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**A7-0207/2013**

17.6.2013

**\*\*\*I**  
**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 Cypriot Parliament and by the Netherlands Senate and the Netherlands 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 2012<sup>1</sup>,
  - having regard to the opinion of the Committee of Regions<sup>2</sup>,
  - having regard to Rule 55 of its Rules of Procedure,
  - having regard to the report of the Committee on Transport and Tourism and the opinion of the Committee on Industry, Research and Energy (A7-0207/2013),
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.

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<sup>1</sup> OJ C 44, 15.2.2012, p. 128.

<sup>2</sup> OJ C...p.

## Amendment 1

### Proposal for a regulation Recital 3

*Text proposed by the Commission*

(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 tests for all vehicles and roadside technical inspection for vehicles used for commercial road transport activities as well as provisions on a vehicle registration procedure to ensure *that* vehicles which constitute an immediate risk to road safety *are not used on roads*.

*Amendment*

(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 tests for all vehicles and roadside technical inspection for vehicles used for commercial road transport activities as well as provisions on a vehicle registration procedure. ***Periodic testing should be the main tool to ensure roadworthiness. Technical roadside inspections of commercial vehicles should only be complementary to periodic tests and should be targeted at vehicles on the road*** which constitute an immediate risk to road safety.

*Justification*

*Roadside inspections of commercial vehicles should only be complementary on periodic roadworthiness testing in order to target vehicles posing an immediate threat to road safety.*

## Amendment 2

### 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, requirements on vehicle safety ***and environmental standards*** 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 ***remain technically roadworthy*** throughout their lifetime.

### Amendment 3

#### Proposal for a regulation

##### Recital 5 a (new)

*Text proposed by the Commission*

*Amendment*

*(5a) Since, as shown by the Commission's report on the implementation of Directive 2000/30/EC, numerous vehicles which are stopped for roadside inspections reveal no defects, the selection of vehicles for roadside inspection should be based on the risk profile of the operators and should be targeted at high-risk undertakings in order to reduce the burden on operators that maintain their vehicles in a proper way.*

### Amendment 4

#### Proposal for a regulation

##### Recital 6

*Text proposed by the Commission*

*Amendment*

*(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.*

*(6) Technical roadside inspections should therefore be implemented via a risk rating system based on the number and severity of deficiencies found on vehicles operated by individual undertakings as stated in standardised roadworthiness certificates and roadside inspection reports.*

## Amendment 5

### Proposal for a regulation Recital 6 a (new)

*Text proposed by the Commission*

*Amendment*

***(6a) Taking into consideration the volume of traffic of commercial vehicles between Member States, and in order to avoid any discrimination based on the country of registration of the vehicle, the risk rating system should be implemented throughout the Union and based on an adequate level of harmonisation between all Member States of periodic roadworthiness testing and roadside checks.***

## Amendment 6

### Proposal for a regulation Recital 6 b (new)

*Text proposed by the Commission*

*Amendment*

***(6b) Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator established the European Register of Road Transport Undertakings (ERRU). ERRU allows national electronic registers of transport undertakings to be interconnected throughout the Union, in compliance with the Union rules on the protection of personal data. The use of that system, operated by the competent authority of each Member State, facilitates cooperation among Member States and reduces the costs involved in checks for both undertakings and administrative bodies.***



## Amendment 7

### Proposal for a regulation Recital 7 a (new)

*Text proposed by the Commission*

*Amendment*

***(7a) Agricultural vehicles with a maximum design speed exceeding 40 km/h are in some instances being used to replace trucks for commercial road haulage purposes. It is important to ensure that where agricultural vehicles are used in this way they are treated in the same way as trucks as regards technical roadside inspections.***

## Amendment 8

### Proposal for a regulation Recital 10

*Text proposed by the Commission*

*Amendment*

(10) With a view to *avoid* unnecessary administrative *burden* and costs and to improve the efficiency of inspections, vehicles operated by undertakings not complying with road safety and environmental standards ***should*** be selected as a priority, while vehicles operated by responsible and safety-minded operators and properly maintained ***should*** be rewarded with less frequent inspections.

(10) With a view to *avoiding* unnecessary administrative *burdens* and costs and to improve the efficiency of inspections, ***it should be possible for competent national authorities to decide that*** vehicles operated by undertakings not complying with road safety and environmental standards ***will*** be selected as a priority, while vehicles operated by responsible and safety-minded operators and properly maintained ***will*** be rewarded with less frequent inspections.

## Amendment 9

### 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 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.

*Amendment*

(11) Technical roadside inspections of roadworthiness should consist of initial and, where necessary, more detailed inspections. In both cases they should cover all relevant parts and systems of 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. ***The use of standards for the securing of cargo and for its assessment should be encouraged.***

## Amendment 10

### Proposal for a regulation Recital 11 a (new)

*Text proposed by the Commission*

*Amendment*

***(11a) Since the proper performance of tyres is closely linked to their inflation pressure, the extension of the mandatory fitment to commercial vehicles of tyre pressure monitoring systems as defined in UNECE (United Nations Economic Commission for Europe) Regulation 64.02 should be considered and, if it is found to be appropriate, the functioning of such systems should be checked in the course of technical roadside inspections.***

## Amendment 11

### Proposal for a regulation Recital 11 b (new)

*Text proposed by the Commission*

*Amendment*

***(11b) Member States may check cargo securing during technical roadside inspections according to existing standards. The outcome of such checks should not be introduced into the risk rating system until the rules on cargo securing are harmonised at Union level. Pending such harmonisation, the use of the European standards and the European Best Practice Guidelines on Cargo Securing for Road Transport for assessment purposes should be encouraged.***

## Amendment 12

### Proposal for a regulation Recital 12

*Text proposed by the Commission*

*Amendment*

(12) Reports of technical roadside inspections are in several Member States elaborated by electronic means. In such cases ***a print out*** of the inspection report should be ***handed over to the driver***. All the data and information gathered during roadside inspections should be transferred to a common repository of the Member State in order that the data can be *easier* processed and information transfer can be performed without additional administrative burden.

