

Definition of category A2 – "not derived from a vehicle of more than double its power"

Issue: Definition of category A2 – "not derived from a vehicle of more than double its power"

Article 4(3) b defines the category A2 as a motorcycle of a power not exceeding 35 kW and with a power/weight ratio not exceeding 0,2 kW/kg and not derived from a vehicle of more than double its power.

The requirement that the motorcycle is "not derived from a vehicle of more than double its power" is not inherently clear, and thus there is a question of how this should be understood.

Applicable legal provision: Article 4(3)(b) of Directive 2006/126/EC

Approach to be followed:

This provision is related to the fact that very often, and in accordance with the system of type approval, the power of a motorcycle in this category is artificially restricted to adapt to the market and the licencing requirements. Recognising the imperfections of the mechanisms restricting the power, the related safety concerns, and to ensure that an A2 motorcycle has characteristics consistent with the restricted power, this restriction has been introduced.¹

Since a motorcycle of category A2 may never have a power of more than 35 kW, it is clear that that a motorcycle of category A2 may never be derived from a motorcycle of more than 70 kW.

However, questions have been raised if this provision imposes restrictions beyond this, e.g. by referring to the power of the individual motorcycle when this is lower than 35 kW (e.g. that a 30 kW motorcycle could not be derived from a 65 kW motorcycle). This would result in a situation where a motorcycle could be legal, but only if the power is increased (in the example above if the power is increased to 33 kW). This reasoning would apply to any combination of powers until the limit of 35 kW derived from a 70 kW motorcycle is reached. This would not be in accordance with the road safety objective of the provision.

Thus the requirement that an A2 to motorcycle is "not derived from a vehicle of more than double its power" should be read in a way that the motorcycle is not derived from a vehicle with a power above 70 kW.

¹ See e.g. point 43-48 of COM(2003) 621 final of 21 October 2003.

This means that the holder of a category A2 licence may drive any motorcycle as long as the power does not exceed 35 kW, it is not derived from a motorcycle of more than 70 kW and the power/weight ratio does not exceed 0,2 kW/kg.