

Technical requirements for and type-approval of studded tyres for vehicles (TRAFICOM/383441/03.04.03.00/2022)

Background to and legal basis of the Regulation

On 10 February 2021, the Finnish Transport and Communications Agency issued the Regulation on technical requirements for and type-approval of studded tyres for vehicles (TRAFICOM/220809/03.04.03.00/2019). The Regulation entered into force on 1 July 2021. The Regulation replaced the previous Decree of the Ministry of Transport and Communications on tyre studs for vehicles (408/2003), which was repealed by Decree 173/2021 of 1 July 2021 in connection with the enactment of the new Vehicles Act (82/2021).

The Vehicles Act (82/2021) contains powers to issue further provisions on the requirements for studs and studded tyres permitted for use on the road (section 16, subsection 7), on the marking of national type-approval of a tyre-stud combination and the placement of this marking (section 44, subsection 5), on the technical data to be provided for the application for type-approval of a stud or tyre-stud combination (section 48, subsection 5), on the demonstration of conformity and on the content of the reports to be presented to demonstrate conformity (section 49, subsection 3), and on adequate conformity arrangements and minor exemptions in national type approvals from the procedures laid down in the Framework Regulation on motor vehicles and their trailers (section 66, subsection 8).

Other relevant provisions and regulations

In addition to this Regulation, further provisions on the general control of the conformity of production are laid down in the Finnish Transport and Communications Agency's Regulation on the conformity of production control procedures of vehicles, systems, components, separate technical units, parts and equipment (TRAFICOM/425095/03.04.03.00/2022).

Objective of the Regulation

The objective of the Regulation is to update the current regulation in accordance with the amendments to Standard SFS-7503:2018 (Road wear test of studded tyres).

As regards the main test method for road wear in the Regulation, the Regulation refers to standard SFS 7503:2018, a new version of which was published on 13 December 2022. In future, the test tyre inflation pressure defined in the standard would not depend on the load capacity of the tyre (LI class). Other minor editorial amendments to the standard are also due to be introduced.

The general provisions on the conformity of production control would be deleted. In the future, the general provisions on the conformity of production control would be included in the Finnish Transport and Communications Agency's Regulation on the conformity of production control procedures of vehicles, systems, components, separate technical units, parts and equipment (TRAFICOM/46660/03.04.03.00/2020) (TRAFICOM/46660/03.04.03.00/2020). A drafting project to amend the Regulation has commenced (TRAFICOM/425095/03.04.03.00/2022).

Drafting of the Regulation

The draft Regulation has been prepared by the Finnish Transport and Communications Agency. The Finnish Transport and Communications Agency has presented the Regulation to stakeholders during the drafting project.

Notification of the commencement of the drafting project to amend the Regulation was posted on the Finnish Transport and Communications Agency's website and also

sent by email to subscribers to the mailing list for drafting of new road transport regulations.

Stakeholders have been invited to submit comments in writing on the draft Regulation between 2 June and 2 August 2023.

The request for comments has been published on the Finnish Transport and Communications Agency's website. In addition, the request for comments has been sent by email to subscribers to the mailing list for drafting of new road transport regulations. The final Regulation will be published on the Finnish Transport and Communications Agency's website and on Finlex. Information on the Regulation will be posted on the Finnish Transport and Communications Agency's website and sent separately to stakeholders.

The draft Regulation has been notified in accordance with the notification procedure for technical regulations (Directive (EU) 2015/1535 of the European Parliament and of the Council).

Feedback from consultation

Amendments and assessment of the impact of the Regulation

The amendment of the Regulation will have no significant economic impacts nor will have it any impact on accessibility. The Regulation supplements the provisions of primary legislation and supports application of the Act on a practical level.

The purpose of the Regulation is to curb road wear caused by studs. In particular, the need for regulation is related to the continually increasing total performance of road traffic and the increasing concentration of traffic on the road network in southern Finland. The aim of the Regulation is also to contribute to reducing particulate emissions from the use of studded tyres for cars and vans, in particular.

In addition, the aim is to update the regulations of the Finnish Transport and Communications Agency so that, in future, general provisions on the conformity of production control would be included in the Regulation on the conformity of production control procedures. The aim is to transfer the general provisions on the conformity of production control to the Regulation on the conformity of production control procedures (TRAFICOM/425095/03.04.03.00/2022). The purpose of the Regulation is therefore not only to ensure that regulation is up to date, but also to clarify the legal situation and to harmonise the requirements for the conformity of production control in respect of the various types of products to be type-approved and their manufacturers.

