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Committee on Transport and Tourism

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*****I**

DRAFT REPORT

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
(COM(2012)0382 – C7-0188/2012– 2012/0186(COD))

Committee on Transport and Tourism

Rapporteur: Olga Sehnalová

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

In amendments by Parliament, amendments to draft acts are highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the draft act which may require correction when the final text is prepared – for instance, obvious errors or omissions in a language version. Suggested corrections of this kind are subject to the agreement of the departments concerned.

The heading for any amendment to an existing act that the draft act seeks to amend includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend. Passages in an existing act that Parliament wishes to amend, but that the draft act has left unchanged, are highlighted in **bold**. Any deletions that Parliament wishes to make in such passages are indicated thus: [...].

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DRAFT EUROPEAN PARLIAMENT 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
(COM(2012)0382 – C7-0188/2012– 2012/0186(COD))**

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2012)0382),
 - having regard to Article 294(2) and Article 91 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0188/2012),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the reasoned opinions submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the Netherlands Senate, the Netherlands House of Representatives and the Cypriot House of Representatives, asserting that the draft legislative act does not comply with the principle of subsidiarity,
 - having regard to the opinion of the European Economic and Social Committee of 12 December 2012¹,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Industry, Research and Energy (A7-0000/2013),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ OJ C ... /Not yet published in the Official Journal.

Amendment 1
Proposal for a regulation
Recital 4

Text proposed by the Commission

(4) A number of technical standards and requirements on vehicle safety have been adopted within the Union. It is however necessary to ensure, through a regime of unexpected roadside inspections, that after being placed on the market, vehicles continue to meet safety standards throughout their lifetime.

Amendment

(4) A number of technical standards and requirements on vehicle safety have been adopted within the Union. It is however necessary to ensure, through a regime of unexpected ***technical*** roadside inspections, that after being placed on the market, vehicles continue to meet safety standards throughout their lifetime.

Or. en

Amendment 2
Proposal for a regulation
Recital 6

Text proposed by the Commission

(6) ***The*** roadside inspections should be implemented via a risk rating system. The Member States may use the risk rating system established in accordance with Article 9 of Directive 2006/22/EC of the European Parliament and the Council of 15 March 2006 on minimum conditions for the implementation of Council Regulation (EEC) No 3820/85 and (EEC) No 3821/85 concerning social legislation relating to road transport activities and repealing Council Directive 88/599/EEC.

Amendment

(6) ***Technical*** roadside inspections should be implemented via a risk rating system. The Member States may use the risk rating system established in accordance with Article 9 of Directive 2006/22/EC of the European Parliament and the Council of 15 March 2006 on minimum conditions for the implementation of Council Regulation (EEC) No 3820/85 and (EEC) No 3821/85 concerning social legislation relating to road transport activities and repealing Council Directive 88/599/EEC.

(This amendment applies throughout the text: Roadside inspections should be Technical roadside inspections. Adopting this amendment will necessitate corresponding changes throughout)

Or. en

Justification

The inspections carried out under this Regulation refer to controlling the roadworthiness of vehicles, as its title suggests. As other pieces of legislation related to commercial vehicles refer also to 'roadside checks' but in a general way, the Rapporteur considers it important to clarify the concept.

Amendment 3 **Proposal for a regulation** **Recital 9**

Text proposed by the Commission

(9) Vans and their trailers are being used more frequently in road transport. These vehicles are not covered by certain requirements such as the requirements of training for professional drivers or the installation of speed limitation devices ending up in a relatively high number of road accidents involving such vehicles. Vans and their trailers should therefore be included into the scope of roadside inspections.

Amendment

(9) Vans and their trailers, ***as well as some models of tractors***, are being used more frequently in road transport. These vehicles, ***when used for commercial purposes***, are not covered by certain requirements such as the requirements of training for professional drivers or the installation of speed limitation devices ending up in a relatively high number of road accidents involving such vehicles. Vans and their trailers, ***as well as some models of tractors***, should therefore be included into the scope of ***technical*** roadside inspections.

Or. en

Justification

Some models of tractors also have to be included into the scope of this Regulation as they are being more and more frequently used on public roads for commercial purposes.

