



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 14.10.1999
COM(1999) 458 final
98/0097 (COD)

Amended proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

**on the roadside inspection of the roadworthiness of commercial vehicles
circulating in the Community**

(presented by the Commission pursuant to Article 250 (2) of the EC Treaty)

EXPLANATORY MEMORANDUM

- A. On 11 March 1998 the Commission submitted to the Council a proposal for a Directive on the roadside inspection of the roadworthiness of commercial vehicles circulating in the Community (COM(98)0117-C4-0346/98-98/0097(SYN)).

On 29 July 1998 the Economic and Social Committee gave a favourable opinion.

On 17 February 1999 the European Parliament gave an opinion on the proposal at the first reading.

Although the Parliament was generally supportive of the proposal it adopted seventeen amendments.

The amendments 1, 3, 4, 5, 6, 7, 9, 10, 11, 15 and 17 are acceptable to the Commission as they clarify procedures for the application of the Directive and do not impose any undue problems for the authorities.

The Parliament's main concern lies in the application of the Directive in that they fear that Member States may not apply it evenly. The proposed amendments 2, 12 and 13 would have examiner training, infringement penalties and technical and human resources harmonised as a condition of the Directive's implementation. Consequently, these amendments are not acceptable because such harmonisation between Member States of their vehicle examiners training (amendment 2 and 13), the level of penalties for defective vehicles (amendment 12 and 13) and the availability of technical and human resources (amendment 13) would not be feasible in the short term.

The Commission's review of the Directive's implementation will include an assessment of the proportion of vehicles that are inspected by each Member State, the types of vehicles that are inspected, their pass/failure rate and a breakdown of where the vehicles were registered. Once done then the Commission will review whether further harmonisation is necessary. It would be impractical and politically unfeasible to harmonise these measures as a condition of the Directive's implementation.

Amendments 8 and 16 are both unacceptable, as they do not add anything to the efficiency of the proposed measures. Vehicles should either pass or fail the roadside inspection. Where there is doubt, then the vehicle can be tested at a testing station. Having to tow defective vehicles to a testing station would not add any benefit and would be needlessly time consuming.

Amendment 14 would have 'vehicles for animal transportation' specifically included as a vehicle group. This is not acceptable as the proposal's vehicle categorisation is by type of vehicle (truck, bus, etc.) and not by the nature of the goods transported.

B. The Commission therefore modifies its proposal as follows:

Amendment 1 replaces the word 'operators' with 'undertaking' and is therefore more comprehensive.

Amendment 3 requires the format of the inspection forms to be standardised to reduce language difficulties, as information of a certain kind will then always be found at the same place, even when it is in another language and is therefore a procedural improvement.

Amendment 4 recognises that the roadworthiness inspections can be combined with other statutory inspections and is acceptable.

Amendments 5 and 6 are procedural, the former requires Member States to notify the Commission on the format of roadside inspections, and the latter requires the Commission to notify the Parliament of the results of the programme's two year assessment. Both are acceptable.

Amendment 7 clarifies the action to be taken where a vehicle has recently undergone an inspection and is acceptable.

Amendment 9 is a new clause that requires that a statistical record be made of vehicles that successfully pass the inspection and that they be delayed for the minimum time possible. This is acceptable.

Amendment 10 requires that details of the office which carries out the checks and contact persons are provided between relevant Authorities. This provision is envisaged on the 'check list' at Annex 1 and is therefore acceptable.

Amendment 11 establishes that prosecution for defective vehicles will be carried out according to the law of the Member State that carried out the inspection. As this is the general practice in all forms of law, the amendment is obviously acceptable.

Amendment 15 and 17 introduce evidence of diesel fuel and/or oil spillage as a reason for failure. This simple adaptation comes from the motorcycle lobby who are anxious to reduce the real hazard of fuel spillage to motor cyclists. The amendment is acceptable.

