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*****II**

RECOMMENDATION FOR SECOND READING

on the Council common position for adopting a European Parliament and Council directive on the technical roadside inspection of the roadworthiness of commercial vehicles circulating in the Community
(11287/1/1999 – C5-0323/1999 – 1998/0097(COD))

Committee on Regional Policy, Transport and Tourism

Rapporteur: Wilhelm Ernst Piecyk

<i>Symbols for procedures</i>	<i>Abbreviations for committees</i>
* Consultation procedure <i>majority of the votes cast</i>	I. AFET Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy
**I Cooperation procedure (first reading) <i>majority of the votes cast</i>	II. BUDG Committee on Budgets
**II Cooperation procedure (second reading) <i>majority of the votes cast, to approve the common position</i>	III. CONT Committee on Budgetary Control
*** Assent procedure <i>majority of Parliament's component Members, to reject or amend the common position</i>	IV. LIBE Committee on Citizens' Freedoms and Rights, Justice and Home Affairs
***I Codecision procedure (first reading) <i>majority of the votes cast</i>	V. ECON Committee on Economic and Monetary Affairs
***II Codecision procedure (second reading) <i>majority of the votes cast, to approve the common position</i>	VI. JURI Committee on Legal Affairs and the Internal Market
***III Codecision procedure (third reading) <i>majority of the votes cast, to approve the joint text</i>	VII. INDU Committee on Industry, External Trade, Research and Energy
(The type of procedure depends on the legal basis proposed by the Commission)	VIII. EMPL Committee on Employment and Social Affairs
	IX. ENVI Committee on the Environment, Public Health and Consumer Policy
	X. AGRI Committee on Agriculture and Rural Development
	XI. PECH Committee on Fisheries
	XII. REGI Committee on Regional Policy, Transport and Tourism
	XIII. CULT Committee on Culture, Youth, Education, the Media and Sport
	XIV. DEVE Committee on Development and Cooperation
	XV. AFCO Committee on Constitutional Affairs
	XVI. FEMM Committee on Women's Rights and Equal Opportunities
	XVII. PETI Committee on Petitions

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PROCEDURAL PAGE

At its sitting of 9 February 1999 the European Parliament adopted its opinion at first reading on the proposal for a Council directive on the technical roadside inspection of the roadworthiness of commercial vehicles circulating in the Community COM(1998) 117 – 1998/0097(SYN)).

At the sitting of 16 September 1999 the European Parliament confirmed this opinion at first reading under the codecision procedure ((COM(1998) 117 – 1998/0097(COD))).

At its sitting of 16 December 1999 the President of Parliament announced that the common position had been received and referred to the Committee on Regional Policy, Transport and Tourism (11287/1/1999 - C5-0323/1999).

The committee had appointed Wilhelm Ernst Piecyk rapporteur at its meeting of 14 December 1999.

It considered the common position and the draft recommendation for second reading at its meetings of 25 January 2000 and 22 February 2000.

At the last meeting it adopted the draft legislative resolution unanimously.

The following were present for the vote: Konstantinos Hatzidakis, chairman; Rijk van Dam, Helmuth Markov, and Emmanouil Mastorakis, vice-chairmen; Wilhelm Ernst Piecyk, rapporteur; Sir Robert Atkins, Emmanouil Bakopoulos, Rolf Berend, Theodorus J.J. Bouwman, Philip Charles Bradbourn, Martin Callanan, Carmen Cerdeira Morterero, Luigi Cesaro, Luigi Cocilovo (for Guido Viceconte), Gerard Collins, Alain Esclopé, Markus Ferber (for Renate Sommer), Jacqueline Foster (for Ari Vatanen), Mathieu J.H. Grosch, Ewa Hedkvist Petersen, Juan de Dios Izquierdo Collado, Georg Jarzembowski, Elisabeth Jeggle (for Karla M.H. Peijs), Anna Karamanou (for Demetrio Volcic), Dieter-Lebrecht Koch, Caroline Lucas (for Reinhold Messner), Arlene McCarthy, Erik Meijer, Camilo Nogueira Román, Juan Ojeda Sanz, Josu Ortuondo Larrea, Samuli Pohjamo, Alonso José Puerta, Reinhard Rack, Carlos Ripoll i Martínez Bedoya, Guido Sacconi (for Giovanni Claudio Fava), Isidoro Sánchez García, Marieke Sanders-ten Holte (for Paolo Costa), Dana Rosemary Scallon, Ingo Schmitt, Brian Simpson, Dirk Sterckx, Ulrich Stockmann, Joaquim Vairinhos and Mark Francis Watts.