Amendment 4 **Proposal for a regulation** **Recital 11**

Text proposed by the Commission

(11) Technical roadside inspections of the roadworthiness should consist of initial and, where necessary, more detailed inspections. In both cases they should cover all relevant parts and systems of

Amendment

(11) Technical roadside inspections of the roadworthiness should consist of initial and, where necessary, more detailed inspections. In both cases they should cover all relevant parts and systems of

vehicles. To achieve a more harmonised testing, for all of the possible test items, test methods and examples of deficiencies and their assessment according to their severity should be introduced.

vehicles, ***including the securing of cargo***. To achieve a more harmonised testing, for all of the possible test items, test methods and examples of deficiencies and their assessment according to their severity should be introduced. ***In relation to the securing of cargo, the use of standards for securing cargo and for its assessment should be encouraged.***

Or. en

Justification

In order to harmonise the procedure of cargo securing during technical roadside inspections in the European Union, your Rapporteur is convinced that same relevant European standards must be used.

Amendment 5 Proposal for a regulation Recital 13

Text proposed by the Commission

(13) The use of mobile inspection units reduces the delay and costs for operators as more detailed inspections can be performed directly at the roadside. Testing centres may also be used ***in certain circumstances*** to carry out more detailed inspections.

Amendment

(13) The use of mobile inspection units reduces the delay and costs for operators as more detailed inspections can be performed directly at the roadside. Testing centres may also be used to carry out more detailed inspections ***if they are in close vicinity***.

Or. en

Amendment 6 Proposal for a regulation Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) Personnel performing initial roadside inspections should have the appropriate skills to carry out visual inspections in an efficient manner.

Amendment 7
Proposal for a regulation
Recital 14 a (new)

Text proposed by the Commission

Amendment

(14a) No fee should be charged to undertakings or drivers for the performance of the initial technical roadside inspection. However, to bear the costs arising from the use of technical equipment for a more detailed roadside inspection either by mobile inspection unit or in a test centre in close vicinity, Member States should have the possibility of imposing a fee if major or dangerous deficiencies have been found indicating that the undertaking operating the vehicle has not complied with its responsibility to keep the vehicle in a roadworthy condition. In order to limit the financial burden for such undertakings, the amount of the fee should not exceed that for a periodic roadworthiness test for the same vehicle category. Any revenue or income obtained from these fees should be allocated to enhance road safety measures.

Or. en

Amendment 8
Proposal for a regulation
Recital 16

Text proposed by the Commission

Amendment

(16) In order to ensure the efficient exchange of information between Member States, there should be within each Member State a single body acting as contact point for liaising with other

(16) In order to ensure the efficient exchange of information between Member States, there should be within each Member State a single body acting as contact point for liaising with other

relevant competent authorities. That body should also compile relevant statistics. Furthermore, Member States should apply a coherent national enforcement strategy on their territory and may designate a single body to coordinate its implementation. The competent authorities in each Member State should designate procedures setting out time limits and the contents of the information to be forwarded.

relevant competent authorities. That body should also compile relevant statistics, ***in particular in relation to the categories of commercial vehicles checked during technical roadside inspections, the number and type of deficiencies found, and their severity***. Furthermore, Member States should apply a coherent national enforcement strategy on their territory and may designate a single body to coordinate its implementation. The competent authorities in each Member State should designate procedures setting out time limits and the contents of the information to be forwarded.

Or. en

Amendment 9
Proposal for a regulation
Recital 17 a (new)

Text proposed by the Commission

Amendment

(17a) In order to minimise the time loss for undertakings and drivers and to increase overall efficiency, the performance of technical roadside inspections in compliance with social legislation in road transport, namely Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport¹, Directive 2006/22/EC and Council Regulation (EEC) No 3821/85 of 20 December 1985 on recording equipment in road transport², should be encouraged.

¹ OJ L 102, 11.4.2006, p. 1.

² OJ L 370, 31.12.1985, p. 8.

Or. en

Amendment 10
Proposal for a regulation
Article 1 – paragraph 1

Text proposed by the Commission

This Regulation establishes a regime of roadside inspections of commercial vehicles circulating within the territory of the Member States.

Amendment

This Regulation establishes a regime of ***technical*** roadside inspections ***of the roadworthiness*** of commercial vehicles circulating within the territory of the Member States.