(12) Reports of technical roadside inspections are in several Member States elaborated by electronic means. In such cases, ***it is important that full advantage be taken of the benefits of electronic communication, and recourse to print-outs*** of the inspection report should be ***minimised***. All the data and information gathered during roadside inspections should be transferred to a common repository of the Member State in order that the data can be *more easily* processed and information transfer can be performed without ***any*** additional administrative burden.

## *Justification*

*Periodic roadworthiness testing should be the main tool to ensure the roadworthiness of all vehicles and the roadside inspections of commercial vehicles should only be complementary in order to target vehicles posing an immediate threat to road safety. A parallel amendment should be introduced for the proposal on periodic roadworthiness testing.*

### **Amendment 13**

#### **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 ***when they are located nearby***.

### **Amendment 14**

#### **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 15**

#### **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, in order to***

*mitigate 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 located nearby, Member States should be able to charge 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 payable for a periodic roadworthiness test for a vehicle of the same vehicle category. Any revenue or income derived from the charging of such fees should be used to enhance road safety.*

## Amendment 16

### Proposal for a regulation

#### Recital 16

##### *Text proposed by the Commission*

(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.

##### *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 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.

## Amendment 17

### Proposal for a regulation Recital 17

*Text proposed by the Commission*

(17) In order to allow a monitoring of the roadside inspection regime implemented in the Union Member States should communicate ***on a biannual basis*** to the Commission the results of the roadside inspections performed. The Commission should report the data collected to the European Parliament.

*Amendment*

(17) In order to allow a monitoring of the roadside inspection regime implemented in the Union Member States should communicate to the Commission, ***before 31 March of every second year***, the results of the roadside inspections performed. The Commission should report the data collected to the European Parliament.

*Justification*

*With respect to Article 20, it is not clear how often Member States should communicate results to the Commission. Therefore, recital 17 of the preamble and Article 20 need to be brought into conformity.*

## Amendment 18

### 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, along with inspections to check compliance with social legislation in the field of road transport, in particular 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 transport<sup>1</sup>, Directive 2006/22/EC and Council Regulation (EEC) No 3821/85 of 20 December 1985 on recording***

*equipment in road transport<sup>2</sup>, should be encouraged.*

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<sup>1</sup> *OJ L 102, 11.4.2006, p. 1.*

<sup>2</sup> *OJ L 370, 31.12.1985, p. 8.*

## **Amendment 19**

### **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*

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

## **Amendment 20**

### **Proposal for a regulation Article 1 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

**1a.** ***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 concerned.***

## Amendment 21

### 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 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 Directive 2007/46/EC:

*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 22

### Proposal for a regulation

#### Article 2 – paragraph 1 – indent 1

*Text proposed by the Commission*

– motor vehicles used for the carriage of passengers and with more than eight seats, excluding the driver's seat – vehicle category M2 and M3,

*Amendment*

– motor vehicles ***and any attached trailer***, used for the carriage of passengers and with more than eight seats, excluding the driver's seat – vehicle category M2 and M3,

*Justification*

*It is appropriate to test any trailer, regardless of size or type, when used with M2 and M3 vehicles. It makes enforcement clearer and simpler.*



## Amendment 23

### Proposal for a regulation

#### Article 2 – paragraph 1 – indent 2

*Text proposed by the Commission*

*Amendment*

– motor vehicles having at least four wheels, normally used for the road carriage of goods and with a maximum permissible mass not exceeding 3 500 kg – vehicle category N1, *deleted*

#### *Justification*

*It is questionable whether component wear in category N1 vehicles leads to a higher accident rate and thereby affects road safety. Furthermore, extending the inspection requirement to a wider range of commercial vehicles would impose a significantly greater financial and administrative burden on the bodies responsible for vehicle inspections.*

## Amendment 24

### Proposal for a regulation

#### Article 2 – paragraph 1 – indent 3

*Text proposed by the Commission*

*Amendment*

– motor vehicles used for the carriage of goods and having a maximum permissible mass exceeding 3 500kg - vehicle categories N2 and N3,

– motor vehicles **and any attached trailer** used for the carriage of goods and having a maximum permissible mass exceeding 3 500kg - vehicle categories N2 and N3,

#### *Justification*

*It is appropriate to test any trailer, regardless of size or type, when used with N2 and N3 vehicles. It makes enforcement clearer and simpler.*

## **Amendment 25**

### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – indent 4**

*Text proposed by the Commission*

*Amendment*

*– trailers and semi-trailers with a maximum permissible mass not exceeding 3 500 kg – vehicle categories O1 and O2,*

*deleted*

## **Amendment 26**

### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – indent 5**

*Text proposed by the Commission*

*Amendment*

*– trailers and semi-trailers with a maximum permissible mass exceeding 3 500 kg – vehicle categories O3 and O4.*

*deleted*

#### *Justification*

*When used with commercial vehicles, these would be inspected so separate identification is not necessary.*

## **Amendment 27**

### **Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

*– wheeled tractors of category T5 used mainly on public roads for commercial road haulage purposes, with a maximum design speed exceeding 40 km/h.*

## Amendment 28

### Proposal for a regulation

#### Article 3 – paragraph 1 – point 6

*Text proposed by the Commission*

(6) ‘commercial vehicle’ means a motor vehicle and its trailer intended for the transport of goods or passengers **for professional purposes**;

*Amendment*

(6) ‘commercial vehicle’ means a motor vehicle and its trailer intended for the transport of goods or passengers **for the carriage of goods by road in vehicles for reward**;

*Justification*

*The rapporteur considers it necessary to replace the phrase ‘for professional purposes’ with the wording of the Convention on the Contract for the International Carriage of Goods by Road (‘CMR’).*

## Amendment 29

### Proposal for a regulation

#### Article 3 – paragraph 1 – point 9

*Text proposed by the Commission*

(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;

*Amendment*

(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;

## Amendment 30

### Proposal for a regulation

#### Article 3 – paragraph 1 – point 10

*Text proposed by the Commission*

(10) ‘roadworthiness test’ means **a verification that the parts and components of a vehicle comply with** its safety and

*Amendment*

(10) ‘roadworthiness test’ means **an inspection to ensure that a vehicle is safe to be used on public roads and complies**

environmental characteristics at the time of approval, first registration or entry into service, or at the time of retrofitting;

**with required** safety and environmental characteristics at the time of approval, first registration or entry into service, or at the time of retrofitting;

## Amendment 31

### Proposal for a regulation Article 3 – paragraph 1 – point 11

*Text proposed by the Commission*

(11) ‘competent authority’ means an authority or public body **responsible** for managing the **national** system of roadside inspections.

