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

2012/0186(COD) - 03/04/2014 - Final act

PURPOSE: to improve road safety by laying down minimum common requirements and harmonised rules concerning the technical roadside inspection of vehicles within the Union (‘technical roadside inspection’ package).

LEGISLATIVE ACT: Directive 2014/47/EU 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.

CONTENT: in order to improve road safety and to reduce the environmental impact, the Directive establishes **minimum requirements for a regime of technical roadside inspection of the roadworthiness of commercial vehicles** circulating in the territory of Member States. It is part of a package of measures on roadworthiness tests which include: i) a Directive on periodic roadworthiness tests for motor vehicles and their trailers; and ii) a Directive on registration documents for vehicles.

Scope: the Directive applies to commercial vehicles such as buses, trucks and their trailers of at least 3.5 tons, as well as tractors used for commercial road haulage purposes and with a maximum speed of over 40 km/h (**catégories M2, M3, N2, N3, O3, O4, T5**).

Member States will be free to carry out technical roadside inspections on vehicles not covered by this Directive, such as **light commercial vehicles** (of less than 3.5 tons -category N1) and to check other aspects of road transport and safety, or to carry out inspections in places other than public roads.

Technical roadside inspections: technical roadside inspections should consist of **initial** and, where necessary, **more detailed inspections**, covering parts that are considered necessary, in particular, the safety of the brakes, tyres, wheels, and chassis, as well as nuisances.

In every calendar year, **at least 5% of the total number of vehicles that are registered in the European Union**, shall be subject to initial technical roadside inspections.

In order to ensure a fair distribution of costs between Member States, these last should 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 will be required to use risk rating systems allowing inspectors to **identify undertakings with a high-risk profile**, so that they might be checked more closely and more often, if necessary. The Directive lists the criteria that Member States may apply to assign risk profiles to businesses. The provisions relating to the risk rating system shall apply **from 20 May, 2019**.

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.

In addition, the Directive provides that the undertaking operating a vehicle subject to a technical roadside inspection and its driver **will be required to cooperate with the inspectors** and give them access to the vehicle, its parts and all the documents necessary for the inspection.

The inspectors must refrain from any discrimination on grounds of the nationality of the driver or of the country of registration when selecting a vehicle for a technical roadside inspection and be **free from any conflict of interest** that could have any influence on the impartiality and objectivity of his decision. The **reward** of inspectors must not be directly related to the results of roadside inspections that they carry out.

Cargo securing inspection: 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. Personnel involved in cargo securing checks are to be **appropriately trained** for that purpose.

Follow-up in the case of major or dangerous deficiencies: Member States must provide 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.

In the case of any deficiencies which require prompt or immediate rectification due to any direct and immediate risk to road safety, the Member State or the competent authority concerned shall provide that the use of the vehicle in question **is to be restricted or prohibited** until those deficiencies have been 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, where appropriate, information exchanges and assist the contact points of other Member States. In addition, each year, the Member States shall regularly undertake **concerted roadside inspection activities**.

Report: no later than 20 May 2016, the Commission will report on the implementation and the effects of the Directive. The report shall analyse, in particular, the costs and benefits of the possible inclusion of light commercial vehicles and their trailers (categories N1 and O2) within the scope of this Directive.

ENTRY INTO FORCE: 19.05.2014.

TRANSPOSITION: no later than 20.05.2017. The measures shall apply from 20.05.2018.

DELEGATED ACTS: the Commission may adot delegated acts in order to update the changes to the vehicle categories as well as the Annexes. The power to adopt delegated acts shall be conferred on the Commission for a period of **five years as from 19 May 2014**. The European Parliament or the Council may object to a delegated act within a period of two months from the date of notification (this period can be extended for two months). If the European Parliament or the Council make objections, the delegated act will not enter into force.