

Directive of the European Parliament and of the Council on periodic roadworthiness tests for motor vehicles and their trailers and repealing Directive 2009/40/EC

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national Parliaments,

Having regard to the opinion of the European Economic and Social Committee¹,

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure,²

Whereas:

- (1) In its White Paper of 28 March 2011 'Roadmap to a Single European Transport Area – Towards a competitive and resource efficient transport system'³ the Commission sets out a 'vision zero' objective in which the Union should move close to zero fatalities in road transport by 2050. To reach this objective, vehicle technology is expected to contribute a great deal to the improvement of the safety record of road transport.
- (2) The Commission, in its Communication on 'Towards a European road safety area: policy orientations on road safety for 2011-2020'⁴, proposed to further halve the overall number of road fatalities in the Union by 2020, starting from 2010. With a view to reach this goal, the

¹ OJ C 44, 15.2.2013, p. 128.

² *Position of the European Parliament of ... (not yet published in the Official Journal) and decision of the Council of ...*

³ COM(2011) 144 final.

⁴ COM (2010) 389 final.

Commission defined seven strategic objectives, including actions for safer vehicles, a strategy to reduce the number of injuries and the improvement of the safety of vulnerable road users, in particular motorcyclists.

- (3) Roadworthiness testing is a part of a wider regime ensuring that vehicles are kept in a safe and environmentally acceptable condition during their use. This regime should cover periodic roadworthiness testing of vehicles and technical roadside inspection of vehicles used for commercial road transport activities as well as provisions on a vehicle registration procedure to *allow for the suspension of a vehicle's authorisation to be used in road traffic where it constitutes an immediate risk to road safety. Periodic testing should be the main tool to ensure roadworthiness. Roadside inspections of commercial vehicles should only be complementary to periodic tests.*
- (3a) *Member States should be allowed to set higher test standards than required by this Directive.*
- (3b) *Enforcement of roadworthiness measures may include awareness campaigns focusing on vehicle owners and aimed at developing good practices and habits resulting from basic checks on their vehicle.*

- (4) A number of technical standards and requirements on vehicle safety have been adopted within the Union. It is necessary to ensure, through a regime of periodic roadworthiness tests, that vehicles continue to meet safety standards. This regime should apply to *certain* categories of vehicles as defined in Directive 2007/46/EC of the European Parliament and of the Council⁵, Directive 2003/37/EC of the European Parliament and of the Council⁶ and Directive 2002/24/EC of the European Parliament and of the Council.⁷
- (5) *Vehicles with malfunctioning technical systems have an impact on road safety, and may contribute to road crashes involving injuries or fatalities. This impact could be reduced* if adequate improvements to the roadworthiness testing system were put in place. *Early disclosure of a motor-vehicle roadworthiness deficiency helps to remedy that deficiency and hence prevent accidents.*
- (6) *Vehicles with malfunctioning emission control systems have a greater environmental impact than properly maintained vehicles.* Therefore, a periodic regime of roadworthiness tests would contribute to improve the environment through the reduction of the average vehicle emissions.
- (6a) *Member States should consider appropriate measures to prevent adverse manipulation of, or tampering with, vehicle parts and components that could have a negative bearing on required safety and environmental characteristics of the vehicle, in particular through the roadworthiness periodic test, including effective, proportionate, dissuasive and non-discriminatory penalties.*
- (6aa) *During the last two decades, requirements on vehicle emissions for type-approval have been continuously strengthened. However, air quality has not improved as much as predicted with the tightening of emission standards for vehicles, especially in respect of*

⁵ Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval for motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (OJ L 263, 9. 10. 2007, p. 1).

⁶ Directive 2003/37/EC of the European Parliament and of the Council of 26 May 2003 on type-approval of agricultural or forestry tractors, their trailers and interchangeable towed machinery, together with their systems, components and separate technical units and repealing Directive 74/150/EEC (OJ L 171, 9. 7. 2003, p. 1).

⁷

nitrogen oxides (NOx) and fine particulate matter. Possibilities to improve test cycles to match on-road conditions should be closely examined in order to develop future solutions, including the establishment of test methods for the measurement of NOx levels and of limit values for NOx emissions.

- 6b)** *For vehicles complying with emission class Euro 6/VI, OBD systems are becoming more effective at assessing emissions allowing their use as an equivalent to standard emission testing for the purpose of roadworthiness tests. To provide for the use of OBD at roadworthiness tests for vehicles up to emission class Euro 5/V Member States should be in the position to allow this testing method for such vehicles where the equivalence, taking into account the relevant type-approval legislation, where appropriate, has been independently verified and in accordance with the manufacturer's recommendations and other requirements.*