*Amendment*

(11) ‘competent authority’ means an authority or public body **entrusted by the Member State with responsibility** for managing the system of roadside inspections, **including where appropriate the carrying-out of technical roadside inspections;**

## Amendment 32

### 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 its own account;**

## **Amendment 33**

### **Proposal for a regulation**

#### **Article 3 – paragraph 1 – point 14 a (new)**

*Text proposed by the Commission*

*Amendment*

***(14a) ‘vehicle safety inspection’ means a visual inspection, a performance test and a functional check of a commercial vehicle’s chassis/frame, coupling devices, steering, tyres, wheels and braking equipment;***

## **Amendment 34**

### **Proposal for a regulation**

#### **Article 3 – paragraph 1 – point 14 b (new)**

*Text proposed by the Commission*

*Amendment*

***(14b) ‘testing centre’ means a public or private body or establishment authorised by a Member State to carry out roadworthiness tests;***

## **Amendment 35**

### **Proposal for a regulation**

#### **Article 3 – paragraph 1 – point 14 c (new)**

*Text proposed by the Commission*

*Amendment*

***(14c) ‘operator’ means an individual or legal entity which operates the vehicle as its owner or is authorised to operate the vehicle by its owner.***

#### *Justification*

*Articles 8 and 24 refer to the concept of an ‘operator’, which necessitates defining what this means.*

## Amendment 36

### Proposal for a regulation Article 4

*Text proposed by the Commission*

#### **Article 4**

##### **Roadside inspection system**

***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).***

*Amendment*

#### **Article 4**

##### **Date and frequency of testing**

***Vehicles shall be subject to periodic vehicle safety inspections with the following minimum frequency:***

##### **Category N2 vehicles:**

***– with a maximum permissible mass exceeding 7.5 tonnes: initially, 42 months after the date of first registration and, thereafter, every six months after the last roadworthiness test;***

##### **Category N3 vehicles:**

***– initially, 30 months after the date of first registration and, thereafter, every six months after the last roadworthiness test.***

##### **Category 04 vehicles:**

***- initially, 30 months after the date of first registration and, thereafter, every six months after the last roadworthiness test.***

#### *Justification*

*By increasing the frequency of this vehicle safety inspection, additional tests, depending on vehicle category, do not begin until the second or third year after first registration and unnecessary testing can be avoided.*

## Amendment 37

### Proposal for a regulation Article 5

*Text proposed by the Commission*

Each Member State shall carry out in every calendar year **a total** number of initial roadside inspections, **corresponding** to at least 5% of the total number of vehicles referred to in Article 3(1) that are registered in its territory.

*Amendment*

Each Member State shall carry out in every calendar year **an appropriate** number of initial roadside inspections.

***The total number of initial roadside inspections shall correspond*** to at least 5% of the total number of ***the following commercial*** vehicles referred to in Article 2(1) that are registered in its territory:

***– motor vehicles used for the carriage of passengers and with more than eight seats, excluding the driver’s seat – vehicle category M2 and M3,***

***– motor vehicles used for the carriage of goods and having a maximum permissible mass exceeding 3 500kg – vehicle categories N2 and N3,***

***– trailers and semi-trailers with a maximum permissible mass exceeding 3 500 kg – vehicle categories O3 and O4.***

***At least 5% of commercial vehicles that are not registered in its territory but operating there shall be proportionally checked.***

## Amendment 38

### Proposal for a regulation Article 6

*Text proposed by the Commission*

Article 6

*Amendment*

Article 6

## Roadside inspections risk rating system

1. A roadside inspections risk rating system based on the number and severity of deficiencies found on vehicles *operated by individual undertakings* shall be introduced *at national* level. The risk rating system shall be operated by the competent authority *of the* Member State.

2. A risk profile shall be attributed to each undertaking identified in the roadside inspections risk rating system using the criteria *set out in* Annex I.

Undertakings shall be classified according to the following risk profile:

- high risk,
- medium risk,
- low risk.

## Roadside inspections risk rating system

1. *In order to improve the efficiency of technical roadside inspections*, a roadside inspections risk rating system based on the number and severity of deficiencies found on *commercial* vehicles *during periodic roadworthiness tests and technical roadside inspections* shall be introduced at *Union* level. The risk rating system shall be *based on a national electronic register interconnected throughout the Union and* operated by the competent authority *in each* Member State.

*Three years after the entry into force of Regulation XX of the European Parliament and of the Council on periodic roadworthiness tests for motor vehicles and their trailers and repealing Directive 2009/40/EC, roadworthiness certificates and roadside inspection reports shall be in a standard European Union form.*

2. *After the date referred to in paragraph 1*, a risk profile shall be attributed to each undertaking identified in the risk rating system using the *following* criteria *in accordance with* Annex I

- *number of deficiencies found;*
- *severity of deficiencies found;*
- *number of inspections or tests carried out;*
- *time factor.*

Undertakings shall be classified according to the following risk profile:

- high risk,
- medium risk,
- low risk.

*In order to allow undertakings to improve their risk profile, information on compliance by undertakings with roadworthiness requirements derived from voluntary regular vehicle safety inspections shall be taken into account for the purposes of establishing the risk*



3. With a view to *implement* the roadside inspections risk rating system, 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*.

*rating of the undertaking concerned.*

3. With a view to *implementing* the roadside inspections risk rating system, Member States *shall* use the risk rating system established *by Regulation (EC) No 1071/2009*.

