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## Legislation

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<sup>(1)</sup> Text with EEA relevance

# EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

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## I

(Legislative acts)

## DIRECTIVES

**DIRECTIVE 2014/40/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL****of 3 April 2014****on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products and repealing Directive 2001/37/EC****(Text with EEA relevance)**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 53(1), 62 and 114 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee <sup>(1)</sup>,

Having regard to the opinion of the Committee of the Regions <sup>(2)</sup>,

Acting in accordance with the ordinary legislative procedure <sup>(3)</sup>,

Whereas:

- (1) Directive 2001/37/EC of the European Parliament and of the Council <sup>(4)</sup> lays down rules at Union level concerning tobacco products. In order to reflect scientific, market and international developments, substantial changes to that Directive would be needed and it should therefore be repealed and replaced by a new Directive.
- (2) In its reports of 2005 and 2007 on the application of Directive 2001/37/EC the Commission identified areas in which further action was considered useful for the smooth functioning of the internal market. In 2008 and 2010 the Scientific Committee on Emerging and Newly Identified Health Risks (SCENIHR) provided scientific advice to the Commission on smokeless tobacco products and tobacco additives. In 2010 a broad stakeholder consultation took place, which was followed by targeted stakeholder consultations and accompanied by studies by external consultants. Member States were consulted throughout the process. The European Parliament and the Council repeatedly called on the Commission to review and update Directive 2001/37/EC.
- (3) In certain areas covered by Directive 2001/37/EC, Member States are legally or in practice prevented from effectively adapting their legislation to new developments. This is in particular relevant for the labelling rules, where Member States have not been permitted to increase the size of the health warnings, change their location on an individual packet ('unit packet') or replace misleading warnings on the tar, nicotine and carbon monoxide (TNCO) emission levels.

<sup>(1)</sup> OJ C 327, 12.11.2013, p. 65.

<sup>(2)</sup> OJ C 280, 27.9.2013, p. 57.

<sup>(3)</sup> Position of the European Parliament of 26 February 2014 (not yet published in the Official Journal) and decision of the Council of 14 March 2014.

<sup>(4)</sup> Directive 2001/37/EC of the European Parliament and of the Council of 5 June 2001 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco products (OJ L 194, 18.7.2001, p. 26).

- (4) In other areas there are still substantial differences between the Member States' laws, regulations and administrative provisions on the manufacture, presentation and sale of tobacco and related products which present obstacles to the smooth functioning of the internal market. In the light of scientific, market and international developments these discrepancies are expected to increase. This also applies to electronic cigarettes and refill containers for electronic cigarettes ('refill containers'), herbal products for smoking, ingredients and emissions from tobacco products, certain aspects of labelling and packaging and to cross-border distance sales of tobacco products.
- (5) Those obstacles should be eliminated and, to this end, the rules on the manufacture, presentation and sale of tobacco and related products should be further approximated.
- (6) The size of the internal market in tobacco and related products, the increasing tendency of manufacturers of tobacco products to concentrate production for the entire Union in only a small number of production plants within the Union and the resulting significant cross-border trade of tobacco and related products calls for stronger legislative action at Union rather than national level to achieve the smooth functioning of the internal market.
- (7) Legislative action at Union level is also necessary in order to implement the WHO Framework Convention on Tobacco Control ('FCTC') of May 2003, the provisions of which are binding on the Union and its Member States. The FCTC provisions on the regulation of the contents of tobacco products, the regulation of tobacco product disclosures, the packaging and labelling of tobacco products, advertising and illicit trade in tobacco products are particularly relevant. The Parties to the FCTC, including the Union and its Member States, adopted a set of guidelines for the implementation of FCTC provisions by consensus during various Conferences.
- (8) In accordance with Article 114(3) of the Treaty of the Functioning of the European Union (TFEU), a high level of health protection should be taken as a base for legislative proposals and, in particular, any new developments based on scientific facts should be taken into account. Tobacco products are not ordinary commodities and in view of the particularly harmful effects of tobacco on human health, health protection should be given high importance, in particular, to reduce smoking prevalence among young people.
- (9) It is necessary to establish a number of new definitions in order to ensure that this Directive is uniformly applied by Member States. Where different obligations imposed by this Directive apply to different product categories and the relevant product falls into more than one of those categories (e.g. pipe, roll your-own tobacco), the stricter obligations should apply.
- (10) Directive 2001/37/EC established maximum limits for tar, nicotine and carbon monoxide yields of cigarettes that should also be applicable to cigarettes which are exported from the Union. Those maximum limits and that approach remain valid.
- (11) For measuring the tar, nicotine and carbon monoxide yields of cigarettes (hereinafter referred to as 'emission levels'), reference should be made to the relevant, internationally recognised ISO standards. The verification process should be protected from tobacco industry influence by using independent laboratories, including State laboratories. Member States should be able to use laboratories situated in other Member States of the Union. For other emissions from tobacco products, there are no internationally agreed standards or tests for quantifying maximum levels. The ongoing efforts at international level to develop such standards or tests should be encouraged.
- (12) As regards establishing maximum emission levels, it could be necessary and appropriate at a later date to reduce the emission levels for tar, nicotine and carbon monoxide or to establish maximum levels for other emissions from tobacco products, taking into consideration their toxicity or addictiveness.

- (13) In order to carry out their regulatory tasks, Member States and the Commission require comprehensive information on the ingredients and emissions from tobacco products to assess the attractiveness, addictiveness and toxicity of tobacco products and the health risks associated with the consumption of such products. To this end, the existing reporting obligations for ingredients and emissions should be strengthened. Additional enhanced reporting obligations should be provided for in respect of additives included in a priority list in order to assess, inter alia their toxicity, addictiveness and carcinogenic, mutagenic or reprotoxic properties ('CMR properties'), including in combusted form. The burden of such enhanced reporting obligations for SMEs should be limited to the extent possible. Such reporting obligations are consistent with the obligation placed on the Union to ensure a high level of protection for human health.
- (14) The use of differing reporting formats, as is currently the case, makes it difficult for manufacturers and importers to fulfil their reporting obligations and burdensome for the Member States and the Commission to compare, analyse and draw conclusions from the information received. Therefore, there should be a common mandatory format for the reporting of ingredients and emissions. The greatest possible transparency of product information should be ensured for the general public, whilst ensuring that appropriate account is taken of the trade secrets of the manufacturers of tobacco products. Existing systems for the reporting of ingredients should be taken into account.
- (15) The lack of a harmonised approach to regulating the ingredients of tobacco products affects the smooth functioning of the internal market and has a negative impact on the free movement of goods across the Union. Some Member States have adopted legislation or entered into binding agreements with the industry allowing or prohibiting certain ingredients. As a result, some ingredients are regulated in certain Member States, but not in others. Member States also take differing approaches as regards additives in the filters of cigarettes as well as additives colouring the tobacco smoke. Without harmonisation, the obstacles to the smooth functioning of the internal market are expected to increase in the coming years, taking into account the implementation of the FCTC and the relevant FCTC guidelines throughout the Union and in the light of experience gained in other jurisdictions outside the Union. The FCTC guidelines in relation to the regulation of the contents of tobacco products and regulation of tobacco product disclosures call in particular for the removal of ingredients that increase palatability, create the impression that tobacco products have health benefits, are associated with energy and vitality or have colouring properties.
- (16) The likelihood of diverging regulation is further increased by concerns over tobacco products having a characterising flavour other than one of tobacco, which could facilitate initiation of tobacco consumption or affect consumption patterns. Measures introducing unjustified differences of treatment between different types of flavoured cigarettes should be avoided. However, products with characterising flavour with a higher sales volume should be phased out over an extended time period to allow consumers adequate time to switch to other products.
- (17) The prohibition of tobacco products with characterising flavours does not preclude the use of individual additives outright, but it does oblige manufacturers to reduce the additive or the combination of additives to such an extent that the additives no longer result in a characterising flavour. The use of additives necessary for the manufacture of tobacco products, for example sugar to replace sugar that is lost during the curing process, should be allowed, as long as they do not result in a characterising flavour or increase the addictiveness, toxicity or CMR properties of the product. An independent European advisory panel should assist in such decision making. The application of this Directive should not lead to discrimination between different tobacco varieties, nor should it prevent product differentiation.
- (18) Certain additives are used to create the impression that tobacco products have health benefits, present reduced health risks or increase mental alertness and physical performance. These additives, as well as additives that have CMR properties in unburnt form, should be prohibited in order to ensure uniform rules throughout the Union and a high level of protection of human health. Additives that increase addictiveness and toxicity should also be prohibited.

- (19) Considering this Directive's focus on young people, tobacco products other than cigarettes and roll-your-own tobacco, should be granted an exemption from certain requirements relating to ingredients as long as there is no substantial change of circumstances in terms of sales volumes or consumption patterns of young people.
- (20) Given the general prohibition of the sale of tobacco for oral use in the Union, the responsibility for regulating the ingredients of tobacco for oral use, which requires in-depth knowledge of the specific characteristics of this product and of its patterns of consumption, should, in accordance with the principle of subsidiarity, remain with Sweden, where the sale of this product is permitted pursuant to Article 151 of the Act of Accession of Austria, Finland and Sweden.
- (21) In line with the purposes of this Directive, namely to facilitate the smooth functioning of the internal market for tobacco and related products, taking as a base a high level of health protection, especially for young people, and in line with Council Recommendation 2003/54/EC<sup>(1)</sup>, Member States should be encouraged to prevent sales of such products to children and adolescents, by adopting appropriate measures that lay down and enforce age limits.
- (22) Disparities still exist between national provisions regarding the labelling of tobacco products, in particular with regard to the use of combined health warnings consisting of a picture and a text, information on cessation services and promotional elements in and on unit packets.
- (23) Such disparities are liable to constitute a barrier to trade and to impede the smooth functioning of the internal market in tobacco products, and should, therefore, be eliminated. Also, it is possible that consumers in some Member States are better informed about the health risks of tobacco products than consumers in other Member States. Without further action at Union level, the existing disparities are likely to increase in the coming years.
- (24) Adaptation of the provisions on labelling is also necessary to align the rules that apply at Union level to international developments. For example, the FCTC guidelines on the packaging and labelling of tobacco products call for large picture warnings on both principal display areas, mandatory cessation information and strict rules on misleading information. The provisions on misleading information will complement the general ban on misleading business to consumer commercial practices laid down in Directive 2005/29/EC of the European Parliament and of the Council<sup>(2)</sup>.

Member States that use tax stamps or national identification marks for fiscal purposes on the packaging of tobacco products may, in some cases, have to provide for these stamps and marks to be repositioned in order to allow for the combined health warnings to be at the top of the principal display areas, in line with this Directive and the FCTC guidelines. Transitional arrangements should be put in place to allow Member States to maintain tax stamps or national identification marks used for fiscal purposes at the top of unit packets for a certain period after transposition of this Directive.

- (25) The labelling provisions should also be adapted to new scientific evidence. For example, the indication of the emission levels for tar, nicotine and carbon monoxide on unit packets of cigarettes has proven to be misleading as it leads consumers to believe that certain cigarettes are less harmful than others. Evidence also suggests that large combined health warnings comprised of a text warning and a corresponding colour photograph are more effective than warnings consisting only of text. As a consequence, combined health warnings should become mandatory throughout the Union and cover significant and visible parts of the surface of unit packets. Minimum dimensions should be set for all health warnings to ensure their visibility and effectiveness.

<sup>(1)</sup> Council Recommendation 2003/54/EC of 2 December 2002 on the prevention of smoking and on initiatives to improve tobacco control (OJ L 22, 25.1.2003, p. 31).

<sup>(2)</sup> Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council ('Unfair Commercial Practices Directive') (OJ L 149, 11.6.2005, p. 22).

- (26) For tobacco products for smoking, other than cigarettes and roll-your-own tobacco products, which are mainly consumed by older consumers and small groups of the population, it should be possible to continue to grant an exemption from certain labelling requirements as long as there is no substantial change of circumstances in terms of sales volumes or consumption patterns of young people. The labelling of these other tobacco products should follow rules that are specific to them. The visibility of health warnings on smokeless tobacco products should be ensured. Health warnings should, therefore, be placed on the two main surfaces of the packaging of smokeless tobacco products. As regards waterpipe tobacco, which is often perceived as less harmful than traditional tobacco products for smoking, the full labelling regime should apply in order to avoid consumers being misled.
- (27) Tobacco products or their packaging could mislead consumers, in particular young people, where they suggest that these products are less harmful. This is, for example, the case if certain words or features are used, such as the words 'low-tar', 'light', 'ultra-light', 'mild', 'natural', 'organic', 'without additives', 'without flavours' or 'slim', or certain names, pictures, and figurative or other signs. Other misleading elements might include, but are not limited to, inserts or other additional material such as adhesive labels, stickers, onserts, scratch-offs and sleeves or relate to the shape of the tobacco product itself. Certain packaging and tobacco products could also mislead consumers by suggesting benefits in terms of weight loss, sex appeal, social status, social life or qualities such as femininity, masculinity or elegance. Likewise, the size and appearance of individual cigarettes could mislead consumers by creating the impression that they are less harmful. Neither the unit packets of tobacco products nor their outside packaging should include printed vouchers, discount offers, reference to free distribution, two-for-one or other similar offers that could suggest economic advantages to consumers thereby inciting them to buy those tobacco products.
- (28) In order to ensure the integrity and the visibility of health warnings and maximise their efficacy, provisions should be made regarding the dimensions of the health warnings as well as regarding certain aspects of the appearance of the unit packets of tobacco products, including the shape and opening mechanism. When prescribing a cuboid shape for a unit packet, rounded or bevelled edges should be considered acceptable, provided the health warning covers a surface area that is equivalent to that on a unit packet without such edges. Member States apply different rules on the minimum number of cigarettes per unit packet. Those rules should be aligned in order to ensure free circulation of the products concerned.
- (29) Considerable volumes of illicit products, which do not fulfil the requirements laid down in Directive 2001/37/EC, are placed on the market and there are indications that these volumes might increase. Such illicit products undermine the free circulation of compliant products and the protection provided for by tobacco control legislation. In addition, the FCTC requires the Union to combat illicit tobacco products, including those illegally imported into the Union, as part of a comprehensive Union policy on tobacco control. Provision should, therefore, be made for unit packets of tobacco products to be marked with a unique identifier and security features and for their movements to be recorded so that such products can be tracked and traced throughout the Union and their compliance with this Directive can be monitored and better enforced. In addition, provision should be made for the introduction of security features that will facilitate the verification of whether or not tobacco products are authentic.
- (30) An interoperable tracking and tracing system and security features should be developed at Union level. For an initial period only cigarettes and roll-your-own tobacco should be subjected to the tracking and tracing system and the security features. This would allow manufacturers of other tobacco products to benefit from the experience gained prior to the tracking and tracing system and security features becoming applicable to those other products.
- (31) In order to ensure independence and transparency of the tracking and tracing system, manufacturers of tobacco products should conclude data storage contracts with independent third parties. The Commission should approve the suitability of those independent third parties and an independent external auditor should monitor their activities. The data related to the tracking and tracing system should be kept separate from other company related data and should be under the control of, and accessible at all times by, the competent authorities from Member States and the Commission.

- (32) Council Directive 89/622/EEC <sup>(1)</sup> prohibited the sale in the Member States of certain types of tobacco for oral use. Directive 2001/37/EC reaffirmed that prohibition. Article 151 of the Act of Accession of Austria, Finland and Sweden grants Sweden a derogation from the prohibition. The prohibition of the sale of tobacco for oral use should be maintained in order to prevent the introduction in the Union (apart from Sweden) of a product that is addictive and has adverse health effects. For other smokeless tobacco products that are not produced for the mass market, strict provisions on labelling and certain provisions relating to their ingredients are considered sufficient to contain their expansion in the market beyond their traditional use.
- (33) Cross-border distance sales of tobacco products could facilitate access to tobacco products that do not comply with this Directive. There is also an increased risk that young people would get access to tobacco products. Consequently, there is a risk that tobacco control legislation would be undermined. Member States should, therefore, be allowed to prohibit cross-border distance sales. Where cross-border distance sales are not prohibited, common rules on the registration of retail outlets engaging in such sales are appropriate to ensure the effectiveness of this Directive. Member States should, in accordance with Article 4(3) of the Treaty on European Union (TEU) cooperate with each other in order to facilitate the implementation of this Directive, in particular with respect to measures taken as regards cross-border distance sales of tobacco products.
- (34) All tobacco products have the potential to cause mortality, morbidity and disability. Accordingly, their manufacture, distribution and consumption should be regulated. It is, therefore, important to monitor developments as regards novel tobacco products. Manufacturers and importers should be obliged to submit a notification of novel tobacco products, without prejudice to the power of the Member States to ban or to authorise such novel products.
- (35) In order to ensure a level playing field, novel tobacco products, that are tobacco products as defined in this Directive, should comply with the requirements of this Directive.
- (36) Electronic cigarettes and refill containers should be regulated by this Directive, unless they are - due to their presentation or function - subject to Directive 2001/83/EC of the European Parliament and of the Council <sup>(2)</sup> or to Council Directive 93/42/EEC <sup>(3)</sup>. Diverging legislation and practices as regards these products, including on safety requirements, exist between Member States, hence, action at Union level is required to improve the smooth functioning of the internal market. A high level of public health protection should be taken into account when regulating these products. In order to enable Member States to carry out their surveillance and control tasks, manufacturers and importers of electronic cigarettes and refill containers should be required to submit a notification of the relevant products before they are placed on the market.
- (37) Member States should ensure that electronic cigarettes and refill containers comply with the requirements of this Directive. Where the manufacturer of the relevant product is not established in the Union, the importer of that product should bear the responsibilities relating to the compliance of those products with this Directive.
- (38) Nicotine-containing liquid should only be allowed to be placed on the market under this Directive, where the nicotine concentration does not exceed 20 mg/ml. This concentration allows for a delivery of nicotine that is comparable to the permitted dose of nicotine derived from a standard cigarette during the time needed to smoke such a cigarette. In order to limit the risks associated with nicotine, maximum sizes for refill containers, tanks and cartridges should be set.
- (39) Only electronic cigarettes that deliver nicotine doses at consistent levels should be allowed to be placed on the market under this Directive. Delivery of nicotine doses at consistent levels under normal conditions of use is necessary for health protection, safety and quality purposes, including to avoid the risk of accidental consumption of high doses.
- (40) Electronic cigarettes and refill containers could create a health risk when in the hands of children. Therefore, it is necessary to ensure that such products are child- and tamperproof, including by means of child-proof labelling, fastenings and opening mechanisms.

<sup>(1)</sup> Council Directive 89/622/EEC of 13 November 1989 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the labelling of tobacco products and the prohibition of the marketing of certain types of tobacco for oral use (OJ L 359, 8.12.1989, p. 1).

<sup>(2)</sup> Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use (OJ L 311, 28.11.2001, p. 67).

<sup>(3)</sup> Council Directive 93/42/EEC of 14 June 1993 concerning medical devices (OJ L 169, 12.7.1993, p. 1).



- (41) In view of the fact that nicotine is a toxic substance and considering the potential health and safety risks, including to persons for whom the product is not intended, nicotine-containing liquid should only be placed on the market in electronic cigarettes or in refill containers that meet certain safety and quality requirements. It is important to ensure that electronic cigarettes do not break or leak during use and refill.
- (42) The labelling and packaging of these products should display sufficient and appropriate information on their safe use, in order to protect human health and safety, should carry appropriate health warnings and should not include any misleading elements or features.
- (43) Disparities between national laws and practices on advertising and sponsorship concerning electronic cigarettes present an obstacle to the free movement of goods and the freedom to provide services and create an appreciable risk of distortion of competition. Without further action at Union level, those disparities are likely to increase over the coming years, also taking into account the growing market for electronic cigarettes and refill containers. Therefore, it is necessary to approximate the national provisions on advertising and sponsorship of those products having cross-border effects, taking as a base a high level of protection of human health. Electronic cigarettes can develop into a gateway to nicotine addiction and ultimately traditional tobacco consumption, as they mimic and normalize the action of smoking. For this reason, it is appropriate to adopt a restrictive approach to advertising electronic cigarettes and refill containers.
- (44) In order to perform their regulatory tasks, the Commission and Member States need comprehensive information on market developments as regards electronic cigarettes and refill containers. To this end manufacturers and importers of these products should be subject to reporting obligations on sales volumes, preference of various consumer groups and mode of sales. It should be ensured that this information is made available to the general public, taking the need to protect trade secrets duly into account.
- (45) In order to ensure appropriate market surveillance by Member States, it is necessary that manufacturers, importers and distributors operate an appropriate system for monitoring and recording suspected adverse effects and inform the competent authorities about such effects so that appropriate action can be taken. It is warranted to provide for a safeguard clause that would allow Member States to take action to address serious risks to public health.
- (46) In the context of an emerging market for electronic cigarettes, it is possible that, although complying with this Directive, specific electronic cigarettes or refill containers, or a type of electronic cigarette or refill container, placed on the market could pose an unforeseen risk to human health. It is therefore advisable to provide for a procedure to address this risk, which should include the possibility for a Member State to adopt provisional appropriate measures. Such provisional appropriate measures could involve the prohibition of the placing on the market of specific electronic cigarettes or refill containers, or of a type of electronic cigarette or refill container. In this context, the Commission should be empowered to adopt delegated acts in order to prohibit the placing on the market of specific electronic cigarettes or refill containers, or of a type of electronic cigarette or refill container. The Commission should be empowered to do so, when at least three Member States have prohibited the products concerned on duly justified grounds and it is necessary to extend this prohibition to all Member States in order to ensure the smooth functioning of the internal market for products complying with this Directive but not presenting the same health risks. The Commission should report on the potential risks associated with refillable electronic cigarettes by 20 May 2016.
- (47) This Directive does not harmonise all aspects of electronic cigarettes or refill containers. For example, the responsibility for adopting rules on flavours remains with the Member States. It could be useful for Member States to consider allowing the placing on the market of flavoured products. In doing so, they should be mindful of the potential attractiveness of such products for young people and non smokers. Any prohibition of such flavoured products would need to be justified and notification thereof submitted in accordance with Directive 98/34/EC of the European Parliament and of the Council <sup>(1)</sup>.

<sup>(1)</sup> Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services (OJ L 204, 21.7.1998, p. 37).

- (48) Moreover, this Directive does not harmonise the rules on smoke-free environments, or on domestic sales arrangements or domestic advertising, or brand stretching, nor does it introduce an age limit for electronic cigarettes or refill containers. In any case, the presentation and advertising of those products should not lead to the promotion of tobacco consumption or give rise to confusion with tobacco products. Member States are free to regulate such matters within the remit of their own jurisdiction and are encouraged to do so.
- (49) The regulation of herbal products for smoking differs between Member States and these products are often perceived as harmless or less harmful despite the health risk caused by their combustion. In many cases consumers do not know the content of these products. In order to ensure the smooth functioning of the internal market and improve information to consumers, common labelling rules and ingredients reporting for these products should be introduced at Union level.
- (50) In order to ensure uniform conditions for the implementation of this Directive implementing powers should be conferred on the Commission concerning the laying down and updating of a priority list of additives for enhanced reporting, the laying down and updating of the format for the reporting of ingredients and for the dissemination of that information, determining whether a tobacco product has a characterising flavour or has increased levels of toxicity, addictiveness or CMR properties, the methodology for determining whether a tobacco product has a characterising flavour, the procedures for the establishment and operation of an independent advisory panel for determining tobacco products with characterising flavours, the precise position of health warnings on pouches of roll-your-own tobacco, the technical specifications for the layout, design, and shape of combined health warnings, the technical standards for the establishment and operation of the tracking and tracing system, for ensuring the compatibility of the systems for the unique identifiers and for the security features, as well as establishing a common format for notification of electronic cigarettes and refill containers and the technical standards for the refill mechanisms for such products. Those implementing powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council <sup>(1)</sup>.
- (51) In order to ensure that this Directive is fully operational and to adapt it to technical, scientific and international developments in tobacco manufacture, consumption and regulation, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of adopting and adapting maximum emission levels and methods for measuring those emissions, setting maximum levels for additives that result in a characterising flavour or that increase toxicity or addictiveness, withdrawing certain exemptions granted to tobacco products other than cigarettes and roll-your-own tobacco, adapting the health warnings, establishing and adapting the picture library, defining the key elements of the data storage contracts to be concluded for the purposes of the tracking and tracing system, and extending measures adopted by Member States to the entire Union concerning specific electronic cigarettes or refill containers or a type of electronic cigarette or refill container. 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.
- (52) The Commission should monitor the developments as regards the implementation and impact of this Directive and submit a report by 21 May 2021, and when necessary thereafter, in order to assess whether amendments to this Directive are necessary. The report should include information on the surfaces of unit packets of tobacco products that are not governed by this Directive, market developments concerning novel tobacco products, market developments that amount to a substantial change of circumstances, market developments concerning, and the consumer perception of, slim cigarettes, of waterpipe tobacco and of electronic cigarettes and refill containers.

The Commission should prepare a report regarding the feasibility, benefits and impact of a European system for the regulation of ingredients in tobacco products, including the feasibility and benefits of establishing a list of

<sup>(1)</sup> 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 Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

ingredients at Union level that can be used, or present in or added to tobacco products (so-called 'positive list'). In preparing that report, the Commission should evaluate, inter alia, the available scientific evidence on the toxic and addictive effects of ingredients.

- (53) Tobacco and related products which comply with this Directive should benefit from the free movement of goods. However, in light of the different degrees of harmonisation achieved by this Directive, the Member States should, under certain conditions, retain the power to impose further requirements in certain respects in order to protect public health. This is the case in relation to the presentation and the packaging, including colours, of tobacco products other than health warnings, for which this Directive provides a first set of basic common rules. Accordingly, Member States could, for example, introduce provisions providing for further standardisation of the packaging of tobacco products, provided that those provisions are compatible with the TFEU, with WTO obligations and do not affect the full application of this Directive.
- (54) Moreover, in order to take into account possible future market developments, Member States should also be allowed to prohibit a certain category of tobacco or related products, on grounds relating to the specific situation in the Member State concerned and provided the provisions are justified by the need to protect public health, taking into account the high level of protection achieved through this Directive. Member States should notify such stricter national provisions to the Commission.
- (55) A Member State should remain free to maintain or introduce national laws applying to all products placed on its national market for aspects not regulated by this Directive, provided they are compatible with the TFEU and do not jeopardise the full application of this Directive. Accordingly and under those conditions, a Member State could, inter alia, regulate or ban paraphernalia used for tobacco products (including waterpipes) and for herbal products for smoking as well as regulate or ban products resembling in appearance a type of tobacco or related product. Prior notification is required for national technical regulations pursuant to Directive 98/34/EC.
- (56) Member States should ensure that personal data are only processed in accordance with the rules and safeguards laid down in Directive 95/46/EC of the European Parliament and of the Council <sup>(1)</sup>.
- (57) This Directive is without prejudice to Union laws governing the use and labelling of genetically modified organisms.
- (58) In accordance with the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents <sup>(2)</sup>, Member States have undertaken to accompany, in justified cases, the notification of their transposition measures with one or more documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments. With regard to this Directive, the legislator considers the transmission of such documents to be justified.
- (59) The obligation to respect the fundamental rights and legal principles enshrined in the Charter of Fundamental Rights of the European Union is not changed by this Directive. Several fundamental rights are affected by this Directive. It is therefore necessary to ensure that the obligations imposed on manufacturers, importers and distributors of tobacco and related products not only guarantee a high level of health and consumer protection, but also protect all other fundamental rights and are proportionate with respect to the smooth functioning of the internal market. The application of this Directive should respect Union law and relevant international obligations.
- (60) Since the objectives of this Directive, namely to approximate the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products, cannot be

<sup>(1)</sup> Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281, 23.11.1995, p. 31).

