seem that the best way to display the information required under the proposed legislation would be for the manufacturer to print / emboss the information directly onto the tyre surface.

As far as we are aware, the majority of retailers stock to order, keeping a small supply of the most popular types and brands of tyres in stock. Garage outlets that are not dedicated to the retail of tyres keep a very small stock, ordering further stocks in to requirement. This means, therefore, that their handling and display of tyres is minimal.

To apply a risk based enforcement policy in respect of tyre labelling would thus put dedicated retailers in a high risk category and small garages in a low risk category unless intelligence came to light that suggested otherwise.

We believe that this places the dedicated retailer at a great disadvantage and puts a burden upon their business that would not be realised by the small garage or even a large garage with a small turnover in tyres.

Regulation needs to take into consideration the practicalities of compliance and the ability to effectively enforce. A trader's website can display the required information so this is an area that is relatively easy to monitor for compliance.

We wonder whether compliance with the new legislation could also be achieved by the publishing of a "list" of fully described tyres offered for sale at the point of sale or an online "list"?

We would like to comment upon two specific sections in the proposed legislation.

Section 28 - test purchases. The protocol deployed will be key to the effectiveness of test purchasing. A trader whose business model is just tyre retailing should be in a better position to comply than an all-round garage selling the occasional tyre. The challenge is the mode of the consumer communication. Research has shown that a "tyre required" call could take in excess of 5 minutes, assuming that the consumer is interested in the tyre's credentials and does not wish the cheapest product regardless of its qualities.

Section 29 – search – What documents / software would be sought from a retailer with no stock?

Finally, we would wish to comment that enforcement will require resources, in competition with other duties and responsibilities, and that another key factor is the time that the DfT-appointed tyre enforcement authority (National Measurement Office) would be able to commit.

2. At a later stage the department intends to consolidate and simplify existing tyre related provisions contained within the Motor Vehicle Tyre Safety Regulations 1994 and Road Vehicle Construction and Use Regulations 1986. As a result we wish to understand the financial benefits of simplified and consolidated legislation to your businesses and other organisations. The simplification is judged to provide benefits primarily to those that have to refer directly to the legislation by reducing the amount of time spent reading and understanding it.

Any legislation that is consolidated and all in one place is obviously more accessible, easier to understand and of benefit to those enforcing it and those have to comply with it, therefore consolidation would be a welcome move in this instance.

(a) Does your business directly read the legislation?

Yes

(b)

(i) How many man days per year do you currently spend reading and understanding the current legislation?

(e.g. two people spending a week each reading through the legislation would mean 10 man days.)

This is a constant and ongoing immeasurable process.

(ii) How many man days per year do you believe your organisation will save from simplifying the regulations?

We are unable to respond to this question.

(iii) What sector is your business or organisation in?

TSI is the national professional body for the trading standards community

(iv) For what reason does your business or organisation refer to the legislation?

To be able to advise business and consumers of their legal obligations and rights and to take action if required.

Annex E – British Vehicle Rental and Leasing Association response



British Vehicle Rental and Leasing Association

River Lodge, Badminton Court, Amersham, Bucks HP7 0DD tel: 01494 434747 fax: 01494 434499 e-mail: info@bvrla.co.uk
web: www.bvrla.co.uk

Phil Bailey 8 May, 2014
1/32 Great Minster House
Department for Transport
33 Horseferry Road
London
SW1P 4DR

Dear Mr Bailey,

Tyre Labelling Consultation

We welcome the opportunity to comment on the consultation on draft regulation which helps to implement enforcement powers required to supplement the EC Regulation on tyre labelling.

We note the Department's suggested approach of enforcing these requirements through the appointment of a new responsible market surveillance authority and to introduce minimum legislation necessary to support the enforcement of tyre labelling using a risk-based approach.

We support this approach as we believe that the National Measurement Office is best placed to take the role as the market surveillance authority as this is similar to their work in other areas.

BVRLA members operate in excess of 3.3 million vehicles in the UK which accounts for 1 in every 10 vehicles on the road. This means we purchase a large volume of tyres for these vehicles. In some cases these tyres are purchased on behalf of our member's customers therefore the person purchasing the tyres is not necessarily in the garage viewing the labelling.

In these cases the information is provided electronically either on an invoice or on a choice list for the customer. We would welcome clarity from the department that this satisfies the requirements of the legislation.

Specific questions

1. Do you consider that the proposed approach to enforcement is an appropriate and proportionate way of enforcing the regulations? If not please explain how you think it could be improved.