Detailed rationale

The scope of the Regulation would be clarified with regard to the conformity of production control procedures, so that the products covered by the scope of this Regulation would in future also fall within the scope of the Agency's other Regulation. The aim is to clarify the relationship between the provisions. In principle, further provisions on the conformity of production control procedures are laid down in the Finnish Transport and Communications Agency's Regulation TRAFICOM/425095/03.04.03.00/2022. However, this Regulation issues further provisions concerning tyre-stud combinations which must be followed in addition to the general Regulation on the conformity of production control procedures. In the case of any deviating provisions, this Regulation takes precedent. For example, the Regulation will continue to clarify the requirement, laid down in separate provisions, for tests related to the conformity of production control set out in section 3.2.7 of the Regulation on the conformity of production control.

The definition of road wear in accordance with section 2, point 3 would be updated in accordance with the updated Standard SFS 7503:2022 (Road wear test of studded tyres). In addition, the revised standard would be updated in section 4.1 and Annex 1 of the Standard.

Clarifying provisions on limit values for the protrusion of studs of tyre-stud combinations would be added to section 4.1 of the Regulation and these would be applied to the type-approval and placing on the market of tyres. The limit values correspond to the limit values which are applicable in type-approval testing. The aim is to clarify the scope of the requirements concerning the protrusion of studs and to reduce the scope for interpretation of the regulation.

Sections 4.3 and 5.5 of the Regulation would be amended to reflect more clearly the purpose of the regulation. Ensuring conformity of production over the life cycle of a product is a critical element of type-approval. Ensuring conformity of production applies equally to the type-approval of studs and tyre-stud combinations. Similarly, the transitional provision in section 7 would be corrected to reflect more clearly the subject-matter and purpose of the provision.

Regulation TRAFICOM/220809/03.04.03.00/2019 on technical requirements for and type-approval of studded tyres of vehicles replaced the Decree of the Ministry of Transport and Communications on vehicle tyre studs (408/2003). In connection with the transfer of provisions, clarifying provisions concerning the conformity of production control were added to the Regulation. In this regard, sections 4.3 and 5.5 of the current Regulation refer to the requirements of the Framework Regulation on motor vehicles and their trailers, which have been clarified in Annex 2 to the Regulation. According to the explanatory memorandum, reports on the conformity control procedures are required to be submitted to the type approval authority if type-approval is applied for in respect of a new type of tyre-stud combination or new type of stud on or after 1 January 2025.

In accordance with the Regulation, as of 1 January 2025, the provisions of Framework Regulation (EU) 2018/858 and its Annex IV on ensuring the conformity of production would apply to applications for type-approval of a new type. In addition, Annex 2 to the Regulation contained certain clarifying provisions, which were also subject to a transitional period from 1 January 2025. In practice, this means that, in the case of clarifying provisions other than those set out in Annex 2, the existing regulation shall be complied with as such before the start of the transitional period.

In accordance with section 66, subsection 6 of the Vehicles Act (82/2021), in respect of EU type-approval, the provisions of the Framework Regulation on motor vehicles and their trailers are applied to control of the conformity of production. Similarly, in accordance with section 66, subsection 7, since the transitional period has not yet begun and no other provisions have been laid down regarding this matter, the provisions on procedures laid down in the Framework Regulation on motor vehicles and their trailers also apply to national type-approval and national type-approval of small series. At present, different provisions are laid down in Annex 2 in respect of control measurements of stud protrusion. Those clarifying provisions laid down in Annex 2, in respect of which the transitional period will not be amended, are relevant to the transitional provision of the Regulation in force. In other respects, the scope of the transitional provision will be specified more precisely as referred to above.

It should also be noted that, in accordance with section 66, subsection 3 of the Vehicles Act, the Finnish Transport and Communications Agency must verify the existence of adequate procedures for ensuring effective control of the conformity of production before granting type-approval. This requires the authority to impose, even at the present time, uniform conditions enabling it to verify, as required by law, that the procedures are sufficient to ensure effective control of the conformity of production. The Finnish Transport and Communications Agency has issued a separate regulation on the conformity of production control procedures in an effort to improve the clarity and equality of regulation. Instead of imposing equivalent adequate conditions sepa-

rately also for approvals applied for before 1 January 2025, it is justified to bring forward the applicability of that regulation to type-approvals of new types of tyre-stud combinations or studs applied for on or after the date of entry into force of this Regulation. However, any derogating or supplementing provisions issued under this Regulation would continue to take precedence and the provisions on control measurements of the protrusion of studs would continue to apply in accordance with the transitional provision from 1 January 2025.

