



EUROPEAN PARLIAMENT

2009 - 2014

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*Committee on the Internal Market and Consumer Protection*

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**2012/0184(COD)**

27.5.2013

## **OPINION**

of the Committee on the Internal Market and Consumer Protection

for the Committee on Transport and Tourism

on the proposal for a regulation of the European Parliament and of the Council  
on periodic roadworthiness tests for motor vehicles and their trailers and  
repealing Directive 2009/40/EC  
(COM(2012)0380 – C7-0186/2012 – 2012/0184(COD))

Rapporteur: Malcolm Harbour

PA\_Legam

## SHORT JUSTIFICATION

The proposal lays down updated harmonised EU rules on the roadworthiness testing of motor vehicles and trailers with a view to strengthening minimum safety and emissions standards for periodic Roadworthiness tests (PTI). The proposal aims to help reduce EU road fatalities by half before 2020 according to the EU's Policy Orientations on Road Safety. Furthermore the proposal aims to contribute to emissions reductions resulting from poor vehicle maintenance.

Your Rapporteur supports these key objectives, and given the differences between Member States' practices, supports targeted harmonisation in accordance with the subsidiary principle, and therefore doubts that the instrument should be a Regulation leaving less room for Member States to adapt the rules nationally.

Furthermore, your Rapporteur believes that the road-fatalities reduction target should be achieved while ensuring proportionality, and accordingly supports adapted solutions based on a solid evidence base. With this, he would like to draw attention to the uncertainties highlighted by the European Parliament's Impact Assessment Unit that: "the basic assumption that better and more frequent technical inspections would lead to fewer defects in vehicles seems not to be supported by evidence at all".

Your Rapporteur also notes that the scope has been extended beyond that of Directive 2009/40/EC to include new categories of vehicles, in particular powered two and three wheelers, light trailers below 3.5 tonnes, and tractors with a design speed exceeding 40 km/h. The proposal also increases the frequency of inspections for older or high-mileage vehicles.

Your Rapporteur has not proposed any changes in relation to the form or scope of the draft law, nor to the duration of testing as these are issues for the lead Committee, and has decided instead to focus his amendments on single market matters. From an IMCO perspective, the most relevant issues include:

1. How to define "Roadworthiness test"

Your Rapporteur proposes an Amendment to modify the definition of a Roadworthiness test, which currently might be misused to limit cross-border competition in trade of second hand vehicles. Specifically, the Commission's definition creates legal uncertainty because it restates, in a general definition, the requirement to test according to type-approval criteria in general, whereas the relevant type approval criteria are already specified in the annexes. This implies that all components in a vehicle can potentially be tested since it is possible to discern a safety dimension for all vehicle components. It should only be relevant to test those, which are type approved for safety and emissions. The concern is that some actors may exploit this loophole to protect the domestic market for used vehicles and fail vehicles without good reason.

2. Measures to identify and prevent mileage fraud.

Amongst all products, the Consumer Markets Scoreboard gives second-hand cars the lowest Market Performance score for the third consecutive year, and in particular, the lowest rank in

terms of trust. Accordingly, your Rapporteur proposes enhanced measures to combat odometer fraud by expanding the scope of the electronic vehicle information platform to ensure a web-based platform holds all vehicle mileage information. Furthermore, your Rapporteur is concerned that the Commission's proposal bans any correction to an odometer including those upward adjustments which would avoid leaving the affected vehicles with unnecessarily reduced market value.

3. Access to roadworthiness test results on national registers, access to technical information, and minimum testing equipment requirements.

The Regulation introduces the possibility of establishing an EU harmonised data exchange system, allowing PTI test centres across the EU to access vehicle repair and maintenance information. But your Rapporteur thinks that access to this repository should not be limited to competent authorities and PTI testing centres. To ensure a level playing field, he proposes to also allow garage equipment manufacturers to have access as this will allow them to produce competitive and effective test equipment. Your Rapporteur also proposes to allow the deployment of alternative testing processes which may be vital to facilitate the cost-effective testing of vehicles which are difficult to test.

4. Exemptions.

Your Rapporteur welcomes the exemption for 'historic vehicles'. However he considers the definition is too prescriptive and recommends instead providing a basic age requirement. Furthermore he proposes to maintain Member States' discretion to exempt vehicles from the Regulation in line with current practice.

5. Mutual recognition

Roadworthiness testing is linked to the re-registration of Motor Vehicles given that greater EU-harmonisation on PTI testing should simplify vehicle re-registration from one Member State to another. Accordingly your Rapporteur has introduced a new proposal stipulating the mandatory mutual recognition of PTI testing certificates across the Union.

6. Review and monitoring.

To further strengthen the single market, your Rapporteur has also introduced a review clause to investigate, five years after the adoption of this proposal, the potential for facilitating data exchange of PTI testing results between Member States.

## **AMENDMENTS**

The Committee on the Internal Market and Consumer Protection 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**

**Title 1**

*Text proposed by the Commission*

*Amendment*

Proposal for a  
**REGULATION** OF THE EUROPEAN  
PARLIAMENT AND OF THE COUNCIL  
on periodic roadworthiness tests for motor  
vehicles and their trailers and repealing  
Directive 2009/40/EC  
(Text with EEA relevance)

Proposal for a  
**DIRECTIVE** OF THE EUROPEAN  
PARLIAMENT AND OF THE COUNCIL  
on periodic roadworthiness tests for motor  
vehicles and their trailers and repealing  
Directive 2009/40/EC  
(Text with EEA relevance)

*Justification*

*A regulation is the wrong type of legal act for this purpose. The purpose of this act, namely to reduce to a minimum the number of road accidents by means of periodic roadworthiness testing, can also be achieved by means of a legal instrument which affects national law less radically. The hypothesis on which the proposal is based is of dubious validity. As the doubts surrounding it cannot be eliminated, a directive is preferable as being the more proportionate instrument.*

**Amendment 2**  
**Proposal for a regulation**

**Recital 4**

*Text proposed by the Commission*

*Amendment*

(4) A number of technical standards and requirements on vehicle safety have been adopted within the Union. It is however necessary to ensure, through a regime of periodic roadworthiness tests, that after being placed on the market, vehicles continue to meet safety standards throughout their lifetime. ***This regime should apply to*** categories of vehicles as defined in ***Directive 2002/24/EC of the European Parliament and of the Council of 18 March 2002 relating to the type-approval of two or three-wheel motor***

(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 periodic roadworthiness tests, that after being placed on the market, vehicles continue to meet safety standards throughout their lifetime. ***The Member States could introduce national requirements governing roadworthiness tests for*** categories of vehicles as defined in ***Regulation 2013/168/EU of the European Parliament and of the Council***

*vehicles and repealing Council Directive 92/61/EEC, Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval for motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles and Directive 2003/37/EC of the European Parliament and of the Council of 26 May 2003 on type-approval of agricultural or forestry tractors, their trailers and interchangeable towed machinery, together with their systems, components and separate technical units and repealing Directive 74/150/EEC.*

*of 15 January 2013 on the approval and market surveillance of two- or three-wheel vehicles and quadricycles. This regime should apply to categories of vehicles as defined in Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval for motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles and Directive 2003/37/EC of the European Parliament and of the Council of 26 May 2003 on type-approval of agricultural or forestry tractors, their trailers and interchangeable towed machinery, together with their systems, components and separate technical units and repealing Directive 74/150/EEC.*