- (8) ***Wheeled tractors*** with a maximum design speed exceeding 40 km/h are more and more used to replace trucks in local transport activities ***and for commercial road haulage purposes***. Their risk potential is comparable to that of trucks and therefore ***vehicles in this category, which are used mainly on public roads***, should be treated in the same way as trucks regarding roadworthiness testing.
- (9) Vehicles of historic interest are supposed to conserve ***the*** heritage of the époque they have been built and considered to be hardly used on public roads. ***It*** should be left to Member States to ***determine*** the period of periodic roadworthiness testing for such vehicles. It should also be for Member States to regulate roadworthiness testing ***for*** other types of specialised vehicles.
- (9a) Vehicles used exclusively on remote territories of Member States, notably on small islands with less than 5 000 inhabitants or in sparsely populated areas with a population density below five persons per square kilometre, are used under conditions that may require a specific roadworthiness testing regime. Therefore, Member States should be empowered to exempt these vehicles from the application of this Directive.***
- (10) Roadworthiness testing is a sovereign activity and should therefore be done by the Member States or by ***public or private*** entrusted bodies under their supervision. Member States should remain responsible for roadworthiness testing in any cases even if the national system allows for authorisation of private bodies, including those ***which also perform vehicle*** repairs.
- (10a) Testing during the lifecycle of a vehicle should be relatively simple, quick and inexpensive, while at the same time effective in achieving the objectives of this Directive.***
- (10b) When authorising testing centres on their territory, Member States should take into account that Directive 2006/123/EC on services in the internal market excludes from its scope services of general interest in the field of transport.***
- (10c) Member States should be empowered to designate testing centres not located in their territory to perform roadworthiness tests for vehicles registered in their territory, if these testing centres have already been authorised to perform tests for vehicles by the Member State in which they are located.***

- (10d) *With a view to better applying the free movement principle within the Union, for the purpose of re-registration of a vehicle, Member States should recognise roadworthiness certificates issued by other Member States. This does not affect the right of a Member State to verify the roadworthiness certificate and the vehicle identification during re-registration and to ask for a new roadworthiness test under the conditions set out in this Directive.*
- (11) For the inspection of vehicles and especially for their electronic safety components it is crucial to have access to the technical specifications of each single vehicle. Therefore vehicle manufacturers should provide data necessary for verification of the functionality of safety and environmental related components. The provisions related to access to repair and maintenance information should be applied similarly for this purpose, allowing inspection centres to have access to those information-elements necessary for roadworthiness testing. *The data should include the details that allow the functionality of the vehicle safety systems to be monitored in a way that allows them to be tested in a periodic technical inspection environment.* This is of crucial importance especially in the field of electronic controlled systems and should cover all elements that have been installed by the manufacturer.
- (12) To achieve a high quality of testing throughout the Union, test equipment to be used during testing, its maintenance and calibration should be *verified with reference to specifications provided by the Member States or by manufacturers.*
- (12a) *Alternative equipment reflecting technological progress and innovation may be used provided that an equivalent high quality level of testing is ensured.*
- (13) Inspectors, when performing roadworthiness tests, should act independently and *their judgement should not be affected by conflicts of interest, including those of an economic or personal nature. Reward of inspectors should not thus be directly related to the results of roadworthiness tests. Member State may prescribe requirements regarding the separation of activities or authorise a private body to perform both roadworthiness tests and vehicle repairs, even on the same vehicle in cases where the supervising body has established to its satisfaction that a high level of objectivity is maintained.*

- (13a) *Testing centres should ensure the objectivity and the high quality of the vehicle testing. Therefore, to meet minimum requirements in terms of quality management, testing centres should comply with the requirements of the authorising Member State.*
- (14) Results of a *roadworthiness* test should not be altered for commercial purposes. Only, if the findings of the roadworthiness test performed by an inspector are manifestly incorrect, the supervising body should be able to modify the results of a roadworthiness test.
- (15) High standards of roadworthiness testing require *that testing personnel have* a high level of skills and competences. A training system including an initial training and periodic refresher trainings *or appropriate examination* should be introduced. A transitional period should be defined to allow for a smooth transition of existing testing personnel into the periodic training *or examination* regime. *To ensure high standards of training, competence and testing, Member States should be allowed to lay down additional competence and corresponding training requirements.*
- (16) With a view to ensure that *a* high quality of testing is kept over time, Member States should **■** set up a quality assurance system that covers the processes of authorisation, supervision and withdrawal, suspension or cancellation of the authorisation to perform roadworthiness tests.

- (16a) *Accreditation of testing centres under Regulation (EC) No 765/2008 on the requirements for accreditation and market surveillance relating to the marketing of products should not constitute an obligation for the Member States.*
- (17a) *It is important for road safety and for its impact on society that vehicles used on roads are in a proper technical condition. Therefore Member States should not be prevented from allowing, on a voluntary basis, additional roadworthiness tests.*
- (18) To allow for some flexibility for vehicle owners and operators, Member States should have the possibility to define a period of several weeks in which the periodic roadworthiness test would have to be performed.
- (19) Roadworthiness tests should cover all items relevant to the specific design, construction and equipment of the tested vehicle. *Compatibility between parts and components, such as between wheels and wheel hubs, should be treated as a critical safety item and should be checked during roadworthiness testing.* Within these items and considering the current state of vehicle technology, modern electronic systems should be included in the list of items to be tested. To achieve a harmonisation of roadworthiness testing, recommended testing methods should be provided for each of the test items. *Those items should be updated to take account of evolving research and technical progress on vehicle safety.*