<sup>(2)</sup> OJ C 369, 17.12.2011, p. 14.

sufficiently achieved by the Member States, but can rather, by reason of their scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 TEU. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives,

HAVE ADOPTED THIS DIRECTIVE:

#### TITLE I

### COMMON PROVISIONS

#### Article 1

#### Subject matter

The objective of this Directive is to approximate the laws, regulations and administrative provisions of the Member States concerning:

- (a) the ingredients and emissions of tobacco products and related reporting obligations, including the maximum emission levels for tar, nicotine and carbon monoxide for cigarettes;
- (b) certain aspects of the labelling and packaging of tobacco products including the health warnings to appear on unit packets of tobacco products and any outside packaging as well as traceability and security features that are applied to tobacco products to ensure their compliance with this Directive;
- (c) the prohibition on the placing on the market of tobacco for oral use;
- (d) cross-border distance sales of tobacco products;
- (e) the obligation to submit a notification of novel tobacco products;
- (f) the placing on the market and the labelling of certain products, which are related to tobacco products, namely electronic cigarettes and refill containers, and herbal products for smoking;

in order to facilitate the smooth functioning of the internal market for tobacco and related products, taking as a base a high level of protection of human health, especially for young people, and to meet the obligations of the Union under the WHO Framework Convention for Tobacco Control ('FCTC').

#### Article 2

#### Definitions

For the purposes of this Directive, the following definitions shall apply:

- (1) 'tobacco' means leaves and other natural processed or unprocessed parts of tobacco plants, including expanded and reconstituted tobacco;
- (2) 'pipe tobacco' means tobacco that can be consumed via a combustion process and exclusively intended for use in a pipe;
- (3) 'roll-your-own tobacco' means tobacco which can be used for making cigarettes by consumers or retail outlets;
- (4) 'tobacco products' means products that can be consumed and consist, even partly, of tobacco, whether genetically modified or not;
- (5) 'smokeless tobacco product' means a tobacco product not involving a combustion process, including chewing tobacco, nasal tobacco and tobacco for oral use;
- (6) 'chewing tobacco' means a smokeless tobacco product exclusively intended for the purpose of chewing;
- (7) 'nasal tobacco' means a smokeless tobacco product that can be consumed via the nose;
- (8) 'tobacco for oral use' means all tobacco products for oral use, except those intended to be inhaled or chewed, made wholly or partly of tobacco, in powder or in particulate form or in any combination of those forms, particularly those presented in sachet portions or porous sachets;
- (9) 'tobacco products for smoking' means tobacco products other than a smokeless tobacco product;

- (10) 'cigarette' means a roll of tobacco that can be consumed via a combustion process and is further defined in Article 3(1) of Council Directive 2011/64/EU <sup>(1)</sup>;
- (11) 'cigar' means a roll of tobacco that can be consumed via a combustion process and is further defined in Article 4(1) of Directive 2011/64/EU;
- (12) 'cigarillo' means a small type of cigar and is further defined in Article 8(1) of Council Directive 2007/74/EC <sup>(2)</sup>;
- (13) 'waterpipe tobacco' means a tobacco product that can be consumed via a waterpipe. For the purpose of this Directive, waterpipe tobacco is deemed to be a tobacco product for smoking. If a product can be used both via waterpipes and as roll-your-own tobacco, it shall be deemed to be roll-your-own tobacco;
- (14) 'novel tobacco product' means a tobacco product which:
- (a) does not fall into any of the following categories: cigarettes, roll-your-own tobacco, pipe tobacco, waterpipe tobacco, cigars, cigarillos, chewing tobacco, nasal tobacco or tobacco for oral use; and
  - (b) is placed on the market after 19 May 2014;
- (15) 'herbal product for smoking' means a product based on plants, herbs or fruits which contains no tobacco and that can be consumed via a combustion process;
- (16) 'electronic cigarette' means a product that can be used for consumption of nicotine-containing vapour via a mouth piece, or any component of that product, including a cartridge, a tank and the device without cartridge or tank. Electronic cigarettes can be disposable or refillable by means of a refill container and a tank, or rechargeable with single use cartridges;
- (17) 'refill container' means a receptacle that contains a nicotine-containing liquid, which can be used to refill an electronic cigarette;
- (18) 'ingredient' means tobacco, an additive, as well as any substance or element present in a finished tobacco product or related products, including paper, filter, ink, capsules and adhesives;
- (19) 'nicotine' means nicotinic alkaloids;
- (20) 'tar' means the raw anhydrous nicotine-free condensate of smoke;
- (21) 'emissions' means substances that are released when a tobacco or related product is consumed as intended, such as substances found in smoke, or substances released during the process of using smokeless tobacco products;
- (22) 'maximum level' or 'maximum emission level' means the maximum content or emission, including zero, of a substance in a tobacco product measured in milligrams;
- (23) 'additive' means a substance, other than tobacco, that is added to a tobacco product, a unit packet or to any outside packaging;
- (24) 'flavouring' means an additive that imparts smell and/or taste;
- (25) 'characterising flavour' means a clearly noticeable smell or taste other than one of tobacco, resulting from an additive or a combination of additives, including, but not limited to, fruit, spice, herbs, alcohol, candy, menthol or vanilla, which is noticeable before or during the consumption of the tobacco product;
- (26) 'addictiveness' means the pharmacological potential of a substance to cause addiction, a state which affects an individual's ability to control his or her behaviour, typically by instilling a reward or a relief from withdrawal symptoms, or both;

<sup>(1)</sup> Council Directive 2011/64/EU of 21 June 2011 on the structure and rates of excise duty applied to manufactured tobacco (OJ L 176, 5.7.2011, p. 24).

<sup>(2)</sup> Council Directive 2007/74/EC of 20 December 2007 on the exemption from value added tax and excise duty of goods imported by persons travelling from third countries (OJ L 346, 29.12.2007, p. 6).

- (27) 'toxicity' means the degree to which a substance can cause harmful effects in the human organism, including effects occurring over time, usually through repeated or continuous consumption or exposure;
- (28) 'substantial change of circumstances' means an increase of the sales volumes by product category by at least 10 % in at least five Member States based on sales data transmitted in accordance with Article 5(6) or an increase of the level of prevalence of use in the under 25 years of age consumer group by at least five percentage points in at least five Member States for the respective product category based on the Special Eurobarometer 385 report of May 2012 or equivalent prevalence studies; in any case, a substantial change of circumstances is deemed not to have occurred if the sales volume of the product category at retail level does not exceed 2,5 % of total sales of tobacco products at Union level;
- (29) 'outside packaging' means any packaging in which tobacco or related products are placed on the market and which includes a unit packet or an aggregation of unit packets; transparent wrappers are not regarded as outside packaging;
- (30) 'unit packet' means the smallest individual packaging of a tobacco or related product that is placed on the market;
- (31) 'pouch' means a unit packet of roll-your own tobacco, either in the form of a rectangular pocket with a flap that covers the opening or in the form of a standing pouch;
- (32) 'health warning' means a warning concerning the adverse effects on human health of a product or other undesired consequences of its consumption, including text warnings, combined health warnings, general warnings and information messages, as provided for in this Directive;
- (33) 'combined health warning' means a health warning consisting of a combination of a text warning and a corresponding photograph or illustration, as provided for in this Directive;
- (34) 'cross-border distance sales' means distance sales to consumers where, at the time the consumer orders the product from a retail outlet, the consumer is located in a Member State other than the Member State or the third country where that retail outlet is established; a retail outlet is deemed to be established in a Member State:
- (a) in the case of a natural person: if he or she has his or her place of business in that Member State;
  - (b) in other cases: if the retail outlet has its statutory seat, central administration or place of business, including a branch, agency or any other establishment, in that Member State;
- (35) 'consumer' means a natural person who is acting for purposes which are outside his or her trade, business, craft or profession;
- (36) 'age verification system' means a computing system that unambiguously confirms the consumer's age electronically in accordance with national requirements;
- (37) 'manufacturer' means any natural or legal person who manufactures a product or has a product designed or manufactured, and markets that product under their name or trademark;
- (38) 'import of tobacco or related products' means the entry into the territory of the Union of such products unless the products are placed under a customs suspensive procedure or arrangement upon their entry into the Union, as well as their release from a customs suspensive procedure or arrangement;

- (39) 'importer of tobacco or related products' means the owner of, or a person having the right of disposal over, tobacco or related products that have been brought into the territory of the Union;
- (40) 'placing on the market' means to make products, irrespective of their place of manufacture, available to consumers located in the Union, with or without payment, including by means of distance sale; in the case of cross-border distance sales the product is deemed to be placed on the market in the Member State where the consumer is located;
- (41) 'retail outlet' means any outlet where tobacco products are placed on the market including by a natural person.

## TITLE II

### TOBACCO PRODUCTS

#### CHAPTER I

#### *Ingredients and emissions*

##### *Article 3*

#### **Maximum emission levels for tar, nicotine, carbon monoxide and other substances**

1. The emission levels from cigarettes placed on the market or manufactured in the Member States ('maximum emission levels') shall not be greater than:
  - (a) 10 mg of tar per cigarette;
  - (b) 1 mg of nicotine per cigarette;
  - (c) 10 mg of carbon monoxide per cigarette.
2. The Commission shall be empowered to adopt delegated acts in accordance with Article 27 to decrease the maximum emission levels laid down in paragraph 1, where this is necessary based on internationally agreed standards.
3. Member States shall notify the Commission of any maximum emission levels they set for emissions from cigarettes other than the emissions referred to in paragraph 1 and for emissions from tobacco products other than cigarettes.
4. The Commission shall adopt delegated acts in accordance with Article 27 to integrate standards agreed by the parties to the FCTC or by the WHO relating to maximum emission levels for emissions from cigarettes other than the emissions referred to in paragraph 1 and for emissions from tobacco products other than cigarettes into Union law.

##### *Article 4*

#### **Measurement methods**

1. The tar, nicotine and carbon monoxide emissions from cigarettes shall be measured on the basis of ISO standard 4387 for tar, ISO standard 10315 for nicotine, and ISO standard 8454 for carbon monoxide.

The accuracy of the tar, nicotine and carbon monoxide measurements shall be determined in accordance with ISO standard 8243.

2. The measurements referred to in paragraph 1 shall be verified by laboratories which are approved and monitored by the competent authorities of the Member States.

Those laboratories shall not be owned or controlled directly or indirectly by the tobacco industry.

Member States shall communicate to the Commission a list of approved laboratories, specifying the criteria used for approval and the methods of monitoring applied, and shall update that list whenever any change is made. The Commission shall make those lists of approved laboratories publicly available.

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 27 to adapt the methods of measurement of the tar, nicotine and carbon monoxide emissions, where this is necessary, based on scientific and technical developments or internationally agreed standards.

4. Member States shall notify the Commission of any measurement methods they use for emissions from cigarettes other than the emissions referred to in paragraph 3 and for emissions from tobacco products other than cigarettes.
5. The Commission shall adopt delegated acts in accordance with Article 27 to integrate standards agreed by the parties to the FCTC or by the WHO for measurement methods into Union law.
6. Member States may charge manufacturers and importers of tobacco products proportionate fees for the verification of the measurements referred to in paragraph 1 of this Article.

#### Article 5

#### Reporting of ingredients and emissions

1. Member States shall require manufacturers and importers of tobacco products to submit to their competent authorities the following information by brand name and type:
  - (a) a list of all ingredients, and quantities thereof, used in the manufacture of the tobacco products, in descending order of the weight of each ingredient included in the tobacco products;
  - (b) the emission levels referred to in Article 3(1) and (4);
  - (c) where available, information on other emissions and their levels.

For products already placed on the market that information shall be provided by 20 November 2016.

Manufacturers or importers shall also inform the competent authorities of the Member States concerned, if the composition of a product is modified in a way that affects the information provided under this Article.

For a new or modified tobacco product the information required under this Article shall be submitted prior to the placing on the market of those products.

2. The list of ingredients referred to in point (a) of paragraph 1 shall be accompanied by a statement setting out the reasons for the inclusion of such ingredients in the tobacco products concerned. That list shall also indicate the status of the ingredients, including whether they have been registered under Regulation (EC) No 1907/2006 of the European Parliament and of the Council <sup>(1)</sup> as well as their classification under Regulation (EC) No 1272/2008 of the European Parliament and of the Council <sup>(2)</sup>.

3. The list referred to in point (a) of paragraph 1 shall also be accompanied by the relevant toxicological data regarding the ingredients in burnt or unburnt form, as appropriate, referring in particular to their effects on the health of consumers and taking into account, inter alia, any addictive effects.

Furthermore, for cigarettes and roll-your-own tobacco, a technical document setting out a general description of the additives used and their properties, shall be submitted by the manufacturer or importer.

Other than for tar, nicotine and carbon monoxide and for emissions referred to in Article 4(4), manufacturers and importers shall indicate the methods of measurement of emissions used. Member States may also require manufacturers or importers to carry out studies as may be prescribed by the competent authorities in order to assess the effects of ingredients on health, taking into account, inter alia, their addictiveness and toxicity.

4. Member States shall ensure that the information submitted in accordance with paragraph 1 of this Article and of Article 6 is made publicly available on a website. The Member States shall take the need to protect trade secrets duly into account when making that information publicly available. Member States shall require manufacturers and importers to specify, when submitting the information pursuant to paragraph 1 of this Article and Article 6, the information which they consider to constitute trade secrets.

<sup>(1)</sup> Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1).

<sup>(2)</sup> Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1).



5. The Commission shall, by means of implementing acts, lay down and, if necessary, update the format for the submission and the making available of information referred to in paragraphs 1 and 6 of this Article and Article 6. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 25(2).

6. Member States shall require manufacturers and importers to submit internal and external studies available to them on market research and preferences of various consumer groups, including young people and current smokers, relating to ingredients and emissions, as well as executive summaries of any market surveys they carry out when launching new products. Member States shall also require manufacturers and importers to report their sales volumes per brand and type, reported in sticks or kilograms, and per Member State on a yearly basis starting from 1 January 2015. Member States shall provide any other sales volume data that is available to them.

7. All data and information to be provided to and by Member States under this Article and under Article 6 shall be provided in electronic form. Member States shall store the information electronically and shall ensure that the Commission and other Member States have access to that information for the purposes of applying this Directive. Member States and the Commission shall ensure that trade secrets and other confidential information are treated in a confidential manner.

8. Member States may charge manufacturers and importers of tobacco products proportionate fees for receiving, storing, handling, analysing and publishing the information submitted to them pursuant to this Article.

#### *Article 6*

#### **Priority list of additives and enhanced reporting obligations**

1. In addition to the reporting obligations laid down in Article 5, enhanced reporting obligations shall apply to certain additives contained in cigarettes and roll-your-own tobacco that are included in a priority list. The Commission shall adopt implementing acts laying down and subsequently updating such a priority list of additives. This list shall contain additives:

- (a) for which initial indications, research, or regulation in other jurisdictions exist suggesting that they have one of the properties set out in points (a) to (d) of paragraph 2 of this Article; and
- (b) which are amongst the most commonly used additives by weight or number according to the reporting of ingredients pursuant to paragraphs 1 and 3 of Article 5.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 25(2). A first list of additives shall be adopted by 20 May 2016 and shall contain at least 15 additives.

2. Member States shall require manufacturers and importers of cigarettes and roll-your-own tobacco containing an additive that is included in the priority list provided for in paragraph 1, to carry out comprehensive studies, which shall examine for each additive whether it:

- (a) contributes to the toxicity or addictiveness of the products concerned, and whether this has the effect of increasing the toxicity or addictiveness of any of the products concerned to a significant or measurable degree;
- (b) results in a characterising flavour;
- (c) facilitates inhalation or nicotine uptake; or
- (d) leads to the formation of substances that have CMR properties, the quantities thereof, and whether this has the effect of increasing the CMR properties in any of the products concerned to a significant or measurable degree.

3. Those studies shall take into account the intended use of the products concerned and examine in particular the emissions resulting from the combustion process involving the additive concerned. The studies shall also examine the interaction of that additive with other ingredients contained in the products concerned. Manufacturers or importers using the same additive in their tobacco products may carry out a joint study when using that additive in a comparable product composition.

4. Manufacturers or importers shall establish a report on the results of these studies. That report shall include an executive summary, and a comprehensive overview compiling the available scientific literature on that additive and summarising internal data on the effects of the additive.

Manufacturers or importers shall submit these reports to the Commission and a copy thereof to the competent authorities of those Member States where a tobacco product containing this additive is placed on the market at the latest 18 months after the additive concerned has been included in the priority list pursuant to paragraph 1. The Commission and the Member States concerned may also request supplementary information from manufacturers or importers regarding the additive concerned. This supplementary information shall form part of the report.

The Commission and the Member States concerned may require these reports to be peer reviewed by an independent scientific body, in particular as regards their comprehensiveness, methodology and conclusions. The information received shall assist the Commission and Member States in taking the decisions pursuant to Article 7. The Member States and the Commission may charge manufacturers and importers of tobacco products proportionate fees for those peer reviews.

5. Small and medium-sized enterprises as defined in Commission Recommendation 2003/361/EC<sup>(1)</sup> shall be exempted from the obligations pursuant to this Article, if a report on that additive is prepared by another manufacturer or importer.

#### Article 7

### Regulation of ingredients

1. Member States shall prohibit the placing on the market of tobacco products with a characterising flavour.

Member States shall not prohibit the use of additives which are essential for the manufacture of tobacco products, for example sugar to replace sugar that is lost during the curing process, provided those additives do not result in a product with a characterising flavour and do not increase to a significant or measurable degree the addictiveness, toxicity or the CMR properties of the tobacco product.

Member States shall notify the Commission of the measures taken pursuant to this paragraph.

2. The Commission shall, at the request of a Member State, or may, on its own initiative, determine by means of implementing acts whether a tobacco product falls within the scope of paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 25(2).

3. The Commission shall adopt implementing acts laying down uniform rules for the procedures for determining whether a tobacco product falls within the scope of paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 25(2).

4. An independent advisory panel shall be established at Union level. Member States and the Commission may consult this panel before adopting a measure pursuant to paragraphs 1 and 2 of this Article. The Commission shall adopt implementing acts laying down the procedures for the establishment and operation of this panel.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 25(2).

5. Where the content level or concentration of certain additives or the combination thereof has resulted in prohibitions pursuant to paragraph 1 of this Article in at least three Member States, the Commission shall be empowered to adopt delegated acts in accordance with Article 27 to set maximum content levels for those additives or combination of additives that result in the characterising flavour.

6. Member States shall prohibit the placing on the market of tobacco products containing the following additives:

- (a) vitamins or other additives that create the impression that a tobacco product has a health benefit or presents reduced health risks;
- (b) caffeine or taurine or other additives and stimulant compounds that are associated with energy and vitality;
- (c) additives having colouring properties for emissions;

<sup>(1)</sup> Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).

- (d) for tobacco products for smoking, additives that facilitate inhalation or nicotine uptake; and
- (e) additives that have CMR properties in unburnt form.

7. Member States shall prohibit the placing on the market of tobacco products containing flavourings in any of their components such as filters, papers, packages, capsules or any technical features allowing modification of the smell or taste of the tobacco products concerned or their smoke intensity. Filters, papers and capsules shall not contain tobacco or nicotine.

8. Member States shall ensure that the provisions and conditions laid down in Regulation (EC) No 1907/2006 are applied to tobacco products as appropriate.

9. Member States shall, on the basis of scientific evidence, prohibit the placing on the market of tobacco products containing additives in quantities that increase the toxic or addictive effect, or the CMR properties of a tobacco product at the stage of consumption to a significant or measurable degree.

Member States shall notify to the Commission the measures they have taken pursuant to this paragraph.

10. The Commission shall, at the request of a Member State, or may, on its own initiative, determine by means of an implementing act whether a tobacco product falls within the scope of paragraph 9. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 25(2) and shall be based on the latest scientific evidence.

11. Where an additive or a certain quantity thereof has been shown to amplify the toxic or addictive effect of a tobacco product, and where this has resulted in prohibitions pursuant to paragraph (9) of this Article in at least three Member States, the Commission shall be empowered to adopt delegated acts in accordance with Article 27 to set maximum content levels for those additives. In this case, the maximum content level shall be set at the lowest maximum level that led to one of the national prohibitions referred to in this paragraph.

12. Tobacco products other than cigarettes and roll-your-own tobacco shall be exempted from the prohibitions laid down in paragraphs 1 and 7. The Commission shall adopt delegated acts in accordance with Article 27 to withdraw that exemption for a particular product category, if there is a substantial change of circumstances as established in a Commission report.

13. The Member States and the Commission may charge proportionate fees to manufacturers and importers of tobacco products for assessing whether a tobacco product has a characterising flavour, whether prohibited additives or flavourings are used and whether a tobacco product contains additives in quantities that increase to a significant and measurable degree the toxic or addictive effect or the CMR properties of the tobacco product concerned.

14. In the case of tobacco products with a characterising flavour whose Union-wide sales volumes represent 3 % or more in a particular product category, the provisions of this Article shall apply from 20 May 2020.

15. This Article shall not apply to tobacco for oral use.

## CHAPTER II

### **Labelling and packaging**

#### *Article 8*

#### **General provisions**

1. Each unit packet of a tobacco product and any outside packaging shall carry the health warnings provided for in this Chapter in the official language or languages of the Member State where the product is placed on the market.
2. Health warnings shall cover the entire surface of the unit packet or outside packaging that is reserved for them and they shall not be commented on, paraphrased or referred to in any form.
3. Member States shall ensure that the health warnings on a unit packet and any outside packaging are irremovably printed, indelible and fully visible, including not being partially or totally hidden or interrupted by tax stamps, price marks, security features, wrappers, jackets, boxes, or other items, when tobacco products are placed on the market. On

unit packets of tobacco products other than cigarettes and roll-your-own tobacco in pouches, the health warnings may be affixed by means of stickers, provided that such stickers are irremovable. The health warnings shall remain intact when opening the unit packet other than packets with a flip-top lid, where the health warnings may be split when opening the packet, but only in a manner that ensures the graphical integrity and visibility of the text, photographs and cessation information.

4. The health warnings shall in no way hide or interrupt the tax stamps, price marks, tracking and tracing marks, or security features on unit packets.

5. The dimensions of the health warnings provided for in Articles 9, 10, 11 and 12 shall be calculated in relation to the surface concerned when the packet is closed.

6. Health warnings shall be surrounded by a black border of a width of 1 mm inside the surface area that is reserved for these warnings, except for health warnings pursuant to Article 11.

7. When adapting a health warning pursuant to Articles 9(5), 10(3) and 12(3), the Commission shall ensure that it is factual or that Member States shall have a choice of two warnings, one of which is factual.

8. Images of unit packets and any outside packaging targeting consumers in the Union shall comply with the provisions of this chapter.

#### *Article 9*

##### **General warnings and information messages on tobacco products for smoking**

1. Each unit packet and any outside packaging of tobacco products for smoking shall carry one of the following general warnings:

‘Smoking kills – quit now’

or

‘Smoking kills’

Member States shall determine which of the general warnings referred to in the first subparagraph is to be used.

2. Each unit packet and any outside packaging of tobacco products for smoking shall carry the following information message:

‘Tobacco smoke contains over 70 substances known to cause cancer.’

3. For cigarette packets and roll-your-own tobacco in cuboid packets the general warning shall appear on the bottom part of one of the lateral surfaces of the unit packets, and the information message shall appear on the bottom part of the other lateral surface. These health warnings shall have a width of not less than 20 mm.

For packets in the form of a shoulder box with a hinged lid that result in the lateral surfaces being split into two when the packet is open, the general warning and the information message shall appear in their entirety on the larger parts of those split surfaces. The general warning shall also appear on the inside of the top surface that is visible when the packet is open.

The lateral surfaces of this type of packet shall have a height of not less than 16 mm.

For roll-your-own tobacco marketed in pouches the general warning and the information message shall appear on the surfaces that ensure the full visibility of those health warnings. For roll-your-own tobacco in cylindrical packets the general warning shall appear on the outside surface of the lid and the information message on the inside surface of the lid.

Both the general warning and the information message shall cover 50 % of the surfaces on which they are printed.

4. The general warning and information message referred to in paragraphs 1 and 2 shall be:
- (a) printed in black Helvetica bold type on a white background. In order to accommodate language requirements, Member States may determine the font size, provided that the font size specified in national law ensures that the relevant text occupies the greatest possible proportion of the surface reserved for these health warnings; and
  - (b) at the centre of the surface reserved for them, and on cuboid packets and any outside packaging they shall be parallel to the lateral edge of the unit packet or of the outside packaging.
5. The Commission shall be empowered to adopt delegated acts in accordance with Article 27 to adapt the wording of the information message laid down in paragraph 2 to scientific and market developments.
6. The Commission shall, by means of implementing acts, determine the precise position of the general warning and the information message on roll-your-own tobacco marketed in pouches, taking into account the different shapes of pouches.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 25(2).

#### *Article 10*

#### **Combined health warnings for tobacco products for smoking**

1. Each unit packet and any outside packaging of tobacco products for smoking shall carry combined health warnings. The combined health warnings shall:
- (a) contain one of the text warnings listed in Annex I and a corresponding colour photograph specified in the picture library in Annex II;
  - (b) include smoking cessation information such as telephone numbers, e-mail addresses or Internet sites intending to inform consumers about the programmes that are available to support persons who want to stop smoking;
  - (c) cover 65 % of both the external front and back surface of the unit packet and any outside packaging. Cylindrical packets shall display two combined health warnings, equidistant from each other, each covering 65 % of their respective half of the curved surface;
  - (d) show the same text warning and corresponding colour photograph on both sides of the unit packets and any outside packaging;
  - (e) appear at the top edge of a unit packet and any outside packaging, and be positioned in the same direction as any other information appearing on that surface of the packaging. Transitional exemptions from that obligation on the position of the combined health warning may apply in Member States where tax stamps or national identification marks used for fiscal purposes remain mandatory, as follows:
    - (i) in those cases, where the tax stamp or national identification mark used for fiscal purposes is affixed at the top edge of a unit packet made of carton material, the combined health warning that is to appear on the back surface may be positioned directly below the tax stamp or national identification mark;
    - (ii) where a unit packet is made of soft material, Member States may allow for a rectangular area to be reserved for the tax stamp or national identification mark used for fiscal purposes of a height not exceeding 13 mm between the top edge of the packet and the top end of the combined health warnings.