### **Amendment 3** **Proposal for a regulation**

#### **Recital 5**

*Text proposed by the Commission*

(5) There is a **clear** correlation between the level of road safety and **the number of** technical deficiencies **of** vehicles. In 2009, 35,000 fatalities have been reported on European roads. **Assuming that technical deficiencies contribute to fatalities proportionately to their contribution to accidents, more than 2,000 fatalities per year in the Union may be linked to technical deficiencies of vehicles. Based on available studies, between 900 and 1,100 of these could be avoided if adequate improvements to the roadworthiness testing system were put in place.**

*Amendment*

(5) **It is suspected that** there is a correlation between the level of road safety and technical deficiencies **in** vehicles. In 2009, 35,000 fatalities have been reported on European roads. Adequate improvements to the roadworthiness testing system **can help to reduce to a minimum the number of fatal accidents.**

*Justification*

*The scientific hypothesis is of dubious validity. Police investigations in Germany alone estimate that the impact of technical faults in vehicles on the effects of an accident is far*

*smaller.*

**Amendment 4**  
**Proposal for a regulation**

**Recital 6**

*Text proposed by the Commission*

(6) A large fraction of total emissions of road transport, in particular CO<sub>2</sub> emissions, is due to a minority of vehicles with malfunctioning emission control systems. It is estimated that 5% of the vehicle fleet causes 25% of all pollutant emissions. Therefore, a periodic regime of roadworthiness tests would also contribute to improve the environment through the reduction of the average vehicle emissions.

*Amendment*

(6) A large fraction of total emissions of road transport, in particular CO<sub>2</sub> emissions, is due to a minority of vehicles with malfunctioning emission control systems. It is estimated that 5% of the vehicle fleet causes 25% of all pollutant emissions.

*This also applies to an increase in particulates and NO<sub>x</sub> emissions from modern engine designs which require a more comprehensive emission check, including an electronic check of the integrity and functionality of the vehicle's own on-board diagnostic (OBD) system, verified by existing tailpipe testing to ensure a complete and accurate emission system test, as OBD only is not a reliable test.*

Therefore, a periodic regime of roadworthiness tests would also contribute to improve the environment through the reduction of the average vehicle emissions.

*Justification*

*OBD is not a guaranteed method of emission assessment; this is why it must be verified by measuring the exhaust emission at the tailpipe.*

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

**Recital 7**

*Text proposed by the Commission*

*Amendment*

***(7) Solid investigation results show that 8% of the accidents involving motorcycles are caused or linked to technical defects. Motorcycle riders are the group of road users with the highest safety risk, with rising trend in the number of fatalities. Moped drivers are overrepresented in the number of fatalities, with more than 1,400 drivers killed on the roads in 2008. The scope of vehicles to be tested shall therefore be extended to the highest risk group of road users, the powered two- or three-wheel vehicles.***

*deleted*

*Justification*

*In accordance with the subsidiarity and proportionality principles, it should be left to the discretion of the Member States whether to extend roadworthiness tests to two- and three-wheel motor vehicles. Furthermore, the EU accident statistics for two- and three-wheel vehicles do not correlate with earlier studies.*

## **Amendment 6 Proposal for a regulation**

### **Recital 10**

*Text proposed by the Commission*

*Amendment*

(10) Roadworthiness testing is a sovereign activity and should therefore be done by the Member States or by entrusted bodies under their supervision. Member States should remain responsible for roadworthiness testing in any *cases* even if the national system allows for authorisation of private bodies, including those involved in performing repairs.

(10) Roadworthiness testing is a sovereign activity and should therefore be done by the Member States or by entrusted bodies under their supervision. Member States should remain responsible for ***organising*** roadworthiness testing in any *case* even if the national system allows for authorisation of private bodies, including those involved in performing repairs.

## **Amendment 7 Proposal for a regulation**

### **Recital 12**



*Text proposed by the Commission*

(12) To achieve a high quality of testing throughout the Union test equipment to be used during testing, its maintenance and calibration should be specified **on** Union level.

*Amendment*

(12) To achieve a high quality of testing throughout the Union **of** test equipment to be used during testing, its maintenance and calibration should be specified **at** Union level. ***Incentives should be created for innovations in the areas of testing systems, procedures and equipment, thus enabling further cost reductions and improvements in use.***

**Amendment 8**  
**Proposal for a regulation**

**Recital 14**

*Text proposed by the Commission*

(14) Results of a test should not be altered for commercial purposes. Only, if the findings of the roadworthiness test performed by an inspector are manifestly incorrect, the supervising body **should** be able to modify the results of a roadworthiness test.

*Amendment*

(14) Results of a test should not be altered for commercial purposes. Only if the findings of the roadworthiness test performed by an inspector are manifestly incorrect **should** the supervising body be able to modify the results of a roadworthiness test **and impose the appropriate penalties on the body which issued the certificate.**

**Amendment 9**  
**Proposal for a regulation**  
**Recital 22**

*Text proposed by the Commission*

(22) A roadworthiness certificate should be issued after each test, ***including inter alia information related to the identity of the vehicle and information on the results of the test. With a view to ensure a proper follow-up of roadworthiness tests,*** Member States should collect and keep such information in a database.

*Amendment*

(22) ***To ensure the proper follow up of testing results,*** a roadworthiness certificate should be issued after each test ***and should also be created in electronic format, with the same level of detail in relation to vehicle identity and test results as is contained on the original test certificate. Furthermore,*** Member States should collect and keep such information in a ***centralised*** database ***in order to ensure***

***that the authenticity of the periodical technical inspections results can be easily verified.***

*Justification*

*Roadworthiness certificates should now be delivered in hard copy as well as electronically to avoid forgery or tampering, and to facilitate information exchange which will enable the development of the Electronic Vehicle Information Platform.*

**Amendment 10**

**Proposal for a regulation**

**Recital 23**

*Text proposed by the Commission*

(23) Odometer fraud is considered to affect between 5 % and 12 % of used cars sales, resulting in a very important cost to society of several billions Euros yearly and in an incorrect evaluation of a roadworthiness condition of a vehicle. With a view to combat odometer fraud, the recording of mileage in the roadworthiness certificate combined with the obligation to present the certificate of the previous test would facilitate the detection of tampering or manipulation of the odometer. Odometer fraud should also be more systematically considered as an offence liable to a penalty.

*Amendment*

(23) Odometer fraud is considered to affect between 5 % and 12 % of used cars sales, resulting in a very important cost to society of several billions Euros yearly and in an incorrect evaluation of a roadworthiness condition of a vehicle. With a view to combat odometer fraud, the recording of mileage in the roadworthiness certificate combined with the obligation to present the certificate of the previous test would facilitate the detection of tampering or manipulation of the odometer ***and would furthermore improve the functioning of the single market in respect of cross border trade of second hand cars. Indeed, in the eighth edition of the consumer markets scoreboard ‘Making markets work for consumers’ of December 2012, for the third year running, this market segment was ranked with the lowest market performance score, and in particular the lowest rank in terms of trust.*** Odometer fraud should also be more systematically considered as an offense liable to penalty.