*The risk rating system shall contain the information on roadworthiness:*

*– three years after the entry into force of this Regulation for vehicles in categories N2, N3, M2;O3 and O4;*

*– five years after the entry into force of this Regulation for the other categories referred to in Article 2.*

#### Amendment 39

##### Proposal for a regulation Article 7 – paragraph 1

*Text proposed by the Commission*

1. Drivers of a vehicle registered in a Member State shall keep on board the roadworthiness certificate corresponding to the latest roadworthiness test and the report of the last roadside inspection, when they are available.

*Amendment*

1. Drivers of a vehicle registered in a Member State shall keep on board the roadworthiness certificate corresponding to the latest roadworthiness test and the report of the last roadside inspection, when they are available. *If the certificate and the report are available electronically in the Member State of the vehicle, the authorities cannot ask for paper copies to be kept onboard.*

#### Amendment 40

##### 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 original or a certified copy of the roadworthiness certificate and a proof of test issued pursuant to Article 10 of Regulation XX [on periodic roadworthiness tests] in respect of the most recent roadworthiness test is kept on board.***

## **Amendment 41**

### **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*

*(Does not affect English version)*

## **Amendment 42**

### **Proposal for a regulation Article 9**

*Text proposed by the Commission*

When identifying vehicles to be subject to a roadside inspection, inspectors ***shall*** select as a priority vehicles operated by undertakings with a high-risk profile as referred to in Article 6(2). Other vehicles may be selected for inspection when there is a suspicion that the vehicle presents a risk to road safety.

*Amendment*

When identifying vehicles to be subject to a roadside inspection, inspectors ***may, if the Member State so decides,*** select as a priority vehicles operated by undertakings with a high risk profile as referred to in Article 6(2). Other vehicles may be selected for inspection when there is a suspicion that the vehicle presents a risk to road safety.

## Amendment 43

### Proposal for a regulation

#### Article 10 – paragraph 1 – subparagraph 2 – point a

*Text proposed by the Commission*

On each initial inspection of a vehicles, the inspector **shall**:

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

(b) carry out a visual assessment of the condition of the vehicle **and of its cargo**.

*Amendment*

On each initial inspection of a vehicles, the inspector:

(a) **shall** check the roadworthiness certificate **corresponding to the most recent roadworthiness test, the proof of test issued pursuant to Article 10 of Regulation XX [on periodic roadworthiness tests]** and, **where available, the latest** roadside inspection report, kept on board in accordance with Article 7(1);

(b) **shall** carry out a visual assessment of the **technical** condition of the vehicle;

## Amendment 44

### Proposal for a regulation

#### Article 10 – paragraph 1 – subparagraph 2 – point b a (new)

*Text proposed by the Commission*

*Amendment*

**(ba) may carry out a compliance check in respect of any other regulatory requirement pertaining to the operation of a commercial vehicle within the Union.**

## Amendment 45

### Proposal for a regulation

#### Article 10 – paragraph 2 – subparagraph 2 – indent 2 a (new)

*Text proposed by the Commission*

*Amendment*

**– chassis/frame,**

## Amendment 46

### Proposal for a regulation

#### Article 10 – paragraph 2 – subparagraph 2 – indent 3

*Text proposed by the Commission*

*Amendment*

– *axles*, wheels tyres *and suspension*.

– wheels *and* tyres,

## Amendment 47

### Proposal for a regulation

#### Article 10 – paragraph 2 – subparagraph 2 – indent 3 a (new)

*Text proposed by the Commission*

*Amendment*

– *coupling equipment*,

## Amendment 48

### Proposal for a regulation

#### Article 10 – paragraph 2 – subparagraph 2 – indent 4

*Text proposed by the Commission*

*Amendment*

– nuisance.

– nuisance: *noise and exhaust fumes*.

## Amendment 49

### Proposal for a regulation

#### Article 10 – paragraph 2 – subparagraph 3

*Text proposed by the Commission*

*Amendment*

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.

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

## Amendment 50

### 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 items listed in *this* Annex.

##### *Amendment*

In addition, ***and whenever necessary due to a potential safety risk***, the inspector may check other areas of inspection listed in *part 1 of* Annex II covering ***all*** the items listed in *that* Annex ***that are considered necessary and relevant to those areas***.

## Amendment 51

### Proposal for a regulation

#### Article 10 – paragraph 2 – subparagraph 5

##### *Text proposed by the Commission*

Where the roadworthiness certificate or a roadside inspection report demonstrates that an inspection of one of the items listed in Annex II, , has been carried out in the course of the preceding ***month***, the inspector shall not check *this* item, except where justified on the grounds of an obvious deficiency.

##### *Amendment*

Where the roadworthiness certificate ***corresponding to the most recent roadworthiness test*** or a roadside inspection report demonstrates that an inspection of one of the items listed in Annex II, has been carried out in the course of the preceding ***three months***, the inspector shall not check *that* item, except where ***such inspection is*** justified on the grounds of an obvious deficiency.

##### *Justification*

*The introduction of the six-monthly vehicle safety inspection ensures that the components of a commercial vehicle are regularly checked and signs of wear can be detected at an earlier stage. Undertakings can also schedule these inspections, and any deficiencies in the vehicle can be rectified in good time. This should enable technical roadside inspections to be carried out more efficiently.*

## Amendment 52

### Proposal for a regulation Article 11 – paragraph 2

*Text proposed by the Commission*

2. Where the inspections are to be carried out in a testing centre, ***the place of the initial roadside inspection shall not be fixed more than 10 km away from this centre.***

*Amendment*

2. Where the inspections are to be carried out in a testing centre, ***they must be carried as soon as possible out in the nearest centre.***

## Amendment 53

### Proposal for a regulation Article 11 – paragraph 3

*Text proposed by the Commission*

3. Mobile inspection units shall include appropriate equipment for carrying out a roadside inspection, including at least the equipment necessary to assess the condition of the brakes, steering, suspension ***and*** emissions of the vehicle.