- (20) In order to facilitate harmonisation and to ensure consistency of standards, a non-exhaustive list of the main reasons for failure should be provided for all test items. To achieve consistency in the judgement of the condition of the tested vehicle, detected failures should be assessed to a common standard.
- (20a) ***Vehicles used on public roads are required to be roadworthy when they are used. 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.***
- (21) The holder of the registration ***certificate and, where applicable, the operator*** of a vehicle subject to a roadworthiness test during which deficiencies are found, in particular those which represent a risk to road safety, should rectify such deficiencies without delay. In case of dangerous deficiencies, ***it may be necessary to restrict the use of the vehicle*** until those deficiencies are fully rectified.

- (22) A roadworthiness certificate should be issued after each test, including inter alia information related to the identity of the vehicle and information on the results of the test. ***Results of the roadworthiness test should be made available electronically.*** With a view to ensure a proper follow-up of roadworthiness tests, Member States should collect and keep such information in a database, ***in particular, for the purposes of analysis of the results of the periodic roadworthiness tests.***
- (22a) ***Where the tested vehicle belongs to a vehicle category not subject to registration in the Member State where it has been put into service, that Member States should be allowed to require that the proof of test shall be displayed in a visible manner on the vehicle.***
- (23) Odometer fraud ***should be considered as an offence liable to a penalty because manipulation of an odometer may lead to*** an incorrect evaluation of the roadworthiness condition of a vehicle. ■ The recording of mileage in the roadworthiness certificate ***and inspectors' access to this information should*** facilitate the detection of odometer tampering or manipulation. ***The exchange of information on odometer readings between the competent authorities of Member States should be examined by the Commission.***

- (24) In several Member States a high number of private authorised test centres carry out roadworthiness tests. In order to ensure the efficient exchange of information between Member States, national contact points should be designated ■ .
- (25) Roadworthiness testing is part of a wider regulatory scheme, governing vehicles throughout their lifetime from approval via registrations, inspections until scrapping. ***Sharing of the information contained in national and manufacturers' electronic vehicle databases should in principle contribute to improve the efficiency of the whole vehicle administrative chain and reduce costs and administrative burdens. The Commission should examine the feasibility, costs and benefits of the establishment of an electronic vehicle information platform by taking advantage of existing and already implemented IT solutions with regard to international data exchange so as to minimize costs and to avoid duplications. The examination shall consider the most appropriate way to link the existing national systems with a view to exchange information on data related to roadworthiness testing and odometer readings between the competent authorities of Member States responsible for testing, registration and vehicle approval, the testing centres, test equipment manufacturers and the vehicle manufacturers. The Commission should also examine the feasibility, costs and benefits of collection and storage of information available concerning the main safety related components of vehicles which have been involved in serious accidents as well as the possibility to render, in anonymised form, information on accident history and odometer readings available to inspectors, holder of registration and accident researchers.***

- (25a) *Technical roadworthiness has a direct impact on road safety and should therefore be reviewed periodically. The Commission should report on the effectiveness of the provisions of this Directive, including on the scope, frequency of testing, further enhancement of the roadworthiness system through electronic information exchange, as well as the potential future mutual recognition of roadworthiness certificates.***
- (26) In order to:**
- (a) *update the vehicle category designation in Article 2(1) and Article 5(1) and (2) to take account of the evolution of the Union type-approval legislation;***
 - (b) *update point 3 of Annex II in respect of methods in the event of the availability of more efficient and effective test methods without extending the list of items to be tested;***

(c) adapt point 3 of Annex II, following the positive assessment of costs and benefits, in respect of the list of test items, methods and assessment of deficiencies in case of changes of mandatory requirements relevant for type-approval in Union safety or environmental legislation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

- (27) In order to ensure uniform conditions for the implementation of this *Directive*, implementing powers should be conferred on the Commission. The implementing powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council⁸.
- (27a) ***Implementing acts related to the information to be made accessible by vehicle manufacturers for roadworthiness testing should not be adopted by the Commission where the committee established pursuant to this Directive delivers no opinion on the draft implementing act presented by the Commission.***
- (28) Testing facilities and equipment used in the testing centres should fulfil the requirements set out for carrying out roadworthiness tests. Since this implies important investments and adaptations which may not be carried out immediately, a period of five years should be granted to comply with these requirements. A similar period of five years should be granted for the supervisory bodies to fulfil all the criteria and requirements concerning authorisation and supervision of the testing centres.

⁸ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

- (29) Since the objective of this *Directive*, namely to *improve road safety by laying* down minimum common requirements and harmonised rules concerning the conduct of roadworthiness tests of vehicles within the Union, cannot be sufficiently achieved by the Member States and can therefore be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this *Directive* does not go beyond what is necessary in order to achieve that objective.
- (30) This *Directive* respects fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union as referred to in Article 6 of the Treaty on European Union.