**Amendment 11**  
**Proposal for a regulation**

**Recital 26**

*Text proposed by the Commission*

(26) In order to supplement this **Regulation** with further technical details, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission with a view to take into account, when appropriate, evolution of the Union type-approval legislation in relation with vehicle categories, as well as the need to update the Annexes in the light of technical progress. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

*Amendment*

(26) In order to supplement this **Directive** with further technical details, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission with a view to take into account, when appropriate, evolution of the Union type-approval legislation in relation with vehicle categories, as well as the need to update the Annexes in the light of technical progress. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

*Justification*

*A regulation is the wrong type of legal act for this purpose. The purpose of this act, namely to reduce to a minimum the number of road accidents by means of periodic roadworthiness testing, can also be achieved by means of a legal instrument which affects national law less radically. The hypothesis on which the proposal is based is of dubious validity. As the doubts surrounding it cannot be eliminated, a directive is preferable as being the more proportionate instrument.*

**Amendment 12**  
**Proposal for a regulation**

**Recital 27**

*Text proposed by the Commission*

(27) In order to ensure uniform conditions for the implementation of this **Regulation**, implementing powers should be conferred

*Amendment*

(27) In order to ensure uniform conditions for the implementation of this **Directive**, implementing powers should be conferred

on the Commission. The implementing powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers.

on the Commission. The implementing powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers.

#### *Justification*

*A regulation is the wrong type of legal act for this purpose. The purpose of this act, namely to reduce to a minimum the number of road accidents by means of periodic roadworthiness testing, can also be achieved by means of a legal instrument which affects national law less radically. The hypothesis on which the proposal is based is of dubious validity. As the doubts surrounding it cannot be eliminated, a directive is preferable as being the more proportionate*

### **Amendment 13** **Proposal for a regulation**

#### **Recital 29**

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

(29) Since the objective of this **Regulation**, namely to lay down minimum common requirements and harmonised rules concerning the conduct of roadworthiness tests of vehicles within the Union, cannot be sufficiently achieved by the Member States and can therefore be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this **Regulation** does not go beyond what is necessary in order to achieve that objective.

##### *Amendment*

(29) Since the objective of this **Directive**, namely to lay down minimum common requirements and harmonised rules concerning the conduct of roadworthiness tests of vehicles within the Union, cannot be sufficiently achieved by the Member States and can therefore be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this **Directive** does not go beyond what is necessary to achieve that objective.

#### *Justification*

*A regulation is the wrong type of legal act for this purpose. The purpose of this act, namely to reduce to a minimum the number of road accidents by means of periodic roadworthiness testing, can also be achieved by means of a legal instrument which affects national law less radically. The hypothesis on which the proposal is based is of dubious validity. As the doubts surrounding it cannot be eliminated, a directive is preferable as being the more proportionate*

*instrument.*

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

**Recital 30**

*Text proposed by the Commission*

*(30) This Regulation respects fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union as referred to in Article 6 of the Treaty on European Union.*

*Amendment*

*deleted*

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

**Recital 31**

*Text proposed by the Commission*

(31) This **Regulation** updates the technical requirements of Directive 2009/40/EC of the European Parliament and of the Council of 6 May 2009 on roadworthiness tests for motor vehicles and their trailers and enlarges its scope in order to include in particular the setting up of testing centres and of their supervisory bodies as well as designating inspectors entrusted with performance of roadworthiness tests. Therefore this Directive should be repealed. In addition, this **Regulation** integrates the rules contained in the Commission Recommendation 2010/378/EU of 5 July 2010 on the assessment of defects during roadworthiness testing in accordance with Directive 2009/40/EC with the view to better regulate the roadworthiness testing methods.

*Amendment*

(31) This **Directive** updates the technical requirements of Directive 2009/40/EC of the European Parliament and of the Council of 6 May 2009 on roadworthiness tests for motor vehicles and their trailers and enlarges its scope in order to include in particular the setting up of testing centres and of their supervisory bodies as well as designating inspectors entrusted with performance of roadworthiness tests. Therefore this Directive should be repealed. In addition, this **Directive** integrates the rules contained in the Commission Recommendation 2010/378/EU of 5 July 2010 on the assessment of defects during roadworthiness testing in accordance with Directive 2009/40/EC with the view to better regulate the roadworthiness testing methods.

### *Justification*

*A regulation is the wrong type of legal act for this purpose. The purpose of this act, namely to reduce to a minimum the number of road accidents by means of periodic roadworthiness testing, can also be achieved by means of a legal instrument which affects national law less radically. The hypothesis on which the proposal is based is of dubious validity. As the doubts surrounding it cannot be eliminated, a directive is preferable as being the more proportionate instrument.*

#### **Amendment 16** **Proposal for a regulation**

##### **Article 1 – paragraph 1**

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

This **Regulation** establishes a regime of periodic roadworthiness tests of vehicles.

###### *Amendment*

This **Directive** establishes a regime of periodic roadworthiness tests of vehicles **carried out on the basis of minimum technical standards and requirements with the aim of ensuring a high level of road safety and environmental protection.**

### *Justification*

*A Directive sets common minimum standards for periodic roadworthiness tests, but at the same time takes into account the differences between Member States. Higher technical standards and requirements are allowed.*

#### **Amendment 17** **Proposal for a regulation**

##### **Article 2 – paragraph 1 – introductory part**

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

1. This **Regulation** shall apply to vehicles with a design speed exceeding 25 km/h of the following categories, as referred to in **Directive 2002/24/EC**, Directive 2007/46/EC and Directive 2003/37/EC:

###### *Amendment*

1. This **Directive** shall apply to vehicles with a design speed exceeding 25 km/h of the following categories, as referred to in **Regulation 2013/168/EU**, Directive 2007/46/EC and Directive 2003/37/EC:

### *Justification*

*A regulation is the wrong type of legal act for this purpose. The purpose of this act, namely to reduce to a minimum the number of road accidents by means of periodic roadworthiness testing, can also be achieved by means of a legal instrument which affects national law less*

*radically. The hypothesis on which the proposal is based is of dubious validity. As the doubts surrounding it cannot be eliminated, a directive is preferable as being the more proportionate instrument.*

**Amendment 18**  
**Proposal for a regulation**

**Article 2 – paragraph 1 – indent 7**

*Text proposed by the Commission*

*Amendment*

*– two- or three-wheel vehicles – vehicle categories L1e, L2e, L3e, L4e, L5e, L6e and L7e,* **deleted**

*Justification*

*In accordance with the subsidiarity and proportionality principles, it should be left to the discretion of the Member States whether to extend roadworthiness tests to two- and three-wheel motor vehicles. Furthermore, the EU accident statistics for two- and three-wheel vehicles do not correlate with earlier studies.*

**Amendment 19**  
**Proposal for a regulation**

**Article 2 – paragraph 2 – introductory part**

*Text proposed by the Commission*

*Amendment*

2. This **Regulation** shall not apply to:

2. This **Directive** shall not apply to:

*Justification*

*A regulation is the wrong type of legal act for this purpose. The purpose of this act, namely to reduce to a minimum the number of road accidents by means of periodic roadworthiness testing, can also be achieved by means of a legal instrument which affects national law less radically. The hypothesis on which the proposal is based is of dubious validity. As the doubts surrounding it cannot be eliminated, a directive is preferable as being the more proportionate instrument.*

**Amendment 20**  
**Proposal for a regulation**

**Article 2 – paragraph 2 – subparagraph 1 (new)**

*Text proposed by the Commission*

*Amendment*

***two- or three-wheel vehicles – vehicle categories L1e, L2e, L3e, L4e, L5e, L6e and L7e,***

**Amendment 21  
Proposal for a regulation**

**Article 2 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. Member States may introduce national requirements concerning roadworthiness tests for vehicles listed in paragraph 2 registered in their territory.

3. Member States may introduce national requirements concerning roadworthiness tests for vehicles listed in paragraph ***1 (indent 7) and paragraph 2*** registered in their territory.

