

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

2012/0186(COD) - 02/07/2013 - Text adopted by Parliament, partial vote at 1st reading/single reading

The European Parliament adopted **amendments** to the proposal for a regulation of the European Parliament and of the Council on the technical roadside inspection of the roadworthiness of commercial vehicles circulating in the Union and repealing Directive 2000/30/EC.

The matter was referred back to the committee responsible. The vote was therefore postponed.

Subject matter and scope: Members stipulate that technical roadside inspections shall be carried out **without discrimination** on grounds of the nationality of the driver or of the country of registration or entry into service of the commercial vehicle concerned.

Members suggests including some models of tractors into the scope of this Regulation as they are being frequently used on **public roads for commercial purposes**. This is the case for wheeled tractors of category T5 used mainly on public roads for commercial road haulage purposes, with a maximum design speed exceeding 40 km/h. Moreover, Members consider it appropriate to **test any trailer**, regardless of size or type, when used with M2 and M3, N1, N2 and N3 vehicles.

Technical roadside inspections: the resolution states that periodic testing should be the main tool to ensure roadworthiness. Technical roadside inspections of commercial vehicles should only be **complementary to periodic tests** and should be targeted at vehicles on the road which constitute an immediate risk to road safety.

Date and frequency of testing: Parliament suggests that by increasing the frequency of this vehicle safety inspection, additional tests, depending on vehicle category, do not begin until the second or third year after first registration and unnecessary testing can be avoided.

The total number of **initial roadside inspections** shall correspond to at least 5% of the total number of the following commercial vehicles referred to in the Regulation that are registered in its territory. **At least 5% of commercial vehicles that are not registered in its territory** but operating there shall be proportionally checked.

Roadside inspections risk rating system: a roadside inspections **risk rating system** based on the number and severity of deficiencies found on commercial vehicles during periodic roadworthiness tests and technical roadside inspections shall be introduced at **Union level**. The risk rating system shall be based on a national **electronic register interconnected** throughout the Union and operated by the competent authority in each Member State.

Three years after the entry into force of the [Regulation of the European Parliament and of the Council on periodic roadworthiness tests for motor vehicles and their trailers](#) and repealing Directive 2009/40/EC, roadworthiness certificates and roadside inspection reports shall comply with a standard European Union form. Roadworthiness certificates and roadside inspection reports shall be in a **standard European Union form**.

In order to allow undertakings to improve their risk profile, Members suggest that information on compliance with roadworthiness requirements from voluntary regular vehicle safety inspections by undertakings carried out in line with the following frequencies shall be taken into account when establishing the risk rating of an undertaking. Vehicles of categories N2, N3 and O4 shall be concerned.

The risk rating system shall contain the information on roadworthiness of vehicles referred to in the Regulation **four years** after the entry into force of this Regulation

Responsibilities: amendments state that undertakings that operate vehicles which fall within the scope of this Regulation shall ensure that the vehicles which they operate are in **good roadworthy condition at all times** and that the original or a certified copy of the roadworthiness certificate and a proof of test issued in respect of the most recent roadworthiness test is **kept on board**.

Nature of road inspections: on each initial inspection of a vehicle, the inspector shall carry out a **visual assessment of the technical condition of the vehicle**. A more detailed roadside inspection shall include at least the **following areas**: chassis/frame, wheels and tyres, coupling equipment, noise and exhaust fumes.

Where the roadworthiness certificate corresponding to the most recent roadworthiness test, voluntary regular vehicle safety inspection or a roadside inspection report demonstrates that an inspection of one of the items listed in Annex II has been carried out in the course of the **preceding three months**, the inspector shall not check that item, except where such inspection is justified on the grounds of an obvious deficiency.

Where the inspections are to be carried out in a testing centre, they must be carried as soon as possible out in the **nearest centre**.

Inspection of cargo securing: amendments state that inspectors may subject a vehicle to an inspection of the cargo securing in accordance with existing standards. The outcome of such an inspection shall not be introduced into the risk rating system until the rules on cargo securing are harmonised at Union level. The Commission shall submit to the European Parliament and to the Council a **report on the level of harmonisation in the area of cargo securing** in road transport and the checking thereof at the roadside. The report shall be accompanied, if appropriate, by a legislative proposal.

Roadside inspection: the results of the roadside inspection shall be communicated **electronically** to the registration authority of the vehicle, to the owner of the vehicle and, in the case of vehicles registered in another Member State, through the use of the **European Register of Road Transport Undertakings (ERRU)**, as provided for in Regulation (EC) No 1071/2009.

Cooperation between Member States: in the event that major or dangerous deficiencies are found, the name of the operator shall be provided to the contact point. **The Member State of registration shall provide information** to the authority performing a technical roadside inspection concerning the risk profile of the undertaking whose vehicle is being inspected. That information shall be provided by electronic means within a reasonable time.

Penalties: Members state that driving an unroadworthy vehicle on public highways should be a punishable act, although the failure to correct problems uncovered at a roadworthiness test should not be.

Delegated acts: Parliament proposes to limit the delegation of powers conferred on the Commission to **five years** (renewable) as opposed to an indeterminate period as proposed by the Commission.