(31) This *Directive* updates the technical requirements of Directive 2009/40/EC of the European Parliament and of the Council⁹ and enlarges its scope in order to include in particular the setting up of testing centres and of their supervisory bodies as well as designating inspectors entrusted with performance of roadworthiness tests. Therefore this Directive should be repealed. In addition, this *Directive* integrates *and updates* the rules contained in the Commission Recommendation 2010/378/EU¹⁰ with the view to better regulate the roadworthiness testing *outcomes*.

HAVE ADOPTED THIS *DIRECTIVE*:

CHAPTER I

SUBJECT MATTER, DEFINITIONS AND SCOPE

Article 1

Subject matter

This *Directive* establishes *minimum requirements for* a regime of periodic roadworthiness tests of vehicles *used on public roads*.

⁹ Directive 2009/40/EC of the European Parliament and of the Council of 6 May 2009 on roadworthiness tests for motor vehicles and their trailers (OJ L 141, 6.6.2009, p. 12).

¹⁰ Commission Recommendation 2010/378/EU of 5 July 2010 on the assessment of defects during roadworthiness testing in accordance with Directive 2009/40/EC (OJ L 173, 8.7.2010, p. 74).

Article 2

Scope

1. This **Directive** shall apply to vehicles with a design speed exceeding 25 km/h of the following categories, as referred to in Directive 2002/24/EC, Directive 2007/46/EC and Directive 2003/37/EC:
 - motor vehicles ***designed and constructed primarily*** for the carriage of ***persons and their luggage comprising*** not more than eight seats in addition to the driver's seat – vehicle category M1,
 - motor vehicles ***designed and constructed primarily*** for the carriage of ***persons and their luggage comprising*** more than eight seats, excluding the driver's seat – vehicle categories M2 and M3,

- motor vehicles *designed and constructed primarily* for the carriage of goods *having* a maximum **█** mass not exceeding *3,5 tonnes* – vehicle category N1,
- motor vehicles *designed and constructed primarily* for the carriage of goods *having* a maximum **█** mass exceeding *3,5 tonnes* – vehicle categories N2 and N3,
- trailers *designed and constructed for the carriage of goods or of persons, as well as for the accomodation of persons, having* a maximum mass exceeding *3,5 tonnes* – vehicle categories O3 and O4,

- *from 1 January 2022 two or three-wheel vehicles - vehicle categories L3e, L4e, L5e and L7e, with an engine-displacement of more than 125cm³,*
- *wheeled tractors of category T5 the use of which mainly takes place on public roads with a maximum design speed exceeding 40 km/h* ■ .

2. *Member States may exempt the following vehicles registered in their territory from the application of this Directive:*

- *vehicles operated or used in exceptional conditions and vehicles which are never, or hardly ever, used on public roads, such as vehicles of historic interest or competition vehicles,*
- *vehicles under diplomatic immunity,*
- *vehicles used by armed forces, forces responsible of law and order, fire services, civil protection, emergency or rescue services,*
- *vehicles used for agricultural, horticultural, forestry, farming or fishery ■ purposes only on the territory of the Member State and mainly on the terrain of such activity, including agricultural roads, forestry roads or agricultural fields,*
- *vehicles used exclusively in small islands or sparsely populated areas,*
- *specialised vehicles transporting circus and funfair equipment with a maximum design speed not exceeding 40 km/h and only operating on the territory of the Member State,*

- *vehicle categories L3e, L4e, L5e and L7e, with an engine-displacement of more than 125cm³, where Member States have put in place effective alternative road safety measures for two or three-wheel vehicles, taking into account in particular relevant road safety statistics of the last five years. Member States shall notify such exemptions to the Commission.*

3. Member States may introduce national requirements concerning roadworthiness tests for vehicles ■ registered in their territory *which are not covered by the scope of this Directive or vehicles listed in paragraph 2.*

Article 3
Definitions

The following definitions shall only apply for the purpose of this Directive:

- (1) ‘vehicle’ means any not rail-borne motor vehicle or its trailer;
- (2) ‘motor vehicle’ means any power-driven vehicle on wheels which is moved by its own means with a maximum design speed exceeding 25 km/h;
- (3) ‘trailer’ means any non-self propelled vehicle on wheels which is designed and constructed to be towed by a motor vehicle;
- (4) ‘semi-trailer’ means any trailer designed to be coupled to a motor vehicle in such a way that part of it rests on the motor vehicle and that a substantial part of its mass and the mass of its load is borne by the motor vehicle;
- (5) ‘two- or three-wheel vehicles’ means any power-driven vehicle on two wheels with or without sidecar, tricycles and quadricycles;
- (6) ‘vehicle registered in a Member State’ means a vehicle which is registered or entered into service in a Member State;
- (7) ‘vehicle of historic interest’ means any vehicle which ***is considered as historical by the Member State of registration or one of its appointed authorising bodies and*** fulfils all the following conditions:
 - It was manufactured ***or registered for the first time*** at least 30 years ago,
 - ***Its specific type, as defined in national or EU law, is no longer in production;***
 - It ***is historically preserved and maintained in its original state and*** has not sustained ***substantial changes*** in the technical characteristics of its main components ■ ;