We support the proposed approach and think it is an appropriate and proportionate way to enforce the regulations and will have a minimum impact on businesses.

2. At a later stage the department intends to consolidate and simplify existing tyre related provisions contained within the Motor Vehicle Tyre Safety Regulations 1994 and Road Vehicle Construction and Use Regulations 1986. As a result we wish to understand the financial benefits of simplified and consolidated legislation to your businesses and other organisations. The simplifications judged to provide benefits primarily to those that have to refer directly to the legislation by reducing the amount of time spent reading and understanding it.

(a) Does your business directly read the legislation?

We did when it was first published and issued guidance to our members on the subject.

(b)

i. How many man days per year do you currently spend reading and understanding the current legislation? (e.g. two people spending a week each reading through the legislation would mean 10 man days.)

1 man day including producing any guidance and dealing with queries

ii. How many man days per year do you believe your organisation will save from simplifying the regulations?

½ a man day

iii. What sector is your business or organisation in?

Vehicle rental and leasing

iv. For what reason does your business or organisation refer to the legislation? As we have mentioned, we referred to the legislation to determine whether or not communicating the tyre labelling regulation would allow communication of the labelling information could occur through invoices or other documentation.

Closing comments

We trust our comments add value to the department's discussions on enforcing the tyre labelling regulations

Yours sincerely

Jay Parmar

Legal and Policy Director

Annex F – National Tyre Distributors Association response



9th May 2014

Mr. Phil Bailey,
1/32 Great Minster House,
Department for Transport,
33 Horseferry Road,
London,
SW1P 4DR.

Dear Phil,

RE: Consultation on the Enforcement of Vehicle Tyre Labelling Regulations

Thank you for the opportunity to respond to the recent consultation regarding the definition of enforcement powers to accompany the EU Tyre Labelling Regulation.

The question being asked is:

Do you consider that the proposed approach to enforcement is an appropriate and proportionate way of enforcing the regulations? If not please explain how you think it could be improved.

NTDA response:

The National Tyre Distributors Association (NTDA) considers, *in principle*, the proposed approach to enforcement to be appropriate to the specific requirements of Regulation (EC) No 1222/2009, providing that *persistent deliberate non-conforming suppliers* are indeed held accountable and, where necessary, prosecuted as proposed.

However, as a constituent member of the Tyre Industry Federation, we are united with the other constituent trade associations in supporting enforcement powers incorporating both criminal and civil sanctions based on the model contained in the Energy Information Regulations 2011.

We are surprised that the Government has rejected the inclusion of civil sanctions in the proposed enforcement powers at this stage despite, what appears to be, the strong precedent set by the Energy Information Regulations 2011, applicable to domestic and other appliances.

NTDA members have invested a great deal of time, effort and money in ensuring they are in a position to educate consumers regarding EC Regulation 1222/2009 and there are many examples of best practice. The recent research conducted by the NMO showed, that our members are very aware and knowledgeable regarding tyre labelling, when asked directly by the NMO appointed researchers.

Where they did fall short of NMO expectations was under 'mystery shopper' parameters. The NTDA believes that this is totally understandable as the vast majority of consumers see tyres as a grudge purchase and are generally only interested in the price. It is, therefore, very difficult for our members, under such circumstances, to convince their customers to scrutinise the label information and make an informed purchase based on that information.

(cont.)

That is not to say that our members do not endeavour to do so, as we have evidence that they do and that many members see labelling as an opportunity to promote better performing or premium brands.

NTDA members, by their very nature, are suppliers who are committed to raising standards in the tyre industry and who are committed to improving the level of service they offer to consumers, but against a backdrop of consumer apathy towards anything other than the cheapest deal, we anticipate that actual delivery could fall well short of the declared policy objective of informing consumer choice.

It would be a travesty, in our opinion, if well-intended companies such as our members, many of whom are voluntarily involved (and have financially invested in), initiatives such as the REACT Licence to Fit scheme, the Part-Worn campaign and the TyreBack used tyre responsible recovery scheme, were prosecuted for non-compliance because they didn't advise a customer of the 'benefits' of tyre labelling when 500 yards down the road another less scrupulous retailer is selling illegal part worn tyres 'under the arches' and is not even being inspected.

In conclusion, although the approach proposed would, in the first instance, appear to address the NTDA's concerns regarding enforcement, we do question whether, without the additional flexibility offered by civil sanctions, the enforcement of the EU Tyre Labelling Regulation will result in undue burden on smaller operators, be ineffectual action against the largest and result in a regime that is neither proportionate or dissuasive.