The exemptions referred to in points (i) and (ii) shall apply for a period of three years from 20 May 2016. Brand names or logos shall not be positioned above the health warnings;

- (f) be reproduced in accordance with the format, layout, design and proportions specified by the Commission pursuant to paragraph 3;

(g) in the case of unit packets of cigarettes, respect the following dimensions:

(i) height: not less than 44 mm;

(ii) width: not less than 52 mm.

2. The combined health warnings are grouped into three sets as set out in Annex II and each set shall be used in a given year and rotated on an annual basis. Member States shall ensure that each combined health warning available for use in a given year is displayed to the extent possible in equal numbers on each brand of tobacco products.

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 27 to:

(a) adapt the text warnings listed in Annex I taking into account scientific and market developments;

(b) establish and adapt the picture library referred to in point (a) of paragraph 1 of this Article taking into account scientific and market developments.

4. The Commission shall by means of implementing acts define the technical specifications for the layout, design and shape of the combined health warnings, taking into account the different packet shapes.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 25(2).

#### Article 11

#### **Labelling of tobacco products for smoking other than cigarettes, roll-your-own tobacco and waterpipe tobacco**

1. Member States may exempt tobacco products for smoking other than cigarettes, roll-your-own tobacco and waterpipe tobacco from the obligations to carry the information message laid down in Article 9(2) and the combined health warnings laid down in Article 10. In that event, and in addition to the general warning provided for in Article 9(1), each unit packet and any outside packaging of such products shall carry one of the text warnings listed in Annex I. The general warning specified in Article 9(1) shall include a reference to the cessation services referred to in Article 10(1)(b).

The general warning shall appear on the most visible surface of the unit packet and any outside packaging.

Member States shall ensure that each text warning is displayed to the extent possible in equal numbers on each brand of these products. The text warnings shall appear on the next most visible surface of the unit packet and any outside packaging.

For unit packets with a hinged lid, the next most visible surface is the one that becomes visible when the packet is open.

2. The general warning referred to in paragraph 1 shall cover 30 % of the relevant surface of the unit packet and any outside packaging. That proportion shall be increased to 32 % for Member States with two official languages and to 35 % for Member States with more than two official languages.

3. The text warning referred to in paragraph 1 shall cover 40 % of the relevant surface of the unit packet and any outside packaging. That proportion shall be increased to 45 % for Member States with two official languages and 50 % for Member States with more than two official languages.

4. Where the health warnings referred to in paragraph 1 are to appear on a surface exceeding 150 cm<sup>2</sup>, the warnings shall cover an area of 45 cm<sup>2</sup>. That area shall be increased to 48 cm<sup>2</sup> for Member States with two official languages and 52,5 cm<sup>2</sup> for Member States with more than two official languages.

5. The health warnings referred to in paragraph 1 shall comply with the requirements specified in Article 9(4). The text of the health warnings shall be parallel to the main text on the surface reserved for these warnings.

The health warnings shall be surrounded by a black border of a width of not less than 3 mm and not more than 4 mm. This border shall appear outside the surface reserved for the health warnings.

6. The Commission shall adopt delegated acts in accordance with Article 27, to withdraw the possibility of granting exemptions for any of the particular product categories referred to in paragraph 1 if there is a substantial change of circumstances as established in a Commission report for the product category concerned.

#### Article 12

##### Labelling of smokeless tobacco products

1. Each unit packet and any outside packaging of smokeless tobacco products shall carry the following health warning:

'This tobacco product damages your health and is addictive.'

2. The health warning laid down in paragraph 1 shall comply with the requirements specified in Article 9(4). The text of the health warnings shall be parallel to the main text on the surface reserved for these warnings.

In addition, it shall:

(a) appear on the two largest surfaces of the unit packet and any outside packaging;

(b) cover 30 % of the surfaces of the unit packet and any outside packaging. That proportion shall be increased to 32 % for Member States with two official languages and 35 % for Member States with more than two official languages.

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 27 to adapt the wording of the health warning laid down in paragraph 1 to scientific developments.

#### Article 13

##### Product presentation

1. The labelling of unit packets and any outside packaging and the tobacco product itself shall not include any element or feature that:

(a) promotes a tobacco product or encourages its consumption by creating an erroneous impression about its characteristics, health effects, risks or emissions; labels shall not include any information about the nicotine, tar or carbon monoxide content of the tobacco product;

(b) suggests that a particular tobacco product is less harmful than others or aims to reduce the effect of some harmful components of smoke or has vitalising, energetic, healing, rejuvenating, natural, organic properties or has other health or lifestyle benefits;

(c) refers to taste, smell, any flavourings or other additives or the absence thereof;

(d) resembles a food or a cosmetic product;

(e) suggests that a certain tobacco product has improved biodegradability or other environmental advantages.

2. The unit packets and any outside packaging shall not suggest economic advantages by including printed vouchers, offering discounts, free distribution, two-for-one or other similar offers.

3. The elements and features that are prohibited pursuant to paragraphs 1 and 2 may include but are not limited to texts, symbols, names, trademarks, figurative or other signs.

*Article 14***Appearance and content of unit packets**

1. Unit packets of cigarettes shall have a cuboid shape. Unit packets of roll-your-own tobacco shall have a cuboid or cylindrical shape, or the form of a pouch. A unit packet of cigarettes shall include at least 20 cigarettes. A unit packet of roll-your-own tobacco shall contain tobacco weighing not less than 30 g.
2. A unit packet of cigarettes may consist of carton or soft material and shall not have an opening that can be re-closed or re-sealed after it is first opened, other than the flip-top lid and shoulder box with a hinged lid. For packets with a flip-top lid and hinged lid, the lid shall be hinged only at the back of the unit packet.

*Article 15***Traceability**

1. Member States shall ensure that all unit packets of tobacco products are marked with a unique identifier. In order to ensure the integrity of the unique identifier, it shall be irremovably printed or affixed, indelible and not hidden or interrupted in any form, including through tax stamps or price marks, or by the opening of the unit packet. In the case of tobacco products that are manufactured outside of the Union, the obligations laid down in this Article apply only to those that are destined for, or placed on, the Union market.
2. The unique identifier shall allow the following to be determined:
  - (a) the date and place of manufacturing;
  - (b) the manufacturing facility;
  - (c) the machine used to manufacture the tobacco products;
  - (d) the production shift or time of manufacture;
  - (e) the product description;
  - (f) the intended market of retail sale;
  - (g) the intended shipment route;
  - (h) where applicable, the importer into the Union;
  - (i) the actual shipment route from manufacturing to the first retail outlet, including all warehouses used as well as the shipment date, shipment destination, point of departure and consignee;
  - (j) the identity of all purchasers from manufacturing to the first retail outlet; and
  - (k) the invoice, order number and payment records of all purchasers from manufacturing to the first retail outlet.
3. The information referred to in points (a), (b), (c), (d), (e), (f), (g) and, where applicable, (h) of paragraph 2 shall form part of the unique identifier.
4. Member States shall ensure that the information mentioned in points (i), (j) and (k) of paragraph 2 is electronically accessible by means of a link to the unique identifier.
5. Member States shall ensure that all economic operators involved in the trade of tobacco products, from the manufacturer to the last economic operator before the first retail outlet, record the entry of all unit packets into their possession, as well as all intermediate movements and the final exit of the unit packets from their possession. This obligation may be complied with by the marking and recording of aggregated packaging such as cartons, mastercases or pallets, provided that the tracking and tracing of all unit packets remains possible.



6. Member States shall ensure that all natural and legal persons engaged in the supply chain of tobacco products maintain complete and accurate records of all relevant transactions.

7. Member States shall ensure that the manufacturers of tobacco products provide all economic operators involved in the trade of tobacco products, from the manufacturer to the last economic operator before the first retail outlet, including importers, warehouses and transporting companies, with the equipment that is necessary for the recording of the tobacco products purchased, sold, stored, transported or otherwise handled. That equipment shall be able to read and transmit the recorded data electronically to a data storage facility pursuant to paragraph 8.

8. Member States shall ensure that manufacturers and importers of tobacco products conclude data storage contracts with an independent third party, for the purpose of hosting the data storage facility for all relevant data. The data storage facility shall be physically located on the territory of the Union. The suitability of the third party, in particular its independence and technical capacities, as well as the data storage contract, shall be approved by the Commission.

The third party's activities shall be monitored by an external auditor, who is proposed and paid by the tobacco manufacturer and approved by the Commission. The external auditor shall submit an annual report to the competent authorities and to the Commission, assessing in particular any irregularities in relation to access.

Member States shall ensure that the Commission, the competent authorities of the Member States, and the external auditor have full access to the data storage facilities. In duly justified cases the Commission or the Member States may grant manufacturers or importers access to the stored data, provided that commercially sensitive information remains adequately protected in conformity with the relevant Union and national law.

9. Recorded data shall not be modified or deleted by an economic operator involved in the trade of tobacco products.

10. Member States shall ensure that personal data are only processed in accordance with the rules and safeguards laid down in Directive 95/46/EC.

11. The Commission shall, by means of implementing acts:

- (a) determine the technical standards for the establishment and the operation of the tracking and tracing system as provided for in this Article, including the marking with a unique identifier, the recording, transmitting, processing and storing of data and access to stored data;
- (b) determine the technical standards for ensuring that the systems used for the unique identifier and the related functions are fully compatible with each other across the Union.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 25(2).

12. The Commission shall be empowered to adopt delegated acts in accordance with Article 27 to define the key elements of the data storage contracts referred to in paragraph 8 of this Article, such as duration, renewability, expertise required or confidentiality, including the regular monitoring and evaluation of those contracts.

13. Paragraphs 1 to 10 shall apply to cigarettes and roll-your-own tobacco from 20 May 2019 and to tobacco products other than cigarettes and roll-your-own tobacco from 20 May 2024.

#### Article 16

#### Security feature

1. In addition to the unique identifier referred to in Article 15, Member States shall require that all unit packets of tobacco products, which are placed on the market, carry a tamper proof security feature, composed of visible and invisible elements. The security feature shall be irremovably printed or affixed, indelible and not hidden or interrupted in any form, including through tax stamps and price marks, or other elements imposed by legislation.

Member States requiring tax stamps or national identification marks used for fiscal purposes may allow that they are used for the security feature provided that the tax stamps or national identification marks fulfil all of the technical standards and functions required under this Article.

2. The Commission shall, by means of implementing acts, define the technical standards for the security feature and their possible rotation and adapt them to scientific, market and technical developments.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 25(2).

3. Paragraph 1 shall apply to cigarettes and roll-your-own tobacco from 20 May 2019 and to tobacco products other than cigarettes and roll-your-own tobacco from 20 May 2024.

### CHAPTER III

#### ***Tobacco for oral use, cross-border distance sales of tobacco products and novel tobacco products***

##### Article 17

#### **Tobacco for oral use**

Member States shall prohibit the placing on the market of tobacco for oral use, without prejudice to Article 151 of the Act of Accession of Austria, Finland and Sweden.

##### Article 18

#### **Cross-border distance sales of tobacco products**

1. Member States may prohibit cross-border distance sales of tobacco products to consumers. Member States shall cooperate to prevent such sales. Retail outlets engaging in cross-border distance sales of tobacco products may not supply such products to consumers in Member States where such sales have been prohibited. Member States which do not prohibit such sales shall require retail outlets intending to engage in cross-border distance sales to consumers located in the Union to register with the competent authorities in the Member State, where the retail outlet is established, and in the Member State, where the actual or potential consumers are located. Retail outlets established outside the Union shall be required to register with the competent authorities in the Member State where the actual or potential consumers are located. All retail outlets intending to engage in cross-border distance sales shall submit at least the following information to the competent authorities when registering:

- (a) name or corporate name and permanent address of the place of activity from where the tobacco products will be supplied;
- (b) the starting date of the activity of offering tobacco products for cross-border distance sales to consumers by means of Information Society services, as defined in point 2 of Article 1 of Directive 98/34/EC;
- (c) the address of the website or websites used for that purpose and all relevant information necessary to identify the website.

2. The competent authorities of the Member States shall ensure that consumers have access to the list of all retail outlets registered with them. When making that list available, Member States shall ensure that the rules and safeguards laid down in Directive 95/46/EC are complied with. Retail outlets may only start placing tobacco products on the market via cross-border distance sales when they have received confirmation of their registration with the relevant competent authority.

3. The Member States of destination of tobacco products sold via cross-border distance sales may require that the supplying retail outlet nominates a natural person to be responsible for verifying — before the tobacco products reach the consumer — that they comply with the national provisions adopted pursuant to this Directive in the Member State of destination, if such verification is necessary in order to ensure compliance and facilitate enforcement.

4. Retail outlets engaged in cross-border distance sales shall operate an age verification system, which verifies, at the time of sale, that the purchasing consumer complies with minimum age requirements provided for under the national law of the Member State of destination. The retail outlet or natural person nominated pursuant to paragraph 3 shall provide to the competent authorities of that Member State a description of the details and functioning of the age verification system.

5. Retail outlets shall only process personal data of the consumer in accordance with Directive 95/46/EC and those data shall not be disclosed to the manufacturer of tobacco products or companies forming part of the same group of companies or to other third parties. Personal data shall not be used or transferred for purposes other than the actual purchase. This also applies if the retail outlet forms part of a manufacturer of tobacco products.

#### Article 19

##### **Notification of novel tobacco products**

1. Member States shall require manufacturers and importers of novel tobacco products to submit a notification to the competent authorities of Member States of any such product they intend to place on the national market concerned. The notification shall be submitted in electronic form six months before the intended placing on the market. It shall be accompanied by a detailed description of the novel tobacco product concerned as well as instructions for its use and information on ingredients and emissions in accordance with Article 5. The manufacturers and importers submitting a notification of a novel tobacco product shall also provide the competent authorities with:

- (a) available scientific studies on toxicity, addictiveness and attractiveness of the novel tobacco product, in particular as regards its ingredients and emissions;
- (b) available studies, executive summaries thereof and market research on the preferences of various consumer groups, including young people and current smokers;
- (c) other available and relevant information, including a risk/benefit analysis of the product, its expected effects on cessation of tobacco consumption, its expected effects on initiation of tobacco consumption and predicted consumer perception.

2. Member States shall require manufacturers and importers of novel tobacco products to transmit to their competent authorities any new or updated information on the studies, research and other information referred to in points (a) to (c) of paragraph 1. Member States may require manufacturers or importers of novel tobacco products to carry out additional tests or submit additional information. Member States shall make all information received pursuant to this Article available to the Commission.

3. Member States may introduce a system for the authorisation of novel tobacco products. Member States may charge manufacturers and importers proportionate fees for that authorisation.

4. Novel tobacco products placed on the market shall respect the requirements of this Directive. Which of the provisions of this Directive apply to novel tobacco products depends on whether those products fall under the definition of a smokeless tobacco product or of a tobacco product for smoking.

#### TITLE III

##### **ELECTRONIC CIGARETTES AND HERBAL PRODUCTS FOR SMOKING**

#### Article 20

##### **Electronic cigarettes**

1. The Member States shall ensure that electronic cigarettes and refill containers are only placed on the market if they comply with this Directive and with all other relevant Union legislation.

This Directive does not apply to electronic cigarettes and refill containers that are subject to an authorisation requirement under Directive 2001/83/EC or to the requirements set out in Directive 93/42/EEC.

2. Manufacturers and importers of electronic cigarettes and refill containers shall submit a notification to the competent authorities of the Member States of any such products which they intend to place on the market. The notification shall be submitted in electronic form six months before the intended placing on the market. For electronic cigarettes and refill containers already placed on the market on 20 May 2016, the notification shall be submitted within six months of that date. A new notification shall be submitted for each substantial modification of the product.

The notification shall, depending on whether the product is an electronic cigarette or a refill container, contain the following information:

- (a) the name and contact details of the manufacturer, a responsible legal or natural person within the Union, and, if applicable, the importer into the Union;
- (b) a list of all ingredients contained in, and emissions resulting from the use of, the product, by brand name and type, including quantities thereof;
- (c) toxicological data regarding the product's ingredients and emissions, including when heated, referring in particular to their effects on the health of consumers when inhaled and taking into account, inter alia, any addictive effect;
- (d) information on the nicotine doses and uptake when consumed under normal or reasonably foreseeable conditions;
- (e) a description of the components of the product; including, where applicable, the opening and refill mechanism of the electronic cigarette or refill containers;
- (f) a description of the production process, including whether it involves series production, and a declaration that the production process ensures conformity with the requirements of this Article;
- (g) a declaration that the manufacturer and importer bear full responsibility for the quality and safety of the product, when placed on the market and used under normal or reasonably foreseeable conditions.

Where Member States consider that the information submitted is incomplete, they shall be entitled to request the completion of the information concerned.

Member States may charge manufacturers and importers proportionate fees for receiving, storing, handling and analysing the information submitted to them.

3. Member States shall ensure that:

- (a) nicotine-containing liquid is only placed on the market in dedicated refill containers not exceeding a volume of 10 ml, in disposable electronic cigarettes or in single use cartridges and that the cartridges or tanks do not exceed a volume of 2 ml;
- (b) the nicotine-containing liquid does not contain nicotine in excess of 20 mg/ml;
- (c) the nicotine-containing liquid does not contain additives listed in Article 7(6);
- (d) only ingredients of high purity are used in the manufacture of the nicotine-containing liquid. Substances other than the ingredients referred to in point (b) of the second subparagraph of paragraph 2 of this Article are only present in the nicotine-containing liquid in trace levels, if such traces are technically unavoidable during manufacture;

- (e) except for nicotine, only ingredients are used in the nicotine-containing liquid that do not pose a risk to human health in heated or unheated form;
- (f) electronic cigarettes deliver the nicotine doses at consistent levels under normal conditions of use;
- (g) electronic cigarettes and refill containers are child- and tamper-proof, are protected against breakage and leakage and have a mechanism that ensures refilling without leakage.

4. Member States shall ensure that:

- (a) unit packets of electronic cigarettes and refill containers include a leaflet with information on:
  - (i) instructions for use and storage of the product, including a reference that the product is not recommended for use by young people and non-smokers;
  - (ii) contra-indications;
  - (iii) warnings for specific risk groups;
  - (iv) possible adverse effects;
  - (v) addictiveness and toxicity; and
  - (vi) contact details of the manufacturer or importer and a legal or natural contact person within the Union;
- (b) unit packets and any outside packaging of electronic cigarettes and refill containers:
  - (i) include a list of all ingredients contained in the product in descending order of the weight, and an indication of the nicotine content of the product and the delivery per dose, the batch number and a recommendation to keep the product out of reach of children;
  - (ii) without prejudice to point (i) of this point, do not include elements or features referred to in Article 13, with the exception of Article 13(1)(a) and (c) concerning information on the nicotine content and on flavourings; and
  - (iii) carry one of the following health warnings:

'This product contains nicotine which is a highly addictive substance. It is not recommended for use by non-smokers'.

or

'This product contains nicotine which is a highly addictive substance.'

Member States shall determine which of these health warnings is to be used;

- (c) health warnings comply with the requirements specified in Article 12(2).

5. Member States shall ensure that:

- (a) commercial communications in Information Society services, in the press and other printed publications, with the aim or direct or indirect effect of promoting electronic cigarettes and refill containers are prohibited, except for publications that are intended exclusively for professionals in the trade of electronic cigarettes or refill containers and for publications which are printed and published in third countries, where those publications are not principally intended for the Union market;
- (b) commercial communications on the radio, with the aim or direct or indirect effect of promoting electronic cigarettes and refill containers, are prohibited;

- (c) any form of public or private contribution to radio programmes with the aim or direct or indirect effect of promoting electronic cigarettes and refill containers is prohibited;
- (d) any form of public or private contribution to any event, activity or individual person with the aim or direct or indirect effect of promoting electronic cigarettes and refill containers and involving or taking place in several Member States or otherwise having cross-border effects is prohibited;
- (e) audiovisual commercial communications to which Directive 2010/13/EU of the European Parliament and of the Council <sup>(1)</sup> applies, are prohibited for electronic cigarettes and refill containers.

6. Article 18 of this Directive shall apply to cross-border distance sales of electronic cigarettes and refill containers.

7. Member States shall require manufacturers and importers of electronic cigarettes and refill containers to submit, annually, to the competent authorities:

- (i) comprehensive data on sales volumes, by brand name and type of the product;
- (ii) information on the preferences of various consumer groups, including young people, non-smokers and the main types of current users;
- (iii) the mode of sale of the products; and
- (iv) executive summaries of any market surveys carried out in respect of the above, including an English translation thereof.

Member States shall monitor the market developments concerning electronic cigarettes and refill containers, including any evidence that their use is a gateway to nicotine addiction and ultimately traditional tobacco consumption among young people and non-smokers.

8. Member States shall ensure that the information received pursuant to paragraph 2 is made publicly available on a website. The Member States shall take the need to protect trade secrets duly into account when making that information publicly available.

Member States shall, upon request, make all information received pursuant to this Article available to the Commission and other Member States. The Member States and the Commission shall ensure that trade secrets and other confidential information are treated in a confidential manner.

9. Member States shall require manufacturers, importers and distributors of electronic cigarettes and refill containers to establish and maintain a system for collecting information about all of the suspected adverse effects on human health of these products.

Should any of these economic operators consider or have reason to believe that electronic cigarettes or refill containers, which are in their possession and are intended to be placed on the market or are placed on the market, are not safe or are not of good quality or are otherwise not in conformity with this Directive, that economic operator shall immediately take the corrective action necessary to bring the product concerned into conformity with this Directive, to withdraw or to recall it, as appropriate. In such cases the economic operator shall also be required to immediately inform the market surveillance authorities of the Member States in which the product is made available or is intended to be made available, giving details, in particular, of the risk to human health and safety and of any corrective action taken, and of the results of such corrective action.

Member States may also request additional information from the economic operators, for example on the safety and quality aspects or any adverse effects of electronic cigarettes or refill containers.

10. The Commission shall submit a report to the European Parliament and the Council on the potential risks to public health associated with the use of refillable electronic cigarettes by 20 May 2016 and whenever appropriate thereafter.

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<sup>(1)</sup> Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (OJ L 95, 15.4.2010, p. 1).

11. In the case of electronic cigarettes and refill containers that comply with the requirements of this Article, where a competent authority ascertains or has reasonable grounds to believe that specific electronic cigarettes or refill containers, or a type of electronic cigarette or refill container, could present a serious risk to human health, it may take appropriate provisional measures. It shall immediately inform the Commission and the competent authorities of other Member States of the measures taken and shall communicate any supporting data. The Commission shall determine, as soon as possible after having received that information, whether the provisional measure is justified. The Commission shall inform the Member State concerned of its conclusions to enable the Member State to take appropriate follow-up measures.

Where, in application of the first subparagraph of this paragraph, the placing on the market of specific electronic cigarettes or refill containers, or a type of electronic cigarette or refill container has been prohibited on duly justified grounds in at least three Member States, the Commission shall be empowered to adopt delegated acts in accordance with Article 27 to extend such a prohibition to all Member States, if such an extension is justified and proportionate.

12. The Commission shall be empowered to adopt delegated acts in accordance with Article 27 to adapt the wording of the health warning in paragraph 4(b) of this Article. When adapting that health warning, the Commission shall ensure that it is factual.

13. The Commission shall, by means of an implementing act, lay down a common format for the notification provided for in paragraph 2 and technical standards for the refill mechanism provided for in paragraph 3(g).

These implementing acts shall be adopted in accordance with the examination procedure referred to in Article 25(2).

#### Article 21

##### **Herbal products for smoking**

1. Each unit packet and any outside packaging of herbal products for smoking shall carry the following health warning:

‘Smoking this product damages your health.’

2. The health warning shall be printed on the front and back external surface of the unit packet and on any outside packaging.

3. The health warning shall comply with the requirements set out in Article 9(4). It shall cover 30 % of the area of the corresponding surface of the unit packet and of any outside packaging. That proportion shall be increased to 32 % for Member States with two official languages and to 35 % for Member States with more than two official languages.

4. Unit packets and any outside packaging of herbal products for smoking shall not include any of the elements or features set out in Article 13(1)(a), (b) and (d) and shall not state that the product is free of additives or flavourings.

#### Article 22

##### **Reporting of ingredients of herbal products for smoking**

1. Member States shall require manufacturers and importers of herbal products for smoking to submit to their competent authorities a list of all ingredients, and quantities thereof that are used in the manufacture of such products by brand name and type. Manufacturers or importers shall also inform the competent authorities of the Member States concerned when the composition of a product is modified in a way that affects the information submitted pursuant to this Article. The information required under this Article shall be submitted prior to the placing on the market of a new or modified herbal product for smoking.

2. Member States shall ensure that the information submitted in accordance with paragraph 1 is made publicly available on a website. The Member States shall take the need to protect trade secrets duly into account when making that information publicly available. Economic operators shall specify exactly which information they consider to constitute a trade secret.

## TITLE IV

## FINAL PROVISIONS

*Article 23***Cooperation and enforcement**

1. Member States shall ensure that manufacturers and importers of tobacco and related products provide the Commission and the competent authorities of the Member States with complete and correct information requested pursuant to this Directive and within the time limits set out herein. The obligation to provide the requested information shall lie primarily with the manufacturer, if the manufacturer is established in the Union. The obligation to provide the requested information shall lie primarily with the importer, if the manufacturer is established outside the Union and the importer is established inside the Union. The obligation to provide the requested information shall lie jointly with the manufacturer and the importer if both are established outside the Union.
2. Member States shall ensure that tobacco and related products which do not comply with this Directive, including the implementing and delegated acts provided for therein, are not placed on the market. Member States shall ensure that tobacco and related products are not placed on the market if the reporting obligations set out in this Directive are not complied with.
3. Member States shall lay down rules on penalties applicable to infringements of the national provisions adopted pursuant to this Directive and shall take all measures that are necessary to ensure that these penalties are enforced. The penalties provided for shall be effective, proportionate and dissuasive. Any financial administrative penalty that may be imposed as a result of an intentional infringement may be such as to offset the economic advantage sought through the infringement.
4. The competent authorities of the Member States shall cooperate with each other and with the Commission to ensure the correct application and due enforcement of this Directive and shall transmit to each other all information necessary with a view to applying this Directive in a uniform manner.

*Article 24***Free movement**

1. Member States may not, for considerations relating to aspects regulated by this Directive, and subject to paragraphs 2 and 3 of this Article, prohibit or restrict the placing on the market of tobacco or related products which comply with this Directive.
2. This Directive shall not affect the right of a Member State to maintain or introduce further requirements, applicable to all products placed on its market, in relation to the standardisation of the packaging of tobacco products, where it is justified on grounds of public health, taking into account the high level of protection of human health achieved through this Directive. Such measures shall be proportionate and may not constitute a means of arbitrary discrimination or a disguised restriction on trade between Member States. Those measures shall be notified to the Commission together with the grounds for maintaining or introducing them.
3. A Member State may also prohibit a certain category of tobacco or related products, on grounds relating to the specific situation in that Member State and provided the provisions are justified by the need to protect public health, taking into account the high level of protection of human health achieved through this Directive. Such national provisions shall be notified to the Commission together with the grounds for introducing them. The Commission shall, within six months of the date of receiving the notification provided for in this paragraph, approve or reject the national provisions after having verified, taking into account the high level of protection of human health achieved through this Directive, whether or not they are justified, necessary and proportionate to their aim and whether or not they are a means of arbitrary discrimination or a disguised restriction on trade between the Member States. In the absence of a decision by the Commission within the period of six months, the national provisions shall be deemed to be approved.