- (8) holder of a registration certificate' means the **legal or natural** person in whose name the vehicle is registered;
- (9) 'roadworthiness test' means **an inspection in accordance with Annex II to ensure that a vehicle is safe to be used on public roads and complies with required and mandatory safety and environmental characteristics** ;
- (10) "approval" means **a procedure whereby a Member State certifies that a vehicle satisfies the relevant administrative provisions and technical requirements** referred to in **Directive 2003/37/EC**, Directive 2007/46/EC and **Directive 2002/24/EC**;
- (11) 'deficiencies' means technical defects and other non-compliances found during a roadworthiness test;
- (12) "roadworthiness certificate' means **a roadworthiness test report** issued by the competent authority or a testing centre containing the result of the **roadworthiness test**;
- (13) 'inspector' means a person authorised by a Member State **or its competent authority** to carry out roadworthiness tests in a testing centre or, **where appropriate**, on behalf of a competent authority;
- (14) 'competent authority' means an authority or public body **entrusted by the Member State and** responsible for managing the **system of roadworthiness testing**, including, when appropriate, the carrying out of roadworthiness tests;
- (15) 'testing centre' means public or private bodies or establishments authorised by a Member State to carry out roadworthiness tests;

- (16) 'supervising body' means a body *or bodies* set up by a Member State, responsible for the supervision of testing centres. *A supervising body or supervising bodies can be part of the competent authority or competent authorities,*
- (16a) '*small island*' means an island with fewer than 5 000 inhabitants and not linked to the other parts of the territory by road bridges or road tunnels,¹¹
- (16b) '*sparse population area*' means a predefined area with a population density of less than five persons per square kilometre,
- (16c) '*public road*' means a road that is of general public utility such as local, regional or national roads, highways, expressways or motorways.

¹¹ *The concept of "small islands" derives from the Guidelines on National Regional Aid for 2007-2013 (JO C 54, 4.3.2006, p. 13).*

CHAPTER II

GENERAL OBLIGATIONS

Article 4

Responsibilities

1. ***Each Member State shall ensure that vehicles registered in its territory are*** periodically tested in accordance with this ***Directive by testing centres authorised by*** the Member State where ***these vehicles*** are registered.
2. Roadworthiness tests shall be carried out by the **█** Member State ***of registration or by a public body entrusted with the task by that State*** or by ***bodies or establishments designated and supervised by that State, including authorised private bodies.***

3. ***In accordance with the principles laid down by Regulations (EC) N°715/2007 and (EC) N° 595/2009 concerning the access to information, the Commission shall, by means of implementing acts, and before ... ****, adopt:
- i) the technical information on breaking equipment, steering, visibility, lamps, reflectors, electrical equipment, axles, wheels, tyres, suspension, chassis, chassis attachments, other equipment and nuisance necessary for roadworthiness testing of the items to be tested and the use of the recommended test methods, in accordance with Annex II, Point 3 and***
 - ii) the detailed rules concerning the data format and the procedures on access to the relevant technical information.***

* *OJ: please insert the date referred to in the second subparagraph of Article 21a(1).*

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 16(2).

The technical information referred to in item (i) shall be made available free of charge or at a reasonable price by the manufacturers to testing centers and relevant competent authorities, in a non-discriminatory manner.

The Commission shall examine the feasibility of a single point of access for this technical information.

4. *Member states shall ensure that the responsibilities for keeping the vehicle in a safe and roadworthy condition are defined in national law.*

CHAPTER III

MINIMUM REQUIREMENTS CONCERNING ROADWORTHINESS TESTS

Article 5

Date and frequency of testing

1. Vehicles shall be subject to a roadworthiness test ■ at least within the following intervals, *without prejudice to the period of flexibility applied in Member States under paragraph 3*:
 - (a) Vehicles of category M1 *and* N1 ■ : four years after the date on which the vehicle was first registered *and thereafter, every two years*;
 - (b) Vehicles of category M1 *used* as taxis or ambulances, vehicles of categories M2, M3, N2, N3, ■ O3 and O4: one year after the date on which the vehicle was first registered, and thereafter, annually;

(c) *Vehicles of category T5 the use of which mainly takes place on public roads for commercial road haulage purposes: four years after the date on which the vehicle was first registered and thereafter, every two years.*

2. *Member States shall establish appropriate intervals within which vehicles of categories L3e, L4e, L5e and L7e, with an engine-displacement of more than 125cm³, shall be subject to a roadworthiness test.*

3. *The Member State or the competent authority may establish a reasonable period during which the roadworthiness test shall be carried out without exceeding the intervals defined in paragraph 1.*

4. Notwithstanding the date of its last roadworthiness test, *the Member State or the* competent authority may require that a vehicle be subject to a roadworthiness test **█** before the date referred to in paragraphs 1 and 2, in the following cases:

- after an accident ***affecting*** the main safety related components of the vehicle such as wheels, suspension, deformation zones, ***airbag systems***, steering or brakes,
- when the safety and environmental systems and components of the vehicle have been altered or modified,
- ***where*** the holder of the registration certificate of a vehicle ***has changed***;
- ***when the vehicle has reached a mileage of 160 000 km***;
- ***in cases where road safety is seriously affected.***

Article 6

Contents and methods of testing

1. ***For vehicle categories falling within the scope of this Directive, with the exception of categories L3e, L4e, L5e and L7e with an engine-displacement of more than 125cm³, Member States shall ensure that roadworthiness tests cover at least the areas referred to in Annex II, point 2.***
2. For each area referred to in paragraph 1, the competent authorities of the Member State or the testing centre shall carry out a roadworthiness test covering at least the items and using the ***recommended or an equivalent method approved by a competent authority*** applicable to the testing of those items, as set out in Annex II, point 3. ***The test may also include a verification whether the respective parts and components of that vehicle correspond to the required safety and environmental characteristics that were in force at the time of approval or, if applicable, at the time of retrofitting.***
The tests shall be carried out using techniques and equipment currently available without the use of tools to dismantle or remove any part of the vehicle.

3. ***For vehicle categories L3e, L4e, L5e and L7e , with an engine-displacement of more than 125cm³, Member States shall determine the areas, items and appropriate methods of testing.***

Article 7

Assessment of deficiencies

1. For each item to be tested, Annex ***II*** provides a minimum list of possible deficiencies and their level of severity.
2. ***Deficiencies that are found during periodic testings of vehicles shall be categorised*** into one of the following groups:
 - minor deficiencies having no significant effect on the safety of the vehicle ***or impact the environment*** and other minor non-compliances,

- major deficiencies that may prejudice the safety of the vehicle ***or impact the environment*** or put other road users at risk or other more significant non-compliances,
 - dangerous deficiencies that constitute a direct and immediate risk to road safety ***or impact the environment, which justify that a Member State or its competent authorities may prohibit the use of the vehicle on public roads.***
3. A vehicle having deficiencies falling into more than one deficiency group referred to in paragraph 2 shall be classified into the group corresponding to the more serious deficiency. A vehicle showing several deficiencies ***within the same inspection elements as defined in scope of test in Annex II*** may be classified in the next serious deficiency group if ***it can be demonstrated that*** the combined effect of those deficiencies result in a higher risk to road safety.

Article 8

Roadworthiness certificate

1. ***Member States shall ensure that testing*** ■ centres or, if relevant, the competent authorities that ***have*** conducted a roadworthiness test on a vehicle shall issue a roadworthiness certificate ***for*** that vehicle that contains at least the **standardised** elements ***of the corresponding harmonised Union codes as*** laid down in Annex IV.
2. ***Member States shall ensure that*** testing centres or, if relevant, the competent authorities, shall ***make available to*** the person presenting the vehicle to the test ■ the roadworthiness certificate or, in case of electronic established roadworthiness certificate, a ■ certified printout of such certificate.

- 2a. *Without prejudice to Article 5, in case of re-registration of a vehicle originating from another Member State, Member State shall recognise a roadworthiness certificate issued by any other Member State, as if it had itself issued the roadworthiness certificate, provided the certificate is valid within the frequency of the re-registering Member State. In cases of doubt, Member States may verify the roadworthiness certificate before recognising it. Member States shall communicate to the Commission a description of the roadworthiness certificate before the date of application of this Directive. The Commission shall inform the Committee referred to in Article 16. This paragraph shall not apply to vehicle categories L3e, L4e, L5e and L7e.*
- 2b. *Without prejudice to Articles 5(4) and 8(2a), Member States shall recognize, as a matter of principle, the validity of the roadworthiness certificate in the event that the ownership of the vehicle - which has a valid proof of periodic roadworthiness test - changes.*

3. As from the date of *application of this Directive* and at the latest three years afterwards, the testing centres shall communicate electronically, to the competent authority of *the* Member State the information mentioned in roadworthiness certificates which they deliver. This communication shall take place within a reasonable time after the issuance of the roadworthiness certificates. Until this date, the testing centres may communicate this information to the competent authority by any other means. ■ ***Member States shall determine the period during which the competent authority shall keep this information. This period shall not be less than 36 months, without prejudice to the national tax systems of the Member States.***

4. ***Member States shall ensure that, for the purposes of checking the odometer, where normally fitted, the information of the previous roadworthiness test shall be made available to the inspectors as soon as it is available electronically. Manipulating an odometer to reduce or to misrepresent the distance record of a vehicle, where verified, shall be punishable by effective, proportionate, dissuasive and non-discriminatory penalties.***

5. ***Member States shall ensure that the*** results of the roadworthiness test ***are*** notified ***or made available electronically as soon as possible*** to the registration authority of the vehicle. ***That*** notification shall contain the information mentioned in the roadworthiness certificate.

Article 9

Follow-up of deficiencies

1. In the case of minor deficiencies only, the ***test shall be deemed to have been passed***, the deficiencies ***shall be*** rectified, ***and*** the vehicle ***shall not*** ■ be re-tested.