The recommendation for second reading was tabled on 28 February 2000.

The deadline for tabling amendments will be indicated in the draft agenda for the relevant part-session.

DRAFT LEGISLATIVE RESOLUTION

European Parliament legislative resolution on the Council common position for adopting a European Parliament and Council directive on the technical roadside inspection of the roadworthiness of commercial vehicles circulating in the Community (11287/1/1999 – C5-0323/1999 – 1998/0097(COD))

(Codecision procedure: second reading)

The European Parliament,

- having regard to the Council common position (11287/1/1999 – C5-0323/1999),
 - having regard to its position at first reading¹ on the Commission proposal to Parliament and the Council (COM(1998)117)²,
 - having regard to the Commission's amended proposal (COM(1999)458)³,
 - having regard to Article 251(2) of the EC Treaty,
 - having regard to Rule 80 of its Rules of Procedure,
 - having regard to the recommendation for second reading of the Committee on Regional Policy, Transport and Tourism (A5-0040/2000),
1. Amends the common position as follows;
 2. Instructs its President to forward its position to the Council and Commission.

¹ OJ C 150, 28.5.1999, p. 27, and OJ C (confirmation of 1st reading) not yet published.

² OJ C 190, 18.6.1999, p. 10.

³ Not yet published in the Official Journal.

(Amendment 1)
Recital 2

(2) It is in the interests of road safety, environmental protection and equitable competition that commercial vehicles should be used only if they are maintained to a high degree of technical roadworthiness;

(2) It is in the interests of road safety, environmental protection and equitable competition that commercial vehicles should be used only if they are maintained to full technical roadworthiness;

Justification:

The objective will obviously be achieved only by full rather than 'a high degree of' compliance.

(Amendment 2)
Article 9a (new)

Member States shall determine the penalties applicable to infringements of the national provisions implementing this Directive, after they have consulted one another on the harmonisation of such penalties, and shall take all necessary measures to ensure that they are enforced. These penalties shall be effective, proportionate and dissuasive.

Justification:

The rapporteur believes that a minimum level of harmonisation will be required if this measure is to be applied fairly. It will create a minimum level of legal certainty throughout the EU.

Explanatory statement

Remarks

At first reading Parliament adopted 17 amendments to the Commission proposal, although its attitude was basically supportive as the proposal seeks to improve road safety by roadside spot checks in addition to the annual roadworthiness tests pursuant to Directive 96/96/EC.

Road safety has always been one of Parliament's prime concerns and the damage caused by commercial vehicles when they are involved in accidents is usually considerable.

The Commission adopted 11 of these 17 amendments in its amended proposal.

The Council adopted 9 of them (1, 3, 4, 6, 7, 9 first part, 10, 11 and 17).

These relate mainly to the standardisation of inspection forms used for roadside inspections, the supply of information from the Commission to Parliament, a release from inspection for items last checked in the preceding three months, the exchange of information between the Member States on the transposition of the directive and the spillage of diesel fuel as one of the grounds for failure.

- Amendment 5, pursuant to which the Member States would organise roadside checks in consultation and after discussions with the Commission, was accepted by the Commission but not by the Council, as it considered it to be too bureaucratic.
- Parliament's amendments 2, 8, 12, 13, 14 and 16 were neither incorporated in the common position nor accepted by the Commission. As a result, the duration and content of examiner training (Amendment 2) and harmonised penalties (Amendment 12) will not be laid down.
Amendments 8 and 16 become irrelevant with the new wording of Article 5.
New Article 5 should offer adequate guarantees to meet Parliament's wishes.
Checks on compliance with specific animal transportation standards do not fall within the scope of this directive (Amendment 14).

Comments

1. The committee believes that this common position will make an important contribution to road safety provided that its provisions are correctly applied and enforceable by penalties. Uneven levels of enforcement from one Member State to the other is a source of uncertainty to both lorry drivers and undertakings.
2. The rapporteur would point out that a more or less uniform application of the directive would have to be accompanied by less or more harmonised penalties. He also regrets the failure to accept Amendment No 12 which refers to consultations on the harmonisation of sanctions. There is a great difference between the theoretical readiness for close cooperation in 'third pillar' matters, which is also referred to in the Amsterdam Treaty, and the will to translate that readiness into action when the need arises.

The rapporteur therefore urges the reinstatement of the first reading amendment and Article 9 of the Commission proposal.

3. As Amendment 2 is especially important to Parliament, the Committee on Regional Policy, Transport and Tourism recommends that Parliament amend the common position accordingly.