*Article 25***Committee procedure**

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.
3. Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time-limit for delivery of the opinion, the chair of the committee so decides or a simple majority of committee members so requests.
4. Where the Committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.

*Article 26***Competent authorities**

Member States shall designate the competent authorities that shall be responsible for the implementation and enforcement of the obligations provided for in this Directive within three months of 20 May 2016. Member States shall inform the Commission about the identity of the designated authorities without delay. The Commission shall publish that information in the *Official Journal of the European Union*.

*Article 27***Exercise of the delegation**

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Articles 3(2) and (4), 4(3) and (5), 7(5), (11) and (12), 9(5), 10(3), 11(6), 12(3), 15(12), 20(11) and (12) shall be conferred on the Commission for a period of five years from 19 May 2014. 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.
3. The delegation of powers referred to in Articles 3(2) and (4), 4(3) and (5), 7(5), (11) and (12), 9(5), 10(3), 11(6), 12(3), 15(12), 20(11) and (12) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
5. A delegated act adopted pursuant to Articles 3(2) and (4), 4(3) and (5), 7(5), (11) and (12), 9(5), 10(3), 11(6), 12(3), 15(12), 20(11) and (12) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

*Article 28***Report**

1. No later than five years from 20 May 2016, and whenever necessary thereafter, the Commission shall submit to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions a report on the application of this Directive.

When drafting the report, the Commission shall be assisted by scientific and technical experts in order to have all the necessary information at its disposal.

2. In the report, the Commission shall indicate, in particular, the elements of the Directive which should be reviewed or adapted in the light of scientific and technical developments, including the development of internationally agreed rules and standards on tobacco and related products. The Commission shall pay special attention to:

- (a) the experience gained with respect to the design of package surfaces not governed by this Directive taking into account national, international, legal, economic and scientific developments;
- (b) market developments concerning novel tobacco products considering, *inter alia*, notifications received under Article 19;
- (c) market developments which constitute a substantial change of circumstances;
- (d) the feasibility, benefits and possible impact of a European system for the regulation of the ingredients used in tobacco products, including the establishment, at Union level, of a list of ingredients that may be used or present in, or added to tobacco products, taking into account, *inter alia*, the information collected in accordance with Articles 5 and 6;
- (e) market developments concerning cigarettes with a diameter of less than 7,5 mm, and consumer perception of their harmfulness as well as the misleading character of such cigarettes;
- (f) the feasibility, benefits and possible impact of a Union database containing information on ingredients and emissions from tobacco products collected in accordance with Articles 5 and 6;
- (g) market developments concerning electronic cigarettes and refill containers considering, amongst others, information collected in accordance with Article 20, including on the initiation of consumption such products by young people and non-smokers and the impact of such products on cessation efforts as well as measures taken by Member States regarding flavours;
- (h) market developments and consumer preferences as regards waterpipe tobacco, with a particular focus on its flavours.

The Member States shall assist the Commission and provide all available information for carrying out the assessment and preparing the report.

3. The report shall be followed-up by proposals for amending this Directive, which the Commission deem necessary to adapt it - to the extent necessary for the smooth functioning of the internal market - to developments in the field of tobacco and related products, and to take into account new developments based on scientific facts and developments concerning internationally agreed standards for tobacco and related products.

*Article 29***Transposition**

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 20 May 2016. They shall forthwith communicate to the Commission the text of those provisions.

The Member States shall apply those measures from 20 May 2016, without prejudice to Articles 7(14), 10(1)(e), 15(13) and 16(3).

2. When Member States adopt these provisions, they shall contain a reference to this Directive or be accompanied by such reference on the occasion of their official publication. They shall also include a statement that references in existing laws, regulations and administrative provisions to the Directive repealed by this Directive shall be construed as references to this Directive. The Member States shall determine how such reference is to be made and how that statement is to be formulated.

3. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

#### Article 30

##### **Transitional provision**

Member States may allow the following products, which are not in compliance with this Directive, to be placed on the market until 20 May 2017:

- (a) tobacco products manufactured or released for free circulation and labelled in accordance with Directive 2001/37/EC before 20 May 2016;
- (b) electronic cigarettes or refill containers manufactured or released for free circulation before 20 November 2016;
- (c) herbal products for smoking manufactured or released for free circulation before 20 May 2016.

#### Article 31

##### **Repeal**

Directive 2001/37/EC is repealed with effect from 20 May 2016, without prejudice to the obligations of the Member States relating to the time-limits for the transposition into national law of that Directive.

References to the repealed Directive shall be construed as references to this Directive and read in accordance with the correlation table in Annex III to this Directive.

#### Article 32

##### **Entry into force**

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

#### Article 33

##### **Addressees**

This Directive is addressed to the Member States.

Done at Brussels, 3 April 2014.

*For the European Parliament*  
*The President*  
M. SCHULZ

*For the Council*  
*The President*  
D. KOURKOULAS

## ANNEX I

**LIST OF TEXT WARNINGS****(referred to in Article 10 and Article 11(1))**

- (1) Smoking causes 9 out of 10 lung cancers
  - (2) Smoking causes mouth and throat cancer
  - (3) Smoking damages your lungs
  - (4) Smoking causes heart attacks
  - (5) Smoking causes strokes and disability
  - (6) Smoking clogs your arteries
  - (7) Smoking increases the risk of blindness
  - (8) Smoking damages your teeth and gums
  - (9) Smoking can kill your unborn child
  - (10) Your smoke harms your children, family and friends
  - (11) Smokers' children are more likely to start smoking
  - (12) Quit smoking – stay alive for those close to you
  - (13) Smoking reduces fertility
  - (14) Smoking increases the risk of impotence
-

## ANNEX II

## PICTURE LIBRARY

**(REFERRED TO IN ARTICLE 10(1))****[To be established by the Commission pursuant to Article 10(3)(b).]**  
  

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## ANNEX III

## CORRELATION TABLE

Directive 2001/37/EC	This Directive
Article 1	Article 1
Article 2	Article 2
Article 3(1)	Article 3(1)
Article 3(2) and (3)	—
Article 4(1)	Article 4(1)
Article 4(2)	Article 4(2)
Article 4(3) to (5)	—
Article 5(1)	—
Article 5(2) point (a)	Article 9(1)
Article 5(2) point (b)	Article 10(1) point (a) and 10(2), Article 11(1)
Article 5(3)	Article 10(1)
Article 5(4)	Article 12
Article 5(5) first subparagraph	Article 9(3) fifth subparagraph Article 11(2) and (3) Article 12(2) point (b)
Article 5(5) second subparagraph	Article 11(4)
Article 5(6) point (a)	Article 9(4) point (a)
Article 5(6) point (b)	—
Article 5(6) point (c)	Article 9(4) point(b)
Article 5(6) point (d)	Article 8(6) and Article 11(5) second subparagraph
Article 5(6) point (e)	Article 8(1)
Article 5(7)	Article 8(3) and (4)
Article 5(8)	—

Directive 2001/37/EC	This Directive
Article 5(9) first subparagraph	Article 15(1) and (2)
Article 5(9) second subparagraph	Article 15(11)
Article 6 (1) first subparagraph	Article 5(1) first subparagraph
Article 6 (1) second subparagraph	Article 5(2) and (3)
Article 6 (1) third subparagraph	—
Article 6(2)	Article 5(4)
Article 6(3) and (4)	—
Article 7	Article 13(1) point (b)
Article 8	Article 17
Article 9(1)	Article 4(3)
Article 9(2)	Article 10(2) and (3) point (a)
Article 9(3)	Article 16(2)
Article 10(1)	Article 25(1)
Article 10(2) and (3)	Article 25(2)
Article 11 first and second subparagraphs	Article 28(1) first and second subparagraphs
Article 11 third subparagraph	Article 28(2) first subparagraph
Article 11 fourth subparagraph	Article 28(3)
Article 12	—
Article 13(1)	Article 24(1)
Article 13(2)	Article 24(2)
Article 13(3)	
Article 14(1) first subparagraph	Article 29(1) first subparagraph

Directive 2001/37/EC	This Directive
Article 14(1) second subparagraph	Article 29(2)
Article 14(2) and (3)	Article 30 point (a)
Article 14(4)	Article 29(3)
Article 15	Article 31
Article 16	Article 32
Article 17	Article 33
Annex I (List of additional health warnings)	Annex I (List of text warnings)
Annex II (Time-limits for transposition and implementation of repealed Directives)	—
Annex III (Correlation table)	Annex III (Correlation table)



**DIRECTIVE 2014/42/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**  
**of 3 April 2014**  
**on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 82(2) and Article 83(1) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee <sup>(1)</sup>,

Having regard to the opinion of the Committee of the Regions <sup>(2)</sup>,

Acting in accordance with the ordinary legislative procedure <sup>(3)</sup>,

Whereas:

- (1) The main motive for cross-border organised crime, including mafia-type criminal organisation, is financial gain. As a consequence, competent authorities should be given the means to trace, freeze, manage and confiscate the proceeds of crime. However, the effective prevention of and fight against organised crime should be achieved by neutralising the proceeds of crime and should be extended, in certain cases, to any property deriving from activities of a criminal nature.
- (2) Organised criminal groups operate without borders and increasingly acquire assets in Member States other than those in which they are based and in third countries. There is an increasing need for effective international cooperation on asset recovery and mutual legal assistance.
- (3) Among the most effective means of combating organised crime is providing for severe legal consequences for committing such crime, as well as effective detection and the freezing and confiscation of the instrumentalities and proceeds of crime.
- (4) Although existing statistics are limited, the amounts recovered from proceeds of crime in the Union seem insufficient compared to the estimated proceeds. Studies have shown that, although regulated by Union and national law, confiscation procedures remain underused.
- (5) The adoption of minimum rules will approximate the Member States' freezing and confiscation regimes, thus facilitating mutual trust and effective cross-border cooperation.

<sup>(1)</sup> OJ C 299, 4.10.2012, p. 128.

<sup>(2)</sup> OJ C 391, 18.12.2012, p. 134.

<sup>(3)</sup> Position of the European Parliament of 25 February 2014 (not yet published in the Official Journal) and Council decision of 14 March 2014.

- (6) The Stockholm Programme and the Justice and Home Affairs Council Conclusions on confiscation and asset recovery adopted in June 2010 emphasise the importance of a more effective identification, confiscation and re-use of criminal assets.
- (7) The current Union legal framework on freezing, seizure and confiscation of assets consists of Joint Action 98/699/JHA <sup>(1)</sup>, Council Framework Decision 2001/500/JHA <sup>(2)</sup>, Council Framework Decision 2003/577/JHA <sup>(3)</sup>, Council Framework Decision 2005/212/JHA <sup>(4)</sup> and Council Framework Decision 2006/783/JHA <sup>(5)</sup>.
- (8) The Commission implementation reports on Framework Decisions 2003/577/JHA, 2005/212/JHA and 2006/783/JHA show that existing regimes for extended confiscation and for the mutual recognition of freezing and confiscation orders are not fully effective. Confiscation is hindered by differences between Member States' law.
- (9) This Directive aims to amend and expand the provisions of Framework Decisions 2001/500/JHA and 2005/212/JHA. Those Framework Decisions should be partially replaced for the Member States bound by this Directive.
- (10) Member States are free to bring confiscation proceedings which are linked to a criminal case before any competent court.
- (11) There is a need to clarify the existing concept of proceeds of crime to include the direct proceeds from criminal activity and all indirect benefits, including subsequent reinvestment or transformation of direct proceeds. Thus proceeds can include any property including that which has been transformed or converted, fully or in part, into other property, and that which has been intermingled with property acquired from legitimate sources, up to the assessed value of the intermingled proceeds. It can also include the income or other benefits derived from proceeds of crime, or from property into or with which such proceeds have been transformed, converted or intermingled.
- (12) This Directive provides for a broad definition of property that can be subject to freezing and confiscation. That definition includes legal documents or instruments evidencing title or interest in such property. Such documents or instruments could include, for example, financial instruments, or documents that may give rise to creditor claims and are normally found in the possession of the person affected by the relevant procedures. This Directive is without prejudice to the existing national procedures for keeping legal documents or instruments evidencing title or interest in property, as they are applied by the competent national authorities or public bodies in accordance with national law.
- (13) Freezing and confiscation under this Directive are autonomous concepts, which should not prevent Member States from implementing this Directive using instruments which, in accordance with national law, would be considered as sanctions or other types of measures.

<sup>(1)</sup> Joint Action 98/699/JHA of 3 December 1998 adopted by the Council on the basis of Article K.3 of the Treaty on European Union, on money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds from crime (OJ L 333, 9.12.1998, p. 1).

<sup>(2)</sup> Council Framework Decision 2001/500/JHA of 26 June 2001 on money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds of crime (OJ L 182, 5.7.2001, p. 1).

<sup>(3)</sup> Council Framework Decision 2003/577/JHA of 22 July 2003 on the execution in the European Union of orders freezing property or evidence (OJ L 196, 2.8.2003, p. 45).

<sup>(4)</sup> Council Framework Decision 2005/212/JHA of 24 February 2005 on confiscation of crime-related proceeds, instrumentalities and property (OJ L 68, 15.3.2005, p. 49).

<sup>(5)</sup> Council Framework Decision 2006/783/JHA of 6 October 2006 on the application of the principle of mutual recognition to confiscation orders (OJ L 328, 24.11.2006, p. 59).

- (14) In the confiscation of instrumentalities and proceeds of crime following a final decision of a court and of property of equivalent value to those instrumentalities and proceeds, the broad concept of criminal offences covered by this Directive should apply. Framework Decision 2001/500/JHA requires Member States to enable the confiscation of instrumentalities and proceeds of crime following a final conviction and to enable the confiscation of property the value of which corresponds to such instrumentalities and proceeds. Such obligations should be maintained for the criminal offences not covered by this Directive, and the concept of proceeds as defined in this Directive should be interpreted in the similar way as regards criminal offences not covered by this Directive. Member States are free to define the confiscation of property of equivalent value as subsidiary or alternative to direct confiscation, as appropriate in accordance with national law.
- (15) Subject to a final conviction for a criminal offence, it should be possible to confiscate instrumentalities and proceeds of crime, or property the value of which corresponds to such instrumentalities or proceeds. Such final conviction can also result from proceedings in absentia. When confiscation on the basis of a final conviction is not possible, it should nevertheless under certain circumstances still be possible to confiscate instrumentalities and proceeds, at least in the cases of illness or absconding of the suspected or accused person. However, in such cases of illness and absconding, the existence of proceedings in absentia in Member States would be sufficient to comply with this obligation. When the suspected or accused person has absconded, Member States should take all reasonable steps and may require that the person concerned be summoned to or made aware of the confiscation proceedings.
- (16) For the purposes of this Directive, illness should be understood to mean the inability of the suspected or accused person to attend the criminal proceedings for an extended period, as a result of which the proceedings cannot continue under normal conditions. Suspected or accused persons may be requested to prove illness, for example by a medical certificate, which the court should be able to disregard if it finds it unsatisfactory. The right of that person to be represented in the proceedings by a lawyer should not be affected.
- (17) When implementing this Directive in respect of confiscation of property the value of which corresponds to instrumentalities, the relevant provisions could be applicable where, in view of the particular circumstances of the case at hand, such a measure is proportionate, having regard in particular to the value of the instrumentalities concerned. Member States may also take into account whether and to what extent the convicted person is responsible for making the confiscation of the instrumentalities impossible.
- (18) When implementing this Directive, Member States may provide that, in exceptional circumstances, confiscation should not be ordered, insofar as it would, in accordance with national law, represent undue hardship for the affected person, on the basis of the circumstances of the respective individual case which should be decisive. Member States should make a very restricted use of this possibility, and should only be allowed to provide that confiscation is not to be ordered in cases where it would put the person concerned in a situation in which it would be very difficult for him to survive.
- (19) Criminal groups engage in a wide range of criminal activities. In order to effectively tackle organised criminal activities there may be situations where it is appropriate that a criminal conviction be followed by the confiscation not only of property associated with a specific crime, but also of additional property which the court determines constitutes the proceeds of other crimes. This approach is referred to as extended confiscation. Framework Decision 2005/212/JHA provides for three different sets of minimum requirements that Member States can choose from in order to apply extended confiscation. As a result, in the process of transposition of that Framework Decision, Member States have chosen different options which resulted in divergent concepts of extended confiscation in national jurisdictions. That divergence hampers cross-border cooperation in relation to confiscation cases. It is therefore necessary to further harmonise the provisions on extended confiscation by setting a single minimum standard.
- (20) When determining whether a criminal offence is liable to give rise to economic benefit, Member States may take into account the modus operandi, for example if a condition of the offence is that it was committed in the context of organised crime or with the intention of generating regular profits from criminal offences. However, this should not, in general, prejudice the possibility to resort to extended confiscation.

- (21) Extended confiscation should be possible where a court is satisfied that the property in question is derived from criminal conduct. This does not mean that it must be established that the property in question is derived from criminal conduct. Member States may provide that it could, for example, be sufficient for the court to consider on the balance of probabilities, or to reasonably presume that it is substantially more probable, that the property in question has been obtained from criminal conduct than from other activities. In this context, the court has to consider the specific circumstances of the case, including the facts and available evidence based on which a decision on extended confiscation could be issued. The fact that the property of the person is disproportionate to his lawful income could be among those facts giving rise to a conclusion of the court that the property derives from criminal conduct. Member States could also determine a requirement for a certain period of time during which the property could be deemed to have originated from criminal conduct.
- (22) This Directive lays down minimum rules. It does not prevent Member States from providing more extensive powers in their national law, including, for example, in relation to their rules on evidence.
- (23) This Directive applies to criminal offences which fall within the scope of the instruments listed herein. Within the scope of those instruments, Member States should apply extended confiscation at least to certain criminal offences as defined in this Directive.
- (24) The practice by a suspected or accused person of transferring property to a knowing third party with a view to avoiding confiscation is common and increasingly widespread. The current Union legal framework does not contain binding rules on the confiscation of property transferred to third parties. It is therefore becoming increasingly necessary to allow for the confiscation of property transferred to or acquired by third parties. Acquisition by a third party refers to situations where, for example, property has been acquired, directly or indirectly, for example through an intermediary, by the third party from a suspected or accused person, including when the criminal offence has been committed on their behalf or for their benefit, and when an accused person does not have property that can be confiscated. Such confiscation should be possible at least in cases where third parties knew or ought to have known that the purpose of the transfer or acquisition was to avoid confiscation, on the basis of concrete facts and circumstances, including that the transfer was carried out free of charge or in exchange for an amount significantly lower than the market value. The rules on third party confiscation should extend to both natural and legal persons. In any event the rights of bona fide third parties should not be prejudiced.
- (25) Member States are free to define third party confiscation as subsidiary or alternative to direct confiscation, as appropriate in accordance with national law.
- (26) Confiscation leads to the final deprivation of property. However, preservation of property can be a prerequisite to confiscation and can be of importance for the enforcement of a confiscation order. Property is preserved by means of freezing. In order to prevent the dissipation of property before a freezing order can be issued, the competent authorities in the Member States should be empowered to take immediate action in order to secure such property.
- (27) Since property is often preserved for the purposes of confiscation, freezing and confiscation are closely linked. In some legal systems freezing for the purposes of confiscation is regarded as a separate procedural measure of a provisional nature, which may be followed by a confiscation order. Without prejudice to different national legal systems and to Framework Decision 2003/577/JHA, this Directive should approximate some aspects of the national systems of freezing for the purposes of confiscation.
- (28) Freezing measures are without prejudice to the possibility for a specific property to be considered evidence throughout the proceedings, provided that it would ultimately be made available for effective execution of the confiscation order.

- (29) In the context of criminal proceedings, property may also be frozen with a view to its possible subsequent restitution or in order to safeguard compensation for the damage caused by a criminal offence.
- (30) Suspected or accused persons often hide property throughout the entire duration of criminal proceedings. As a result confiscation orders cannot be executed, leaving those subject to confiscation orders to benefit from their property once they have served their sentences. It is therefore necessary to enable the determination of the precise extent of the property to be confiscated even after a final conviction for a criminal offence, in order to permit the full execution of confiscation orders when no property or insufficient property was initially identified and the confiscation order remains unexecuted.
- (31) Given the limitation of the right to property by freezing orders, such provisional measures should not be maintained longer than necessary to preserve the availability of the property with a view to possible subsequent confiscation. This may require a review by the court in order to ensure that the purpose of preventing the dissipation of property remains valid.
- (32) Property frozen with a view to possible subsequent confiscation should be managed adequately in order not to lose its economic value. Member States should take the necessary measures, including the possibility of selling or transferring the property to minimise such losses. Member States should take relevant measures, for example the establishment of national centralised Asset Management Offices, a set of specialised offices or equivalent mechanisms, in order to effectively manage the assets frozen before confiscation and preserve their value, pending judicial determination.
- (33) This Directive substantially affects the rights of persons, not only of suspected or accused persons, but also of third parties who are not being prosecuted. It is therefore necessary to provide for specific safeguards and judicial remedies in order to guarantee the preservation of their fundamental rights in the implementation of this Directive. This includes the right to be heard for third parties who claim that they are the owner of the property concerned, or who claim that they have other property rights ('real rights', *ius in re*), such as the right of usufruct. The freezing order should be communicated to the affected person as soon as possible after its execution. Nevertheless, the competent authorities may postpone communicating such orders to the affected person due to the needs of the investigation.
- (34) The purpose of communicating the freezing order is, inter alia, to allow the affected person to challenge the order. Therefore, such communication should indicate, at least briefly, the reason or reasons for the order concerned, it being understood that such indication can be very succinct.
- (35) Member States should consider taking measures allowing confiscated property to be used for public interest or social purposes. Such measures could, inter alia, comprise earmarking property for law enforcement and crime prevention projects, as well as for other projects of public interest and social utility. That obligation to consider taking measures entails a procedural obligation for Member States, such as conducting a legal analysis or discussing the advantages and disadvantages of introducing measures. When managing frozen property and when taking measures concerning the use of confiscated property, Member States should take appropriate action to prevent criminal or illegal infiltration.
- (36) Reliable data sources on the freezing and confiscation of the proceeds of crime are scarce. In order to allow for the evaluation of this Directive, it is necessary to collect a comparable minimum set of appropriate statistical data on freezing and confiscation of property, asset tracing, judicial and asset disposal activities.

- (37) Member States should endeavour to collect data for certain statistics at a central level, with a view to sending them to the Commission. This means that the Member States should make reasonable efforts to collect the data concerned. It does not mean, however, that the Member States are under an obligation to achieve the result of collecting the data where there is a disproportionate administrative burden or when there are high costs for the Member State concerned.
- (38) This Directive respects the fundamental rights and observes the principles recognised by the Charter of Fundamental Rights of the European Union ('the Charter') and the European Convention for the Protection of Human Rights and Fundamental Freedoms ('the ECHR'), as interpreted in the case-law of the European Court of Human Rights. This Directive should be implemented in accordance with those rights and principles. This Directive should be without prejudice to national law in relation to legal aid and does not create any obligations for Member States' legal aid systems, which should apply in accordance with the Charter and the ECHR.
- (39) Specific safeguards should be put in place, so as to ensure that as a general rule reasons are given for confiscation orders, unless when, in simplified criminal proceedings in minor cases, the affected person has waived his or her right to be given reasons.
- (40) This Directive should be implemented taking account of the provisions of Directive 2010/64/EU of the European Parliament and of the Council <sup>(1)</sup>, Directive 2012/13/EU of the European Parliament and of the Council <sup>(2)</sup> and Directive 2013/48/EU of the European Parliament and of the Council <sup>(3)</sup> which concern procedural rights in criminal proceedings.
- (41) Since the objective of this Directive, namely facilitating confiscation of property in criminal matters, cannot be sufficiently achieved by the Member States but can rather 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 on European Union (TEU). In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.
- (42) In accordance with Articles 3 and 4a(1) of Protocol (No 21) on the position of the United Kingdom and Ireland in respect of the Area of Freedom, Security and Justice, annexed to the TEU and to the Treaty on the Functioning of the European Union (TFEU), Ireland has notified its wish to take part in the adoption and application of this Directive. In accordance with that Protocol, Ireland is to be bound by this Directive only in respect of the offences covered by the instruments by which it is bound.
- (43) In accordance with Articles 1, 2 and 4a(1) of Protocol (No 21) on the position of the United Kingdom and Ireland in respect of the Area of Freedom, Security and Justice, annexed to the TEU and to the TFEU, and without prejudice to Article 4 of that Protocol, the United Kingdom is not taking part in the adoption of this Directive and is not bound by it or subject to its application. Subject to its participation in accordance with Article 4 of that Protocol, the United Kingdom is to be bound by this Directive only in respect of the offences covered by the instruments by which it is bound.
- (44) In accordance with Articles 1 and 2 of Protocol (No 22) on the position of Denmark annexed to the TEU and to the TFEU, Denmark is not taking part in the adoption of this Directive and is not bound by it or subject to its application,

<sup>(1)</sup> Directive 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (OJ L 280, 26.10.2010, p. 1).

<sup>(2)</sup> Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings (OJ L 142, 1.6.2012, p. 1).

<sup>(3)</sup> Directive 2013/48/EU of the European Parliament and of the Council of 22 October 2013 on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty (OJ L 294, 6.11.2013, p. 1).

HAVE ADOPTED THIS DIRECTIVE:

*Article 1*

**Subject matter**

1. This Directive establishes minimum rules on the freezing of property with a view to possible subsequent confiscation and on the confiscation of property in criminal matters.
2. This Directive is without prejudice to the procedures that Member States may use to confiscate the property in question.

*Article 2*

**Definitions**

For the purpose of this Directive, the following definitions apply:

- (1) 'proceeds' means any economic advantage derived directly or indirectly from a criminal offence; it may consist of any form of property and includes any subsequent reinvestment or transformation of direct proceeds and any valuable benefits;
- (2) 'property' means property of any description, whether corporeal or incorporeal, movable or immovable, and legal documents or instruments evidencing title or interest in such property;
- (3) 'instrumentalities' means any property used or intended to be used, in any manner, wholly or in part, to commit a criminal offence or criminal offences;
- (4) 'confiscation' means a final deprivation of property ordered by a court in relation to a criminal offence;
- (5) 'freezing' means the temporary prohibition of the transfer, destruction, conversion, disposal or movement of property or temporarily assuming custody or control of property;
- (6) 'criminal offence' means an offence covered by any of the instruments listed in Article 3.

