

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

2012/0186(COD) - 11/03/2014 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 646 votes to 25 and 14 abstentions, a legislative resolution on 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.

Parliament adopted its position at first reading under the ordinary legislative procedure. The amendments adopted in plenary were the result of an agreement reached between the European Parliament and the Council.

Subject matter: the amended Directive establishes **minimum requirements** for a regime of technical roadside inspections of the roadworthiness of commercial vehicles circulating within the territory of the Member States **in order to improve road safety and the environment**.

The Directive shall apply to commercial vehicles with a design speed exceeding 25 km/h of the following categories, as defined in Directive 2003/37/EC of the European Parliament and the Council and by Directive 2007/46/EC. It shall also apply to **wheeled tractors of category T5**, the use of which mainly takes place on public roads for commercial road haulage purposes, with a maximum design speed exceeding 40 km/h.

This Directive does not affect **the right of Member States to carry out technical roadside inspections on vehicles not covered by this Directive**, such as light commercial vehicles of category N 1 having a maximum mass not exceeding 3.5 tonnes, and to check other aspects of road transport and safety, or to carry out inspections in places other than public roads.

Roadside inspection system: the technical roadside inspection system shall include **initial technical roadside inspections and more detailed technical roadside inspections**. The total number of initial technical roadside inspections in the Union shall, in every calendar year, correspond to at least 5% of the total number of these vehicles that are registered in the Member States.

Each Member State shall make efforts to carry out **an appropriate number of initial technical roadside inspections**, proportionate to the total number of such vehicles that are registered in its territory.

Risk rating system: to facilitate roadside checks, the Member States shall be required to target companies whose commercial vehicles have poor results in terms of safety and to reduce the administrative burden of those which show good results.

Responsibilities: the roadworthiness certificate corresponding to the most recent periodic roadworthiness test, or a copy thereof or, in the case of an electronically produced roadworthiness certificate, a certified or original printout of that certificate, and the report of the most recent technical roadside inspection, **should be kept on board the vehicle** when they are available.

The company operating a vehicle and the driver of a vehicle subject to a technical roadside inspection must **cooperate with the inspectors** and provide access to the vehicle, its parts and all relevant documentation for the purposes of the inspection.

The holder of the registration certificate and, where applicable, the operator of the vehicle should be responsible for keeping the vehicle in a roadworthy condition.

Inspectors: when carrying out a technical roadside inspection, the inspector shall be **free from any conflict of interest** that could have any influence on the impartiality and objectivity of his decision. The reward of inspectors shall not be directly related to the results of initial or more detailed technical roadside inspections.

Inspection of cargo securing: securing of cargo is crucial for road safety. This is why during a roadside inspection a vehicle may be subject to an inspection of its cargo securing in order to ensure that the cargo is secured in such a way that it does not interfere with safe driving, or pose a threat to life, health, property or the environment. Cargo should therefore be secured in such a way as to cope with accelerations occurring during the use of the vehicle on road.

Personnel involved in checking whether cargo is adequately secured should be **appropriately trained**.

Follow-up in the case of major or dangerous deficiencies: the amended text states that any major or dangerous deficiency revealed by an initial or more detailed inspection is to be **rectified before the vehicle is further used on public roads**. Where major or dangerous deficiencies are found in a vehicle registered outside the Union, Member States may decide to inform the competent authority of the country.

In the case of any deficiencies which require prompt or immediate rectification due to any direct and immediate risk to road safety, the use of the vehicle in question may be **restricted or prohibited until those deficiencies have been rectified**.

In the case of deficiencies that do not require immediate rectification, the competent authority concerned may decide on the conditions and a reasonable timespan under which the vehicle may be used before the deficiencies are rectified.

Inspection fees: where deficiencies have been found following a more detailed inspection, Member States may require the payment of a reasonable and proportionate fee that should be linked to the cost of carrying out that inspection.

Cooperation and exchange of information: each Member State shall designate a contact point which shall ensure coordination with contact points designated by other Member States.

Furthermore on a yearly basis, Member States shall regularly undertake concerted roadside inspection activities.

Reporting: no later than eight years after the entry into force of the directive, the Commission shall submit to the European Parliament and to the Council a report on the application and effects of this Directive, in particular as regards the effectiveness and harmonisation of risk rating systems. That report shall be accompanied by a detailed impact assessment made available to the European Parliament and to the Council at least six months prior to the submission of any legislative proposal, if appropriate, to include new categories of vehicles within the scope of this Directive.

Transposition: the Member States shall have three years to transpose the directive and four years to implement its provisions.