*Amendment*

3. Mobile inspection units shall include appropriate equipment for carrying out a roadside inspection, including at least the equipment necessary to assess the condition of the brakes, steering, suspension, emissions ***and weight*** of the vehicle.

## Amendment 54

### Proposal for a regulation Article 12 – paragraph 2 – indent 3

*Text proposed by the Commission*

– dangerous deficiencies that constitute a direct and immediate risk to road safety ***such that the vehicle may not be used on the road under any circumstances.***

*Amendment*

– dangerous deficiencies that constitute a direct and immediate risk to road safety ***justifying the Member State concerned or its competent authorities banning the vehicle from use on the road.***

## Amendment 55

### Proposal for a regulation Article 13

*Text proposed by the Commission*

Article 13

***Specific rules concerning the inspection of cargo securing***

***The inspector*** may subject a vehicle to an inspection of the cargo securing in accordance with ***Annex IV***. ***The follow-up procedures referred to in Article 14 shall also apply in case of major or dangerous deficiencies related to cargo securing.***

*Amendment*

Article 13

***Inspection*** of cargo securing

***Inspectors*** may subject a vehicle to an inspection of the cargo securing in accordance with ***existing standards***. ***The outcome of such an inspection shall not be introduced into the risk rating system until the rules on cargo securing are harmonised at Union level.***

***By ....[align to date in Article 18a of the proposal for a Regulation on periodic roadworthiness tests], the Commission shall submit to the European Parliament and to the Council a report on the level of harmonisation in the area of cargo securing in road transport, the checking thereof at the roadside and the result of an analysis of methods to ensure that undertakings operating the vehicle, consignors, freight forwarders, loaders and other relevant operators involved in the handling of cargo are complying with cargo securing requirements.***

***The report shall be accompanied, if appropriate, by a legislative proposal.***

## Amendment 56

### Proposal for a regulation Article 14 – paragraph 1

*Text proposed by the Commission*

1. Any major deficiency revealed by an initial or a more detailed inspection shall be rectified without delay and in ***the vicinity of the*** inspection spot.

*Amendment*

1. Any major deficiency revealed by an initial or a more detailed inspection shall be rectified without delay and in ***a location with the requisite equipment as close as***

*possible to the place in which the initial or more detailed inspection was carried out.*

## Amendment 57

### Proposal for a regulation Article 14 – paragraph 3 – subparagraph 1

*Text proposed by the Commission*

3. The inspector shall not authorise a vehicle classified with dangerous deficiencies, to be used until such deficiencies have been rectified on the spot *of* the inspection. *The inspector may* authorise *such a* vehicle to be used in order to reach the closest workshop where those deficiencies can be rectified, on *the* condition that the dangerous deficiencies have been fixed in such a way as to allow it to reach *this* workshop and that there is no immediate risk to the safety of *its* occupants or other road users.

*Amendment*

3. The inspector shall not authorise a vehicle classified with dangerous deficiencies to be used until such deficiencies have been rectified on the spot *where* the inspection *took place or at one of the closest workshops*. *If deficiencies are detected in areas of a vehicle that are referred to in Article 10(2), the inspector shall* authorise *the* vehicle to be used in order to reach the closest workshop where those deficiencies can be rectified, on condition that the dangerous deficiencies have been fixed in such a way as to allow it to reach *that* workshop and that there is no immediate risk to the safety of occupants *of the vehicle* or other road users.

## Amendment 58

### Proposal for a regulation Article 14 – paragraph 3 – subparagraph 2

*Text proposed by the Commission*

The inspector may authorise the vehicle classified with dangerous deficiencies to be brought directly to the closest location where *this vehicle* can be repaired or impounded.

*Amendment*

The inspector may authorise the vehicle classified with dangerous deficiencies to be brought directly to the closest *available* location where *it* can be repaired or impounded.



## Amendment 59

### Proposal for a regulation Article 16 – paragraph 2

*Text proposed by the Commission*

2. The inspector shall communicate to the competent authority the results of the more detailed roadside inspections within a reasonable time *limit* following *these* inspections. The competent authority shall keep *this information* for 36 months from the date of its *reception*.

*Amendment*

2. The inspector shall communicate ***electronically*** to the competent authority the results of the more detailed roadside inspections within a reasonable time following *those* inspections. The competent authority ***shall introduce that information in the national register referred to in Regulation (EC) No 1071/2009 and*** shall keep *it* for 36 months from the date of its *receipt*.

## Amendment 60

### Proposal for a regulation Article 16 – paragraph 3

*Text proposed by the Commission*

3. The results of the roadside inspection shall be communicated to the registration *authority* of the vehicle.

*Amendment*

3. The results of the roadside inspection shall be communicated ***electronically*** to the registration ***authority of the vehicle, to the owner*** of the vehicle ***and, in the case of vehicles registered in another Member State, through the use of ERRU, as provided for in Regulation (EC) No 1071/2009 .***

## Amendment 61

### 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

*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

*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 *and formats* 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 62

### Proposal for a regulation Article 18 – paragraph 2 – subparagraph 2

#### *Text proposed by the Commission*

The competent authority of the Member State of registration of the vehicle shall inform the Member State of inspection of the action taken.

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 *that* inspection.

***The Member State of registration shall take that information into account when classifying undertakings pursuant to Article 6(2).***

*That* information shall contain the elements of the roadside inspection report as set out in Annex VI, ***shall be in a standardised format and shall be communicated through the national electronic register referred to in Article 16 of Regulation (EC) 1071/2009.***

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*

The competent authority of the Member State of registration of the vehicle shall inform ***the competent authority of the*** Member State of inspection of the action taken ***and introduce the information into ERRU.***

## **Amendment 63**

### **Proposal for a regulation**

#### **Article 18 – paragraph 1 – point 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***(2a) In the event that major or dangerous deficiencies are found, the name of the operator shall be provided to the contact point in accordance with Article 16.***

## **Amendment 64**

### **Proposal for a regulation**

#### **Article 18 – paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

***2b. The Member State of registration shall provide information to the authority performing a technical roadside inspection concerning 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 such information to such authorities.***

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

## Amendment 65

### Proposal for a regulation

#### Article 20 – paragraph 2 – subparagraph 2

*Text proposed by the Commission*

The Commission shall report the data collected *to the European Parliament*.