*Justification*

*This amendment is, automatically, a result of the transposition of the Regulation into a Directive. Nevertheless it is important to mention it at this stage explicitly. Member States having roadworthiness tests should be able to maintain them. Member States not having roadworthiness tests should not be obliged to introduce such kind of tests.*

**Amendment 22  
Proposal for a regulation**

**Article 3 – paragraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

For the purpose of this ***Regulation*** the following definitions shall apply:

For the purpose of this ***Directive*** the following definitions shall apply:

*Justification*

*Terminology in accordance with a Directive*

**Amendment 23  
Proposal for a regulation**

**Article 3 – paragraph 1 – point 5**



*Text proposed by the Commission*

*Amendment*

**(5) ‘two- or three-wheel vehicles’ means any power-driven vehicle on two wheels with or without sidecar, tricycles and quadricycles;** **deleted**

*Justification*

*In accordance with the subsidiarity and proportionality principles, it should be left to the discretion of the Member States whether to extend roadworthiness tests to two- and three-wheel motor vehicles. Furthermore, the EU accident statistics for two- and three-wheel vehicles do not correlate with earlier studies.*

#### **Amendment 24**

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

##### **Article 3 – paragraph 1 – point 7 – introductory part**

*Text proposed by the Commission*

*Amendment*

(7) ‘vehicle of historic interest’ means any vehicle which **fulfils all the following conditions** :

(7) ‘vehicle of historic interest’ means any vehicle which **was manufactured or registered for the first time at least 30 years ago, and is considered to be historical by competent Member State vehicle registration authorities.**

*Justification*

*The Commission's definition of vehicle of historic interest is unnecessarily detailed and would lead to many vehicles unduly falling within the scope of the Regulation. A simple age requirement with further specification left to Member State authorities provides sufficient flexibility and is in line with current practice.*

#### **Amendment 25**

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

##### **Article 3 – paragraph 1 – point 7 – indent 1**

*Text proposed by the Commission*

*Amendment*

**– It was manufactured at least 30 years ago,** **deleted**

**Amendment 26**  
**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 7 – indent 2**

*Text proposed by the Commission*

*Amendment*

*– It is maintained by use of replacement parts which reproduce the historic components of the vehicle;* *deleted*

**Amendment 27**  
**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 7 – indent 3**

*Text proposed by the Commission*

*Amendment*

*– It has not sustained any change in the technical characteristics of its main components such as engine, brakes, steering or suspension and* *deleted*

**Amendment 28**  
**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 7 – indent 4**

*Text proposed by the Commission*

*Amendment*

*– It has not been changed in its appearance;* *deleted*

**Amendment 29**  
**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 9**

*Text proposed by the Commission*

*Amendment*

*(9) ‘roadworthiness test’ means a verification that the parts and components of a vehicle comply with its safety and environmental characteristics in force at the time of approval, first registration or entry into service, as well as at the time of retrofitting;*

*(9) "Roadworthiness test" means an inspection, in accordance with Annex II and Annex III of this Regulation, to ensure that a vehicle is safe to be used on public roads and complies with required environmental characteristics;*

### *Justification*

*The Commission's definition creates legal uncertainty because it restates -- in a general definition -- the requirement to test according to type-approval criteria in general, whereas the relevant type approval criteria (for the purposes of safety and emissions testing) are already specified in the Annexes to this Regulation. Without this Amendment, any vehicle component which is type-approved could be singled out for safety testing, and vehicles might be unnecessarily failed as a result.*

### **Amendment 30** **Proposal for a regulation**

#### **Article 4 – paragraph 1**

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

1. Motor vehicles and their trailers shall periodically be tested in accordance with this **Regulation** in the Member State where they are registered.

##### *Amendment*

1. Motor vehicles and their trailers shall periodically be tested in accordance with this **Directive** in the Member State where they are registered.

### *Justification*

*A regulation is the wrong type of legal act for this purpose. The purpose of this act, namely to reduce to a minimum the number of road accidents by means of periodic roadworthiness testing, can also be achieved by means of a legal instrument which affects national law less radically. The hypothesis on which the proposal is based is of dubious validity. As the doubts surrounding it cannot be eliminated, a directive is preferable as being the more proportionate instrument.*

### **Amendment 31** **Proposal for a regulation**

#### **Article 4 – paragraph 3**

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

3. Vehicle manufacturers shall provide the testing centres **or, when** relevant, the competent **authority**, with access to the technical information necessary for roadworthiness testing, as set out in Annex I. The Commission shall adopt detailed rules concerning the procedures on access to the technical information set out in Annex I in accordance with the examination procedure referred to in

##### *Amendment*

3. Vehicle manufacturers shall provide the testing centres, **testing equipment manufacturers, and, where** relevant, the competent **authorities and independent operators ensuring the repairing, servicing and maintenance of vehicles**, with access to the technical information necessary for roadworthiness testing as set out in Annex I. The Commission shall adopt detailed rules concerning the

Article 16(2).

procedures on access to the technical information set out in Annex I in accordance with the examination procedure referred to in Article 16(2).

**Amendment 32**  
**Proposal for a regulation**

**Article 5 – paragraph 1 – indent 1**

*Text proposed by the Commission*

*Amendment*

– *Vehicles of categories L1e, L2e, L3e, L4e, L5e, L6e and L7e: four years after the date on which the vehicle was first registered, then two years and thereafter annually;*

*deleted*

*Justification*

*In accordance with the subsidiarity and proportionality principles, it should be left to the discretion of the Member States whether to extend roadworthiness tests to two- and three-wheel motor vehicles. Furthermore, the EU accident statistics for two- and three-wheel vehicles do not correlate with earlier studies.*

**Amendment 33**  
**Proposal for a regulation**

**Article 5, Paragraph 1, Indent 2**

*Text proposed by the Commission*

*Amendment*

– Vehicles of category M1, N1 and O2: four years after the date on which the vehicle was first registered, *then two years* and thereafter *annually*;

– Vehicles of category M1, N1 and O2: four years after the date on which the vehicle was first registered and thereafter, *at the most, every two years*;

**Amendment 34**  
**Proposal for a regulation**

**Article 5 – paragraph 1 – indent 3**

*Text proposed by the Commission*

*Amendment*

– Vehicles of category M1 registered as

– Vehicles of category M1 registered as

taxis or ambulances, vehicles of categories M2, M3, N2, N3, T5, O3 and O4: **one year** after the date on which the vehicle was first registered, and thereafter **annually**.

taxis or ambulances, vehicles of categories M2, M3, N2, N3, T5, O3 and O4: **two years** after the date on which the vehicle was first registered, and thereafter, **at the most, every two years**.