*Article 3*

**Scope**

This Directive shall apply to criminal offences covered by:

- (a) Convention drawn up on the basis of Article K.3(2)(c) of the Treaty on European Union on the fight against corruption involving officials of the European Communities or officials of the Member States of the European Union <sup>(1)</sup> ('Convention on the fight against corruption involving officials');
- (b) Council Framework Decision 2000/383/JHA of 29 May 2000 on increasing protection by criminal penalties and other sanctions against counterfeiting in connection with the introduction of the euro <sup>(2)</sup>;
- (c) Council Framework Decision 2001/413/JHA of 28 May 2001 on combating fraud and counterfeiting on non-cash means of payment <sup>(3)</sup>;

<sup>(1)</sup> OJ C 195, 25.6.1997, p. 1.

<sup>(2)</sup> OJ L 140, 14.6.2000, p. 1.

<sup>(3)</sup> OJ L 149, 2.6.2001, p. 1.

- (d) Council Framework Decision 2001/500/JHA of 26 June 2001 on money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds of crime <sup>(1)</sup>;
- (e) Council Framework Decision 2002/475/JHA of 13 June 2002 on combating terrorism <sup>(2)</sup>;
- (f) Council Framework Decision 2003/568/JHA of 22 July 2003 on combating corruption in the private sector <sup>(3)</sup>;
- (g) Council Framework Decision 2004/757/JHA of 25 October 2004 laying down minimum provisions on the constituent elements of criminal acts and penalties in the field of illicit drug trafficking <sup>(4)</sup>;
- (h) Council Framework Decision 2008/841/JHA of 24 October 2008 on the fight against organised crime <sup>(5)</sup>;
- (i) Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA <sup>(6)</sup>;
- (j) Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA <sup>(7)</sup>;
- (k) Directive 2013/40/EU of the European Parliament and of the Council of 12 August 2013 on attacks against information systems and replacing Council Framework Decision 2005/222/JHA <sup>(8)</sup>,

as well as other legal instruments if those instruments provide specifically that this Directive applies to the criminal offences harmonised therein.

#### *Article 4*

##### **Confiscation**

1. Member States shall take the necessary measures to enable the confiscation, either in whole or in part, of instrumentalities and proceeds or property the value of which corresponds to such instrumentalities or proceeds, subject to a final conviction for a criminal offence, which may also result from proceedings in absentia.

2. Where confiscation on the basis of paragraph 1 is not possible, at least where such impossibility is the result of illness or absconding of the suspected or accused person, Member States shall take the necessary measures to enable the confiscation of instrumentalities and proceeds in cases where criminal proceedings have been initiated regarding a criminal offence which is liable to give rise, directly or indirectly, to economic benefit, and such proceedings could have led to a criminal conviction if the suspected or accused person had been able to stand trial.

#### *Article 5*

##### **Extended confiscation**

1. Member States shall adopt the necessary measures to enable the confiscation, either in whole or in part, of property belonging to a person convicted of a criminal offence which is liable to give rise, directly or indirectly, to economic benefit, where a court, on the basis of the circumstances of the case, including the specific facts and available evidence, such as that the value of the property is disproportionate to the lawful income of the convicted person, is satisfied that the property in question is derived from criminal conduct.

<sup>(1)</sup> OJ L 182, 5.7.2001, p. 1.

<sup>(2)</sup> OJ L 164, 22.6.2002, p. 3.

<sup>(3)</sup> OJ L 192, 31.7.2003, p. 54.

<sup>(4)</sup> OJ L 335, 11.11.2004, p. 8.

<sup>(5)</sup> OJ L 300, 11.11.2008, p. 42.

<sup>(6)</sup> OJ L 101, 15.4.2011, p. 1.

<sup>(7)</sup> OJ L 335, 17.12.2011, p. 1.

<sup>(8)</sup> OJ L 218, 14.8.2013, p. 8.



2. For the purpose of paragraph 1 of this Article, the notion of 'criminal offence' shall include at least the following:
- (a) active and passive corruption in the private sector, as provided for in Article 2 of Framework Decision 2003/568/JHA, as well as active and passive corruption involving officials of institutions of the Union or of the Member States, as provided for in Articles 2 and 3 respectively of the Convention on the fight against corruption involving officials;
  - (b) offences relating to participation in a criminal organisation, as provided for in Article 2 of Framework Decision 2008/841/JHA, at least in cases where the offence has led to economic benefit;
  - (c) causing or recruiting a child to participate in pornographic performances, or profiting from or otherwise exploiting a child for such purposes if the child is over the age of sexual consent, as provided for in Article 4(2) of Directive 2011/93/EU; distribution, dissemination or transmission of child pornography, as provided for in Article 5(4) of that Directive; offering, supplying or making available child pornography, as provided for in Article 5(5) of that Directive; production of child pornography, as provided for in Article 5(6) of that Directive;
  - (d) illegal system interference and illegal data interference, as provided for in Articles 4 and 5 respectively of Directive 2013/40/EU, where a significant number of information systems have been affected through the use of a tool, as provided for in Article 7 of that Directive, designed or adapted primarily for that purpose; the intentional production, sale, procurement for use, import, distribution or otherwise making available of tools used for committing offences, at least for cases which are not minor, as provided for in Article 7 of that Directive;
  - (e) a criminal offence that is punishable, in accordance with the relevant instrument in Article 3 or, in the event that the instrument in question does not contain a penalty threshold, in accordance with the relevant national law, by a custodial sentence of a maximum of at least four years.

#### *Article 6*

#### **Confiscation from a third party**

1. Member States shall take the necessary measures to enable the confiscation of proceeds, or other property the value of which corresponds to proceeds, which, directly or indirectly, were transferred by a suspected or accused person to third parties, or which were acquired by third parties from a suspected or accused person, at least if those third parties knew or ought to have known that the purpose of the transfer or acquisition was to avoid confiscation, on the basis of concrete facts and circumstances, including that the transfer or acquisition was carried out free of charge or in exchange for an amount significantly lower than the market value.
2. Paragraph 1 shall not prejudice the rights of bona fide third parties.

#### *Article 7*

#### **Freezing**

1. Member States shall take the necessary measures to enable the freezing of property with a view to possible subsequent confiscation. Those measures, which shall be ordered by a competent authority, shall include urgent action to be taken when necessary in order to preserve property.
2. Property in the possession of a third party, as referred to under Article 6, can be subject to freezing measures for the purposes of possible subsequent confiscation.

*Article 8***Safeguards**

1. Member States shall take the necessary measures to ensure that the persons affected by the measures provided for under this Directive have the right to an effective remedy and a fair trial in order to uphold their rights.
2. Member States shall take the necessary measures to ensure that the freezing order is communicated to the affected person as soon as possible after its execution. Such communication shall indicate, at least briefly, the reason or reasons for the order concerned. When it is necessary to avoid jeopardising a criminal investigation, the competent authorities may postpone communicating the freezing order to the affected person.
3. The freezing order shall remain in force only for as long as it is necessary to preserve the property with a view to possible subsequent confiscation.
4. Member States shall provide for the effective possibility for the person whose property is affected to challenge the freezing order before a court, in accordance with procedures provided for in national law. Such procedures may provide that when the initial freezing order has been taken by a competent authority other than a judicial authority, such order shall first be submitted for validation or review to a judicial authority before it can be challenged before a court.
5. Frozen property which is not subsequently confiscated shall be returned immediately. The conditions or procedural rules under which such property is returned shall be determined by national law.
6. Member States shall take the necessary measures to ensure that reasons are given for any confiscation order and that the order is communicated to the person affected. Member States shall provide for the effective possibility for a person in respect of whom confiscation is ordered to challenge the order before a court.
7. Without prejudice to Directive 2012/13/EU and Directive 2013/48/EU, persons whose property is affected by a confiscation order shall have the right of access to a lawyer throughout the confiscation proceedings relating to the determination of the proceeds and instrumentalities in order to uphold their rights. The persons concerned shall be informed of that right.
8. In proceedings referred to in Article 5, the affected person shall have an effective possibility to challenge the circumstances of the case, including specific facts and available evidence on the basis of which the property concerned is considered to be property that is derived from criminal conduct.
9. Third parties shall be entitled to claim title of ownership or other property rights, including in the cases referred to in Article 6.
10. Where, as a result of a criminal offence, victims have claims against the person who is subject to a confiscation measure provided for under this Directive, Member States shall take the necessary measures to ensure that the confiscation measure does not prevent those victims from seeking compensation for their claims.

*Article 9***Effective confiscation and execution**

Member States shall take the necessary measures to enable the detection and tracing of property to be frozen and confiscated even after a final conviction for a criminal offence or following proceedings in application of Article 4(2) and to ensure the effective execution of a confiscation order, if such an order has already been issued.

*Article 10***Management of frozen and confiscated property**

1. Member States shall take the necessary measures, for example by establishing centralised offices, a set of specialised offices or equivalent mechanisms, to ensure the adequate management of property frozen with a view to possible subsequent confiscation.

2. Member States shall ensure that the measures referred to in paragraph 1 include the possibility to sell or transfer property where necessary.

3. Member States shall consider taking measures allowing confiscated property to be used for public interest or social purposes.

*Article 11***Statistics**

1. Member States shall regularly collect and maintain comprehensive statistics from the relevant authorities. The statistics collected shall be sent to the Commission each year and shall include:

- (a) the number of freezing orders executed;
- (b) the number of confiscation orders executed;
- (c) the estimated value of property frozen, at least of property frozen with a view to possible subsequent confiscation at the time of freezing;
- (d) the estimated value of property recovered at the time of confiscation.

2. Member States shall also send each year the following statistics to the Commission, if they are available at a central level in the Member State concerned:

- (a) the number of requests for freezing orders to be executed in another Member State;
- (b) the number of requests for confiscation orders to be executed in another Member State;
- (c) the value or estimated value of the property recovered following execution in another Member State.

3. Member States shall endeavour to collect data referred to in paragraph 2 at a central level.

*Article 12***Transposition**

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 4 October 2015. They shall forthwith transmit to the Commission the text of those provisions.
2. When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.
3. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

*Article 13***Reporting**

The Commission shall, by 4 October 2018 submit a report to the European Parliament and the Council, assessing the impact of existing national law on confiscation and asset recovery, accompanied, if necessary, by adequate proposals.

In that report, the Commission shall also assess whether there is any need to revise the list of offences in Article 5(2).

*Article 14***Replacement of Joint Action 98/699/JHA and of certain provisions of Framework Decisions 2001/500/JHA and 2005/212/JHA**

1. Joint Action 98/699/JHA, point (a) of Article 1 and Articles 3 and 4 of Framework Decision 2001/500/JHA, and the first four indents of Article 1 and Article 3 of Framework Decision 2005/212/JHA, are replaced by this Directive for the Member States bound by this Directive, without prejudice to the obligations of those Member States relating to the time limits for transposition of those Framework Decisions into national law.
2. For the Member States bound by this Directive, references to Joint Action 98/699/JHA and to the provisions of Framework Decisions 2001/500/JHA and 2005/212/JHA referred to in paragraph 1 shall be construed as references to this Directive.

*Article 15***Entry into force**

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

*Article 16***Addressees**

This Directive is addressed to Member States in accordance with the Treaties.

Done at Brussels, 3 April 2014.

*For the European Parliament*

*The President*

M. SCHULZ

*For the Council*

*The President*

D. KOURKOULAS

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**DIRECTIVE 2014/45/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**  
**of 3 April 2014**  
**on periodic roadworthiness tests for motor vehicles and their trailers and repealing Directive**  
**2009/40/EC**  
**(Text with EEA relevance)**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee <sup>(1)</sup>,

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure <sup>(2)</sup>,

Whereas:

- (1) In its White Paper of 28 March 2011 entitled 'Roadmap to a Single European Transport Area – Towards a competitive and resource efficient transport system', the Commission set out a 'zero-vision' objective whereby the Union should move close to zero fatalities in road transport by 2050. With a view to attaining that objective, vehicle technology is expected to contribute greatly to improvement of the safety record of road transport.
- (2) In its Communication entitled 'Towards a European road safety area: policy orientations on road safety 2011-2020', the Commission proposed a further halving of the overall number of road fatalities in the Union by 2020, starting from 2010. With a view to attaining that goal, the Commission set out seven strategic objectives, and identified actions for safer vehicles, a strategy to reduce the number of injuries and measures to improve the safety of vulnerable road users, in particular motorcyclists.
- (3) Roadworthiness testing is a part of a wider regime designed to ensure that vehicles are kept in a safe and environmentally acceptable condition during their use. That regime should cover periodic roadworthiness testing of vehicles and technical roadside inspection of vehicles used for commercial road transport activities, as well as providing for a vehicle registration procedure allowing for the suspension of a vehicle's authorisation to be used in road traffic where the vehicle constitutes an immediate risk to road safety. Periodic testing should be the main tool to ensure roadworthiness. Technical roadside inspections of commercial vehicles should merely be complementary to periodic testing.
- (4) Member States should be allowed to set higher test standards than those required by this Directive.
- (5) Enforcement of roadworthiness measures may include awareness campaigns focusing on vehicle owners and aimed at developing good practices and habits resulting from basic checks on their vehicles.
- (6) Vehicles with malfunctioning technical systems have an impact on road safety and may contribute to road crashes involving injuries or fatalities. That impact could be reduced if adequate improvements to the roadworthiness testing system were put in place. Early disclosure of a deficiency in the roadworthiness of a vehicle would help to remedy that deficiency and hence prevent accidents.

<sup>(1)</sup> OJ C 44, 15.2.2013, p. 128.

<sup>(2)</sup> Position of the European Parliament of 11 March 2014 (not yet published in the Official Journal) and decision of the Council of 24 March 2014.

- (7) Vehicles with malfunctioning emission control systems have a greater impact on the environment than properly maintained vehicles. Therefore, a periodic regime of roadworthiness tests would contribute to improving the environment by reducing average vehicle emissions.
- (8) Member States should consider appropriate measures to prevent adverse manipulation of, or tampering with, vehicle parts and components that could have a negative bearing on required safety and environmental characteristics of the vehicle, in particular through the periodic roadworthiness test, including effective, proportionate, dissuasive and non-discriminatory penalties.
- (9) During the last two decades, requirements in respect of vehicle emissions for type-approval have been continuously strengthened. However, air quality has not improved as much as predicted with the tightening of emission standards for vehicles, especially in respect of nitrogen oxides (NOx) and fine particulate matter. Possibilities for improving test cycles to match on-road conditions should be closely examined in order to develop future solutions, including the establishment of test methods for the measurement of NOx levels and of limit values for NOx emissions.
- (10) For vehicles complying with emission classes Euro 6 and Euro VI, on-board diagnostics systems (OBD) are becoming more effective in assessing emissions, justifying their use as an equivalent to standard emission testing for the purpose of roadworthiness tests. With a view to providing for the use of OBD in roadworthiness tests for vehicles up to emission classes Euro 5 and Euro V, Member States should be able to allow this testing method in accordance with the manufacturer's recommendations and other requirements for such vehicles where the equivalence, taking into account any relevant type-approval legislation, where appropriate, has been independently verified.
- (11) A number of technical standards and requirements in respect of vehicle safety have been adopted in the Union. It is necessary to ensure, through a regime of periodic roadworthiness tests, that vehicles continue to meet safety standards. That regime should apply to certain categories of vehicles as defined in Directives 2002/24/EC <sup>(1)</sup>, 2003/37/EC <sup>(2)</sup> and 2007/46/EC of the European Parliament and of the Council <sup>(3)</sup>.
- (12) Wheeled tractors with a maximum design speed exceeding 40 km/h are increasingly used to replace trucks in local transport activities and for commercial road haulage purposes. Their risk potential is comparable to that of trucks, and vehicles in that category, which are used mainly on public roads, should therefore be subject to roadworthiness testing.
- (13) Vehicles of historical interest are supposed to conserve the heritage of the period during which they were constructed, and are considered to be hardly used on public roads. It should be left to Member States to determine the periodicity of roadworthiness testing for such vehicles. It should also be for Member States to regulate roadworthiness testing for other types of specialised vehicles.
- (14) Vehicles used exclusively on remote territories of Member States, in particular on small islands with fewer than 5 000 inhabitants or in sparsely populated areas with a population density below five persons per square kilometre, are used under conditions that may require a specific roadworthiness testing regime. Member States should therefore be empowered to exempt such vehicles from the application of this Directive.
- (15) Roadworthiness testing is a sovereign activity and should therefore be carried out by the Member States or by public or private bodies entrusted to carry out such testing under their supervision. Member States should invariably remain responsible for roadworthiness testing, even where the national system allows for private bodies, including those which also perform vehicle repairs, to carry out roadworthiness testing.

<sup>(1)</sup> 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 vehicles and repealing Council Directive 92/61/EEC (OJ L 124, 9.5.2002, p. 1).

<sup>(2)</sup> 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 (OJ L 171, 9.7.2003, p. 1).

<sup>(3)</sup> 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 (OJ L 263, 9.10.2007, p. 1).

- (16) Member States should be empowered to designate testing centres located outside their territory to carry out roadworthiness tests for vehicles registered in their territory, if those testing centres have already been authorised to carry out tests on vehicles by the Member State in which they are located.
- (17) For the inspection of vehicles, and especially for their electronic safety components, it is crucial to have access to the technical specifications of each individual vehicle. Consequently, vehicle manufacturers should provide the data needed for verification of the functionality of safety and environment-related components. The provisions concerning access to repair and maintenance information should likewise be applied for that purpose, allowing inspection centres to have access to all information necessary for roadworthiness testing. The data should include the details that allow the functionality of the vehicle safety systems to be monitored in a way that allows such systems to be tested in a periodic technical inspection environment. This is of crucial importance, especially in the field of electronically controlled systems, and should cover all elements that have been installed by the manufacturer.
- (18) Vehicles used on public roads are required to be roadworthy when they are used. The holder of the registration certificate and, where applicable, the operator of the vehicle should be responsible for keeping the vehicle in a roadworthy condition.
- (19) It is important for road safety and for its impact on society that vehicles used on roads should be in a proper technical condition. Therefore, Member States should not be prevented from allowing, on a voluntary basis, additional roadworthiness tests.
- (20) To allow for a degree of flexibility for holders of a registration certificate and operators, Member States should be able to specify a period of several weeks in which the periodic roadworthiness test is to be performed.
- (21) Testing during the life cycle of a vehicle should be relatively simple, quick and inexpensive, while at the same time effective in achieving the objectives of this Directive.
- (22) Roadworthiness tests should cover all items relevant to the specific design, construction and equipment of the tested vehicle. Compatibility between parts and components, such as between wheels and wheel hubs, should be treated as a critical safety item and should be checked during roadworthiness testing. In the context of those items, and considering the current state of vehicle technology, modern electronic systems should be included in the list of items to be tested. With a view to harmonising roadworthiness testing, recommended testing methods should be established for each of the test items. Those items should be updated to take account of evolving research and technical progress in the field of vehicle safety.
- (23) In order to facilitate harmonisation and to ensure consistency of standards, a non-exhaustive list of the main reasons for failure should be provided in respect of all test items. To achieve consistency in the judgement of the condition of the tested vehicle, detected failures should be assessed to a common standard.
- (24) With a view to better applying the principle of freedom of movement within the Union, for the purpose of re-registration of a vehicle, Member States should recognise roadworthiness certificates issued by other Member States. This should not affect the right of a Member State to verify the roadworthiness certificate and the vehicle identification during re-registration and to require a new roadworthiness test to be carried out under the conditions laid down in this Directive.
- (25) Odometer fraud should be regarded as an offence liable to a penalty, because manipulation of an odometer may lead to an incorrect evaluation of the roadworthiness of a vehicle. The recording of mileage in the roadworthiness certificate and access for inspectors to that information should facilitate the detection of odometer tampering or manipulation. The exchange of information on odometer readings between the competent authorities of Member States should be examined by the Commission.

- (26) A roadworthiness certificate should be issued after each test. This should include, inter alia, information concerning the identity of the vehicle and the results of the test. The test results should be made available electronically. With a view to ensuring a proper follow-up of roadworthiness tests, Member States should collect and retain such information in a database, in particular for the purposes of analysis of the results of the periodic roadworthiness tests.
- (27) The holder of the registration certificate and, where applicable, the operator of a vehicle subject to a roadworthiness test during which deficiencies are found, in particular those which represent a risk to road safety, should rectify such deficiencies without delay. In the case of dangerous deficiencies, it may be necessary to restrict the use of the vehicle until those deficiencies are fully rectified.
- (28) Where a tested vehicle belongs to a vehicle category which is not subject to registration in the Member State where it has been put into service, that Member State should be allowed to require that the proof of test be displayed in a visible manner on the vehicle.
- (29) In order to achieve a high quality of testing throughout the Union, test equipment to be used during testing, its maintenance and its calibration should be verified with reference to specifications provided by the Member States or by manufacturers.
- (30) It should be possible for alternative equipment reflecting technological progress and innovation to be used, provided that an equivalent high-quality level of testing is ensured.
- (31) When authorising testing centres on their territory, Member States should take into account the fact that Directive 2006/123/EC of the European Parliament and of the Council <sup>(1)</sup> excludes from its scope services of general interest in the field of transport.
- (32) Testing centres should ensure the objectivity and the high quality of the vehicle testing. Therefore, in order to meet minimum requirements in terms of quality management, testing centres should comply with the requirements laid down by the authorising Member State.
- (33) High standards of roadworthiness testing require that testing personnel have a high level of skills and competences. A training system including initial training and periodic refreshers or an appropriate examination should be introduced. Provision should be made for a transitional period to allow for a smooth transition of existing testing personnel into the periodic training or examination regime. In order to ensure high standards of training, competence and testing, Member States should be allowed to lay down additional competence and corresponding training requirements.
- (34) Inspectors, when carrying out roadworthiness tests, should act independently and their judgement should not be affected by conflicts of interest, including those of an economic or personal nature. There should therefore be no direct correlation between the reward of inspectors and the results of roadworthiness tests. It should be possible for Member States to prescribe requirements regarding the separation of activities or to authorise a private body to carry out both roadworthiness tests and vehicle repairs, even on the same vehicle in cases where the supervising body has established to its satisfaction that a high level of objectivity is maintained.
- (35) The results of a roadworthiness test should not be altered for commercial purposes. Only if the findings of a roadworthiness test performed by an inspector are manifestly incorrect should the supervising body be able to modify the results of that test.
- (36) With a view to ensuring that a high quality of testing is maintained over time, Member States should set up a quality assurance system that covers the processes of authorisation, supervision, withdrawal, suspension or cancellation of authorisation to carry out roadworthiness tests.

<sup>(1)</sup> Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market (OJ L 376, 27.12.2006, p. 36).



- (37) Accreditation of testing centres under Regulation (EC) No 765/2008 of the European Parliament and of the Council <sup>(1)</sup> should not constitute an obligation for the Member States.
- (38) In several Member States, a high number of private authorised testing centres carry out roadworthiness tests. In order to ensure the efficient exchange of information between Member States in this regard, national contact points should be designated.
- (39) Roadworthiness testing forms part of a wider regulatory scheme, governing vehicles throughout their lifetime from approval via registrations and inspections until scrapping. Sharing of the information contained in national and manufacturers' electronic vehicle databases should in principle help to improve the efficiency of the entire chain of vehicle administration and should help to reduce costs and administrative burdens. The Commission should examine the feasibility, costs and benefits of establishing an electronic vehicle information platform by taking advantage of existing and already implemented IT solutions with regard to international data exchange, so as to minimise costs and avoid duplication. In carrying out its examination of this issue, the Commission should consider the most appropriate way to link the existing national systems with a view to exchanges of information on data relating to roadworthiness testing and odometer readings between the competent authorities of Member States responsible for testing, registration and vehicle approval, testing centres, test equipment manufacturers and vehicle manufacturers. The Commission should also examine the feasibility, costs and benefits of collection and storage of available information concerning the main safety-related components of vehicles which have been involved in serious accidents as well as the possibility of making information on accident history and odometer readings available in anonymised form to vehicle inspectors, holders of registration certificates and accident researchers.
- (40) In order to ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council <sup>(2)</sup>.
- (41) The Commission should not adopt implementing acts relating to the information to be made accessible by vehicle manufacturers for roadworthiness testing where the committee established pursuant to this Directive delivers no opinion on the draft implementing act presented by the Commission.
- (42) In order to update the vehicle category designations in Article 2(1) and Article 5(1) and (2), to update point 3 of Annex I in respect of methods, and to adapt point 3 of Annex I, in respect of the list of test items, methods and assessment of deficiencies, 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. 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.
- (43) Roadworthiness has a direct impact on road safety and should therefore be reviewed periodically. The Commission should report on the effectiveness of the provisions of this Directive, including those relating to its scope, the frequency of testing, further enhancement of the roadworthiness system through electronic information exchange and the potential in the future for mutual recognition of roadworthiness certificates.
- (44) Testing facilities and equipment used in testing centres should fulfil the requirements set out for carrying out roadworthiness tests. Since this necessitates substantial investment and adaptations which it may not be possible to carry out immediately, a period of five years should be granted to comply with those requirements. A period of five years should likewise be granted to enable supervisory bodies to fulfil all the criteria and requirements concerning the authorisation and supervision of testing centres.

<sup>(1)</sup> Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 (OJ L 218, 13.8.2008, p. 30).

<sup>(2)</sup> 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 (OJ L 55, 28.2.2011, p. 13).

- (45) Since the objective of this Directive, namely to improve road safety by laying down minimum common requirements and harmonised rules concerning roadworthiness tests of vehicles within the Union, cannot be sufficiently achieved by the Member States but can rather, by reason of the scale of the action, 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 on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.
- (46) This Directive 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.
- (47) This Directive integrates and updates the rules contained in Commission Recommendation 2010/378/EU <sup>(1)</sup> with a view to better regulating roadworthiness testing outcomes.
- (48) This Directive updates the technical requirements laid down in Directive 2009/40/EC of the European Parliament and of the Council <sup>(2)</sup> and enlarges its scope in order to include, in particular, provisions concerning the setting-up of testing centres and of their supervisory bodies as well as the designation of inspectors entrusted to carry out roadworthiness tests. Therefore, that Directive should be repealed,

HAVE ADOPTED THIS DIRECTIVE:

#### CHAPTER I

#### SUBJECT MATTER, DEFINITIONS AND SCOPE

##### Article 1

##### **Subject matter**

This Directive establishes minimum requirements for a regime of periodic roadworthiness tests of vehicles used on public roads.