*Amendment*

The Commission shall *submit to the European Parliament a report summarising* the data collected.

## Amendment 66

### Proposal for a regulation

#### Article 22 – paragraph 2

*Text proposed by the Commission*

2. The delegation of power referred to in Article 21 shall be conferred for *an indeterminate* period of *time* [from the date of entry into force of this Regulation.]

*Amendment*

2. The delegation of power referred to in Article 21 shall be conferred *on the Commission for a period of five years* [from the date of entry into force of this Regulation.] *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 identical duration unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.*

## Amendment 67

### Proposal for a regulation

#### Article 24 – paragraph 2

*Texte proposé par la Commission*

2. Rules laid down in accordance with paragraph 1 shall include penalties for failure by a driver or operator to cooperate with the inspector and *to rectify deficiencies detected during an inspection*.

*Amendement*

2. Rules laid down in accordance with paragraph 1 shall include penalties for failure by a driver or operator to cooperate with the inspector and *for the illegal use of a vehicle resulting from non-compliance with Article 14*.

### *Justification*

*Driving an unroadworthy vehicle on public highways should be a punishable act, although the failure to correct problems uncovered at a roadworthiness test should not be. In certain cases, the owner or operator of a vehicle which has been found to present severe or dangerous deficiencies may decide to take it off the road (he may decide to have it destroyed in accordance with the rules laid down in Directive 2000/53/EC on end of life vehicles, or to use in it another manner).*

### **Amendment 68**

#### **Proposal for a regulation**

#### **Annex II – part 2 – item 5.2.2 – point d a (new)**

*Text proposed by the Commission*

5.2.2. Wheels            Visual inspection of both side of each wheel

*Amendment by Parliament*

5.2.2. Wheels            Visual inspection of both side of each wheel            ***(da) Wheel not compatible with wheel hub***

### *Justification*

*There are serious liability and safety concerns associated with substandard or damaged wheels, whereby wheels are fitted onto non-standard axles. The testing of wheels not in conformity with the wheel hub should be treated as a safety critical item and therefore included in the list of items to be checked during roadside technical inspections.*

### **Amendment 69**

#### **Proposal for a regulation**

#### **Annex II – part 2 – item 5.2.3 – column 2: Method**

*Text proposed by the Commission*

5.2.3 Tyres            Visual inspection of the entire tyre by rolling the vehicle backwards and forwards.

*Amendment by Parliament*

- 5.2.3 Tyres            Visual inspection of the entire tyre by rolling the vehicle backwards and forwards.
- Use a pressure gauge to measure tyre pressure and compare it with the values given by the manufacturer.***

*Justification*

*The pressure of a tyre cannot be checked without the use of a pressure gauge. The inspector will have to compare whether the tyre pressure is in line with that recommended by the vehicle manufacturer.*

**Amendment 70**

**Proposal for a regulation**

**Annex III – part 1 – heading: Dangerous deficiencies – paragraph 1**

*Text proposed by the Commission*

*Amendment*

Deficiencies that constitute a direct and immediate risk to road safety. ***Further use of the vehicle on the road is not permitted***, although in some instances it may be permitted to be driven under specified conditions directly to a specified location, for example for immediate repair or impounding of the vehicle.

Deficiencies that constitute a direct and immediate risk to road safety ***justifying the Member State concerned or its competent authorities banning the vehicle from the road***, although in some instances it may be permitted to be driven under specified conditions directly to a specified location, for example for immediate repair or impounding of the vehicle.

**Amendment 71**

**Proposal for a regulation**

**Annex 3 – part 2 – item 5.2.3 – point e**

*Text proposed by the Commission*

- |              |  |   |   |
|--------------|--|---|---|
| 5.2.3. Tyres | (e) Tyre tread depth <b><i>not in accordance with the requirements<sup>(1)</sup></i></b> . | X | X |
|              | <b><i>Less than 80% of required</i></b> tread depth  |   |   |

*Amendment by Parliament*

5.2.3. Tyres	(e) Tyre <i>at minimum legal</i> tread depth.	X	X
	<i>Tyres below minimum legal</i> tread depth		

*Justification*

*Any tyre with a tread depth below the legal requirements is illegal and should therefore not be allowed on European roads.*

**Amendment 72**

**Proposal for a regulation**

**Annex 3 – part 2 – item 5.2.3 – point g a (new)**

*Text proposed by the Commission*

5.2.3. Tyres

*Amendment by Parliament*

5.2.3. Tyres	(ga) <i>In-service operating pressure in one of the vehicle's tyres reduced by 20%</i>	X	X
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*Justification*

*This is a serious safety concern as only properly inflated tyres hold the load, adhere to the road, consume less fuel, produce less noise, assure the best braking distance and contribute to extending the lifetime of tyres. A tyre under 150kPa is not only unsafe but dangerous, as it is at risk of exploding.*

**Amendment 73**

**Proposal for a regulation**

**Annex IV**

*Text proposed by the Commission*

*Amendment*

***Annex deleted***





## 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.

26.4.2013

## **OPINION OF THE COMMITTEE ON INDUSTRY, RESEARCH AND ENERGY**

for the Committee on Transport and Tourism

on the proposal for a regulation of the European Parliament and of the Council on 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))

Rapporteur: Krišjānis Kariņš

### **SHORT JUSTIFICATION**

With every year the internal market becomes more interconnected; goods have started to move across the European Union with unanticipated intensity. This means that new challenges of harmonisation in regards to road safety have arisen.

The rapporteur supports the general direction of the regulation proposed by the European Commission. Nevertheless he is of the opinion that several major improvements are needed in the text in order to sufficiently add value to this regulation.

First, the proposed risk rating system should be established at a European level. This is the safest way how to establish true risk rating of an undertaking. Vehicles increasingly move across borders and thus it is necessary to know which undertakings are considered risky in other Member States. This cannot be achieved with national risk rating systems.