*Justification*

*It is only by making testing more thorough that technical faults will come to light: if tests are only performed superficially, increasing their frequency will not serve any purpose. Increasing the number of tests will not produce any perceptible improvement.*

**Amendment 35**  
**Proposal for a regulation**

**Article 5 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2. In the case where a vehicle of categories M1 or N1 reaches a mileage of 160 000 km on the first roadworthiness test after the vehicle was first registered, it shall be subject to a roadworthiness test thereafter annually.**

**deleted**

*Justification*

*It is doubtful whether any connection exists between the mileage or age of vehicles and a lack of roadworthiness. Older vehicles are not involved in accidents more frequently than new ones are.*

**Amendment 36**  
**Proposal for a regulation**

**Article 5 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

4. Notwithstanding the date of its last roadworthiness test, the competent authority may require that a vehicle be subject to a roadworthiness test or additional testing before the date referred to in paragraphs 1 and 2, in the following cases:

after an accident with serious damage to

4. Notwithstanding the date of its last roadworthiness test, the competent authority may require that a vehicle be subject to a roadworthiness test or additional testing before the date referred to in paragraphs 1 and 2, in the following cases

after an accident with serious damage to

the main safety related components of the vehicle such as wheels, suspension, deformation zones, steering or brakes, when the safety and environmental systems and components of the vehicle have been altered or modified,

***in case of a change of the holder of the registration certificate of a vehicle.***

the main safety related components of the vehicle such as wheels, suspension, deformation zones, steering or brakes, when the safety and environmental systems and components of the vehicle have been altered or modified,

*Justification*

*This legislative proposal focuses on improving roadworthiness testing. It is not apparent why a vehicle's roadworthiness should suddenly come under suspicion just because the holder of the vehicle changes.*

**Amendment 37  
Proposal for a regulation**

**Article 5 – paragraph 4 – subparagraph 1 (new)**

*Text proposed by the Commission*

*Amendment*

***following a roadside inspection;***

**Amendment 38  
Proposal for a regulation**

**Article 8 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. The testing centre or, if relevant, the competent authority that has conducted a roadworthiness test on a vehicle shall issue ***an electronic*** roadworthiness certificate to that vehicle that contains at least the elements laid down in Annex IV.

1. The testing centre or, if relevant, the competent authority that has conducted a roadworthiness test on a vehicle shall issue roadworthiness certificate to that vehicle, ***which shall also be available in electronic format containing*** at least the elements laid down in Annex IV.

**Amendment 39  
Proposal for a regulation**

**Article 8 – paragraph 2**

*Text proposed by the Commission*

2. The testing centre or, if relevant, the competent authority, shall provide the person presenting the vehicle to the test with the roadworthiness certificate or, ***in case of electronic established roadworthiness certificate, a duly certified printout of such certificate.***

*Amendment*

2. The testing centre or, if relevant, the competent authority, ***as soon as the text is satisfactorily completed,*** shall provide the person presenting the vehicle to the test with ***a*** roadworthiness certificate or, ***where the certificate is in electronic form, shall make available a printout of the test results.***

#### **Amendment 40**

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

#### **Article 8 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2 a. Where an application for vehicle re-registration has been received, and the vehicle originates from another Member State, registration authorities shall recognise the vehicle's roadworthiness certificate, once its validity has been verified at the time of re-registration. Recognition shall be granted for the same period as the original validity of the certificate, except where the certificate's original validity period extends beyond the maximum legal duration in the Member State where the vehicle is being re-registered. In that case validity shall be aligned downwards, and calculated from the date on which the vehicle received the original roadworthiness certificate. Before the date of application of this Regulation, Member States shall communicate to each other the format of the roadworthiness certificate recognised by their respective competent authorities as well as instructions on how to verify authenticity.***

#### *Justification*

*In order to facilitate the re-registration of motorvehicles across the Union, this amendments introduces a system for the mutual recognition of roadworthiness certificates between*

*Member States, with effect from the date of application of this Regulation.*

**Amendment 41**  
**Proposal for a regulation**  
**Article 8 – paragraph 3**

*Text proposed by the Commission*

3. As from the date of entry into force of this **Regulation** and at the latest 3 years afterwards, the testing centres shall communicate electronically, to the competent authority of a Member State the information mentioned in roadworthiness certificates which they deliver. This communication shall take place within a reasonable time after the issuance of the roadworthiness certificates. Until this date, the testing centres may communicate this information to the competent authority by any other means. The competent authority shall keep this information for 36 months from the date of its reception.

*Amendment*

3. As from the date of entry into force of this **Directive** and at the latest 3 years afterwards, the testing centres shall communicate electronically, to the competent authority of a Member State the information mentioned in roadworthiness certificates which they deliver. This communication shall take place within a reasonable time after the issuance of the roadworthiness certificates. Until this date, the testing centres may communicate this information to the competent authority by any other means. The competent authority shall keep this information **on a centralised database** for 36 months from the date of its reception.

*Justification*

*This Amendment is intended to facilitate information exchange which will enable the development of the Electronic Vehicle Information Platform.*

**Amendment 42**  
**Proposal for a regulation**

**Article 8 – paragraph 5**

*Text proposed by the Commission*

5. The results of the roadworthiness test shall be notified to the registration authority of the vehicle. This notification shall contain the information mentioned in the roadworthiness certificate.

*Amendment*

5. The results of the roadworthiness test shall be notified to the registration authority of the vehicle **without delay**. This notification shall contain the information mentioned in the roadworthiness certificate.



**Amendment 43**  
**Proposal for a regulation**

**Article 12 – paragraph 3**

*Text proposed by the Commission*

3. Inspectors employed by competent authorities of the Member States or a testing centre at the date of application of this **Regulation** shall be exempted from the requirements laid down in Annex VI, point 1. The Member States shall deliver a certificate of equivalence to these inspectors.

*Amendment*

3. Inspectors employed by competent authorities of the Member States or a testing centre at the date of application of this **Directive** shall be exempted from the requirements laid down in Annex VI, point 1. The Member States shall deliver a certificate of equivalence to these inspectors.

*Justification*

*A regulation is the wrong type of legal act for this purpose. The purpose of this act, namely to reduce to a minimum the number of road accidents by means of periodic roadworthiness testing, can also be achieved by means of a legal instrument which affects national law less radically. The hypothesis on which the proposal is based is of dubious validity. As the doubts surrounding it cannot be eliminated, a directive is preferable as being the more proportionate instrument.*

**Amendment 44**  
**Proposal for a regulation**  
**Article 14 – paragraph 1**

*Text proposed by the Commission*

1. Member States shall designate a national contact point responsible for the exchange of information with the other Member States and the Commission with regard to the application of this **Regulation**.

*Amendment*

1. Member States shall designate a national contact point responsible for the exchange of information with the other Member States and the Commission with regard to the application of this **Directive**.

*Justification*

*Terminology in accordance with a Directive.*

**Amendment 45**  
**Proposal for a regulation**

**Article 14 – paragraph 2**

*Text proposed by the Commission*

2. Member States shall forward to the Commission the names and contact details of their national contact point at the latest [one year after the entry into force of this **Regulation**] and inform it without delay about any changes thereof. The Commission shall draw up a list of all contact points and forward it to the Member States.

*Amendment*

2. Member States shall forward to the Commission the names and contact details of their national contact point at the latest [one year after the entry into force of this **Directive**] and inform it without delay about any changes thereof. The Commission shall draw up a list of all contact points and forward it to the Member States.

*Justification*

*Terminology in accordance with a Directive.*

**Amendment 46**  
**Proposal for a regulation**

**Article 15 – paragraph 1**

*Text proposed by the Commission*

The Commission shall *examine the feasibility*, costs and benefits of the establishment of *an electronic vehicle information platform with a view to exchange information on data related to roadworthiness testing* between the competent authorities of Member States responsible for testing, registration and vehicle approval, the testing centres and the vehicle manufacturers.

*Amendment*

1. ***Following a detailed analysis*** of the costs and benefits ***including an assessment of the improvements in vehicle safety and vehicle testing, and only if the result of the cost benefit analysis is positive***, the Commission shall ***propose an electronic vehicle information platform to facilitate access to information on vehicle roadworthiness test results, odometer readings and vehicle registration information***, between the competent authorities of Member States responsible for testing, registration and vehicle approval, the testing centres and the vehicle manufacturers, ***the testing and measurement equipment manufacturers and other independent operators***.