As regards the method for performing the initial assessment, Annex 2 also provides for the possibility of carrying out the initial assessment on the basis of an assessment of the manufacturer's quality system documentation, instead of by means of a local inspection. The wording of the Regulation will be clarified to take more clearly into consideration the content concerning the party applying the provision, so that in future the Regulation will state that the manufacturer may demonstrate compliance with the conditions of the initial assessment on the basis of a written report or other appropriate statement, if there is justified reason to do so. For example, expediency considerations related to geographical location or other factors affecting the prompt resolution of the matter in a situation where the resolution of the matter is not considered to require a physical visit to the site of production could be considered to be justified reasons. In addition to a written report, the use of audiovisual material or remote auditing could be considered on a case-by-case basis. Due to the repeal of Annex 2, the provision will be transferred in substance to sections 4.3 and 5.5. Section 4 of the Regulation lays down requirements for tyre-stud combinations and section 5 lays down requirements for studs.

An informative reference to section 51, subsection 1 of the Vehicles Act is added to section 5.4 of the Regulation. The provision in the Vehicles Act lays down an obligation for the holder of a type-approval to notify the authority of any changes to a type-approved vehicle, system, component, separate technical unit, part or equipment.

Section 6 of the Regulation concerns the application for type-approval of a stud or tyre-stud combination. As a rule, the application for type-approval must include the name and address of the tyre manufacturer and corresponding details for the stud manufacturer, the name and address of the manufacturer's representative and the brand and commercial names of the product to be type-approved. This section would be supplemented by adding new requirements as information to be provided in the application. In the future, the application should include a notification form in accordance with the template in Annex 4 (the Annex would be new). In addition, a type-approval certificate according to UN Regulations 30 or 54 is required for tested tyre sizes. In practice, this is also a current requirement, so the requirement should also be added to the list included in the Regulation. Another new requirement is that the application should include a drawing of the tyre tread pattern.

The provisions concerning control measurements of stud protrusion will be moved from sections 2.3.5 and 2.3.6 of Annex 2 to section 4.3 of the Regulation. The content or wording of the provisions will not be changed.

Annex 2 to the Regulation would be repealed as unnecessary. Provision 1.1 on the method for carrying out the initial assessment would be moved as described above to sections 4.3. and 5.5. of the Regulation, and its wording would be amended. Sections 2.1 and 2.3.1 to 2.3.4 of Annex 2 include informative references to the provisions of the Framework Regulation on motor vehicles and their trailers, which, as also described above, will be applicable in accordance with the provisions of the Vehicles Act. In accordance with sections 4.3 and 5.5 of the Regulation, it has already been laid down that, even after the transitional period, new types would be subject to the provisions of the Framework Regulation on motor vehicles and their trailers. The provisions are informative in terms of content and, due to technical transfers made to the Regulation, are no longer needed. Moreover, other necessary provisions are, in substance, partly included in the scope of the general regulation on the conformity of production control (TRAFICOM/425095/03.04.03.00/2022), which reduces the need for the authority to place an obligation separately on each manufacturer to provide cor-

responding matters. Section 2.2 of Annex 2 concerns activities of public authorities which the authority in question is not required to provide for.

As amendments related to the technicalities of drafting, Annex 3 is moved to a new Annex 2 and Annex 4 to a new Annex 3. Annex 2 will in future lay down requirements for a sticker to be affixed to tyres, which in addition to the reference to the Regulation will include the identifier relating to the type-approval granted. The sticker, which must be at least 35 cm², is intended to provide consumers with easily identifiable information on the type-approval of a product. More detailed information on the approval would be available on the website of the Finnish Transport and Communications Agency. In addition, the information on the type-approval identifier helps to identify the type-approval in question in connection with market surveillance. Annex 3, on the other hand, will in future contain provisions on the reporting model to be used by test laboratories, according to which the detailed results of road wear measurements are required to be reported when applying for type-approval. The end of the report template contains a checklist concerning the preparation of the test report and any other required reports, to support the application for type-approval.

In the table 'Measured stud protrusions of new test tyre studs [mm] and variation in protrusion compared to the target protrusion' to Annex 3, the wording concerning the variation in protrusion is clarified due to ambiguities of interpretation that have occurred. The wording is clarified by changing the term 'average' and referring instead to each of the two tyres.

A new Annex 4 is added to the Regulation, providing a model of the notification form.

Entry into force of the Regulation

The Regulation is due to enter into force in 2023.

Monitoring

The effects of the Regulation will be assessed as part of official activities.