Second, reports of the latest roadworthiness tests have to be available to the inspectors and could serve as a basis for determination when it comes to the risk rating of each undertaking. The European Union should not impose an additional administrative burden, but instead develop a far reaching system for detection of potentially dangerous vehicles circulating on European roads.

And finally, the procedure of roadside inspection has to be more precise and the text has to be explicit and clear. For example, if during the initial roadside check some deficiencies have been detected then a detailed inspection has to be made. It is not clear from the text proposed by the Commission what should follow. The same applies to repairs of the vehicle. The repair has to be made by professionals and not on the road by driver or inspector. That is why if dangerous deficiencies have been detected they have to be rectified at the closest workshop.

The rapporteur is of the opinion that 12 months is too early to apply this regulation. He proposes 60 months as a time limit to purchase all necessary equipment and to train personnel.

## AMENDMENTS

The Committee on Industry, Research and Energy calls on the Committee on Transport and Tourism, as the committee responsible, to incorporate the following amendments in its report:

### **Amendment 1** **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) The roadside inspections should be implemented via a **Union-wide** 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.

#### *Justification*

*Only a Europe wide risk rating system will have an added value. In times of increased mobility of goods vehicles more often move across borders and for this reason a risk rating system only within a Member State will have a limited impact on safety on the roads.*

### **Amendment 2** **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***

#### *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

to carry out more detailed inspections.

inspections *if they are in close vicinity*.

*Justification*

*A more detailed inspection must be carried out if there is a mobile unit for this purpose available or there is a testing centre in close vicinity.*

**Amendment 3**  
**Proposal for a regulation**  
**Recital 15**

*Text proposed by the Commission*

(15) Cooperation and exchange of best practices between Member States is crucial to achieve a more harmonised system of technical roadside inspections throughout the Union. Therefore Member States should work more closely together also during operational activities. This cooperation should also include the periodical organisation of concerted roadside inspections.

*Amendment*

(15) Cooperation and exchange of best practices between Member States is crucial to achieve a more harmonised system of technical roadside inspections throughout the Union. Therefore Member States should work more closely together also during operational activities. This cooperation should also include the periodical organisation of concerted roadside inspections *as well as information sharing on results of roadside inspection and roadworthiness test*.

**Amendment 4**  
**Proposal for a regulation**  
**Article 1 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

*1a. 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.*

*Justification*

*Current experience shows, that vehicle drivers are discriminated if they drive with number plates from certain countries. This must be stopped.*

**Amendment 5**  
**Proposal for a regulation**

**Article 2 – paragraph 1 – indent 2**

*Text proposed by the Commission*

*Amendment*

– *motor vehicles having at least four wheels, normally used for the road carriage of goods and with a maximum permissible mass not exceeding 3 500 kg – vehicle category N1,*

*deleted*

**Amendment 6**  
**Proposal for a regulation**  
**Article 5 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

Each Member State shall carry out in every calendar year a **total** number of initial roadside inspections, corresponding to **at least** 5% of the total number of vehicles **referred to in Article 3(1)** that are registered in its territory.

Each Member State shall carry out in every calendar year a number of initial roadside inspections **of eligible registered vehicles in each of the Member States. A target shall be** corresponding to 5% of the total number of **eligible** vehicles that are registered in its territory.

*Justification*

*The roadside inspection should affect only the category of vehicle which are eligible for the roadside inspections. Reference to total number of vehicles will cause unproportional administrative burden. Referring to the principle of subsidiarity, a 5% target should only be indicative. There should be flexibility for the Member States.*

**Amendment 7**  
**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 introduced at **national** level. The risk rating system shall be operated by the competent

1. A roadside inspections risk rating system based on the number and severity of deficiencies found on vehicles operated by individual undertakings shall be introduced at **Union** level. The risk rating system **in each Member State** shall be operated by

authority of the Member State.

the competent authority of the Member State. ***The data on inspections shall be collected at the Union level and the rating of each undertaking determined on basis of aggregated Union-wide data on the results of roadside inspections and roadworthiness tests.***

*Justification*

*Only a risk rating system at the European level will have a sufficient added value. There is no point of establishing a new system of risk rating only for purpose of creating a new administrative capacity.*

**Amendment 8**  
**Proposal for a regulation**  
**Article 7 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

***1. Drivers of a vehicle registered in a Member State shall keep on board the roadworthiness certificate corresponding to the latest roadworthiness test and the report of the last roadside inspection, when they are available.***

***deleted***

*Justification*

*This information has to be available electronically to inspections at the Member States. There is no need to carry around additional papers for the purpose of increased administrative burden.*

**Amendment 9**  
**Proposal for a regulation**  
**Article 7 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

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

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



*Justification*

*The vehicle driver should also bear responsibility for the technical state of vehicle.*

**Amendment 10**

**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 roadside inspection report;

*Justification*

*The roadworthiness certificate and the previous roadside inspection reports should be available electronically, in order not to impose an additional administrative burden for the enterprises and facilitate a smooth roadside inspection.*

**Amendment 11**

**Proposal for a regulation**

**Article 10 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

On the basis of the outcome of the initial inspection, the inspector ***may*** decide that the vehicle or its trailer should be subject to a more detailed roadside inspection.

*Amendment*

On the basis of the outcome of the initial inspection, the inspector, ***if the initial inspection shows that a more detailed inspection is needed in order to fully assess the technical state of the vehicle, shall*** decide that the vehicle or its trailer should be subject to a more detailed roadside inspection.

**Amendment 12**

**Proposal for a regulation**

**Article 14 – paragraph 3 – subparagraph 1**

*Text proposed by the Commission*

The inspector shall not authorise a vehicle

*Amendment*

The inspector shall not authorise a vehicle

classified with dangerous deficiencies, to be used until such deficiencies have been rectified on the spot of the inspection. ***The inspector may*** authorise such a vehicle to be used in order to reach the closest workshop where those deficiencies can be rectified, on the condition that the dangerous deficiencies have been fixed in such a way as to allow it to reach this workshop and that there is no immediate risk to the safety of its occupants or other road users.

classified with dangerous deficiencies, to be used until such deficiencies have been rectified on the spot of the inspection ***or at one of the closest workshops. If there are deficiencies detected in the areas of a vehicle that are referred to in Article 10(2), inspector shall*** authorise such a vehicle to be used in order to reach the closest workshop where those deficiencies can be rectified, on the condition that the dangerous deficiencies have been fixed in such a way as to allow it to reach this workshop and that there is no immediate risk to the safety of its occupants or other road users.