##### Article 2

##### **Scope**

1. This Directive 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 2003/37/EC and Directive 2007/46/EC:

- motor vehicles designed and constructed primarily for the carriage of persons and their luggage comprising not more than eight seating positions in addition to the driver's seating position – vehicle category M<sub>1</sub>;
- motor vehicles designed and constructed primarily for the carriage of persons and their luggage comprising more than eight seating positions in addition to the driver's seating position – vehicle categories M<sub>2</sub> and M<sub>3</sub>;
- motor vehicles designed and constructed primarily for the carriage of goods, having a maximum mass not exceeding 3,5 tonnes – vehicle category N<sub>1</sub>;
- motor vehicles designed and constructed primarily for the carriage of goods, having a maximum mass exceeding 3,5 tonnes – vehicle categories N<sub>2</sub> and N<sub>3</sub>;
- trailers designed and constructed for the carriage of goods or persons, as well as for the accommodation of persons, having a maximum mass exceeding 3,5 tonnes – vehicle categories O<sub>3</sub> and O<sub>4</sub>;
- from 1 January 2022, two- or three-wheel vehicles – vehicle categories L3e, L4e, L5e and L7e, with an engine displacement of more than 125 cm<sup>3</sup>;
- wheeled tractors of category T5, the use of which mainly takes place on public roads with a maximum design speed exceeding 40 km/h.

<sup>(1)</sup> Commission Recommendation 2010/378/EU of 5 July 2010 on the assessment of defects during roadworthiness testing in accordance with Directive 2009/40/EC (OJ L 173, 8.7.2010, p. 74).

<sup>(2)</sup> 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 (OJ L 141, 6.6.2009, p. 12).

2. Member States may exclude the following vehicles registered in their territory from the scope of application of this Directive:

- vehicles operated or used in exceptional conditions and vehicles which are never, or hardly ever, used on public roads, such as vehicles of historical interest or competition vehicles;
- vehicles covered by diplomatic immunity;
- vehicles used by armed forces, forces responsible for law and order, fire services, civil protection service and emergency or rescue services;
- vehicles used for agricultural, horticultural, forestry, farming or fishery purposes only on the territory of the Member State concerned and mainly on the terrain where such activity takes place, including agricultural roads, forestry roads or agricultural fields;
- vehicles used exclusively in small islands or sparsely populated areas;
- specialised vehicles transporting circus and funfair equipment, with a maximum design speed not exceeding 40 km/h, and only operating on the territory of the Member State concerned;
- vehicles in categories L3e, L4e, L5e and L7e, with an engine displacement of more than 125 cm<sup>3</sup>, where the Member State has put in place effective alternative road safety measures for two- or three-wheel vehicles, taking into account in particular relevant road safety statistics covering the last five years. Member States shall notify such exemptions to the Commission.

3. Member States may introduce national requirements concerning roadworthiness tests for vehicles registered in their territory which are not covered by the scope of this Directive and for vehicles listed in paragraph 2.

### Article 3

#### Definitions

The following definitions shall only apply for the purposes of this Directive:

- (1) 'vehicle' means any not rail-borne motor vehicle or its trailer;
- (2) 'motor vehicle' means any power-driven vehicle on wheels which is moved by its own means with a maximum design speed exceeding 25 km/h;
- (3) 'trailer' means any non-self propelled vehicle on wheels which is designed and constructed to be towed by a motor vehicle;
- (4) 'semi-trailer' means any trailer designed to be coupled to a motor vehicle in such a way that part of it rests on the motor vehicle and a substantial part of its mass and the mass of its load is borne by the motor vehicle;
- (5) 'two- or three-wheel vehicle' means any power-driven vehicle on two wheels, with or without a sidecar, and any tricycle or quadricycle;
- (6) 'vehicle registered in a Member State' means a vehicle which is registered or put into service in a Member State;
- (7) 'vehicle of historical interest' means any vehicle which is considered to be historical by the Member State of registration or one of its appointed authorising bodies and which fulfils all the following conditions:
  - it was manufactured or registered for the first time at least 30 years ago;
  - its specific type, as defined in the relevant Union or national law, is no longer in production;
  - it is historically preserved and maintained in its original state and has not undergone substantial changes in the technical characteristics of its main components;

- (8) 'holder of a registration certificate' means the legal or natural person in whose name the vehicle is registered;
- (9) 'roadworthiness test' means an inspection in accordance with Annex I designed to ensure that a vehicle is safe to be used on public roads and that it complies with required and mandatory safety and environmental characteristics;
- (10) 'approval' means a procedure whereby a Member State certifies that a vehicle satisfies the relevant administrative provisions and technical requirements referred to in Directive 2002/24/EC, Directive 2003/37/EC and Directive 2007/46/EC;
- (11) 'deficiencies' means technical defects and other instances of non-compliance found during a roadworthiness test;
- (12) 'roadworthiness certificate' means a roadworthiness test report issued by the competent authority or a testing centre containing the result of the roadworthiness test;
- (13) 'inspector' means a person authorised by a Member State or by its competent authority to carry out roadworthiness tests in a testing centre or, where appropriate, on behalf of a competent authority;
- (14) 'competent authority' means an authority or public body entrusted by a Member State with responsibility for managing the system of roadworthiness testing, including, where appropriate, the carrying-out of roadworthiness tests;
- (15) 'testing centre' means a public or private body or establishment authorised by a Member State to carry out roadworthiness tests;
- (16) 'supervising body' means a body or bodies set up by a Member State, responsible for the supervision of testing centres. A supervising body can be part of the competent authority or competent authorities;
- (17) 'small island' means an island with fewer than 5 000 inhabitants which is not linked to the other parts of territory by road bridges or road tunnels;
- (18) 'sparsely populated area' means a predefined area with a population density of fewer than five persons per square kilometre;
- (19) 'public road' means a road that is of general public utility, such as a local, regional or national road, highway, expressway or motorway.

## CHAPTER II

### GENERAL OBLIGATIONS

#### Article 4

#### Responsibilities

1. Each Member State shall ensure that vehicles registered in its territory are periodically tested in accordance with this Directive by testing centres authorised by the Member State in which those vehicles are registered.
2. Roadworthiness tests shall be carried out by the Member State of registration of the vehicle, by a public body entrusted with the task by that Member State or by bodies or establishments designated and supervised by that Member State, including authorised private bodies.
3. In accordance with the principles laid down by Regulation (EC) No 715/2007 of the European Parliament and of the Council <sup>(1)</sup> and by Regulation (EC) No 595/2009 of the European Parliament and of the Council <sup>(2)</sup>, the Commission shall, by means of implementing acts, and before 20 May 2018, adopt:

<sup>(1)</sup> Regulation (EC) No 715/2007 of the European Parliament and of the Council of 20 June 2007 on type approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information (OJ L 171, 29.6.2007, p. 1).

<sup>(2)</sup> Regulation (EC) No 595/2009 of the European Parliament and of the Council of 18 June 2009 on type-approval of motor vehicles and engines with respect to emissions from heavy duty vehicles (Euro VI) and on access to vehicle repair and maintenance information and amending Regulation (EC) No 715/2007 and Directive 2007/46/EC and repealing Directives 80/1269/EEC, 2005/55/EC and 2005/78/EC (OJ L 188, 18.7.2009, p. 1).

- (a) a set of technical information on braking equipment, steering, visibility, lamps, reflectors, electrical equipment, axles, wheels, tyres, suspension, chassis, chassis attachments, other equipment and nuisance necessary for roadworthiness testing of the items to be tested and on the use of the recommended test methods, in accordance with point 3 of Annex I, and
- (b) the detailed rules concerning the data format and the procedures for accessing the relevant technical information.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 19(2).

The technical information referred to in point (a) of the first subparagraph shall be made available, free of charge or at a reasonable price, by the manufacturers to testing centres and relevant competent authorities, in a non-discriminatory manner.

The Commission shall examine the feasibility of establishing a single point of access for that technical information.

4. Member States shall ensure that the responsibilities for keeping a vehicle in a safe and roadworthy condition are defined in national law.

### CHAPTER III

#### MINIMUM REQUIREMENTS CONCERNING ROADWORTHINESS TESTS

##### Article 5

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

1. Vehicles shall be subject to a roadworthiness test at least within the following intervals, without prejudice to the period of flexibility applied in Member States under paragraph 3:

- (a) vehicles of category M<sub>1</sub> and N<sub>1</sub>: four years after the date on which the vehicle was first registered, and thereafter every two years;
- (b) vehicles of category M<sub>1</sub> used as taxis or ambulances, vehicles of categories M<sub>2</sub>, M<sub>3</sub>, N<sub>2</sub>, N<sub>3</sub>, O<sub>3</sub> and O<sub>4</sub>: one year after the date on which the vehicle was first registered, and thereafter annually;
- (c) vehicles of category T5 the use of which mainly takes place on public roads for commercial road haulage purposes: four years after the date on which the vehicle was first registered, and thereafter every two years.

2. Member States shall establish appropriate intervals within which vehicles of categories L3e, L4e, L5e and L7e, with an engine displacement of more than 125 cm<sup>3</sup>, are to be subject to a roadworthiness test.

3. Member States or competent authorities may establish a reasonable period during which the roadworthiness test is to be carried out, not exceeding the intervals laid down in paragraph 1.

4. Notwithstanding the date of a vehicle's last roadworthiness test, the Member State or competent authority concerned may require it to undergo a roadworthiness test before the dates referred to in paragraphs 1 and 2 in the following cases:

- after an accident affecting the main safety-related components of the vehicle, such as wheels, suspension, deformation zones, airbag systems, steering or brakes;
- when the safety and environmental systems and components of the vehicle have been altered or modified;
- where the holder of the registration certificate of a vehicle has changed;
- when the vehicle has reached a mileage of 160 000 km;
- in cases where road safety is seriously affected.

##### Article 6

##### **Contents and methods of testing**

1. For vehicle categories falling within the scope of this Directive, with the exception of categories L3e, L4e, L5e and L7e with an engine displacement of more than 125 cm<sup>3</sup>, Member States shall ensure that roadworthiness tests cover at least the areas referred to in point 2 of Annex I.

2. For each area referred to in paragraph 1, the competent authorities of the Member State or the testing centre shall carry out a roadworthiness test covering at least the items referred to in point 3 of Annex I, using the recommended or an equivalent method approved by a competent authority applicable to the testing of those items, as set out in point 3 of Annex I. The test may also include a verification as to whether the respective parts and components of the vehicle correspond to the required safety and environmental characteristics that were in force at the time of approval or, if applicable, at the time of retrofitting.

The tests shall be carried out using techniques and equipment currently available without the use of tools to dismantle or remove any part of the vehicle.

3. For vehicle categories L3e, L4e, L5e and L7e, with an engine displacement of more than 125 cm<sup>3</sup>, Member States shall determine the areas, items and appropriate methods of testing.

#### *Article 7*

##### **Assessment of deficiencies**

1. For each item to be tested, Annex I provides a minimum list of possible deficiencies and their level of severity.

2. Deficiencies that are found during periodic testings of vehicles shall be categorised in one of the following groups:

(a) minor deficiencies having no significant effect on the safety of the vehicle or impact on the environment, and other minor non-compliances;

(b) major deficiencies that may prejudice the safety of the vehicle or have an impact on the environment or put other road users at risk, or other more significant non-compliances;

(c) dangerous deficiencies constituting a direct and immediate risk to road safety or having an impact on the environment which justify that a Member State or its competent authorities may prohibit the use of the vehicle on public roads.

3. A vehicle having deficiencies falling into more than one of the deficiency groups referred to in paragraph 2 shall be classified in the group corresponding to the more serious deficiency. A vehicle showing several deficiencies within the same inspection area as identified in the scope of the test referred to in point 2 of Annex I, may be classified in the next most serious deficiency group if it can be demonstrated that the combined effect of those deficiencies results in a higher risk to road safety.

#### *Article 8*

##### **Roadworthiness certificate**

1. Member States shall ensure that testing centres or, if relevant, the competent authorities, which have carried out a roadworthiness test on a vehicle issue a roadworthiness certificate for that vehicle indicating at least the standardised elements of the corresponding harmonised Union codes as laid down in Annex II.

2. Member States shall ensure that testing centres or, if relevant, the competent authorities make the roadworthiness certificate or, in the case of an electronically produced roadworthiness certificate, a certified printout of such certificate available to the person presenting the vehicle for testing.

3. Without prejudice to Article 5, in the case of re-registration of a vehicle already registered in another Member State, each Member State shall recognise the roadworthiness certificate issued by that other Member State, as if it had itself issued that certificate, provided that the roadworthiness certificate is still valid in terms of the frequency intervals established for periodic roadworthiness tests by the re-registering Member State. In cases of doubt, the re-registering Member State may verify the validity of the roadworthiness certificate before recognising it. Member States shall communicate to the Commission a description of the roadworthiness certificate before 20 May 2018. The Commission shall inform the Committee referred to in Article 19. This paragraph shall not apply to vehicle categories L3e, L4e, L5e and L7e.

4. Without prejudice to Article 5(4) and paragraph 3 of this Article, Member States shall recognise, as a matter of principle, the validity of the roadworthiness certificate in the event that the ownership of a vehicle — having a valid proof of periodic roadworthiness test — changes.

5. As from 20 May 2018 and at the latest by 20 May 2021, testing centres shall communicate electronically, to the competent authority of the Member State concerned, the information mentioned in the roadworthiness certificates which they issue. Such communication shall take place within a reasonable time after each roadworthiness certificate is issued. Until the latter date, testing centres may communicate the relevant information to the competent authority by any other means. Member States shall determine the period during which the competent authority is to retain that information. The duration of that period shall not be less than 36 months, without prejudice to the national tax systems of the Member States.

6. Member States shall ensure that, for the purposes of checking the odometer, where an odometer is normally fitted, the information included in the previous roadworthiness test is made available to the inspectors as soon as it is available electronically. In cases where an odometer is found to have been manipulated with the aim of reducing or misrepresenting the distance record of a vehicle, such manipulation shall be punishable by effective, proportionate, dissuasive and non-discriminatory penalties.

7. Member States shall ensure that the results of the roadworthiness test are notified, or made available electronically, as soon as possible to the authority responsible for registration of the vehicle. That notification shall contain the information mentioned in the roadworthiness certificate.

#### *Article 9*

### **Follow-up of deficiencies**

1. In the case of minor deficiencies only, the test shall be deemed to have been passed, the deficiencies shall be rectified, and the vehicle shall not be re-tested.

2. In the case of major deficiencies, the test shall be deemed to have been failed. The Member State or the competent authority shall decide on the period during which the vehicle in question may be used before it is required to undergo another roadworthiness test. The subsequent test shall take place during a period defined by the Member State or competent authority but not later than two months following the initial test.

3. In the case of dangerous deficiencies, the test shall be deemed to have been failed. The Member State or the competent authority may decide that the vehicle in question is not to be used on public roads and that the authorisation for its use in road traffic is to be suspended for a limited period of time, without requiring a new process of registration, until such time as the deficiencies are rectified and a new roadworthiness certificate is issued testifying that the vehicle is in a roadworthy condition.

#### *Article 10*

### **Proof of test**

1. The testing centre or, if relevant, the competent authority of the Member State that has carried out a roadworthiness test on a vehicle registered in its territory shall provide a proof, such as an indication on the vehicle registration document, a sticker, a certificate or any other easily accessible information, for each vehicle which has passed such a test. The proof shall indicate the date by which the next roadworthiness test is to take place.

Member States shall communicate to the Commission a description of that proof before 20 May 2018. The Commission shall in turn inform the Committee referred to in Article 19.

2. Where the tested vehicle belongs to a vehicle category which is not subject to registration in the Member State where it has been put into service, that Member State may require the proof of test to be displayed in a visible manner on that vehicle.

3. For the purpose of free circulation, each Member State shall recognise the proof provided by a testing centre or competent authority of another Member State in accordance with paragraph 1.

## CHAPTER IV

### **ADMINISTRATIVE PROVISIONS**

#### *Article 11*

### **Testing facilities and equipment**

1. Member States shall ensure that testing facilities and equipment used for carrying out roadworthiness tests comply with the minimum technical requirements laid down in Annex III.

2. Member States shall ensure that the testing centres or, if relevant, the competent authority maintain the testing facilities and equipment in accordance with the specifications provided by the manufacturers.

3. Equipment used for measurements shall be periodically calibrated in line with Annex III and verified in accordance with the specifications provided by the Member State concerned or by the manufacturer of the equipment.

#### *Article 12*

##### **Testing centres**

1. Testing centres in which inspectors perform roadworthiness tests shall be authorised by a Member State or by its competent authority.

2. To meet minimum requirements in terms of quality management, testing centres shall comply with the requirements laid down by the authorising Member State. Testing centres shall ensure the objectivity and the high quality of the roadworthiness tests.

#### *Article 13*

##### **Inspectors**

1. Member States shall ensure that roadworthiness tests are carried out by inspectors fulfilling the minimum competence and training requirements laid down in Annex IV. Member States may lay down additional requirements in respect of competence and corresponding training.

2. The competent authorities or, where applicable, approved training centres shall provide a certificate to inspectors who fulfil the minimum competence and training requirements. That certificate shall include at least the information mentioned in point 3 of Annex IV.

3. Inspectors employed or authorised by competent authorities of the Member States or by a testing centre at 20 May 2018 shall be exempted from the requirements laid down in point 1 of Annex IV.

4. When carrying out a roadworthiness test, the inspector shall be free from any conflict of interests so as to ensure, to the satisfaction of the Member State or competent authority concerned, that a high level of impartiality and objectivity is maintained.

5. The person presenting the vehicle for testing shall be informed of any deficiencies identified in the vehicle which need to be rectified.

6. The results of a roadworthiness test may only be modified, where appropriate, by the supervising body, or in accordance with the procedure set up by the competent authority, if the findings of the roadworthiness test are manifestly incorrect.

#### *Article 14*

##### **Supervision of testing centres**

1. Member States shall ensure that testing centres are supervised.

2. A supervising body shall perform at least the tasks provided for in point 1 of Annex V and shall fulfil the requirements laid down in points 2 and 3 of that Annex.

Member States shall make publicly available the rules and procedures covering the organisation, tasks and requirements, including the independence requirements applicable to the personnel of a supervising body.

3. Testing centres directly operated by a competent authority shall be exempted from the requirements regarding authorisation and supervision where the supervising body is part of the competent authority.

4. The requirements mentioned in paragraphs 2 and 3 of this Article may be regarded as fulfilled by Member States which require that testing centres be accredited under Regulation (EC) No 765/2008.



## CHAPTER V

## COOPERATION AND EXCHANGE OF INFORMATION

## Article 15

**Administrative cooperation between Member States**

1. Member States shall designate a national contact point responsible for exchanging information with the other Member States and the Commission with regard to the application of this Directive.
2. Member States shall forward to the Commission the names and contact details of their national contact point by 20 May 2015, and shall inform it without delay of any changes thereto. The Commission shall draw up a list of all contact points and forward it to the Member States.

## Article 16

**Electronic vehicle information platform**

The Commission shall examine the feasibility, costs and benefits of establishing an electronic vehicle information platform by taking advantage of existing and already implemented IT solutions with regard to international data exchange so as to minimise costs and avoid duplication. In examining the matter, the Commission shall consider the most appropriate way to link the existing national systems with a view to facilitating exchanges of information on data relating to roadworthiness testing and odometer readings between the competent authorities of Member States responsible for testing, registration and vehicle approval, testing centres, test equipment manufacturers and vehicle manufacturers.

The Commission shall also examine the feasibility, costs and benefits of collecting and storing available information concerning the main safety-related components of vehicles which have been involved in serious accidents as well as the possibility of making information on accident history and odometer readings available in an anonymised form to inspectors, holders of registration certificates and accident researchers.

## CHAPTER VI

## DELEGATED AND IMPLEMENTING ACTS

## Article 17

**Delegated acts**

The Commission shall be empowered to adopt delegated acts in accordance with Article 18 in order to:

- update only the vehicle category designations referred to in Article 2(1) and Article 5(1) and (2) as appropriate in the event of changes to the vehicle categories stemming from amendments to the type-approval legislation referred to in Article 2(1), without affecting the scope and frequency of testing;
- update point 3 of Annex I in respect of methods in the event that more efficient and effective test methods become available, without extending the list of items to be tested;
- adapt point 3 of Annex I, following a positive assessment of the costs and benefits involved, in respect of the list of test items, methods, reasons for failure and assessment of deficiencies in the event of a modification of mandatory requirements relevant for type-approval in Union safety or environmental legislation.

## Article 18

**Exercise of delegation**

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Article 17 shall be conferred on the Commission for a period of five years from 19 May 2014. 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.

3. The delegation of powers referred to in Article 17 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to Article 17 shall enter into force only if no objection has been expressed by either the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

#### Article 19

##### Committee Procedure

1. The Commission shall be assisted by a committee (the 'Roadworthiness Committee'). That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply. Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.

#### CHAPTER VII

##### FINAL PROVISIONS

#### Article 20

##### Reporting

1. By 30 April 2020, 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 level of harmonisation of periodic roadworthiness tests, the effectiveness of the provisions on its scope, the frequency of testing, the mutual recognition of roadworthiness certificates in cases of re-registration of vehicles originating from another Member State and the results of the examination concerning the feasibility of introducing an electronic vehicle information platform as referred to in Article 16. The report shall also analyse whether there is a need to update the Annexes, particularly in the light of technical progress and practices. The report shall be submitted after the consultation of the committee referred to in Article 19 and shall be accompanied, if appropriate, by legislative proposals.

2. No later than 30 April 2019, the Commission shall submit to the European Parliament and to the Council a report, based on independent studies, on the effectiveness of the inclusion of light trailers and two- or three-wheel vehicles in the scope of this Directive. The report shall assess the evolution of the road safety situation in the Union and, for each subcategory of L-vehicles, compare the results of national road safety measures, taking into account the average distance travelled by those vehicles. In particular, the Commission shall assess whether the standards and costs of periodic roadworthiness testing of each category of vehicle is proportionate to the road safety objectives set. The report shall be accompanied by a detailed impact assessment analysing the costs and benefits throughout the Union, including the specificities of Member States. The report shall be made available at least six months prior to the submission of any legislative proposal, if appropriate, to include new categories within the scope of this Directive.

#### Article 21

##### Penalties

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.

#### Article 22

##### Transitional provisions

1. Member States may authorise the use for a period of not more than five years after 20 May 2018 of testing facilities and equipment referred to in Article 11 that do not comply with the minimum requirements laid down in Annex III for carrying out roadworthiness tests.

2. Member States shall apply the requirements laid down in Annex V at the latest as from 1 January 2023.

*Article 23*

**Transposition**

1. Member States shall adopt and publish, by 20 May 2017, the laws, regulations and administrative measures necessary to comply with this Directive. They shall immediately inform the Commission thereof.

They shall apply those measures from 20 May 2018.

When Member States adopt those measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

2. Member States shall communicate to the Commission the text of the main measures of national law which they adopt in the field covered by this Directive.

*Article 24*

**Repeal**

Directive 2009/40/EC is repealed with effect from 20 May 2018.

*Article 25*

**Entry into force**

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

*Article 26*

**Addressees**

This Directive is addressed to the Member States.

Done at Brussels, 3 April 2014.

*For the European Parliament*

*The President*

M. SCHULZ

*For the Council*

*The President*

D. KOURKOULAS

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## ANNEX I

**MINIMUM REQUIREMENTS CONCERNING THE CONTENTS AND RECOMMENDED METHODS OF TESTING**

## 1. GENERAL

This Annex identifies the vehicle systems and components to be tested; it details the recommended methods for testing them and the criteria to be used when determining whether the condition of the vehicle is acceptable.

The test must cover at least the items listed in point 3 below provided that these relate to the equipment of the vehicle being tested in the Member State concerned. The test may also include a verification as to whether the relevant parts and components of that vehicle correspond to the required safety and environmental characteristics that were in force at the time of approval or, if applicable, at the time of retrofitting.

Where the design of the vehicle does not allow the application of the test methods laid down in this Annex, the test shall be conducted in accordance with the recommended test methods accepted by the competent authorities. The competent authority must be satisfied that safety and environmental standards will be maintained.

Testing of all the items listed below shall be considered as mandatory in the context of a periodic roadworthiness test, with the exception of those marked with the indication 'X' which are related to the condition of the vehicle and its suitability for use on the road but which are not considered essential in the context of a roadworthiness test.

The 'Reasons for failure' do not apply in cases where they refer to requirements that were not prescribed in the relevant vehicle approval legislation at the time of first registration or first entry into service, or in the retrofitting requirements.

Where a method of testing is indicated as visual, it means that, in addition to looking at the items concerned, the inspector shall also, if appropriate, handle them, evaluate their noise or use any other appropriate means of inspection not involving the use of equipment.

## 2. SCOPE OF TEST

The test shall cover at least the following areas:

- (0) Identification of the vehicle;
- (1) Braking equipment;
- (2) Steering;
- (3) Visibility;
- (4) Lighting equipment and parts of the electrical system;
- (5) Axles, wheels, tyres, suspension;
- (6) Chassis and chassis attachments;
- (7) Other equipment;
- (8) Nuisance;
- (9) Supplementary tests for passenger-carrying vehicles of categories M<sub>2</sub> and M<sub>3</sub>.

## 3. CONTENTS AND METHODS OF TESTING; ASSESSMENT OF DEFICIENCIES OF VEHICLES

The test shall cover at least the items, and use the minimum standards and the recommended methods, listed in the following table.

For each vehicle system and component subject to testing, the assessment of deficiencies shall be carried out in accordance with the criteria set out in that table, on a case-by-case basis.

Deficiencies not listed in this Annex shall be assessed in terms of the risks that they pose to road safety.