**Amendment 47**  
**Proposal for a regulation**

**Article 15 – paragraph 2**

*Text proposed by the Commission*

**2. It shall, on the basis of that examination,** put forward and evaluate different policy options, including the possibility to remove the requirement of a proof of test as provided for in Article 10. Within two years after the date of application of this **Regulation**, the Commission shall report to the European Parliament and to the Council on the results of the examination, and accompany it with a legislative proposal, if appropriate.

*Amendment*

**2. If the cost-benefit analysis is inconclusive or negative, the Commission shall nevertheless examine the feasibility, and if appropriate, propose a method to facilitate such access to data and information and shall** put forward and evaluate different policy options, including the possibility to remove the requirement of a proof of test as provided for in Article 10.

**Amendment 48  
Proposal for a regulation**

**Article 15 – paragraph 2 a (new)**

*Text proposed by the Commission*

**Amendment 49  
Proposal for a regulation**

**Article 15 – paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

**2a In both cases, the Commission shall, take into account existing IT solutions and electronic platforms with regard to publically available data and information.**

*Amendment*

**2b Within two years after the date of application of this Directive, the Commission shall report to the European Parliament and to the Council, and accompany it with a legislative proposal, if appropriate.**

**Amendment 50  
Proposal for a regulation  
Article 18 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 18a**

**Reporting**

*By [five years from the date of entry into force of this Directive], the Commission, shall submit a report to the European Parliament and the Council on the implementation and effects of this Directive, in particular as regards the effectiveness of the provisions on the scope, the frequency of testing, and the implementation of the mutual recognition of roadworthiness certificates. The report shall also analyse whether there is a need to update the Annexes to this Directive in the light of technical progress and practice. This Report shall be submitted after the consultation of the Committee referred to in Article 16, and shall be accompanied, where appropriate, by legislative proposals.*

**Amendment 51**  
**Proposal for a regulation**

**Article 18 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. The *delegation of power* referred to in Article 17 shall be conferred *for an indeterminate* period of *time* from [the date of entry into force of this **Regulation**].

2. The *power to adopt the delegated acts* referred to in Article 17 shall be conferred *on the Commission for a period of five years* from [the date of entry into force of this *Directive*], *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 an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.*

*Justification*

*A temporary period for delegation of power is more appropriate. The Commission should draw up a report regarding the working of the delegated acts.*

**Amendment 52**  
**Proposal for a regulation**

**Article 19 – paragraph 1**

*Text proposed by the Commission*

1. The Member States shall lay down the rules on penalties applicable to infringements of the provisions of this **Regulation** and shall take all measures necessary to ensure that they are implemented. Those penalties shall be effective, proportionate, dissuasive and non-discriminatory.

*Amendment*

1. The Member States shall lay down the rules on penalties applicable to infringements of the provisions of this **Directive** and shall take all measures necessary to ensure that they are implemented. Those penalties shall be effective, proportionate, dissuasive and non-discriminatory.

*Justification*

*Terminology in accordance with a Directive.*

**Amendment 53**  
**Proposal for a regulation**  
**Article 19 – paragraph 2**

*Text proposed by the Commission*

2. Each Member State shall take the necessary measures to ensure that the manipulation or tampering of an odometer is regarded as an offence and is punishable by effective, proportionate, dissuasive and non-discriminatory penalties.

*Amendment*

2. Each Member State shall take the necessary measures to ensure that the manipulation or tampering of an odometer is regarded as an offence and is punishable by effective, proportionate, dissuasive and non-discriminatory penalties, **except for upward adjustments to odometer readings authorised by a testing centre or a competent authority to correct prior illegal manipulations.**

*Justification*

*This Amendment ensures that where vehicle odometer readings have been illegally tampered with, these may be lawfully adjusted upwards by testing centres or competent authorities to*

*ensure that the affected vehicles are not effectively written off and can pass PTI roadworthiness tests in future.*

**Amendment 54**  
**Proposal for a regulation**

**Article 19 – paragraph 3**

*Text proposed by the Commission*

3. The Member States shall notify those provisions to the Commission by [one year after the date of application of this **Regulation**] at the latest and shall notify without delay any subsequent amendment affecting them.

*Amendment*

3. The Member States shall notify those provisions to the Commission by [one year after the date of application of this **Directive**] at the latest and shall notify without delay any subsequent amendment affecting them.

*Justification*

*Terminology in accordance with a Directive.*

**Amendment 55**  
**Proposal for a regulation**

**Article 20 – paragraph 1**

*Text proposed by the Commission*

1. Testing facilities and equipment referred to in Article 11 which do not comply with the minimum requirements laid down in Annex V on [the date of application of this **Regulation**] may be used for carrying out roadworthiness tests for a period of not more than five years following that date.

*Amendment*

1. Testing facilities and equipment referred to in Article 11 which do not comply with the minimum requirements laid down in Annex V on [the date of application of this **Directive**] may be used for carrying out roadworthiness tests for a period of not more than five years following that date.

*Justification*

*Terminology in accordance with a Directive.*

**Amendment 56**  
**Proposal for a regulation**

**Article 20 – paragraph 2**

*Text proposed by the Commission*

2. Member States shall apply the requirements laid down in Annex VII at the latest as from the fifth year following the date of application of this **Regulation**.

*Amendment*

2. Member States shall apply the requirements laid down in Annex VII at the latest as from the fifth year following the date of application of this **Directive**.

*Justification*

*Terminology in accordance with a Directive.*

**Amendment 57**  
**Proposal for a regulation**

**Article 21 – paragraph 1**

*Text proposed by the Commission*

Directive 2009/40/EC and Commission Recommendation 2010/378/EU are repealed with effect from [the date of application of this **Regulation**].

*Amendment*

Directive 2009/40/EC and Commission Recommendation 2010/378/EU are repealed with effect from [the date of application of this **Directive**].

**Amendment 58**  
**Proposal for a regulation**

**Article 22 – paragraph 1**

*Text proposed by the Commission*

The **Regulation** shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

*Amendment*

The **Directive** shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

**Amendment 59**  
**Proposal for a regulation**

**Article 22 – paragraph 2**

*Text proposed by the Commission*

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

*Amendment*

It shall apply from [**24** months after its entry into force].

**Amendment 60**  
**Proposal for a regulation**

**Article 22 – paragraph 3**

*Text proposed by the Commission*

This **Regulation** shall be binding in its entirety and directly applicable in all Member States.

*Amendment*

This **Directive** shall be binding in its entirety and directly applicable in all Member States.

**Amendment 61**  
**Proposal for a regulation**  
**Annex 2 – part 1 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***In exceptional situations, where specific vehicle design is not compatible with the application of the test methods set out in this Annex, the test shall be conducted in accordance with the specific alternative test methods recommended by Member State competent authorities. Any test method used, which is not specified in this Annex, must be approved in writing by the appropriate competent authority.***

*Justification*

*Certain vehicles, such as fast tractors and vehicles with attachments, can be particularly difficult to test because of their design characteristics or because the test centres are so remote that the cost to upgrade equipment to accommodate certain rarely seen vehicles would be disproportionate. Therefore alternative and non standard test methods which are however clearly approved by the appropriate Competent Authority need to be available.*

**Amendment 62**  
**Proposal for a regulation**  
**Annex II – point 4.1.2**

*Text proposed by the Commission*

4.1.2 Alignment

Determine the horizontal aim of

Aim of a headlamp not within limits laid



each headlamp on dipped beam using a headlamp aiming device *or a screen*.

down in the requirements.