I trust this response will prove useful in your deliberations and would be happy to discuss this matter further if required.

Yours sincerely,

A handwritten signature in black ink, reading "Stefan Hay". The signature is written in a cursive, flowing style with a large initial 'S'.

Stefan Hay
Director

Annex G – Retread Manufacturers' Association response



RETREAD MANUFACTURERS ASSOCIATION

May 15, 2014

Mr Phil Bailey
1/32 Great Minster House
Department for Transport
33 Horseferry Road
London SW1P 4DR

Re: Consultation on the Enforcement of the Tyre Labelling regulations

Dear Phil

Although retreaded tyres are not currently subject to the tyre labeling regulations, the RMA is fully aware that this will be reviewed in 2016, and as such the retreading industry is preparing thoroughly for this, investing substantial resources in the ReTyre Project to develop a labeling system for the retreading sector. We are therefore keen to see effective and proportionate enforcement of the regulations.

We are writing today in support of the position set out by the Tyre Industry Federation (attached).

We are fully supportive of the need for effective enforcement, but also want to see penalties that are in line with the nature of the offence committed. For this reason we would support the inclusion of civil sanctions in the proposed enforcement powers in conjunction with the proposed criminal sanctions.

Yours sincerely

David Wilson
Director

Member of the British Tyre Industry Federation and BIPAVER

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e-mail: rma@greentyres.com Internet: www.greentyres.com

Annex H – Michelin Tyre PLC response



Phil Daily
1/32 Great Minster House
Department for Transport
Horseferry Road
London
SW1P 4DR

19th May 2014

Dear Phil,

Consultation on the Enforcement of Vehicle Tyre Labelling Regulation

Thank you for the opportunity to respond to the recent consultation regarding the definition of enforcement powers to accompany the Tyre Labelling Regulation.

I have to say that we are very surprised that the enforcement powers being proposed are to operate under just the jurisdiction of criminal sanctions and do not consider the possibility of civil sanctions as well.

In line with the industries position, as outlined by the Tyre Industry Federation, we strongly urge the government to put in place "best practice" that has been acquired over the past 10 years for white consumer goods.

The industry has fought hard to get to this point with tyre labelling and we would be very disappointed if the government did not incorporate both civil and criminal sanctions to support the enforcement of the Tyre Labelling Regulation 1222.

Yours sincerely,

Darren Lindsey
Head of Government & Public Affairs UK & ROI

Annex I – Pirelli UK Tyres Ltd. response

Pirelli UK Tyres Limited

Dominic A Sandivasci
Chairman

Mr P Bailey
Department for Transport
Great Minster House
33 Horseferry Road
London
SW1P 4DR

15 May 2014
DAS/DMS

Dear Mr Bailey

Consultation on enforcement powers for the Tyre Labelling Regulations

As a BTMA member, Pirelli is committed to the objectives of the Tyre Labelling Regulations. Tyre manufacturers have invested over £100m in product testing in order to provide the information required by the Regulations. We are concerned to see this investment bear fruit in changed consumer behaviour leading to safer roads and reduced environmental impact.

However, it is insufficient to display information on labels and websites that remain unseen by the majority of customers. The information needs to be brought to the consumer's attention at the point of sale. Effective enforcement throughout the supply chain is indispensable if the Tyre Labelling Regulations are to deliver their intended outcome "*... to influence purchasing decisions by end users in favour of safer, quieter and more fuel-efficient tyres.*"

We are writing in support of the position set out by the Tyre Industry Federation (attached). The proposal for enforcement powers based on the application of only criminal sanctions does not meet Government's own Macrory principles. Enforcement powers combining civil and criminal powers, analogous to those adopted for the labelling of domestic appliances, will be more effective, more proportionate and more dissuasive than the Government's proposal. At the same time they will be less onerous for both Industry and Government.

Yours sincerely


D A Sandivasci
Chairman and CEO

Att

Annex J – Giti Tire (UK) Ltd. response



Mr P Bailey
1/32 Great Minster House
Department for Transport
33 Horseferry Road
London
SW1P 4DR

19th May 2014

Dear Mr Bailey,

Consultation on the Enforcement of Vehicle Tyre Labelling Regulations

Thank you for the opportunity to respond to the recent consultation regarding the definition of enforcement powers to accompany the Tyre Labelling Regulation.