**Amendment 13**  
**Proposal for a regulation**  
**Article 14 – paragraph 3 – subparagraph 2**

*Text proposed by the Commission*

***The inspector may authorise the vehicle classified with dangerous deficiencies to be brought directly to the closest location where this vehicle can be repaired or impounded.***

*Amendment*

***deleted***

**Amendment 14**  
**Proposal for a regulation**

**Article 20 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

The Commission shall report the data collected ***to the European Parliament.***

*Amendment*

The Commission shall ***submit to the European Parliament a*** report ***summarising*** the data collected.

**Amendment 15**  
**Proposal for a regulation**

**Article 22 – paragraph 2**

*Text proposed by the Commission*

2. The *delegation of* power referred to in Article 21 shall be conferred for *an indeterminate* period of *time* [from the date of entry into force of this Regulation.]

*Amendment*

2. The power *of delegation* referred to in Article 21 shall be conferred *on the Commission* for a period of *five years* [from the date of entry into force of this Regulation.] *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 identical duration unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.*

**Amendment 16**  
**Proposal for a regulation**  
**Article 26 – paragraph 2**

*Text proposed by the Commission*

It shall apply from [**12** months after its entry into force].

*Amendment*

It shall apply from [**60** months after its entry into force].

*Justification*

*There should be enough time to purchase the necessary equipment and set up an information exchange mechanism at the European level.*

## PROCEDURE

<b>Title</b>	Technical roadside inspection of the roadworthiness of commercial vehicles circulating in the Union
<b>References</b>	COM(2012)0382 – C7-0188/2012 – 2012/0186(COD)
<b>Committee responsible</b> Date announced in plenary	TRAN 11.9.2012
<b>Opinion by</b> Date announced in plenary	ITRE 11.9.2012
<b>Rapporteur</b> Date appointed	Krišjānis Kariņš 25.10.2012
<b>Discussed in committee</b>	18.3.2013
<b>Date adopted</b>	25.4.2013
<b>Result of final vote</b>	+: 44 –: 3 0: 1
<b>Members present for the final vote</b>	Jean-Pierre Audy, Zigmantas Balčytis, Ivo Belet, Bendt Bendtsen, Fabrizio Bertot, Jan Březina, Reinhard Bütikofer, Maria Da Graça Carvalho, Giles Chichester, Jürgen Creutzmann, Pilar del Castillo Vera, Vicky Ford, Gaston Franco, Adam Gierek, Norbert Glante, Robert Goebbels, Fiona Hall, Jacky Hélin, Edit Herczog, Romana Jordan, Krišjānis Kariņš, Philippe Lamberts, Judith A. Merkies, Angelika Niebler, Jaroslav Paška, Aldo Patriciello, Vittorio Prodi, Teresa Riera Madurell, Jens Rohde, Paul Rübig, Amalia Sartori, Salvador Sedó i Alabart, Konrad Szymański, Evžen Tošenovský, Catherine Trautmann, Ioannis A. Tsoukalas, Claude Turmes, Marita Ulvskog, Adina-Ioana Vălean, Kathleen Van Brempt, Alejo Vidal-Quadras
<b>Substitute(s) present for the final vote</b>	Elisabetta Gardini, Jolanta Emilia Hibner, Eija-Riitta Korhola, Bernd Lange, Vladimír Remek, Algirdas Saudargas, Silvia-Adriana Țicău

## PROCEDURE

<b>Title</b>	Technical roadside inspection of the roadworthiness of commercial vehicles circulating in the Union			
<b>References</b>	COM(2012)0382 – C7-0188/2012 – 2012/0186(COD)			
<b>Date submitted to Parliament</b>	10.7.2012			
<b>Committee responsible</b> Date announced in plenary	TRAN 11.9.2012			
<b>Committee(s) asked for opinion(s)</b> Date announced in plenary	ENVI 11.9.2012	ITRE 11.9.2012	IMCO 11.9.2012	
<b>Not delivering opinions</b> Date of decision	ENVI 12.9.2012	IMCO 18.9.2012		
<b>Rapporteur(s)</b> Date appointed	Olga Sehnalová 8.10.2012			
<b>Discussed in committee</b>	18.12.2012	22.1.2013	19.3.2013	23.4.2013
<b>Date adopted</b>	30.5.2013			
<b>Result of final vote</b>	+: -: 0:	34 5 0		
<b>Members present for the final vote</b>	Magdi Cristiano Allam, Georges Bach, Izaskun Bilbao Barandica, Antonio Cancian, Michael Cramer, Joseph Cuschieri, Saïd El Khadraoui, Ismail Ertug, Carlo Fidanza, Jacqueline Foster, Franco Frigo, Mathieu Grosch, Jim Higgins, Juozas Imbrasas, Dieter-Lebrecht Koch, Georgios Koumoutsakos, Werner Kuhn, Marian-Jean Marinescu, Gesine Meissner, Hubert Pirker, Dominique Riquet, Petri Sarvamaa, Olga Sehnalová, Brian Simpson, Silvia-Adriana Țicău, Peter van Dalen, Patricia van der Kammen, Artur Zasada, Roberts Zile			
<b>Substitute(s) present for the final vote</b>	Michel Dantin, Isabelle Durant, Markus Ferber, Nathalie Griesbeck, Gilles Pargneaux, Alfreds Rubiks, Bernadette Vergnaud, Sabine Wils, Janusz Władysław Zemke			
<b>Substitute(s) under Rule 187(2) present for the final vote</b>	George Sabin Cutaș			
<b>Date tabled</b>	17.6.2013			