2. In the case of major deficiencies, the *test shall be deemed to have been failed. The Member State or the competent authority shall decide on the timespan* under which such a vehicle may be used before undergoing another roadworthiness test. The latter test shall take place *during a period defined by the Member State or competent authority but not later than 2 months* following the initial test.
3. In the case of dangerous deficiencies, the *test shall be deemed to have been failed. The Member State or the competent authority may decide that such a* vehicle shall not be used on *public* roads and *that the authorisation to be used in road traffic is suspended for a limited period of time, without involving a new process of registration,* until the deficiencies are rectified and a new roadworthiness certificate is issued testifying that the vehicle is in a roadworthy condition.

Article 10

Proof of test

- 1.** The testing centre or, if relevant, the competent authority of the Member State that has carried out a roadworthiness test on a vehicle registered in its territory shall provide a proof, *such as an indication in the vehicle registration document, a sticker, a certificate or any other easily accessible information, for* each vehicle having passed such a test. The proof shall indicate the date *by which* the next roadworthiness test *shall take place*.

Member States shall communicate to the Commission a description of the proof before the date of application of this Directive. The Commission informs the Committee referred to in Article 16.
- 2.** *Where the tested vehicle belongs to a vehicle category not subject to registration in the Member State where it has been put into service, that Member States may require that the proof of test shall be displayed in a visible manner on the vehicle.*
- 3.** *For the purpose of free circulation, each Member State shall recognise the proof provided by a testing centre or competent authority of another Member State in accordance with paragraph 1.*

CHAPTER IV

ADMINISTRATIVE PROVISIONS

Article 11

Testing facilities and equipment

1. ***Member States shall ensure that*** testing facilities and equipment used for carrying out roadworthiness tests shall comply with the minimum technical requirements laid down in Annex V.
2. ***Member States shall ensure that*** the testing centres or, if relevant, the competent authority
■ maintain the testing facilities and equipment in accordance with the specifications provided by the manufacturer ***of the equipment***.
3. ■ Equipment that is used for measurements shall be periodically calibrated ***in line with Annex V and verified*** in accordance with the specifications provided ***by the Member State or*** by the manufacturer ***of the equipment***.

Article 11a (new)

Testing centres

1. *Testing centres, in which inspectors perform roadworthiness tests, shall be authorised by a Member State or its competent authority.*
2. *To meet minimum requirements in terms of quality management, testing centres shall comply with the requirements of the authorising Member State. Testing centres shall ensure the objectivity and the high quality of the vehicle testing.*

Article 12

Inspectors

1. *Member States shall ensure that roadworthiness tests are carried out by inspectors fulfilling the minimum competence and training requirements laid down in Annex VI. Member States may lay down additional competence and corresponding training requirements.*

2. **█** *The competent authorities or, where applicable, approved training centres shall provide* a certificate to inspectors who fulfil the minimum competence and training requirements. This certificate shall include at least the information mentioned in Annex VI, point 3.
3. Inspectors employed *or authorised* by competent authorities of the Member States or a testing centre at the date of application of this *Directive* shall be exempted from the requirements laid down in Annex VI, point 1. **█**
4. When carrying out a roadworthiness test, the inspector shall be free of any conflict of interests *to satisfaction of Member State or competent authority that a high level of impartiality and objectivity is maintained.*
5. The person presenting the vehicle to the test *shall be informed of the deficiencies identified on the vehicle and to be rectified.*

6. The results of a roadworthiness test ■ can only be modified, *where appropriate*, by the supervising body *or according to the procedure set up by the competent authority*, if the findings of the roadworthiness test are manifestly incorrect.

Article 13

■ Supervision of testing centres

-1. *Member States shall ensure that testing centres are supervised.*

1. A supervising body shall perform at least the tasks provided for in Annex VII, point 1, and fulfil the requirements laid down in points 2 and 3 of the same Annex.

Member States shall make publicly available the rules and procedures covering the organisation, tasks and requirements, *including the terms of independency*, applicable to the personnel of a supervising body.

2. Testing centres directly operated by a competent authority shall be exempted from the requirements regarding authorisation and supervision, *in the cases where the supervising body is part of the competent authority.*
- 2a. *The requirements mentioned in paragraphs 1 and 2 may be considered to be fulfilled by Member States which require that testing centers are accredited under Regulation (EC) No 765/2008 on the requirements for accreditation and market surveillance relating to the marketing of products.*

CHAPTER V

COOPERATION AND EXCHANGE OF INFORMATION

Article 14

Administrative cooperation between Member States

1. Member States shall designate a national contact point responsible for the exchange of information with the other Member States and the Commission with regard to the application of this *Directive*.
2. Member States shall forward to the Commission the names and contact details of their national contact point at the latest ...* and inform it without delay about any changes thereof. The Commission shall draw up a list of all contact points and forward it to the Member States.

* OJ: please insert the date one year after the entry into force of this *Directive*.