*Amendment by Parliament*

4.1.2 Alignment

Determine the horizontal *and vertical* aim of each headlamp on dipped beam using a headlamp aiming device *and electronic control device to control the dynamic functionality where applicable. Check dynamic system headlight function and alignment.*

Aim of a headlamp not within limits laid down in the requirements.

*Justification*

*Vertical measurements are the more critical alignment criteria and therefore should be included.*

*To ensure accurate headlight alignment and adjustment of the focal length, a headlight aiming device is necessary, especially for the high intensity discharge lighting and dynamically controlled systems. This cannot be adequately achieved by using just an aiming screen. For dynamically controlled high intensity light source headlight systems, an electronic control device together with an appropriate headlight alignment tester should be used.*

**Amendment 63**  
**Proposal for a regulation**  
**Annex II – point 4.1.2**

*Text proposed by the Commission*

4.1.3 Switching

Visual inspection and by operation.

(a) Switch does not operate in accordance with the requirements (Number of headlamps illuminated

at the same time)  
(b) Function of control device impaired.

*Amendment by Parliament*

4.1.3 Switching	Visual inspection and by operation <b>using an electronic control device where necessary.</b>	(a) Switch does not operate in accordance with the requirements (Number of headlamps illuminated at the same time) (b) Function of control device impaired.
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*Justification*

*To adequately test the automatic headlight control switching (e.g. high beam assist), the test should be conducted using an electronic control device to verify the correct functionality.*

**Amendment 64**  
**Proposal for a regulation**  
**Annex II – point 4.1.5**

*Text proposed by the Commission*

4.1.5. Levelling devices (where mandatory)	Visual inspection and by operation <b>if possible.</b>	(a) Device not operating. (b) Manual device cannot be operated from driver's seat.
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*Amendment by Parliament*

4.1.5. Levelling devices (where mandatory)	Visual inspection and by operation <b>using an electronic control device where necessary.</b>	(a) Device not operating. (b) Manual device cannot be operated from driver's seat.
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*Justification*

*To adequately test the automatic headlight levelling device function, the test should be conducted by using an electronic control device to ensure the correct levelling device functionality.*

**Amendment 65**  
**Proposal for a regulation**  
**Annex II – point 4.3.2**

*Text proposed by the Commission*

4.3.2. Switching	Visual inspection and by operation	a) Switch does not operate in accordance with the requirements b) Function of control device impaired.
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*Amendment by Parliament*

4.3.2 <b>Stop lamps – emergency brake light</b> switching	Visual inspection and by operation <b>using an electronic control device to vary the brake pedal sensor input value and verify the emergency brake light functionality.</b>	a) Switch does not operate in accordance with the requirements b) Function of control device impaired. <b>c) Emergency brake light functions fail to operate, or do not operate correctly</b>
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*Justification*

*A electronic control device should be used to generate brake pedal sensor input signals to verify the correct functionality of the emergency brake light function (including automatic hazard light actuation), which is then verified by direct observation.*

**Amendment 66**  
**Proposal for a regulation**  
**Annex II – point 4.5.2**

*Text proposed by the Commission*

4.5.2 Alignment (X)(2)	by operation and using a headlamp aiming device	Front fog lamp out of horizontal alignment when the light pattern has cut-off line
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*Amendment by Parliament*

4.5.2 Alignment (X)(2)	by operation and using a headlamp aiming device	Front fog lamp out of horizontal <b>and vertical</b> alignment when the light pattern has cut- off line
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*Justification*

*Vertical measurements are the more critical alignment criteria and therefore should be included.*

**Amendment 67**  
**Proposal for a regulation**  
**Annex II – point 5.3.2**

*Text proposed by the Commission*

5.3.2. Shock absorbers	Visual inspection with vehicle over a pit or on a hoist <b>or</b> using special equipment, <b>if</b> <b>available.</b>	(a) Insecure attachment of shock absorbers to chassis or axle.  (b) Damaged shock absorber showing signs of severe leakage or malfunction.
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*Amendment by Parliament*

5.3.2. Shock absorbers	Visual inspection with vehicle over a pit or on a hoist using special equipment.	(a) Insecure attachment of shock absorbers to chassis or axle.  (b) Damaged shock absorber showing signs of severe leakage or malfunction.
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*Justification*

*It is only possible to objectively assess the efficiency of the damping of the vehicle suspension system through the use of a damping testing machine. For electronically controlled vehicle suspension systems, an electronic control device should be used to control the vehicle's suspension system whilst simultaneous measurements are made using a damping testing*

machine to assess correct system functionality. It is proposed that a 30% difference between the left and right hand sides of the same axle represents a practical and realistic pass/fail criteria.

**Amendment 68**  
**Proposal for a regulation**  
**Annex II – point 5.3.2.1**

*Text proposed by the Commission*

5.3.2.1 efficiency testing of damping	Use <b>special equipment</b> and compare left /right differences and/or <b>absolute values given by manufactures</b>	(a) significant difference between left and right <b>b) given minimum values not reached</b>
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*Amendment by Parliament*

5.3.2.1 efficiency testing of damping	Use <b>damping testing machine</b> and compare left/right differences and <b>vehicle manufacturers damping ratio values if those values exceed the general limit value for the damping ratio of 0,1</b>	(a) significant difference between left and right <b>(b) Damping ratio values not met</b> <b>(c) imbalance of measurement values between the left and right sides of the same axle of more than 30 %</b>
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*Justification*

*It is only possible to objectively assess the efficiency of the damping of the vehicle suspension system through the use of a damping testing machine. For electronically controlled vehicle suspension systems, an electronic control device should be used to control the vehicle's suspension system whilst simultaneous measurements are made using a damping testing machine to assess correct system functionality.*

*It is proposed that a 30% difference between the left and right hand sides of the same axle represents a practical and realistic pass/fail criteria.*

**Amendment 69**

**Proposal for a regulation**  
**Annex II – point 8.2.2.2**

*Text proposed by the Commission*

8.2.2.2 Opacity Vehicles registered or put into service before 1 January 1980 are exempted from this requirement	(a) Exhaust gas opacity to be measured during free acceleration (no load from idle up to cut-off speed) with gear lever in neutral and clutch engaged.	(a) For vehicles registered or put into service for the first time after the date specified in requirements
	(b) Vehicle preconditioning:  1. Vehicles may be tested without preconditioning although for safety reasons checks should be made that the engine is warm and in a satisfactory mechanical condition.  2. precondition requirements:  (i) Engine shall be fully warm, for instance the engine oil temperature measured by a probe in the oil level dipstick tube to be at least 80 °C, or normal operating temperature if lower, or the engine block temperature measured by the level of infrared radiation to be at least an equivalent temperature. If, owing to vehicle configuration, this measurement is impractical, the establishment of the engine's normal operating temperature may be made by other means, for example by the operation of the engine cooling fan.	opacity exceeds the level recorded on the manufacturer's plate on the vehicle;  (b) Where this information is not available or requirements do not allow the use of reference values,  for naturally aspirated engines: 2.5 m <sup>-1</sup> ,  for turbo-charged engines: 3.0 m <sup>-1</sup> ,  or, for vehicles identified in requirements or first registered or put into service for the first time after the date specified in requirements ,  1.5 m <sup>-1.7</sup>

(ii) Exhaust system shall be purged by at least three free acceleration cycles or by an equivalent

(c) Test procedure:

1 Engine and any turbocharger fitted, to be at idle before the start of each free acceleration cycle. For heavy-duty diesels, this means waiting for at least 10 seconds after the release of the throttle.