We are surprised that the consultation document does not include consideration of experience gained in the enforcement of similar regulations; in particular, those relating to the energy efficiency labelling of domestic appliances. Such an analysis could contribute to the definition of optimised enforcement powers building on past experience to deliver the requisite regulatory outcome in an efficient and timely manner with least burden for Government, Industry and the Consumer.

In particular, we are concerned that Government has rejected the inclusion of civil sanctions in the proposed enforcement powers despite the strong precedent set by the Energy Information Regulations 2011, applicable to domestic and other appliances and adopted during the present Parliament.

Civil sanctions offer the means of delivering an enforcement regime that is effective, proportionate and persuasive whilst minimising the burden on both Government and Industry. Criminal sanctions, whilst a necessary part of the enforcement armoury, cannot be considered to be proportionate to both a one-man trader and a large multi-national. Furthermore, the power of dissuasion to the latter is questionable when the maximum penalty is set at level 5 on the standard scale.

Not only do civil sanctions offer a progressive and proportionate penalty regime, they also enable sanctions to be applied without recourse to the courts offering benefits to Government and Industry. Civil sanctions also give greater emphasis to correcting non-compliance rather than only punishing it, and would mirror the approach taken in respect of the domestic appliance regulations when there are clear parallels.

The tyre industry is united in its support of enforcement powers incorporating both criminal and civil sanctions for the appointed enforcement body and we ask that the case for this be very seriously considered.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'B. McDermott'.

Brian McDermott
General Manager

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Vat Number: 0945 5902 96



Annex K – Imported Tyre Manufacturers Association response



THE IMPORTED TYRE MANUFACTURERS ASSOCIATION

16th May 2014

Dear Phil,

Consultation on the Enforcement of Vehicle Tyre Labelling Regulations

Thank you for the opportunity to respond to the recent consultation regarding the definition of enforcement powers to accompany the Tyre Labelling Regulation. The views of this Association reflect those of our Industry Federation as further set out.

We are surprised that the consultation document does not include consideration of experience gained in the enforcement of similar regulations; in particular, those relating to the energy efficiency labelling of domestic appliances. Such an analysis could contribute to the definition of optimised enforcement powers building on past experience to deliver the requisite regulatory outcome in an efficient and timely manner with least burden for Government, Industry and the Consumer.

In particular, we are concerned that Government has rejected the inclusion of civil sanctions in the proposed enforcement powers despite the strong precedent set by the Energy Information Regulations 2011, applicable to domestic and other appliances and adopted during the present Parliament.

Civil sanctions offer the means of delivering an enforcement regime that is effective, proportionate and dissuasive whilst minimising the burden on both Government and Industry. Criminal sanctions, whilst a necessary part of the enforcement armoury, cannot be considered to be proportionate to both a one-man trader and a large multi-national. Furthermore, the power of dissuasion to the latter is questionable when the maximum penalty is set at level 5 on the standard scale.

Not only do civil sanctions offer a progressive and proportionate penalty regime, they also enable sanctions to be applied without recourse to the courts. This offers benefits to both Government and Industry by discharging the court system of minor cases and avoiding the burden of legal costs that can be a significant item for an SME. Civil sanctions also give greater emphasis to correcting non-compliance rather than only punishing it. We believe that the concerns regarding possible misapplication of civil sanctions are adequately addressed by the requirement in the Regulation for the appointment of a Market Surveillance Authority. NMO also has a strong track record for the responsible application of civil sanctions in the context of the Energy Information Regulations.

The arguments in favour of the inclusion of civil sanctions are developed compellingly in the impact assessment presented by Defra in support of the enforcement regime adopted for the Energy Information Regulations 2011. We consider that the same logic is directly applicable to the enforcement of the Tyre Labelling Regulations. Furthermore, we believe that the costs of establishing a civil sanctions regime for the Tyre Labelling Regulations should be minimal since the regime created for the Energy Information Regulations could be applied with only minor adaptation.

The consultation document speculates that a low level of non-compliance can be expected in relation to the Tyre Labelling Regulations. Recent reports from the National Measurement Office indicate quite the contrary. These findings are supported by Industry and independent research: delivery falls well short of the declared policy objective of informing consumer choice.