Amended proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**on the roadside inspection of the roadworthiness of commercial vehicles
circulating in the Community**

The Commission proposal in document COM(98)0117 final – SYN 98/0097 is amended as follows :

Text initially proposed by the Commission	Amended text
Recital	
<p>THE COUNCIL OF THE EUROPEAN UNION,</p> <p>Having regard to the Treaty establishing the European Community, and in particular points (c) and (d) of article 75(1) thereof,</p> <p>Having regard to the proposal from the Commission,</p> <p>Having regard to the opinion of the Economic and Social Committee,</p> <p>Acting in accordance with the procedure laid down in Article 189c of the Treaty in cooperation with the European Parliament,</p>	<p><u>THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,</u></p> <p>Having regard to the Treaty establishing the European Community, and in particular points (c) and (d) of <u>article 71(1)</u> thereof</p> <p>Having regard to the proposal from the Commission,</p> <p>Having regard to the opinion of the Economic and Social Committee,</p> <p><u>Having regard to the opinion of the Committee of the Regions</u></p> <p>Acting in accordance with the procedure referred to in <u>Article 251 of the Treaty,</u></p>

Amendment 1	
Recital 8	
<p>(8) Whereas the method of inspection selection should be based on a targeted, staged approach giving the greatest effort to identifying vehicles that seem most likely to be poorly maintained and thereby enhancing the authorities' operational effectiveness and minimising the costs and delays to drivers and operators ;</p>	<p>(8) Whereas the method of inspection selection should be based on a targeted, staged approach giving the greatest effort to identifying vehicles that seem most likely to be poorly maintained and thereby enhancing the authorities' operational effectiveness and minimising the costs and delays to drivers and <u>undertakings</u> ;</p>

Text initially proposed by the Commission	Amended text
Amendment 3	
Article 3(2)	
2. Where, in the first stage, there is suspicion that the commercial vehicle is inadequately maintained then the second stage shall be a cursory inspection of the stationary vehicle which includes a check of its roadworthiness documentation, and in particular of proof that the commercial vehicle has undergone its statutory roadworthiness test in accordance with Article 2 of Directive 96/96/EC, or proof under Article 3(1) of Directive 96/96/EC that the commercial vehicle has undergone another recent roadside inspection.	2. Where, in the first stage, there is suspicion that the commercial vehicle is inadequately maintained then the second stage shall be a cursory inspection of the stationary vehicle which includes a check of its roadworthiness documentation, and in particular of proof that the commercial vehicle has undergone its statutory roadworthiness test in accordance with Article 2 of Directive 96/96/EC, or proof under Article 3(1) of Directive 96/96/EC that the commercial vehicle has undergone another recent roadside inspection. <u>In order to avoid language difficulties in connection with inspections in the Member States, the relevant forms shall be standardised.</u>

Amendment 4	
Article 3(3a) (new)	
	<u>3a. Inspections consistent with this directive may be combined with other inspections of commercial vehicles in use on public roads.</u>

Amendment 5	
Article 4(1)	
1. Member States shall organise appropriate and frequent roadside inspections covering, each year, a large and representative cross-section of commercial vehicles of all categories falling within the scope of this Directive.	1. Member States shall organise, <u>in consultation and after discussions with the Commission,</u> appropriate and frequent roadside inspections covering, each year, a large and representative cross-section of commercial vehicles of all categories falling within the scope of this Directive.

Text initially proposed by the Commission	Amended text
Amendment 6	
Article 4(4)	
4. Member States shall communicate to the Commission every two years the number of commercial vehicles checked, categorised by type and country of registration, including data on the reasons for failure.	4. Member States shall communicate to the Commission every two years the number of commercial vehicles checked, categorised by type and country of registration, including data on the reasons for failure. <u>The Commission shall forward this information to the European Parliament.</u>

