



31.10.2018

## NOTICE TO MEMBERS

**Subject: Petition No 0113/2018 by Maurizio Michele Sapio (Italian) on protecting public health and adopting a traffic plan**

### 1. Summary of petition

The petitioner complains about the many violations of the Highway Code in the cities of Rome and Naples. These violations concern speeding, noise pollution, alterations to the mechanics of microcars by modifications of the exhaust and engine, and parking in no parking areas in double and triple rows. The petitioner believes that the Italian authorities have not correctly transposed into Italian law the EU directives on road traffic and pollution.

### 2. Admissibility

Declared admissible on 4 June 2018. Information requested from Commission under Rule 216(6).

### 3. Commission reply, received on 31 October 2018

As most Member States, Italy is a contracting party to the Vienna Convention on Road Traffic<sup>1</sup>, which provides a high degree of harmonisation of the traffic rules across the EU. The Convention is complemented by the Vienna Convention on Road Signs and Signals<sup>2</sup>, which is also an essential component of the traffic regulations. There is no EU legislation on traffic rules, the only exception being the obligation to use safety belts and child restraint systems<sup>3</sup>.

Italian authorities are responsible for setting and enforcing speed limits. The same applies to parking rules. The manipulation of microcars, motorcycles or mopeds usually aims to circumvent power limitations and results in exceeding noise or pollution limits. Tackling

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<sup>1</sup> Convention on Road Traffic done at Vienna on 8 November 1968.

<sup>2</sup> Convention on Road Signs and Signals done at Vienna on 8 November 1968.

<sup>3</sup> Council Directive 91/671/EEC of 16 December 1991 on the approximation of the laws of the Member States relating to compulsory use of safety belts in vehicles of less than 3,5 tonnes.

these manipulations is also a responsibility of the Italian authorities.

The EU legislation on the type-approval of light vehicles<sup>1</sup> (L-category) established the obligation for manufactures to fit the vehicles with anti-tampering measures, which are conceived to prevent modifications as those referred to by the petitioner.

The EU roadworthiness legislation provides also a legal framework and harmonised minimum requirements for the periodic technical inspection of vehicles, which might help in identifying potential illegal modifications. For the L-category vehicles which will have to be tested from 1 January 2022 (L3e, L4e, L5e and L7e), it is the obligation of the Member States to set out the detailed rules for testing.

Concerning the management of noise in the city, the Commission released in January 2018 a reasoned opinion (case 2013/2022) for non-compliance with the Environmental Noise Directive (Directive 2002/49/EC) and in particular for the absence of a noise action plan for the Rome agglomeration and for the absence of a noise action plan for the agglomeration of Naples.

### Conclusion

With the exception of noise, where an infringement procedure is ongoing, the Commission is not aware of any incorrect transposition of EU legislation and considers that the other issues referred to by the petitioner can only be addressed by the competent Italian authorities.

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<sup>1</sup> Regulation (EU) No 168/2013 of the European Parliament and of the Council of 15 January 2013 on the approval and market surveillance of two- or three-wheel vehicles and quadricycles Text with EEA relevance.