Here too there are strong parallels with the domestic appliance story: initial Government estimates of non-compliance were considerably under-stated. Research by Defra in 2009 subsequently pointed to non-compliance of 15% or above. In addition to revised regulation and improved enforcement powers, a major pan-European project, delivered in the UK by the Energy Saving Trust, has recently been launched to address these failings. Finally, the European Commission has launched a review to evaluate the effectiveness of the underlying Directive 2010/30 on energy labelling. The initial report published in January highlights the gap between potential and delivered energy savings.

In this context what logic can there be in retracing the steps of the domestic appliance labelling regulations? Must we, as then, wait 20 years to acknowledge that non-compliance is higher than Government initially expected and that criminal sanctions alone are ineffectual?

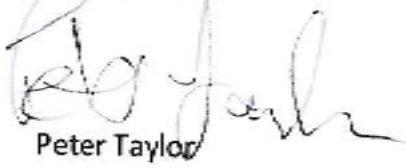
The Tyre Labelling Regulations have the potential to deliver reductions in CO2 emissions comparable with those targeted for the domestic appliance regulations. The UK is committed to the EU package of climate and energy targets but is behind plan on improving energy efficiency. The recent progress report from the European Environmental Agency records with regard to the UK "Some progress is made in reducing energy consumption but further improvements are necessary to further develop policies or to better implement the existing ones." Here too, the benefits of adopting "best practice" in the enforcement of the Tyre Labelling Regulations would appear to be self-evident.

Finally, we wish to highlight that the tyre labelling information is not limited to environmental considerations. The consultation makes scant reference to the road safety contribution derived from improved wet grip, the third parameter on the label. Tyres are a safety-critical element of every road vehicle. Although difficult to monetise, any reduction to the 25,000 currently killed or seriously injured every year on the roads must be considered to be a positive benefit. In this respect the case for enforcement powers at least as effective as those adopted for domestic appliances is compelling. Where is the consistency of Government approach if the enforcement powers relating to the labelling of domestic appliances are more comprehensive than those applied to the labelling of tyres? How many lives or limbs have been lost due to the misinformed purchase of a refrigerator?

The tyre industry believes that the Government's proposal based on criminal sanctions alone cannot be considered to be proportionate or dissuasive as required by the Tyre Labelling Regulation and the Macrory principles. Without the additional flexibility offered by civil sanctions the enforcement of the Tyre Labelling Regulation will result in undue burden on smaller operators and ineffectual action against the largest. Government's proposal does not minimise the burden on Industry or Government when compared with alternative approaches. Furthermore, by omitting civil sanctions Government fails to reap the benefit identified by Defra of securing the targeted outcomes of the Regulation.

The tyre industry is united in its support of enforcement powers incorporating both criminal and civil sanctions based on the model contained in the Energy Information Regulations 2011.

Yours sincerely



Peter Taylor
Director

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Director: Peter Taylor OBE
ptaylor@itmaeurope.com
www.itma-europe.com

Company Limited by Guarantee Registered in England: 1824999ed Office: Peershaws, Berewyk Hal' Court, White Colne, Colchester CO6 2QB

Annex L – British Tyre Manufacturers Association response

British Tyre Manufacturers' Association Ltd.



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Berewyk Hall Court
White Colne
Colchester, CO6 2QB
Telephone: 01787 226995
Fax: 0845 3016853
E-mail: mail@btmauk.com
Website: www.btmauk.com

Phil Bailey
1/32 Great Minster House
Department for Transport
33 Horseferry Road
London
SW1P 4DR

9th May 2014

Dear Phil,

Consultation on enforcement powers for the Tyre Labelling Regulation

BTMA members are committed to the objectives of the Tyre Labelling Regulations. Tyre manufacturers have invested over £100 million in product testing in order to provide the information required by the Regulations. We are concerned to see this investment bear fruit in changed consumer behaviour leading to safer roads and reduced environmental impact.

However, it is insufficient to display information on labels and websites that remain unseen by the majority of customers. The information needs to be brought to the consumer's attention at the point of sale. Effective enforcement throughout the supply chain is indispensable if the Tyre Labelling Regulations are to deliver their intended outcome *"...to influence purchasing decisions by end-users in favour of safer, quieter and more fuel-efficient tyres."*

We are writing in support of the position set out by the Tyre Industry Federation, attached. The proposal for enforcement powers based on the application of only criminal sanctions does not meet Government's own Macrory principles. Enforcement powers combining civil and criminal powers, analogous to those adopted for the labelling of domestic appliances, will be more effective, more proportionate and more dissuasive than the Government's proposal. At the same time they will be less onerous for both Industry and Government.

Yours sincerely,

Erich Fric,
Chairman.