Or. en

Amendment 11
Proposal for a regulation
Article 1 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

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.

Or. en

Amendment 12
Proposal for a regulation
Article 2 – paragraph 1 – introductory part

Text proposed by the Commission

1. This Regulation shall apply to commercial vehicles with a design speed exceeding 25 km/h of the following categories, as defined in Directive 2007/46/EC of the European Parliament and the Council:

Amendment

1. This Regulation shall apply to commercial vehicles with a design speed exceeding 25 km/h of the following categories, as defined in Directive 2007/46/EC ***and 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 units¹:

¹ OJ L 171, 9.7.2003, p. 1.

Or. en

Justification

Some models of tractors also have to be included into the scope of this Regulation as they are being frequently used on public roads for commercial purposes.

Amendment 13

Proposal for a regulation

Article 2 – paragraph 1 – indent 5 a (new)

Text proposed by the Commission

Amendment

- wheeled tractors of category T5, the use of which mainly takes place on public roads, with a design speed exceeding 40 km/h.

Or. en

Amendment 14

Proposal for a regulation

Article 3 – paragraph 1 – point 9

Text proposed by the Commission

Amendment

(9) ‘roadside inspection’ means an unexpected inspection of the roadworthiness of a commercial vehicle ***circulating*** on roads open to public traffic within the territory of a Member State carried out by the authorities, or under their direct supervision;

(9) ‘***technical*** roadside inspection’ means an unexpected inspection of the roadworthiness of a commercial vehicle, ***and of the securing of its cargo, whilst that vehicle is circulating*** on roads open to public traffic within the territory of a Member State carried out by the authorities, or under their direct supervision;

Or. en

Amendment 15
Proposal for a regulation
Article 3 – paragraph 1 – point 12 a (new)

Text proposed by the Commission

Amendment

(12a) 'undertaking' means any natural or legal person, association or group of persons without legal personality, whether profit-making or not, or any official body, whether it has its own legal personality or is dependent on an authority with legal personality, which engages in carriage by road, whether for hire or reward, or for own account;

Or. en

Amendment 16
Proposal for a regulation
Article 4 – paragraph 1

Text proposed by the Commission

Amendment

The roadside inspection system shall include initial roadside inspections ***as referred to in Article 9 and*** more detailed roadside inspections ***as referred to in Article 10(1).***

The ***technical*** roadside inspection system shall include initial roadside inspections ***and, when necessary due to the existence of potential safety risks,*** more detailed roadside inspections.

Or. en

Amendment 17
Proposal for a regulation
Article 6 – paragraph 1

Text proposed by the Commission

Amendment

1. ***A*** roadside inspections risk rating system based on the number and severity of deficiencies found on vehicles ***operated by individual undertakings*** shall be

1. ***In order to improve the efficiency of technical*** roadside inspections, ***a*** risk rating system based on the number and severity of deficiencies found on

introduced *at national level*. The risk rating system shall be operated by the competent authority *of the* Member State.

commercial vehicles *during periodic roadworthiness tests and technical roadside inspections* shall be introduced. The risk rating system shall be operated by the competent authority *in each* Member State.

Or. en

Amendment 18
Proposal for a regulation
Article 7 – paragraph 3

Text proposed by the Commission

3. *Individual undertakings* shall ensure that the vehicles which they operate are in *a* good roadworthy condition at all times.

Amendment

3. *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 roadworthiness certificate corresponding to the latest roadworthiness test is kept on board*.

Or. en

Amendment 19
Proposal for a regulation
Article 7 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The securing of cargo shall be ensured by undertakings operating the vehicle, consignors, freight forwarders, loaders and other relevant operators involved in the manipulation of cargo in a way commensurate with their activities in relation to cargo securing.

Or. en

Justification

In relation to cargo, your Rapporteur deems necessary that responsibility is clarified. As many operators may participate in the manipulation and securing of cargo, their liability should be linked to the tasks performed.

Amendment 20
Proposal for a regulation
Article 8 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Member States shall ensure that inspectors performing the initial roadside inspections have the appropriate skills for carrying out an efficient visual assessment of the condition of the vehicle and of its cargo while minimising the time for which a vehicle is detained.

