



EUROPEAN PARLIAMENT

2009 - 2014

Committee on Industry, Research and Energy

2012/0186(COD)

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

PA_Legam

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

Amendment

(6) The roadside inspections should be implemented via a ***Union-wide*** risk rating system. The Member States may use the

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.

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*** to carry out more detailed inspections.

Amendment

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

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

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.

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

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

Each Member State shall carry out in every

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.

calendar year a number of initial roadside inspections **of eligible registered vehicles in each of the Member States. A target could 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

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.

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 **Union** level. The risk rating system **in each Member State** shall be operated by the competent authority of the Member State. **The data on inspections should 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

Amendment

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

(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 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 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

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 ***or at one of the closest workshops. If there are deficiencies detected in the areas of a vehicle that are mentioned 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

Amendment

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.

deleted

Amendment 14

Proposal for a regulation

Article 20 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

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

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

Amendment

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.]

2. The delegation of power referred to in Article 21 shall be conferred for ***a*** period of ***five years*** [from the date of entry into force of this Regulation.] ***The Commission shall submit a report on 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 Council opposes such an 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

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|---|---|
| Title | Technical roadside inspection of the roadworthiness of commercial vehicles circulating in the Union |
| References | COM(2012)0382 – C7-0188/2012 – 2012/0186(COD) |
| Committee responsible Date announced in plenary | TRAN 11.9.2012 |
| Opinion by Date announced in plenary | ITRE 11.9.2012 |
| Rapporteur Date appointed | Krišjānis Kariņš 25.10.2012 |
| Discussed in committee | 18.3.2013 |
| Date adopted | 25.4.2013 |
| Result of final vote | +: 44 –: 3 0: 1 |
| Members present for the final vote | 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 Hénin, 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 |
| Substitute(s) present for the final vote | Elisabetta Gardini, Jolanta Emilia Hibner, Eija-Riitta Korhola, Bernd Lange, Vladimír Remek, Algirdas Saudargas, Silvia-Adriana Țicău |