



26.2.2024

NOTICE TO MEMBERS

Subject: Petition No 0982/2023 by Mateusz Nesterok (Polish) on regulating the electric scooter market in the EU

1. Summary of petition

In August 2023, the petitioner rented an electric scooter from an international company operating in Poland using a mobile application. The scooter's brake stopped working and it accelerated and then suddenly stopped despite good weather conditions, a straight road and the scooter being used correctly. As a result, the petitioner suffered a serious accident, had to undergo serious surgery and faces treatment, rehabilitation and convalescence. The petitioner is convinced that the accident was the result of the poor technical condition of the electric scooter as well as programming errors. According to the petitioner, there are differences in the way the operating system works and in the way the company renting the scooters reacts, depending on whether the journey was paid for immediately upon completion or whether it was part of a carnet purchased in advance. The feedback provided by the user after a journey paid for immediately upon completion usually results in the scooter in question being withdrawn from hire until it is picked up by people acting on behalf of the company that owns the scooters. However, if you report a fault after a prepaid ride bought using a carnet the possibility of the scooter being hired again is not blocked and it can be used by other people.

The petitioner is calling on the European Commission and the European Parliament to take action to ensure the safety of users of electric scooters hired from external companies, by obliging them to treat any likely fault with an electric scooter as a notification of a malfunction, and thus to block it in the application and refer it to an authorised service centre. In addition, he is also demanding that the data of these service centres be made public so that consumers can verify the competence and qualification of a given service centre or its employees to diagnose faults and repair them. According to the petitioner, Member States are focusing on introducing repressive legislation against users of scooters, penalising them for misconduct related to inappropriate road use, while not taking real steps to achieve an

improvement in safety through legislation imposing certain obligations on manufacturers of electric scooters or owners of rental scooters.

He also draws attention to the lack of training and awareness of safety rules by users. He highlights the lack of access to education campaigns and information measures, and the high speed that can be reached by certain types of scooters, which may contribute to an increase in the number of accidents. He refers to statistics confirming the increase in the number of accidents involving these scooters. Most of them do not have any safety system or a way for the user to evacuate in the event of a malfunction. The petitioner believes that this violates, among other things, fundamental rights under the Treaties, including the right to personal security as laid down in Article 6 of the Charter of Fundamental Rights of the European Union and the right to consumer protection as laid down in Article 38 of the Charter of Fundamental Rights of the European Union.

The petitioner is calling on the European Commission and the European Parliament to take action to ensure the safety of users of electric scooters by establishing uniform safety procedures for the placing of a particular model of electric scooter on the EU market, as well as detailed rules on the conditions to be met and the tests a vehicle must undergo in order to be used on public roads, and suggests that such vehicles be registered and that periodic tests of roadworthiness and software be required.

2. Admissibility

Declared admissible on 12 January 2024. Information requested from Commission under Rule 227(6).

3. Commission reply, received on 26 February 2024

Based on Article 6 (right to personal security) and 38 (right to consumer protection) of the Charter of Fundamental Rights of the European Union, the petitioner is calling on the European Commission and the European Parliament to take action to ensure the safety of users of electric scooters hired from external companies (including Lime, Bolt, Dott and others) by obliging them to treat any probable fault with an electric scooter as a notification of a malfunction, and thus to block it in the application and refer it to an authorised service centre.

The Commission's observations

The safety of users of electric scooters (e-scooters) is the result of a combination of different factors, namely the robustness of safety-related technical specifications that are embedded in the device, the way the device is driven by the user, and the maintenance and management of operations by the operator (in the case of rented e-scooters) to make sure the device rented to consumers is safe for use.

Different rules already exist – at both EU and national level – and provide the framework to ensure the safety of users of e-scooters.

- a) Regulation 2023/1230/EU defines the mandatory essential health and safety requirements that machinery products – including e-scooters – must fulfil to be placed on the European market, as well as the procedures for assessing their conformity, while the technical details are mainly provided through European harmonised standards elaborated by European standardisation organisations. In this context, some EU Member States have decided to

complement such technical requirements by introducing additional rules (type approval schemes) at national level for the use on public roads. The European Commission has recently commissioned a study with the aim to analyse the impact of this fragmented regulatory framework on safety and the internal market and to explore regulatory options for common technical safety design requirements in the EU. This study is scheduled to be finalised by Q3 of 2024.

- b) Safety risks related to the usage of e-scooters by the driver are dealt with and mitigated in the context of road traffic rules, which are an exclusive competence of the EU Member States. Any possible reinforcement of the legal framework in this context must be sought and evaluated at national level.
- c) Furthermore, safety-risks which are the result of negligence or poor management by the e-scooter rental operator are within the scope of civil liability and damage claim rules that are an exclusive competence of the EU Member States. Specific rules for e-scooter operators may exist on local level.

Conclusion

The EU does not have competence to address the petitioner's request. The issue raised by the petitioner must be examined at the level of national authorities or courts.