Or. en

Justification

Your Rapporteur is convinced that the effectiveness of a road safety policy depends ultimately on the users' behaviour. For this reason, education, training and enforcement continue to be essential.

Amendment 21
Proposal for a regulation
Article 8 – paragraph 4 b (new)

Text proposed by the Commission

Amendment

4b. Inspectors performing more detailed roadside inspections shall have at least the same skills and fulfil the same requirements as those performing roadworthiness tests in accordance with Regulation (EU) No .../... of the European Parliament and of the Council of ... on roadworthiness tests for motor vehicles and their trailers and repealing Directive 2009/40/EC.

Justification

Your Rapporteur is convinced that the effectiveness of a road safety policy depends ultimately on the users' behaviour. For this reason, education, training and enforcement continue to be essential.

Amendment 22

Proposal for a regulation

Article 10 – paragraph 1 – subparagraph 2 – point a

Text proposed by the Commission

(a) check the roadworthiness certificate and roadside inspection report, **where available**, kept on board in accordance with Article 7(1);

Amendment

(a) check the roadworthiness certificate and, **where available, the last** roadside inspection report, kept on board in accordance with Article 7(1);

Or. en

Amendment 23

Proposal for a regulation

Article 10 – paragraph 2 – subparagraph 3

Text proposed by the Commission

The inspection of each of these areas shall cover **one, several or all of** the items listed in Annex II and relevant to these areas.

Amendment

The inspection of each of these areas shall cover **all** the items listed in Annex II **considered necessary** and relevant to these areas.

Or. en

Amendment 24

Proposal for a regulation

Article 10 – paragraph 2 – subparagraph 4

Text proposed by the Commission

In addition, the inspector may check other areas of inspection listed in Annex II point 1 **and** covering **one, several or all of** the

Amendment

In addition, **and when necessary due to the existence of a potential safety risk**, the inspector may check other areas of

items listed in this Annex.

inspection listed in Annex II point 1 covering ***all*** the items listed in this Annex ***considered necessary and relevant to these areas.***

Or. en

Amendment 25
Proposal for a regulation
Article 18 – paragraph 1

Text proposed by the Commission

1. When major or dangerous deficiencies, in particular those resulting in a prohibition to use the vehicle, are found in a vehicle not registered in the Member State of inspection, the contact point shall inform the competent authority of the Member State of registration of the vehicle of the results of this inspection. This information shall contain the elements of the roadside inspection report as set out in Annex VI. The Commission shall adopt detailed rules concerning the procedures for the notification of vehicles with major or dangerous deficiencies to the competent authority of the Member State of registration in accordance with the examination procedure referred to in Article 23(2). .

Amendment

1. When major or dangerous deficiencies, in particular those resulting in a prohibition to use the vehicle, are found in a vehicle not registered in the Member State of inspection, the contact point shall inform the competent authority of the Member State of registration of the vehicle of the results of this inspection. ***The Member State of registration shall take that information into account when classifying undertakings pursuant to Article 6(2).*** This information shall contain the elements of the roadside inspection report as set out in Annex VI. The Commission shall adopt detailed rules concerning the procedures for the notification of vehicles with major or dangerous deficiencies to the competent authority of the Member State of registration in accordance with the examination procedure referred to in Article 23(2). .

Or. en

Justification

Your Rapporteur fully supports the introduction of a risk rating system. Due to the fact that the selection of vehicles should be based on the risk profile of the operators, it is necessary to exchange the information for their classification with the Member State of registration.

Amendment 26
Proposal for a regulation
Article 18 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The Member State of registration shall provide information to the authority performing a technical roadside inspection on the risk profile of the undertaking whose vehicle is being inspected. That information shall be provided by electronic means within a reasonable time. The Commission shall adopt implementing acts concerning detailed rules on the procedures for the provision of that information to the authority.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 23(2).

Or. en

Justification

Your Rapporteur fully supports the introduction of a risk rating system. Due to the fact that the selection of vehicles should be based on the risk profile of the operators, it is necessary to set clear rules on providing the information on the risk profiles of the operators to the authorities performing the inspection.