Amendment 7	
Article 5(1)	
1. In order to carry out the roadside inspections provided for in this Directive, the Member States shall use the checklist in Annex I. A copy of this checklist drawn up by the authority which has carried out the inspection or a certificate showing the result of the regular roadworthiness inspection as required by Directive 96/96/EC shall be given to the driver of the commercial vehicle and presented on request in order to simplify or avoid subsequent roadside inspections within a short and unreasonable time period thereafter.	1. In order to carry out the roadside inspections provided for in this Directive, the Member States shall use the checklist in Annex I. A copy of this checklist drawn up by the authority which has carried out the inspection or a certificate showing the result of the regular roadworthiness inspection as required by Directive 96/96/EC shall be given to the driver of the commercial vehicle. <u>Before carrying out a check on the basis of the points set out in the checklist in Annex I, the examiner shall take into consideration the following documents, where they are presented by the driver :</u> - <u>the most recent certificate of roadworthiness, and/or</u> - <u>the most recent certificate of an officially approved safety test and/or</u> - <u>a recently issued report of a roadside check.</u> <u>If these certificates and/or this report show that one of the points listed in Annex I has already been subject to a check in the past three months, this point will not be checked again unless such check is justified particularly in the light of a manifest defect and/or manifest non-conformity.</u>

Text initially proposed by the Commission	Amended text
Amendment 9	
Article 5(3) (new)	
	<u>3. Where it is decided not to ban the vehicle from use on public roads, the competent authorities shall ensure that the period during which the vehicle is immobilised due to an inspection is as short as possible. To this end, a statistical analysis of such periods shall be carried out.</u>

Amendment 10	
Article 6(1)	
1. Member States shall assist one another in the application of this Directive.	1. Member States shall assist one another in the application of this Directive. <u>In particular, they shall provide each other with details of the office(s) responsible for carrying out the checks and of the names of contact persons.</u>

Amendment 11	
Article 6(2)	
2. Serious or repeated deficiencies of vehicles of non-residents shall be reported to the competent authorities in the Member States in which the commercial vehicle is registered or in which the undertaking is established.	2. Serious or repeated deficiencies of vehicles of non-residents shall be reported to the competent authorities in the Member States in which the commercial vehicle is registered or in which the undertaking is established, <u>without prejudice to the possibility of prosecuting the offender in accordance with the legislation in force in the Member State in which the deficiency was recorded.</u>

<p>The competent authorities of the Member States which have recorded serious or repeated deficiencies of vehicles of non-residents may ask the competent authorities of the Member State in which the commercial vehicle is registered or in which the undertaking is established for appropriate measures to be taken with regard to the offender or offenders.</p> <p>The latter competent authorities shall notify the competent authorities of the Member State which recorded the commercial vehicle's deficiencies, or any measures taken with regard to the offender or offenders.</p>	<p>The competent authorities of the Member States which have recorded serious or repeated deficiencies of vehicles of non-residents may ask the competent authorities of the Member State in which the commercial vehicle is registered or in which the undertaking is established for appropriate measures to be taken with regard to the offender or offenders.</p> <p>The latter competent authorities shall notify the competent authorities of the Member State which recorded the commercial vehicle's deficiencies, or any measures taken with regard to the offender or offenders.</p>
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Amendment 15	
Annex I, Checklist, point 13	
<p>13. Reason for failure-braking system and components - steering linkages – lamps, lighting and signalling devices – wheels/hubs/tyres – exhaust system – smoke opacity (diesel) – gaseous emissions (petrol)</p>	<p>13. Reason for failure-braking system and components - steering linkages – lamps, lighting and signalling devices – wheels/hubs/tyres – exhaust system – smoke opacity (diesel) – gaseous emissions (petrol) – <u>evidence of diesel fuel and/or oil spillage</u></p>

Text initially proposed by the Commission	Amended text
Amendment 17	
Annex II, second introductory paragraph	
<p>The items that shall be inspected will include those that are considered to be important for the safe and clean operation of the vehicle. As well as simple functional checks (lighting, signalling, tyre condition, etc.), specific tests and/or inspections shall be carried out on the vehicle's brakes and the motor vehicle's emissions in the following manner :</p>	<p>The items that shall be inspected will include those that are considered to be important for the safe and clean operation of the vehicle. As well as simple functional checks (lighting, signalling, tyre condition, <u>fuel and/or oil leaks</u> etc.), specific tests and/or inspections shall be carried out on the vehicle's brakes and the motor vehicle's emissions in the following manner :</p>