Article 15

Electronic vehicle information platform

The Commission shall examine the feasibility, costs and benefits of the establishment of an electronic vehicle information platform *by taking advantage of existing and already implemented IT solutions with regard to international data exchange so as to minimize costs and to avoid duplications. The examination shall consider the most appropriate way to link the existing national systems* with a view to exchange information on data related to roadworthiness testing *and odometer readings* between the competent authorities of Member States responsible for testing, registration and vehicle approval, the testing centres, *test equipment manufacturers* and the vehicle manufacturers.

The Commission shall also examine the feasibility, costs and benefits of collection and storage of information available concerning the main safety related components of vehicles which have been involved in serious accidents as well as the possibility to render, in anonymised form, information on accident history and odometer readings available to inspectors, holder of registration and accident researchers.

CHAPTER VI

PROVISIONS ON IMPLEMENTING AND DELEGATED POWERS

Article 16

Roadworthiness Committee

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply. Where the *committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third paragraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.*

Article 17

Delegated acts

The Commission shall be empowered to adopt delegated acts in accordance with Article **18** with a view *to*:

- update ***only the vehicle category designation in*** Article 2(1) and Article 5(1) and (2) as appropriate ***in case of*** changes to the vehicle categories stemming from amendments to the ***type approval*** legislation referred to in Article ***2(1)***, ***without affecting the scope and the frequencies for testing.***
- update ***point 3 of Annex II in respect of methods in the event of the availability of more efficient and effective test methods without extending the list of items to be tested,***
- ***adapt point 3 of Annex II, following the positive assessment of costs and benefits, in respect of the list of test items, methods, reasons for failure and assessment of deficiencies in case of changes of mandatory requirements relevant for type-approval in Union safety or environmental legislation;***

Article 18

Exercise of delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power *to adopt delegated acts* referred to in Article 17 shall be conferred *on the Commission for a period of five years* from ...*. *The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.*
3. The delegation of powers referred to in Article 17 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

* OJ: please insert the date of entry into force of this *Directive*.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
5. A delegated act adopted pursuant to Article 17 shall enter into force only if no objection has been expressed by either the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.

Article 18a

Reporting

- 1. By ...^{*}, the Commission shall submit a report to the European Parliament and the Council on the implementation and effects of this Directive, in particular as regards the level of harmonisation of periodic roadworthiness tests, the effectiveness of the provisions on the scope, the frequency of testing, the mutual recognition of roadworthiness certificates in cases of re-registration of vehicles originating from another Member State and the results of the examination concerning the feasibility of introducing an electronic vehicle information platform, as referred to in Article 15. The report shall also analyse whether there is a need to update the annexes notably in the light of technical progress and practices. The report shall be submitted after the consultation of the committee referred to in Article 16. The report shall be accompanied, if appropriate, by legislative proposals.*

^{*} *OJ: please insert the date six years from the date of publication of this Directive.*

2. *No later than ...^{*}, the Commission shall submit a report on the basis of independent studies to the European Parliament and the Council on the effectiveness of the inclusion of light trailers and two- or three-wheel vehicles in the scope of this Directive. The report shall assess the evolution of the road safety situation in the Union and, for each subcategory of L-vehicles, compare the results of national road safety measures taking into account the average distance travelled by those vehicles. In particular, the Commission shall assess whether the standards and costs of periodic roadworthiness testing of each category of vehicle is proportionate to the road safety objectives set. The report shall be accompanied by a detailed impact assessment analysing the costs and benefits throughout the Union, including the specificities of Member States. The report shall be made available at least 6 months prior to any legislative proposal, if appropriate, to include new categories within the scope of this Directive.*

^{*} *OJ: please insert the date five years from the date of publication of this Directive.*

CHAPTER VII

FINAL PROVISIONS

Article 19

Penalties

■ The Member States shall lay down the rules on penalties applicable to infringements of the provisions of this *Directive* and shall take all measures necessary to ensure that they are implemented. Those penalties shall be effective, proportionate, dissuasive and non-discriminatory.

Article 20

Transitional provisions

1. *Member States may authorise the use of* testing facilities and equipment referred to in Article 11 which do not comply with the minimum requirements laid down in Annex V ■ for carrying out roadworthiness tests for a period of not more than *[five]* years following ...^{*}
2. Member States shall apply the requirements laid down in Annex VII at the latest as from the fifth year following ...^{*}

^{*} *OJ: please insert the date of application of this Directive.*

Article 21

Repeal

Directive 2009/40/EC *is* repealed with effect from ...*.

Article 21a

Transposition

1. *Member States shall adopt and publish by ...** at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall without delay communicate to the Commission the text of those provisions.*

They shall apply those provisions by... .*

* *OJ: please insert the date 48 months after the entry into force of this Directive.*

** *OJ: please insert the date 36 months after the entry into force of this Directive.*

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. *Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.*

Article 22

Entry into force

This **Directive** shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Article 22a

Addressees

This Directive is addressed to the Member States.

Done at ...,

For the European Parliament

The President

For the Council

The President