Amendment 27
Proposal for a regulation
Article 24 a (new)

Text proposed by the Commission

Amendment

Article 24a

Transitional provisions

Risk rating systems referred to in Article 6 shall be made operational by Member States on:

- [3 years after publication of this Regulation] concerning information on the risk profiles of the vehicle categories

N2, N3, M2, M3, O3 and O4;

- [5 years after publication of this Regulation] concerning information on the risk profiles of the vehicle categories N1, N2, N3, M2, M3, O3 and O4, and, to the extent that it falls within the scope of this Regulation, T5.

Or. en

Justification

Your Rapporteur fully supports the introduction of a risk rating system. The selection of vehicles to be subject to a technical roadside inspection should be based on the risk profile of the operators to reduce the burden on operators that maintain their vehicles in a proper way. The implementation of the system should be done in a phasing-in manner.

Amendment 28

Proposal for a regulation

Annex 4 – part 1 – paragraph 1 – indent 2

Text proposed by the Commission

– Major deficiency: A major deficiency exists when the load has not been sufficiently secured and a significant shifting or overturning of the load or parts thereof is possible under forces occurring in normal transport operations. For transports with serious deficiencies the vehicle must be immobilized, and the driver and the holder of the registration are obliged to rectify these deficiencies immediately before continuing their driving.

Amendment

– Major deficiency: A major deficiency exists when the load has not been sufficiently secured and a significant shifting or overturning of the load or parts thereof is possible under forces occurring in normal transport operations, **or when the load is overweight**. For transports with serious deficiencies the vehicle must be immobilized, and the driver and the holder of the registration are obliged to rectify these deficiencies immediately before continuing their driving.

Or. en

Justification

Vehicles driving with overweight load present a major risk on road safety due to the risk of unsafe driving performance on the road and their highly damaging impact on road infrastructure.

Amendment 29

Proposal for a regulation

Annex 4 – part 2 – paragraph 1 – indent 2 a (new)

Text proposed by the Commission

Amendment

- Mass of cargo does not obviously exceed the permitted load capacity.

Or. en

Justification

Vehicles driving with overweight load present a major risk on road safety due to the risk of unsafe driving performance on the road and their highly damaging impact on road infrastructure.

Amendment 30

Proposal for a regulation

Annex 4 – part 2 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

The relevant provisions of the following European standards shall be considered during inspection:

- EN 12195-1,***
- EN 12640***
- EN 12642, L, XL***
- EN 12195 -2, -3, -4***
- ISO 1161.***

Or. en

Justification

In order to harmonise the procedure of cargo securing during technical roadside inspections in the European Union, the same relevant European standards must be used.

EXPLANATORY STATEMENT

Commission's proposal

On 20 July 2010, the European Commission adopted policy orientations on road safety. To reach the announced target (i.e. reducing the number of road fatalities by 50 % between 2010 and 2020), the Commission proposed amongst other things a two-pronged strategy for safer vehicles: harmonisation/strengthening of EU legislation on roadworthiness tests and on technical roadside inspections (including the extension to powered two wheelers) and the study of setting-up a European electronic platform with a view to harmonising the exchange of vehicle data (type approval, registration, results of inspections, etc).

On 13 July 2012, the European Commission presented the “Roadworthiness Package”, a set of three legislative proposals aimed at strengthening road safety, environmental protection and fair competition by upgrading current requirements on periodic roadworthiness tests, technical roadside inspections of commercial vehicles as well as vehicle registration.

Currently Directive 2009/40/EC is complemented by Directive 2000/30/EC, which provides the requirement to control the technical state of commercial vehicles in between periodic inspections with technical roadside inspections, which are unexpected additional on-the-spot roadside checks for commercial vehicles.

The proposal on the technical roadside inspection of the roadworthiness of commercial vehicles, which repeals Directive 2000/30/EC, introduces a set of important new elements:

- A risk rating system for the selection of vehicles to be inspected;
- Light commercial vehicles will be subject to technical roadside inspections;
- Member States will need to carry out a number of technical roadside inspections per year;
- Technical roadside inspections will be performed in a stepwise approach: First an initial check of the overall condition of the vehicle and its documentation, such as roadworthiness certificates or previous roadside inspection reports. A more detailed roadside inspection may be performed on the basis of the outcome of the initial inspection.
- More detailed inspections shall be carried out using a mobile inspection unit or a test centre in close vicinity.
- The securing of cargo will be included in the roadside checks.
- Harmonisation of standards for the assessment of deficiencies, level of knowledge and skills of inspectors performing roadside inspections based on the requirements for periodic roadworthiness tests;
- Introduction of regularly concerted inspection activities by Member States.