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
<b>0. IDENTIFICATION OF THE VEHICLE</b>					
0.1. Registration number plates (if needed by requirements <sup>1</sup> )	Visual inspection	(a) Number plate(s) missing or so insecurely fixed that it is (they are) likely to fall off.		X	
		(b) Inscription missing or illegible		X	
		(c) Not in accordance with vehicle documents or records.		X	
0.2. Vehicle identification/chassis/serial number	Visual inspection	(a) Missing or can not be found.		X	
		(b) Incomplete, illegible, obviously falsified, or does not match the vehicle documents.		X	
		(c) Illegible vehicle documents or clerical inaccuracies.	X		
<b>1. BRAKING EQUIPMENT</b>					
<b>1.1. Mechanical condition and operation</b>					
1.1.1. Service brake pedal/hand lever pivot	Visual inspection of the components while the braking system is operated.  Note: Vehicles with power-assisted braking systems should be inspected with the engine switched off.	(a) Pivot too tight.		X	
		(b) Excessive wear or play.		X	
1.1.2. Pedal/hand lever condition and travel of the brake operating device	Visual inspection of the components while the braking system is operated  Note: Vehicles with power-assisted braking systems should be inspected with the engine switched off.	(a) Excessive or insufficient reserve travel.		X	
		(b) Brake control not releasing correctly.  If its functionality is affected.	X		X
		(c) Anti-slip provision on brake pedal missing, loose or worn smooth.		X	

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
1.1.3. Vacuum pump or compressor and reservoirs	Visual inspection of the components at normal working pressure. Check time required for vacuum or air pressure to reach safe working value and function of warning device, multi-circuit protection valve and pressure relief valve.	(a) Insufficient pressure/vacuum to give assistance for at least four brake applications after the warning device has operated (or gauge shows an unsafe reading); at least two brake applications after the warning device has operated (or gauge shows an unsafe reading).		X	X
		(b) Time taken to build up air pressure/vacuum to safe working value is too long according to the requirements <sup>1</sup>		X	
		(c) Multi-circuit protection valve or pressure relief valve not working.		X	
		(d) Air leak causing a noticeable drop in pressure or audible air leaks.		X	
		(e) External damage likely to affect the function of the braking system. Secondary braking performance not met.		X	X
1.1.4. Low pressure warning gauge or indicator	Functional check	Malfunctioning or defective gauge or indicator. Low pressure not identifiable.	X	X	
1.1.5. Hand-operated brake control valve	Visual inspection of the components while the braking system is operated.	(a) Control cracked, damaged or excessively worn.		X	
		(b) Control insecure on valve or valve insecure.		X	
		(c) Loose connections or leaks in system.		X	
		(d) Unsatisfactory operation.		X	

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
1.1.6. Parking brake activator, lever control, parking brake ratchet, electronic parking brake	Visual inspection of the components while the braking system is operated.	(a) Ratchet not holding correctly.		X	
		(b) Wear at lever pivot or in ratchet mechanism. Excessive wear.	X	X	
		(c) Excessive movement of lever indicating incorrect adjustment.		X	
		(d) Activator missing, damaged or inoperative.		X	
		(e) Incorrect functioning, warning indicator shows malfunction		X	
1.1.7. Braking valves (foot valves, unloaders, governors)	Visual inspection of the components while the braking system is operated.	(a) Valve damaged or excessive air leak. If its functionality is affected.		X	X
		(b) Excessive oil discharge from compressor.	X		
		(c) Valve insecure or inadequately mounted.		X	
		(d) Hydraulic fluid discharge or leak. If its functionality is affected.		X	X
1.1.8. Couplings for trailer brakes (electrical & pneumatic)	Disconnect and reconnect braking system coupling between towing vehicle and trailer.	(a) Tap or self sealing valve defective. If its functionality is affected.	X	X	
		(b) Tap or valve insecure or inadequately mounted. If its functionality is affected.	X	X	
		(c) Excessive leaks. If its functionality is affected.		X	X

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
		(d) Not functioning correctly. Operation of brake affected.		X	X
1.1.9. Energy storage reservoir pressure tank	Visual inspection.	(a) Tank slightly damaged or slightly corroded. Tank heavily damaged, corroded or leaking.	X	X	
		(b) Drain device operation affected. Drain device inoperative.	X	X	
		(c) Tank insecure or inadequately mounted.		X	
1.1.10. Brake servo units, master cylinder (hydraulic systems)	Visual inspection of the components while the braking system is operated, if possible.	(a) Defective or ineffective servo unit. If it is not operating.		X	X
		(b) Master cylinder defective but brake still operating. Master cylinder defective or leaking.		X	X
		(c) Master cylinder insecure but brake still operating. Master cylinder insecure.		X	X
		(d) Insufficient brake fluid below MIN mark Brake fluid significantly below MIN mark No brake fluid visible.	X	X	X
		(e) Master cylinder reservoir cap missing.	X		
		(f) Brake fluid warning light illuminated or defective.	X		
		(g) Incorrect functioning of brake fluid level warning device.	X		



Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
1.1.11. Rigid brake pipes	Visual inspection of the components while the braking system is operated, if possible.	(a) Imminent risk of failure or fracture.			X
		(b) Pipes or connections leaking (air brake systems). Pipes or connection leaking (hydraulic brake systems).		X	X
		(c) Pipes damaged or excessively corroded. Affecting the functioning of the brakes on account of blocking or imminent risk of leaking.		X	X
		(d) Pipes misplaced. Risk of damage.	X	X	
1.1.12. Flexible brake hoses	Visual inspection of the components while the braking system is operated, if possible.	(a) Imminent risk of failure or fracture.			X
		(b) Hoses damaged, chafing, twisted or too short. Hoses damaged or chafing.	X	X	
		(c) Hoses or connections leaking (air brake systems) Hoses or connections leaking (hydraulic brake systems).		X	X
		(d) Hoses bulging under pressure. Cord impaired.		X	X
		(e) Hoses porous.		X	
1.1.13. Brake linings and pads	Visual inspection.	(a) Lining or pad excessively worn (minimum mark reached). Lining or pad excessively worn (minimum mark not visible).		X	X

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
		(b) Lining or pad contaminated (oil, grease etc.). Braking performance affected.		X	X
		(c) Lining or pad missing or wrongly mounted.			X
1.1.14. Brake drums, brake discs	Visual inspection.	(a) Drum or disc worn Drum or disc excessively worn, excessively scored, cracked, insecure or fractured.		X	X
		(b) Drum or disc contaminated (oil, grease, etc.). Braking performance affected.		X	X
		(c) Drum or disc missing.			X
		(d) Back plate insecure.		X	
1.1.15. Brake cables, rods, levers, linkages	Visual inspection of the components while the braking system is operated, if possible.	(a) Cable damaged or knotted. Braking performance affected.		X	X
		(b) Component excessively worn or corroded. Braking performance affected.		X	X
		(c) Cable, rod or joint insecure.		X	
		(d) Cable guide defective.		X	
		(e) Restriction to free movement of the braking system.		X	
		(f) Abnormal movement of the levers/linkage indicating maladjustment or excessive wear.		X	

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
1.1.16. Brake actuators (including spring brakes or hydraulic cylinders)	Visual inspection of the components while the braking system is operated, if possible.	(a) Actuator cracked or damaged. Braking performance affected.		X	X
		(b) Actuator leaking. Braking performance affected.		X	X
		(c) Actuator insecure or inadequately mounted. Braking performance affected.		X	X
		(d) Actuator excessively corroded. Likely to crack.		X	X
		(e) Insufficient or excessive travel of operating piston or diaphragm mechanism. Braking performance affected (lack of reserve movement).		X	X
		(f) Dust cover damaged. Dust cover missing or excessively damaged.	X	X	
1.1.17. Load sensing valve	Visual inspection of the components while the braking system is operated, if possible.	(a) Defective linkage.		X	
		(b) Linkage incorrectly adjusted.		X	
		(c) Valve seized or inoperative (ABS functioning). Valve seized or inoperative.		X	X
		(d) Valve missing (if required).			X
		(e) Missing data plate.	X		

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
		(f) Data illegible or not in accordance with requirements <sup>1</sup>	X		
1.1.18. Slack adjusters and indicators	Visual inspection.	(a) Adjuster damaged, seized or having abnormal movement, excessive wear or incorrect adjustment.		X	
		(b) Adjuster defective.		X	
		(c) Incorrectly installed or replaced.		X	
1.1.19. Endurance braking system (where fitted or required)	Visual inspection.	(a) Insecure connectors or mountings. If its functionality is affected.	X	X	
		(b) System obviously defective or missing.		X	
1.1.20. Automatic operation of trailer brakes	Disconnect brake coupling between towing vehicle and trailer.	Trailer brake does not apply automatically when coupling disconnected.			X
1.1.21. Complete braking system	Visual inspection	(a) Other system devices (e.g. anti-freeze pump, air dryer, etc.) damaged externally or excessively corroded in a way that adversely affects the braking system. Braking performance affected.		X	X
		(b) Leakage of air or anti-freeze. System functionality affected.	X	X	
		(c) Any component insecure or inadequately mounted.		X	
		(d) Unsafe modification to any component <sup>3</sup> Braking performance affected.		X	X

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
1.1.22. Test connections (where fitted or required)	Visual inspection	(a) Missing.		X	
		(b) Damaged. Unusable or leaking.	X	X	
1.1.23. Overrun brake	Visual inspection and by operation	Insufficient efficiency.		X	

## 1.2. Service braking performance and efficiency

1.2.1. Performance	During a test on a brake tester or, if impossible, during a road test, apply the brakes progressively up to maximum effort.	(a) Inadequate braking effort on one or more wheels. No braking effort on one or more wheels.		X	X
		(b) Braking effort from any wheel is less than 70 % of the maximum effort recorded from the other wheel on the same axle. Or, in the case of testing on the road, the vehicle deviates excessively from a straight line.  Braking effort from any wheel is less than 50 % of the maximum effort recorded from the other wheel on the same axle in the case of steered axles.		X	X
		(c) No gradual variation in brake effort (grabbing).		X	
		(d) Abnormal lag in brake operation of any wheel.		X	
		(e) Excessive fluctuation of brake force during each complete wheel revolution.		X	

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
1.2.2. Efficiency	<p>Test with a brake tester or, if one cannot be used for technical reasons, by a road test using a deceleration recording instrument to establish the braking ratio which relates to the maximum authorised mass or, in the case of semi-trailers, to the sum of the authorised axle loads.</p> <p>Vehicles or a trailer with a maximum permissible mass exceeding 3,5 tonnes has to be inspected following the standards given by ISO 21069 or equivalent methods.</p> <p>Road tests should be carried out under dry conditions on a flat, straight road.</p>	<p>Does not give at least the minimum figure as follows <sup>(1)</sup>:</p> <p>1. Vehicles registered for the first time after 1/1/2012:</p> <ul style="list-style-type: none"> <li>— Category M<sub>1</sub>: 58 %</li> <li>— Categories M<sub>2</sub> and M<sub>3</sub>: 50 %</li> <li>— Category N<sub>1</sub>: 50 %</li> <li>— Categories N<sub>2</sub> and N<sub>3</sub>: 50 %</li> <li>— Categories O<sub>2</sub>, O<sub>3</sub> and O<sub>4</sub>: <ul style="list-style-type: none"> <li>— for semi-trailers: 45 % <sup>(2)</sup></li> <li>— for draw-bar trailers: 50 %</li> </ul> </li> </ul>		X	
		<p>2. Vehicles registered for the first time before 1/1/2012:</p> <ul style="list-style-type: none"> <li>— Categories M<sub>1</sub>, M<sub>2</sub> and M<sub>3</sub>: 50 % <sup>(3)</sup></li> <li>— Category N<sub>1</sub>: 45 %</li> <li>— Categories N<sub>2</sub> and N<sub>3</sub>: 43 % <sup>(4)</sup></li> <li>— Categories O<sub>2</sub>, O<sub>3</sub> and O<sub>4</sub>: 40 % <sup>(5)</sup></li> </ul>		X	
		<p>3. Other categories</p> <p>Categories L (both brakes together):</p> <ul style="list-style-type: none"> <li>— Category L1e: 42 %</li> <li>— Categories L2e, L6e: 40 %</li> <li>— Category L3e: 50 %</li> <li>— Category L4e: 46 %</li> <li>— Categories L5e, L7e: 44 %</li> </ul> <p>Category L (rear wheel brake):</p> <p>all categories: 25 % of the total vehicle mass</p> <p>Less than 50 % of the above values reached.</p>		X	X

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
1.3. Secondary (emergency) braking performance and efficiency (if met by separate system)					
1.3.1. Performance	If the secondary braking system is separate from the service braking system, use the method specified in 1.2.1.	(a) Inadequate braking effort on one or more wheels. No braking effort on one or more wheels.		X	X
		(b) Braking effort from any wheel is less than 70 % of the maximum effort recorded from another wheel on the same axle specified. Or, in the case of testing on the road, the vehicle deviates excessively from a straight line.  Braking effort from any wheel is less than 50 % of the maximum effort recorded from the other wheel on the same axle in the case of steered axles.		X	X
		(c) No gradual variation in brake effort (grabbing).		X	
1.3.2. Efficiency	If the secondary braking system is separate from the service braking system, use the method specified in 1.2.2.	Braking effort less than 50 % <sup>(6)</sup> of the service brake performance defined in section 1.2.2 in relation to the maximum authorized mass.  Less than 50 % of the above braking effort values reached.		X	X
1.4. Parking braking performance and efficiency					
1.4.1. Performance	Apply the brake during a test on a brake tester.	Brake inoperative on one side or, in the case of testing on the road, the vehicle deviates excessively from a straight line.  Less than 50 % of the braking effort values as referred to in point 1.4.2 reached in relation to the vehicle mass during testing.		X	X

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
1.4.2. Efficiency	Test with a brake tester. If not possible, then by a road test using either an indicating or deceleration recording instrument or with the vehicle on a slope of known gradient.	Does not give, for all vehicles, a braking ratio of at least 16 % in relation to the maximum authorized mass or, for motor vehicles, of at least 12 % in relation to the maximum authorised combination mass of the vehicle, whichever is the greater.  Less than 50 % of the above braking effort values reached.		X	X
1.5. Endurance braking system performance	Visual inspection and, where possible, test whether the system functions.	(a) No gradual variation of efficiency (not applicable to exhaust brake systems).		X	
		(b) System not functioning.		X	
1.6. Anti-lock braking system (ABS)	Visual inspection and inspection of warning device and/or using electronic vehicle interface.	(a) Warning device malfunctioning.		X	
		(b) Warning device shows system malfunction.		X	
		(c) Wheel speed sensors missing or damaged.		X	
		(d) Wirings damaged.		X	
		(e) Other components missing or damaged.		X	
		(f) System indicates failure via the electronic vehicle interface.		X	



Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
1.7. Electronic brake system (EBS)	Visual inspection and inspection of warning device and/or using electronic vehicle interface.	(a) Warning device malfunctioning.		X	
		(b) Warning device shows system malfunction.		X	
		(c) System indicates failure via the electronic vehicle interface.		X	
1.8. Brake fluid	Visual inspection	Brake fluid contaminated or sedimented. Imminent risk of failure.		X	X

## 2. STEERING

### 2.1. Mechanical condition

2.1.1. Steering gear condition	With the vehicle over a pit or on a hoist and with the road wheels off the ground or on turntables, rotate the steering wheel from lock to lock. Visual inspection of the operation of the steering gear.	(a) Roughness in operation of gear.		X	
		(b) Sector shaft twisted or splines worn. Affecting functionality.		X	X
		(c) Excessive wear in sector shaft. Affecting functionality.		X	X
		(d) Excessive movement of sector shaft. Affecting functionality.		X	X
		(e) Leaking. Formation of drops.	X	X	

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
2.1.2. Steering gear casing attachment	With vehicle on a pit or hoist and the weight of the vehicle road wheels on the ground, rotate steering/handle bar wheel clockwise and anticlockwise or using a specially adapted wheel play detector. Visual inspection of the attachment of gear casing to chassis.	(a) Steering gear casing not properly attached. Attachments dangerously loose or relative movement to chassis/bodywork visible.		X	X
		(b) Elongated fixing holes in chassis. Attachments seriously affected.		X	X
		(c) Missing or fractured fixing bolts. Attachments seriously affected.		X	X
		(d) Steering gear casing fractured. Stability or attachment of casing affected.		X	X
2.1.3. Steering linkage condition	With the vehicle over a pit or on a hoist and with the road wheel on the ground, rock steering wheel clockwise and anticlockwise or using a specially adapted wheel play detector. Visual inspection of steering components for wear, fractures and security.	(a) Relative movement between components which should be fixed. Excessive movement or likely to unlink.		X	X
		(b) Excessive wear at joints. A very serious risk of unlinking.		X	X
		(c) Fractures or deformation of any component. Affecting function.		X	X
		(d) Absence of locking devices.		X	
		(e) Misalignment of components (e.g. track rod or drag link).		X	
		(f) Unsafe modification <sup>3</sup> . Affecting function.		X	X

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
		(g) Dust cover damaged or deteriorated. Dust cover missing or severely deteriorated.	X	X	
2.1.4. Steering linkage operation	With the vehicle over a pit or on a hoist and with the road wheel on the ground, rock steering wheel clockwise and anti-clockwise or using a specially adapted wheel play detector. Visual inspection of steering components for wear, fractures and security.	(a) Moving steering linkage fouling a fixed part of the chassis.		X	
		(b) Steering stops not operating or missing.		X	
2.1.5. Power steering	Check steering system for leaks and hydraulic fluid reservoir level (if visible). With the road wheels on the ground and with the engine running, check that the power steering system is operating.	(a) Fluid leak or functions affected.		X	
		(b) Insufficient fluid (below MIN mark). Insufficient reservoir.	X	X	
		(c) Mechanism not working. Steering affected.		X	X
		(d) Mechanism fractured or insecure. Steering affected.		X	X
		(e) Misalignment or fouling of components. Steering affected.		X	X
		(f) Unsafe modification <sup>3</sup> . Steering affected.		X	X

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
		(g) Cables/hoses damaged, excessively corroded. Steering affected.		X	X

## 2.2. Steering wheel, column and handle bar

2.2.1. Steering wheel/handle bar condition	With the vehicle over a pit or on a hoist and the mass of the vehicle on the ground, push and pull the steering wheel in line with column, push steering wheel/handle bar in various directions at right angles to the column/forks. Visual inspection of play, and condition of flexible couplings or universal joints.	(a) Relative movement between steering wheel and column indicating looseness. Very serious risk of unlinking.		X	X
		(b) Absence of retaining device on steering wheel hub. Very serious risk of unlinking.		X	X
		(c) Fracture or looseness of steering wheel hub, rim or spokes. Very serious risk of unlinking.		X	X
2.2.2. Steering column/yokes and forks and steering dampers	With the vehicle over a pit or on a hoist and the mass of the vehicle on the ground, push and pull the steering wheel in line with column, push steering wheel/handle bar in various directions at right angles to the column/forks. Visual inspection of play, and condition of flexible couplings or universal joints.	(a) Excessive movement of centre of steering wheel up or down.		X	
		(b) Excessive movement of top of column radially from axis of column.		X	
		(c) Deteriorated flexible coupling.		X	
		(d) Attachment defective. Very serious risk of unlinking.		X	X
		(e) Unsafe modification <sup>3</sup>			X

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
2.3. Steering play	With the vehicle over a pit or on a hoist, the mass of the vehicle on the road wheels, the engine, if possible, running for vehicles with power steering and with the road wheels in the straight-ahead position, lightly turn the steering wheel clockwise and anti-clockwise as far as possible without moving the road wheels. Visual inspection of free movement.	Free play in steering excessive (for example, movement of a point on the rim exceeding one fifth of the diameter of the steering wheel or not in accordance with the requirements <sup>1</sup> . Safe steering affected.		X	X
2.4. Wheel alignment (X) <sup>2</sup>	Check alignment of steered wheels with suitable equipment.	Alignment not in accordance with vehicle manufacturer's data or requirements <sup>1</sup> . Straight on driving affected; directional stability impaired.	X	X	
2.5. Trailer steered axle turntable	Visual inspection or using a specially adapted wheel play detector	(a) Component slightly damaged. Component heavily damaged or cracked.		X	X
		(b) Excessive play. Straight on driving affected; directional stability impaired.		X	X
		(c) Attachment defective. Attachment seriously affected.		X	X
2.6. Electronic Power Steering (EPS)	Visual inspection and consistency check between the angle of the steering wheel and the angle of the wheels when switching on/off the engine, and/or using the electronic vehicle interface	(a) EPS malfunction indicator lamp (MIL) indicates any kind of failure of the system.		X	
		(b) Inconsistency between the angle of the steering wheel and the angle of the wheels. Steering affected.		X	X

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
		(c) Power assistance not working.		X	
		(d) System indicates failure via the electronic vehicle interface.		X	
<b>3. VISIBILITY</b>					
3.1. Field of vision	Visual inspection from driving seat.	Obstruction within driver's field of view that materially affects his view in front or to the sides (outside cleaning area of windscreen wipers).	X		
		Inside cleaning area of windscreen wipers affected or outer mirrors not visible.		X	
3.2. Condition of glass	Visual inspection.	(a) Cracked or discoloured glass or transparent panel (if permitted) (outside cleaning area of windscreen wipers).  Inside cleaning area of windscreen wipers affected or outer mirrors not visible.	X		
		(b) Glass or transparent panel (including reflecting or tinted film) that does not comply with specifications in the requirements <sup>1</sup> , (outside cleaning area of windscreen wipers).  Inside cleaning area of windscreen wipers affected or outer mirrors not visible.	X		
		(c) Glass or transparent panel in unacceptable condition.  Visibility through inside cleaning area of windscreen wipers heavily affected.		X	X
3.3. Rear-view mirrors or devices	Visual inspection.	(a) Mirror or device missing or not fitted according to the requirements <sup>1</sup> (at least two rear-view devices available).  Fewer than two rear-view devices available.		X	
				X	

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
		(b) Mirror or device slightly damaged or loose.  Mirror or device inoperative, heavily damaged, loose or insecure.	X	X	
		(c) Necessary field of vision not covered.		X	
3.4. Windscreen wipers	Visual inspection and by operation.	(a) Wipers not operating or missing or not in accordance with the requirements <sup>1</sup>		X	
		(b) Wiper blade defective.  Wiper blade missing or obviously defective.	X	X	
3.5. Windscreen washers	Visual inspection and by operation.	Washers not operating adequately (lack of washing fluid but pump operating or water-jet misaligned).  Washers not operating.	X	X	
3.6. Demisting system (X) <sup>2</sup>	Visual inspection and by operation.	System inoperative or obviously defective.	X		
<b>4. LAMPS, REFLECTORS AND ELECTRICAL EQUIPMENT</b>					
<b>4.1. Headlamps</b>					
4.1.1. Condition and operation	Visual inspection and by operation.	(a) Defective or missing light/light source.(multiple light/light sources; in the case of LED, up to 1/3 not functioning).  Single light/light sources; in the case of LED, seriously affected visibility.	X	X	
		(b) Slightly defective projection system (reflector and lens).  Heavily defective or missing projection system (reflector and lens).	X	X	

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
		(c) Lamp not securely attached.		X	
4.1.2. Alignment	Determine the horizontal aim of each headlamp on dipped beam using a headlamp aiming device or using the electronic vehicle interface.	(a) Aim of a headlamp not within limits laid down in the requirements <sup>1</sup> .		X	
		(b) System indicates failure via the electronic vehicle interface.		X	
4.1.3. Switching	Visual inspection and by operation or using the electronic vehicle interface	(a) Switch does not operate in accordance with the requirements <sup>1</sup> (Number of headlamps illuminated at the same time) Maximum permitted light brightness to the front exceeded.	X		
		(b) Function of control device impaired.		X	
		(c) System indicates failure via the electronic vehicle interface.		X	
4.1.4. Compliance with requirements <sup>1</sup> .	Visual inspection and by operation.	(a) Lamp, emitted colour, position, brightness or marking not in accordance with the requirements <sup>1</sup> .		X	
		(b) Products on lens or light source which obviously reduce light brightness or change emitted colour.		X	
		(c) Light source and lamp not compatible.		X	
4.1.5. Levelling devices (where mandatory)	Visual inspection and by operation, if possible, or using the electronic vehicle interface.	(a) Device not operating.		X	
		(b) Manual device cannot be operated from driver's seat.		X	
		(c) System indicates failure via the electronic vehicle interface.		X	



Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
4.1.6. Headlamp cleaning device (where mandatory)	Visual inspection and by operation if possible.	Device not operating. In the case of gas-discharging lamps.	X	X	
4.2. Front and rear position lamps, side marker lamps, end outline marker lamps and daytime running lamps					
4.2.1. Condition and operation	Visual inspection and by operation.	(a) Defective light source.		X	
		(b) Defective lens.		X	
		(c) Lamp not securely attached. Very serious risk of falling off.	X	X	
4.2.2. Switching	Visual inspection and by operation.	(a) Switch does not operate in accordance with the requirements <sup>1</sup> . Rear position lamps and side marker lamps can be switched off when headlamps are on.		X	
		(b) Function of control device impaired.		X	
4.2.3. Compliance with requirements <sup>1</sup>	Visual inspection and by operation.	(a) Lamp, emitted colour, position, brightness or marking not in accordance with the requirements <sup>1</sup> . Red light to the front or white light to the rear; heavily reduced light brightness.	X	X	
		(b) Products on lens or light source which reduce light, brightness or change emitted colour. Red light to the front or white light to the rear; heavily reduced light brightness.	X	X	

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
4.3. Stop Lamps					
4.3.1. Condition and operation	Visual inspection and by operation.	(a) Defective light source(multiple light source in the case of LED up to 1/3 not functioning). Single light sources; in the case of LED less than 2/3 functioning. All light sources not functioning.	X	X	X
		(b) Slightly defective lens (no influence on emitted light). Heavily defective lens (emitted light affected).	X	X	
		(c) Lamp not securely attached. Very serious risk of falling off.	X	X	
4.3.2. Switching	Visual inspection and by operation or using the electronic vehicle interface.	(a) Switch does not operate in accordance with the requirements <sup>1</sup> . Delayed operation. No operation at all.	X	X	X
		(b) Function of control device impaired.		X	
		(c) System indicates failure via the electronic vehicle interface.		X	
		(d) Emergency brake light functions fail to operate, or do not operate correctly.		X	
4.3.3. Compliance with requirements <sup>1</sup> .	Visual inspection and by operation.	Lamp, emitted colour, position, brightness or marking not in accordance with the requirements <sup>1</sup> . White light to the rear; heavily reduced light brightness.	X	X	

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
4.4. Direction indicator and hazard warning lamps					
4.4.1. Condition and operation	Visual inspection and by operation.	(a) Defective light source (multiple light source in the case of LED up to 1/3 not functioning). Single light sources; in the case of LED less than 2/3 functioning.	X	X	
		(b) Slightly defective lens (no influence on emitted light). Heavily defective lens (emitted light affected).	X	X	
		(c) Lamp not securely attached. Very serious risk of falling off.	X	X	
4.4.2. Switching	Visual inspection and by operation.	Switch does not operate in accordance with the requirements <sup>1</sup> . No operation at all.	X	X	
4.4.3. Compliance with requirements <sup>1</sup> .	Visual inspection and by operation.	Lamp, emitted colour, position, brightness or marking not in accordance with the requirements <sup>1</sup> .		X	
4.4.4. Flashing frequency	Visual inspection and by operation.	Rate of flashing not in accordance with the requirements <sup>1</sup> .(frequency more than 25 % deviating).	X		
4.5. Front and rear fog lamps					
4.5.1. Condition and operation	Visual inspection and by operation.	(a) Defective light source. (multiple light source in the case of LED up to 1/3 not functioning). Single light sources; in the case of LED less than 2/3 functioning.	X	X	
		(b) Slightly defective lens (no influence on emitted light). Heavily defective lens (emitted light affected).	X	X	

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
		(c) Lamp not securely attached. Very serious risk of falling off or dazzling oncoming traffic.	X	X	
4.5.2. Alignment (X) <sup>2</sup>	By operation and using a headlamp aiming device	Front fog lamp out of horizontal alignment when the light pattern has cut-off line (cut-off line too low). Cut-off line above that for dipped beam headlamps.	X	X	
4.5.3. Switching	Visual inspection and by operation.	Switch does not operate in accordance with the requirements <sup>1</sup> . Not operative.	X	X	
4.5.4. Compliance with requirements <sup>1</sup> .	Visual inspection and by operation.	(a) Lamp, emitted colour, position, brightness or marking not in accordance with the requirements <sup>1</sup>		X	
		(b) System does not operate in accordance with the requirements <sup>1</sup>		X	
4.6. Reversing lamps					
4.6.1. Condition and operation	Visual inspection and by operation.	(a) Defective light source.	X		
		(b) Defective lens.	X		
		(c) Lamp not securely attached. Very serious risk of falling off.	X	X	
4.6.2. Compliance with requirements <sup>1</sup>	Visual inspection and by operation.	(a) Lamp, emitted colour, position, brightness or marking not in accordance with the requirements <sup>1</sup>		X	
		(b) System does not operate in accordance with the requirements <sup>1</sup> .		X	

