

Technical roadside inspection of the roadworthiness of commercial vehicles circulating in the Union. 'Roadworthiness package'

2012/0186(COD) - 13/07/2012 - Legislative proposal

PURPOSE: to support and to enforce roadworthiness testing of motor vehicles and their trailers with a view to enhance road safety and environmental protection ("Roadworthiness Package").

PROPOSED ACT: Regulation of the European Parliament and of the Council.

BACKGROUND: before a vehicle may be put on the market, it has to fulfil all the relevant type or individual approval requirements guaranteeing an optimal level of safety and environmental standards. Following this approval, cars on the road have to be regularly submitted to periodic roadworthiness tests.

The goal of roadworthiness testing is to check the functionality of safety components, the environmental performance and the compliance of a vehicle with its approval.

The proposal aims at contributing to reach the target of a reduction of road fatalities by half until 2020 as laid down in the [Policy Orientations on Road Safety 2011-2020](#). It will also contribute to the reduction of emissions in road transport linked to poor maintenance of vehicles, following the [European Strategy on clean and energy efficient vehicles](#) as well as the [integrated energy and climate change policy](#).

The proposal is part of a **package of measures** which also includes: [a proposal on the amendment of Directive 1999/37/EC](#) on registration documents for vehicles and [a proposal for a regulation](#) on periodic roadworthiness tests for motor vehicles and their trailers and repealing Directive 2009/40/EC.

IMPACT ASSESSMENT : the following options were considered:

- **Option 1:** the 'No policy change' approach where the present EU legal framework would be maintained;
- **Option 2:** the "Soft law approach" would consist in both better implementation and better monitoring of the application of existing legislation;
- **Option 3:** the "Legislative approach" would be based on two components: (a) revising upwards the minimum EU standards for periodic roadworthiness tests (PTI) and unexpected roadside inspections (RSI) and define mandatory standards; (b) in a second phase, the possible establishment of and EU harmonised data exchange system linking the existing databases.

The impact assessment has shown the benefits of a combination of a soft-law approach with a regulatory approach. Therefore, the soft-law measures have been integrated into the legislative texts.

LEGAL BASIS: Article 91 of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: the "Roadworthiness Package" will carry over the existing requirements laid down in the existing legislative framework related to the roadworthiness regime, which covers roadworthiness tests (Directive 2009/40/EC), roadside inspections (Directive 2000/30/EC) and rules on the registration of vehicles (Directive 1999/37/EC).

The main objective of the proposal is to provide for a **risk-rating system** aimed at focusing inspections on vehicles operated by undertakings with poor safety records, thus rewarding vehicles operated by undertakings that are mindful of safety and the environment.

The main points of the proposal are as follows:

Scope: light commercial vehicles and their trailers will be included into the scope of roadside test activities as this group of vehicles does not follow the downward trend in road fatalities.

Roadside inspections: to distribute better the roadside inspections by Member States a percentage of the number of registered commercial vehicles shall be inspected every year. The total percentage will not exceed the number of roadworthiness tests already performed in the Union.

- The selection of vehicles shall be based on the risk profile of the operators and target high risk undertakings to reduce the burden on the operators that maintain their vehicles in a proper way. Company profiling shall be based on the results of previous roadworthiness tests and roadside inspections similar.
- More elaborated roadside inspections shall be performed using testing equipment either by mobile inspection units or at test centres in close vicinity. The securing of cargo should be included in the roadside checks. Deficiencies detected shall be assessed according to harmonised rules related to their risk.

Training and qualifications: the level of knowledge and skills of inspectors performing roadside inspections shall meet at least the level of those conducting roadworthiness tests.

National contact points: cooperation and exchange of information between Member States and with the Commission will be performed more efficiently via designated points of contact in the Member States.

Commission's powers: the Commission shall be empowered to update the annexes to technical progress via delegated acts and to maintain the certificates and reporting forms in close cooperation with Member States via implementing acts including inter alia alternative test procedures based upon modern emission after-treatment systems for checking the in use NOx and particulate emissions conformity which are still under development.

BUDGETARY IMPLICATIONS: the proposal has no implications for the EU budget.