Rapporteur's remarks and proposals

Your Rapporteur believes that road safety is a major societal issue. The European Parliament should give once again a clear signal of its commitment towards road safety.

Whatever the technical measures in place, we all know that the effectiveness of road safety policy depends ultimately on the users' behaviour. For this reason, education, training and enforcement continue to be essential.

However, the road safety system also has to take into account human error and inappropriate behaviour and correct it as much as possible. All components, in particular vehicles and infrastructure, should therefore be 'forgiving', so as to prevent and limit the consequences of these failures for the users, in particular the most vulnerable users.

Therefore, your Rapporteur welcomes the Roadworthiness package and, in particular, the proposal on technical roadside inspections.

Nowadays there are huge differences between how technical roadside inspections are carried out in Member States. The proportion of vehicles found at the roadside inspection not to be compliant with roadworthiness requirements ranges from as little as 0.3 % in a Member State to 63 % in another, with significant differences even between neighbouring countries.

Some Member States perform an elaborated test procedure close to a PTI test where others – still complying with the minimum requirements of the current Directive – do a visual inspection or simply control the documentation. The important differences in the failure rates at roadside checks result also from the approach chosen by Member States.

Taking this into consideration, your Rapporteur fully supports the introduction of a risk rating system. The selection of vehicles to be subject to a technical roadside inspection should be based on the risk profile of the operators in order to reduce the burden on operators that maintain their vehicles in a proper way.

Harmonisation of important elements like the standards for the assessment of deficiencies and the level of knowledge and skills of inspectors performing roadside inspections based on the requirements for periodic roadworthiness tests will definitely contribute to avoid unfair treatment and increase overall efficiency of the controls. Besides, Member States should ensure that technical roadside inspections are 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.

Skills and training of inspectors should be a central element of any technical roadside inspection system in view of the rising complexity of testing. The insufficient qualifications of inspectors can be a major hindrance to the effectiveness of controls and the level of detection of defects.

Since the technical roadside inspections will be performed in a stepwise approach, your Rapporteur considers also important that Member States ensure that personnel performing the

first initial check of the overall condition of the vehicle are also appropriately trained to avoid inefficient technical roadside checks and unnecessary time loss for undertakings and drivers.

In relation to the scope of the proposal, your Rapporteur welcomes the fact that light commercial vehicles (under 3.5 tonnes) and their trailers are to be included into the scope of roadside inspections, as such vehicles are being used more frequently in road transport for commercial purposes. Besides, this group of vehicles does not follow the downward trend in road fatalities. Data show a tendency to use this kind of vehicles for commercial purposes in order to circumvent the obligations that legislation imposes on companies operating heavy commercial vehicles.

In order to avoid inconsistencies within the Roadworthiness package, your Rapporteur proposes to extend the obligation to undergo technical roadside checks also to tractors used for commercial purposes, since these vehicles are increasingly used for circumventing obligations and controls set in the legislation related to heavy commercial vehicles.

Another important element of the proposal fully supported by your Rapporteur is the inclusion of cargo securing in technical roadside inspections, since inadequate cargo securing is considered as factor related to up to 25% of accidents involving trucks.

Your Rapporteur considers that having a clear legal framework in relation to liability for the roadworthiness of commercial vehicles is of the outmost importance. Therefore she proposes some amendments to article 7 in order to clarify that undertakings operating commercial vehicles should always be responsible for maintaining the roadworthiness of the vehicle. Undertakings should ensure that regular checks are made of the parts of a vehicle that affect its roadworthiness.

In relation to cargo, responsibility should also be clarified. As many operators may participate in the manipulation and securing of cargo, their liability should be linked to the tasks performed.

In the course of roadworthiness tests and roadside inspections, an important amount of data on the vehicle and its performance is collected. This data could potentially be used by the different authorities to ensure the follow up of the detection of defects, to organise targeted checks, but also to enhance their policy making. Similarly, roadworthiness testing and roadside inspections would be more effective if they had access to complete information on the history of the vehicle and its technical characteristics.