2. To initiate each free acceleration cycle, the throttle pedal must be fully depressed quickly and continuously (in less than one second) but not violently, so as to obtain maximum delivery from the injection pump.

3. During each free acceleration cycle, the engine shall reach cut-off speed or, for vehicles with automatic transmissions, the speed specified by the manufacturer or if this data is not available then two thirds of the cut-off speed, before the throttle is released. This could be checked, for instance, by monitoring engine speed or by allowing a sufficient time to elapse between initial throttle depression and release, which in the case of vehicles of category 1 and 2 of Annex 1, should be at least two seconds.

4. Vehicles shall only be failed if the arithmetic means of at least the last three free

acceleration cycles are in excess of the limit value. This may be calculated by ignoring any measurement that departs significantly from the measured mean, *or the result of any other statistical calculation that takes account of the scattering of the measurements*. Member States may limit the number of test cycles.

5. To avoid unnecessary testing, Member States may fail vehicles which have measured values significantly in excess of the limit values after less than three free acceleration cycles or after the purging cycles. Equally to avoid unnecessary testing, Member States may pass vehicles which have measured values significantly below the limits after less than three free acceleration cycles or after the purging cycles

*Amendment by Parliament*

8.2.2.2 Opacity Vehicles registered or put into service before 1 January 1980 are exempted from this requirement

(a) Exhaust gas opacity to be measured during free acceleration (no load from idle up to cut-off speed) with gear lever in neutral and clutch engaged. ***This tailpipe testing shall always be the default method of exhaust emission assessment, even if combined with OBD.***

(a) For vehicles registered or put into service for the first time after the date specified in requirements

(b) Vehicle preconditioning:

opacity exceeds the level recorded on the manufacturer's plate on the vehicle;



1. Vehicles may be tested without preconditioning although for safety reasons checks should be made that the engine is warm and in a satisfactory mechanical condition.

(b) Where this information is not available or requirements do not allow the use of reference values,

2. precondition requirements:

for naturally aspirated engines:  $2.5 \text{ m}^{-1}$  ,

(i) Engine shall be fully warm, for instance the engine oil temperature measured by a probe in the oil level dipstick tube to be at least  $80 \text{ }^{\circ}\text{C}$ , or normal operating temperature if lower, or the engine block temperature measured by the level of infrared radiation to be at least an equivalent temperature. If, owing to vehicle configuration, this measurement is impractical, the establishment of the engine's normal operating temperature may be made by other means, for example by the operation of the engine cooling fan.

for turbo-charged engines:  $3.0 \text{ m}^{-1}$ ,

or, for vehicles identified in requirements or first registered or put into service for the first time after the date specified in requirements ,

$1.5 \text{ m}^{-1.7}$

*or*

$0.2^{m-1}$

(ii) Exhaust system shall be purged by at least three free acceleration cycles or by an equivalent

(c) Test procedure:

1 Engine and any turbocharger fitted, to be at idle before the start of each free acceleration cycle. For heavy-duty diesels, this means waiting for at least 10 seconds after the release of the throttle.

2. To initiate each free acceleration cycle, the

throttle pedal must be fully depressed quickly and continuously (in less than one second) but not violently, so as to obtain maximum delivery from the injection pump.

3. During each free acceleration cycle, the engine shall reach cut-off speed or, for vehicles with automatic transmissions, the speed specified by the manufacturer or if this data is not available then two thirds of the cut-off speed, before the throttle is released. This could be checked, for instance, by monitoring engine speed or by allowing a sufficient time to elapse between initial throttle depression and release, which in the case of vehicles of category 1 and 2 of Annex 1, should be at least two seconds.

***NO<sub>x</sub> level not in accordance with the requirements***

4. Vehicles shall only be failed if the arithmetic means of at least the last three free acceleration cycles are in excess of the limit value. This may be calculated by ignoring any measurement that departs significantly from the measured mean, ***or the result of any other statistical calculation that takes account of the scattering of the measurements.*** Member States may limit the number of test cycles.

***Particulates values not in accordance with the requirements***

5. To avoid unnecessary testing, Member States may fail vehicles which have measured values significantly in excess of the limit values

after less than three free acceleration cycles or after the purging cycles. Equally to avoid unnecessary testing, Member States may pass vehicles which have measured values significantly below the limits after less than three free acceleration cycles or after the purging cycles. ***Measurement of NOx level and particulates by using suitable equipment/suitably equipped smoke meter using existing free acceleration test method.***

*Justification*

*OBD is not a guaranteed method of emission assessment; this is why emissions must be verified by measuring at the tailpipe. NOx is particularly a problem for diesel engine vehicles, where low smoke levels normally create high levels of NOx. For vehicles fitted with a diesel particulate filter, it is important to measure the level of particulates and not the opacity value. To ensure harmonised and accurate measurements, engine temperature and engine speed should both be measured in accordance with the vehicle manufacturer's test conditions.*

**Amendment 70**  
**Proposal for a regulation**  
**Technical Part – Annex V – point 10**

*Text proposed by the Commission*

(10) *A device for testing the efficiency of shock absorber;*

*Amendment*

(10) ***Damping testing machine to measure the absorption of the energy of the vehicle suspension oscillations to verify the damping efficiency of the vehicle suspension system components.***

*Justification*

*It is only possible to objectively assess the efficiency of the damping of the vehicle suspension system through the use of a damping testing machine, using vehicle manufacturers damping ratio values if the VM's values exceed the general limit value for the damping ratio of 0,1.*

## PROCEDURE

<b>Title</b>	Periodic roadworthiness tests for motor vehicles and their trailers		
<b>References</b>	COM(2012)0380 – C7-0186/2012 – 2012/0184(COD)		
<b>Committee responsible</b> Date announced in plenary	TRAN 11.9.2012		
<b>Opinion by</b> Date announced in plenary	IMCO 11.9.2012		
<b>Rapporteur</b> Date appointed	Malcolm Harbour 18.9.2012		
<b>Discussed in committee</b>	24.1.2013	21.3.2013	24.4.2013
<b>Date adopted</b>	25.4.2013		
<b>Result of final vote</b>	+: -: 0:	28 7 0	
<b>Members present for the final vote</b>	Adam Bielan, Preslav Borissov, Jorgo Chatzimarkakis, Lara Comi, Anna Maria Corazza Bildt, António Fernando Correia de Campos, Vicente Miguel Garcés Ramón, Evelyne Gebhardt, Małgorzata Handzlik, Malcolm Harbour, Philippe Juvin, Sandra Kalniete, Toine Manders, Franz Obermayr, Phil Prendergast, Mitro Repo, Robert Rochefort, Zuzana Roithová, Heide Rühle, Christel Schaldemose, Andreas Schwab, Catherine Stihler, Róza Gräfin von Thun und Hohenstein, Bernadette Vergnaud		
<b>Substitute(s) present for the final vote</b>	Ashley Fox, Ildikó Gáll-Pelcz, Anna Hedh, Constance Le Grip, Morten Løkkegaard, Pier Antonio Panzeri, Patricia van der Kammen, Kerstin Westphal		
<b>Substitute(s) under Rule 187(2) present for the final vote</b>	Bendt Bendtsen, Seán Kelly, Paul Rübzig		