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
4.6.3. Switching	Visual inspection and by operation.	Switch does not operate in accordance with the requirements <sup>1</sup> . Reversing lamp can be switched on with gear not in reverse position.	X	X	
4.7. Rear registration plate lamp					
4.7.1. Condition and operation	Visual inspection and by operation.	(a) Lamp throwing direct or white light to the rear.	X		
		(b) Defective light source. (Multiple light source). Defective light source. (Single light source).	X	X	
		(c) Lamp not securely attached. Very serious risk of falling off.	X	X	
4.7.2. Compliance with requirements <sup>1</sup>	Visual inspection and by operation.	System does not operate in accordance with the requirements <sup>1</sup> .	X		
4.8. Retro-reflectors, conspicuity (retro reflecting) markings and rear marking plates					
4.8.1. Condition	Visual inspection.	(a) Reflecting equipment defective or damaged. Reflecting affected.	X	X	
		(b) Reflector not securely attached. Likely to fall off.	X	X	
4.8.2. Compliance with requirements <sup>1</sup>	Visual inspection.	Device, reflected colour or position not in accordance with the requirements <sup>1</sup> Missing or reflecting red colour to the front or white colour to the rear.	X	X	

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
4.9. Tell-tales mandatory for lighting equipment					
4.9.1. Condition and operation	Visual inspection and by operation.	Not operating. Not operating for main beam headlamp or rear fog lamp.	X	X	
4.9.2. Compliance with requirements <sup>1</sup>	Visual inspection and by operation.	Not in accordance with the requirements <sup>1</sup> .	X		
4.10. Electrical connections between towing vehicle and trailer or semi-trailer	Visual inspection: if possible examine the electrical continuity of the connection.	(a) Fixed components not securely attached. Loose socket.	X	X	
		(b) Damaged or deteriorated insulation. Likely to cause a short-circuit fault.	X	X	
		(c) Trailer or towing vehicle electrical connections not functioning correctly. Trailer brake lights not working at all.		X	X
4.11. Electrical wiring	Visual inspection with vehicle over a pit or on a hoist, including inside the engine compartment (if applicable).	(a) Wiring insecure or not adequately secured. Fixings loose, touching sharp edges, connectors likely to be disconnected. Wiring likely to touch hot parts, rotating parts or the ground, connectors disconnected (relevant parts for braking, steering).	X	X	X
		(b) Wiring slightly deteriorated. Wiring heavily deteriorated. Wiring extremely deteriorated (relevant parts for braking, steering).	X	X	X

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
		(c) Damaged or deteriorated insulation. Likely to cause a short-circuit fault. Imminent risk of fire, formation of sparks.	X	X	X
4.12. Non obligatory lamps and retro-reflectors (X) <sup>2</sup>	Visual inspection and by operation.	(a) A lamp/retro-reflector fitted not in accordance with the requirements <sup>1</sup> . Emitting/reflecting red light to the front or white light to the rear.	X	X	
		(b) Lamp operation not in accordance with the requirements <sup>1</sup> . Number of headlights simultaneously operating exceeding permitted light brightness; Emitting red light to the front or white light to the rear.	X	X	
		(c) Lamp/retro-reflector not securely attached. Very serious risk of falling off.	X	X	
4.13. Battery(ies)	Visual inspection.	(a) Insecure. Not properly attached; likely to cause a short-circuit fault.	X	X	
		(b) Leaking. Loss of hazardous substances.	X	X	
		(c) Defective switch (if required).		X	
		(d) Defective fuses (if required).		X	
		(e) Inappropriate ventilation (if required).		X	

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
5. AXLES, WHEELS, TYRES AND SUSPENSION					
5.1. Axles					
5.1.1. Axles	Visual inspection with vehicle over a pit or on a hoist. Wheel play detectors may be used and are recommended for vehicles having a maximum mass exceeding 3,5 tonnes	(a) Axle fractured or deformed.			X
		(b) Insecure fixing to vehicle. Stability impaired, functionality affected: Extensive movement relative to its fixtures.		X	X
		(c) Unsafe modification <sup>3</sup> . Stability impaired, functionality affected, insufficient clearance to other vehicle parts or to the ground.		X	X
5.1.2. Stub axles	Visual inspection with vehicle over a pit or on a hoist. Wheel play detectors may be used and are recommended for vehicles having a maximum mass exceeding 3,5 tonnes. Apply a vertical or lateral force to each wheel and note the amount of movement between the axle beam and stub axle.	(a) Stub axle fractured.			X
		(b) Excessive wear in the swivel pin and/or bushes. Likelihood of loosening; directional stability impaired.		X	X
		(c) Excessive movement between stub axle and axle beam. Likelihood of loosening; directional stability impaired.		X	X
		(d) Stub axle pin loose in axle. Likelihood of loosening; directional stability impaired.		X	X
5.1.3. Wheel bearings	Visual inspection with the vehicle over a pit or on a hoist. Wheel play detectors may be used and are recommended for vehicles having a maximum mass exceeding 3,5 tonnes. Rock the wheel or apply a lateral force to each wheel and note the amount of upward movement of the wheel relative to the stub axle.	(a) Excessive play in a wheel bearing. Directional stability impaired; danger of demolition.		X	X
		(b) Wheel bearing too tight, jammed. Danger of overheating; danger of demolition.		X	X



Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
5.2. Wheels and tyres					
5.2.1. Road wheel hub	Visual inspection.	(a) Any wheel nuts or studs missing or loose. Missing fixing or loose to an extent which very seriously affects road safety.		X	X
		(b) Hub worn or damaged. Hub worn or damaged in such a way that secure fixing of wheels is affected.		X	X
5.2.2. Wheels	Visual inspection of both sides of each wheel with vehicle over a pit or on a hoist.	(a) Any fracture or welding defect.			X
		(b) Tyre retaining rings not properly fitted. Likely to come off.		X	X
		(c) Wheel badly distorted or worn. Secure fixing to hub affected; secure fixing of tyre affected.		X	X
		(d) Wheel size, technical design, compatibility or type not in accordance with the requirements <sup>1</sup> and affecting road safety.		X	
5.2.3. Tyres	Visual inspection of the entire tyre by either rotating the road wheel with it off the ground and the vehicle over a pit or on a hoist, or by rolling the vehicle backwards and forwards over a pit.	(a) Tyre size, load capacity, approval mark or speed category not in accordance with the requirements <sup>1</sup> and affecting road safety. Insufficient load capacity or speed category for actual use, tyre touches other fixed vehicle parts impairing safe driving.		X	X
		(b) Tyres on same axle or on twin wheels of different sizes.		X	

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
		(c) Tyres on same axle of different construction (radial/cross-ply).		X	
		(d) Any serious damage or cut to tyre. Cord visible or damaged.		X	X
		(e) Tyre tread wear indicator becomes exposed. Tyre tread depth not in accordance with the requirements <sup>1</sup> .		X	X
		(f) Tyre rubbing against other components (flexible anti spray devices). Tyre rubbing against other components (safe driving not impaired)	X	X	
		(g) Re-grooved tyres not in accordance with requirements <sup>1</sup> . Cord protection layer affected.		X	X
		(h) Tyre pressure monitoring system malfunctioning or tyre obviously underinflated. Obviously inoperative.	X	X	

### 5.3. Suspension system

5.3.1. Springs and stabiliser	Visual inspection with vehicle over a pit or on a hoist. Wheel play detectors may be used and are recommended for vehicles having a maximum mass exceeding 3,5 tonnes	(a) Insecure attachment of springs to chassis or axle. Relative movement visible. fixings very seriously loose.		X	X
		(b) A damaged or fractured spring component. Main spring (-leaf), or additional leaves very seriously affected.		X	X

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
		(c) Spring missing Main spring (-leaf), or additional leafs very seriously affected.		X	X
		(d) Unsafe modification <sup>3</sup> Insufficient clearance to other vehicle parts; spring system inoperative.		X	X
5.3.2. Shock absorbers	Visual inspection with vehicle over a pit or on a hoist or using special equipment, if available.	(a) Insecure attachment of shock absorbers to chassis or axle. Shock absorber loose.	X	X	
		(b) Damaged shock absorber showing signs of severe leakage or malfunction.		X	
5.3.2.1. efficiency testing of damping (X) <sup>2</sup>	Use special equipment and compare left/right differences	(a) Significant difference between left and right.		X	
		(b) Given minimum values not reached.		X	
5.3.3. Torque tubes, radius arms, wishbones and suspension arms	Visual inspection with vehicle over a pit or on a hoist. Wheel play detectors may be used and are recommended for vehicles having a maximum mass exceeding 3,5 tonnes	(a) Insecure attachment of component to chassis or axle. Likelihood of loosening; directional stability impaired.		X	X
		(b) A damaged or excessively corroded component. Stability of component affected or component fractured.		X	X
		(c) Unsafe modification <sup>3</sup> . Insufficient clearance to other vehicle parts; system inoperative.		X	X

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
5.3.4. Suspension joints	Visual inspection with vehicle over a pit or on a hoist. Wheel play detectors may be used and are recommended for vehicles having a maximum mass exceeding 3,5 tonnes	(a) Excessive wear in swivel pin and/or bushes or at suspension joints. Likelihood of loosening; directional stability impaired.		X	X
		(b) Dust cover severely deteriorated. Dust cover missing or fractured.	X	X	
5.3.5. Air suspension	Visual inspection	(a) System inoperable.			X
		(b) Any component damaged, modified or deteriorated in a way that would adversely affect the functioning of the system. Functioning of system seriously affected.		X	X
		(c) Audible system leakage.		X	

## 6. CHASSIS AND CHASSIS ATTACHMENTS

### 6.1. Chassis or frame and attachments

6.1.1. General condition	Visual inspection with vehicle over a pit or on a hoist.	(a) Slight fracture or deformation of any side or cross-member. Serious fracture or deformation of any side or cross-member.		X	X
		(b) Insecurity of strengthening plates or fastenings. Majority of fastenings loose; insufficient strength of parts.		X	X
		(c) Excessive corrosion which affects the rigidity of the assembly. Insufficient strength of parts.		X	X

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
6.1.2. Exhaust pipes and silencers	Visual inspection with vehicle over a pit or on a hoist.	(a) Insecure or leaking exhaust system		X	
		(b) Fumes entering cab or passengers compartment. Danger to health of persons on board.		X	X
6.1.3. Fuel tank and pipes (including heating fuel tank and pipes)	Visual inspection with vehicle over a pit or on a hoist, use of leak detecting devices in the case of LPG/CNG/LNG systems.	(a) Insecure tank or pipes, creating particular risk of fire.			X
		(b) Leaking fuel or missing or ineffective filler cap. Risk of fire; excessive loss of hazardous material.		X	X
		(c) Chafed pipes. Damaged pipes.	X	X	
		(d) Fuel stopcock (if required) not operating correctly.		X	
		(e) Fire risk due to: — leaking fuel; — fuel tank or exhaust not properly shielded; — engine compartment condition.			X
		(f) LPG/CNG/LNG or hydrogen system not in accordance with requirements; any part of the system defective <sup>1</sup>			X
6.1.4. Bumpers, lateral protection and rear underrun devices	Visual inspection.	(a) Looseness or damage likely to cause injury when grazed or contacted. Parts likely to fall off; functionality heavily affected.		X	X
		(b) Device obviously not in compliance with the requirements <sup>1</sup>		X	

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
6.1.5. Spare wheel carrier (if fitted)	Visual inspection.	(a) Carrier not in proper condition	X		
		(b) Carrier fractured or insecure.		X	
		(c) A spare wheel not securely fixed in carrier Very serious risk of falling off.		X	X
6.1.6. Mechanical coupling and towing device	Visual inspection for wear and correct operation with special attention to any safety device fitted and/or use of measuring gauge.	(a) Component damaged, defective or cracked (if not in use). Component damaged, defective or cracked (if in use)		X	X
		(b) Excessive wear in a component. Below wear limit.		X	X
		(c) Attachment defective. Any attachment loose with a very serious risk of falling off.		X	X
		(d) Any safety device missing or not operating correctly.		X	
		(e) Any coupling indicator not working.		X	
		(f) Obstruct registration plate or any lamp (when not in use) Registration plate not readable (when not in use).	X		X
		(g) Unsafe modification <sup>3</sup> (secondary parts). Unsafe modification <sup>3</sup> (primary parts).		X	X
		(h) Coupling too weak.		X	

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
6.1.7. Transmission	Visual inspection.	(a) Loose or missing securing bolts Loose or missing securing bolts to such an extent that road safety is seriously endangered.		X	X
		(b) Excessive wear in transmission shaft bearings. Very serious risk of loosening or cracking.		X	X
		(c) Excessive wear in universal joints or transmission chains/belts. Very serious risk of loosening or cracking.		X	X
		(d) Deteriorated flexible couplings. Very serious risk of loosening or cracking.		X	X
		(e) A damaged or bent shaft.		X	
		(f) Bearing housing fractured or insecure. Very serious risk of loosening or cracking.		X	X
		(g) Dust cover severely deteriorated. Dust cover missing or fractured.	X	X	
		(h) Illegal power-train modification.		X	
6.1.8. Engine mountings	Visual inspection not necessarily on a pit or hoist.	Deteriorated, obviously and severely damaged mountings. Loose or fractured mountings.		X	X
6.1.9. Engine performance (X) <sup>2</sup>	Visual inspection and/or using electronic interface	(a) Control unit modified affecting safety and/or the environment.		X	

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
		(b) Engine modification affecting safety and/or the environment.			X
6.2. Cab and bodywork					
6.2.1. Condition	Visual inspection	(a) A loose or damaged panel or part likely to cause injury. Likely to fall off.		X	X
		(b) Insecure body pillar. Stability impaired.		X	X
		(c) Permitting entry of engine or exhaust fumes. Danger to health of persons on board.		X	X
		(d) Unsafe modification <sup>3</sup> . Insufficient clearance to rotating or moving parts and road.		X	X
6.2.2. Mounting	Visual inspection over a pit or on a hoist.	(a) Body or cab insecure. Stability affected.		X	X
		(b) Body/cab obviously not located squarely on chassis.		X	
		(c) Insecure or missing fixing of body/cab to chassis or cross-members and if symmetrical Insecure or missing fixing of body/cab to chassis or cross-members to such an extent that road safety is very seriously endangered.		X	X
		(d) Excessive corrosion at fixing points on integral bodies. Stability impaired.		X	X



Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
6.2.3. Doors and door catches	Visual inspection.	(a) A door will not open or close properly.		X	
		(b) A door likely to open inadvertently or one that will not remain closed (sliding doors). A door likely to open inadvertently or one that will not remain closed (turning doors).		X	X
		(c) Door, hinges, catches or pillar deteriorated. Door, hinges, catches or pillar missing or loose.	X	X	
6.2.4. Floor	Visual inspection over a pit or on a hoist.	Floor insecure or badly deteriorated. Insufficient stability.		X	X
6.2.5. Driver's seat	Visual inspection.	(a) Seat with defective structure. Loose seat.		X	X
		(b) Adjustment mechanism not functioning correctly. Seat moving or backrest not fixable.		X	X
6.2.6. Other seats	Visual inspection.	(a) Seats in defective condition or insecure (secondary parts). Seats in defective condition or insecure (main parts).	X	X	
		(b) Seats not fitted in accordance with requirements <sup>1</sup> . Permitted number of seats exceeded; positioning not in compliance with approval.	X	X	
6.2.7. Driving controls	Visual inspection and by operation.	Any control necessary for the safe operation of the vehicle not functioning correctly. Safe operation affected.		X	X

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
6.2.8. Cab steps	Visual inspection.	(a) Step or step rung insecure. Insufficient stability.	X	X	
		(b) Step or rung in a condition likely to cause injury to users.		X	
6.2.9. Other interior and exterior fittings and equipment	Visual inspection.	(a) Attachment of other fitting or equipment defective.		X	
		(b) Other fitting or equipment not in accordance with the requirements <sup>1</sup> . Parts fitted likely to cause injuries; safe operation affected.	X	X	
		(c) Leaking hydraulic equipment. Extensive loss of hazardous material.	X	X	
6.2.10. Mudguards (wings), spray suppression devices	Visual inspection.	(a) Missing, loose or badly corroded. Likely to cause injuries; likely to fall off.	X	X	
		(b) Insufficient clearance to tyre/wheel (spray suppression). Insufficient clearance to tyre/wheel (mudguards).	X	X	
		(c) Not in accordance with the requirements <sup>1</sup> . Insufficient coverage of tread.	X	X	
6.2.11. Stand	Visual inspection.	(a) Missing, loose or badly corroded.		X	
		(b) Not in accordance with the requirements <sup>1</sup>		X	
		(c) Risk of unfolding when the vehicle is in motion.			X

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
6.2.12. Handgrips and footrests	Visual inspection.	(a) Missing, loose or badly corroded.		X	
		(b) Not in accordance with the requirements <sup>1</sup>		X	
7. OTHER EQUIPMENT					
7.1. Safety-belts/buckles and restraint systems					
7.1.1. Security of safety-belts/buckles mounting	Visual inspection.	(a) Anchorage point badly deteriorated. Stability affected.		X	X
		(b) Anchorage loose.		X	
7.1.2. Condition of safety-belts/buckles.	Visual inspection and by operation.	(a) Mandatory safety-belt missing or not fitted.		X	
		(b) Safety-belt damaged. Any cut or sign of overstretching.	X	X	
		(c) Safety-belt not in accordance with the requirements <sup>1</sup> .		X	
		(d) Safety-belt buckle damaged or not functioning correctly.		X	
		(e) Safety-belt retractor damaged or not functioning correctly.		X	
7.1.3. Safety belt load limiter	Visual inspection, and/or using electronic interface	(a) Load limiter obviously missing or not suitable with the vehicle.		X	
		(b) System indicates failure via the electronic vehicle interface.			X

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
7.1.4. Safety belt Pre-tensioners	Visual inspection, and/or using electronic interface	(a) Pre-tensioner obviously missing or not suitable with the vehicle.		X	
		(b) System indicates failure via the electronic vehicle interface.			X
7.1.5. Airbag	Visual inspection, and/or using electronic interface	(a) Airbags obviously missing or not suitable with the vehicle.		X	
		(b) System indicates failure via the electronic vehicle interface.			X
		(c) Airbag obviously non-operative.		X	
7.1.6. SRS Systems	Visual inspection of MIL, and/or using electronic interface	(a) SRS MIL indicates any kind of failure of the system.		X	
		(b) System indicates failure via the electronic vehicle interface.			X
7.2. Fire extinguisher (X) <sup>2</sup>	Visual inspection.	(a) Missing.		X	
		(b) Not in accordance with the requirements <sup>1</sup> If required (e.g. taxi, buses, coaches, etc.).	X	X	
7.3. Locks and anti-theft device	Visual inspection and by operation	(a) Device not functioning to prevent vehicle being driven.	X		
		(b) Defective Inadvertently locking or blocking.		X	X
7.4. Warning triangle (if required) (X) <sup>2</sup>	Visual inspection.	(a) Missing or incomplete.	X		
		(b) Not in accordance with the requirements <sup>1</sup> .	X		

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
7.5. First aid kit. (if required) (X) <sup>2</sup>	Visual inspection.	Missing, incomplete or not in accordance with the requirements <sup>1</sup> .	X		
7.6. Wheel chocks (wedges) (if required) (X) <sup>2</sup>	Visual inspection.	Missing or not in good condition, insufficient stability or dimension.		X	
7.7. Audible warning device	Visual inspection and by operation	(a) Not working properly. Not working at all.	X	X	
		(b) Control insecure.	X		
		(c) Not in accordance with the requirements <sup>1</sup> . Emitted sound likely to be confused with official sirens.	X	X	
7.8. Speedometer	Visual inspection or by operation during road test or by electronical means.	(a) Not fitted in accordance with the requirements <sup>1</sup> . Missing (if required).	X	X	
		(b) Operation impaired. Not operational at all.	X	X	
		(c) Not capable of being sufficiently illuminated. Not capable of being illuminated at all.	X	X	
7.9. Tachograph (if fitted/required)	Visual inspection.	(a) Not fitted in accordance with the requirements <sup>1</sup> .		X	
		(b) Not operational.		X	
		(c) Defective or missing seals.		X	

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
		(d) Installation plaque missing, illegible or out of date.		X	
		(e) Obvious tampering or manipulation.		X	
		(f) Size of tyres not compatible with calibration parameters.		X	
7.10. Speed limitation device (if fitted/required)	Visual inspection and by operation if equipment available.	(a) Not fitted in accordance with the requirements <sup>1</sup> .		X	
		(b) Obviously not operational.		X	
		(c) Incorrect set speed (if checked).		X	
		(d) Defective or missing seals.		X	
		(e) Plaque missing or illegible.		X	
		(f) Size of tyres not compatible with calibration parameters.		X	
7.11. Odometer if available (X) <sup>2</sup>	Visual inspection, and/or using electronic interface	(a) Obviously manipulated (fraud) to reduce or misrepresent the vehicle's distance record.		X	
		(b) Obviously inoperative.		X	
7.12. Electronic Stability Control (ESC) if fitted/required	Visual inspection, and/or using electronic interface	(a) Wheel speed sensors missing or damaged.		X	
		(b) Wirings damaged.		X	
		(c) Other components missing or damaged.		X	

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
		(d) Switch damaged or not functioning correctly.		X	
		(e) ESC MIL indicates any kind of failure of the system.		X	
		(f) System indicates failure via the electronic vehicle interface.		X	

## 8. NUISANCE

## 8.1. Noise

8.1.1. Noise suppression system	Subjective evaluation (unless the inspector considers that the noise level may be borderline, in which case a measurement of noise emitted by stationary vehicle using a sound level meter may be conducted)	(a) Noise levels in excess of those permitted in the requirements <sup>1</sup> .		X	
		(b) Any part of the noise suppression system loose, damaged, incorrectly fitted, missing or obviously modified in a way that would adversely affect the noise levels.  Very serious risk of falling off.		X	X

## 8.2. Exhaust emissions

## 8.2.1. Positive ignition engine emissions

8.2.1.1. Exhaust emissions control equipment	Visual inspection	(a) Emission control equipment fitted by the manufacturer absent, modified or obviously defective.		X	
		(b) Leaks which would affect emission measurements.		X	

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
8.2.1.2. Gaseous emissions	<p>— For vehicles up to emission classes Euro 5 and Euro V <sup>(7)</sup>: measurement using an exhaust gas analyser in accordance with the requirements<sup>1</sup> or reading of OBD. Tailpipe testing shall be the default method of exhaust emission assessment. On the basis of an assessment of equivalence, and by taking into account the relevant type-approval legislation, Member States may authorise the use of OBD in accordance with the manufacturer's recommendations and other requirements.</p> <p>— For vehicles as of emission classes Euro 6 and Euro VI <sup>(8)</sup>: measurement using an exhaust gas analyser in accordance with the requirements<sup>1</sup> or reading of OBD in accordance with the manufacturer's recommendations and other requirements<sup>1</sup>.</p> <p>Measurements not applicable for two-stroke engines.</p>	(a) Either gaseous emissions exceed the specific levels given by the manufacturer;		X	
		(b) Or, if this information is not available, the CO emissions exceed, (i) for vehicles not controlled by an advanced emission control system, — 4,5 %, or — 3,5 % according to the date of first registration or use specified in requirements <sup>1</sup> . (ii) for vehicles controlled by an advanced emission control system, — at engine idle: 0,5 % — at high idle: 0,3 % or — at engine idle: 0,3 % <sup>(7)</sup> — at high idle: 0,2 % according to the date of first registration or use specified in requirements <sup>1</sup> .		X	
		(c) Lambda coefficient outside the range $1 \pm 0,03$ or not in accordance with the manufacturer's specification;		X	
		(d) OBD read-out indicating significant malfunction.		X	



Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
8.2.2. Compression ignition engine emissions					
8.2.2.1. Exhaust emission control equipment	Visual inspection	(a) Emission control equipment fitted by the manufacturer absent or obviously defective.		X	
		(b) Leaks which would affect emission measurements.		X	
8.2.2.2. Opacity Vehicles registered or put into service before 1 January 1980 are exempted from this requirement	<p>— For vehicles up to emission classes Euro 5 and Euro V<sup>(9)</sup>: 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 or reading of OBD. The tailpipe testing shall be the default method of exhaust emission assessment. On the basis of an assessment of equivalence, Member States may authorise the use of OBD in accordance with the manufacturer's recommendations and other requirements.</p> <p>— For vehicles as of emission classes Euro 6 and Euro VI<sup>(10)</sup>: 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 or reading of OBD in accordance with the manufacturer's recommendations and other requirements<sup>1</sup>.</p> <p>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.</p>	(a) For vehicles registered or put into service for the first time after the date specified in requirements <sup>1</sup> .  opacity exceeds the level recorded on the manufacturer's plate on the vehicle;		X	

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
	<p>2. Precondition requirements:</p> <p>(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 the 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.</p> <p>(ii) Exhaust system shall be purged by at least three free acceleration cycles or by an equivalent method.</p>				
		<p>(b) Where this information is not available or requirements<sup>1</sup> do not allow the use of reference values,</p> <p>— for naturally aspirated engines: 2,5 m<sup>-1</sup>,</p> <p>— for turbo-charged engines: 3,0 m<sup>-1</sup>, or</p> <p>— for vehicles identified in requirements<sup>1</sup> or first registered or put into service for the first time after the date specified in requirements<sup>1</sup>:</p> <p>1,5 m<sup>-1</sup> <sup>(11)</sup></p> <p>or 0,7 m<sup>-1</sup> <sup>(12)</sup></p>		X	

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
	<p>Test procedure:</p> <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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 categories M<sub>2</sub>, M<sub>3</sub>, N<sub>2</sub> and N<sub>3</sub>, should be at least two seconds.</li> <li>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.</li> </ol>				

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
	5. To avoid unnecessary testing, Member States may fail vehicles which have measured values significantly in excess of the limit values after fewer 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 fewer than three free acceleration cycles or after the purging cycles				
8.3. Electromagnetic interference suppression					
Radio interference (X) <sup>2</sup>		Any requirements of the requirements <sup>1</sup> not met.	X		
8.4. Other items related to the environment					
8.4.1. Fluid leaks		Any excessive fluid leak, other than water, likely to harm the environment or to pose a safety risk to other road users.  Steady formation of drops that constitutes a very serious risk.		X	X
9. SUPPLEMENTARY TESTS FOR PASSENGER-CARRYING VEHICLES CATEGORIES M <sub>2</sub> , M <sub>3</sub>					
9.1. Doors					
9.1.1. Entrance and exit doors	Visual inspection and by operation.	(a) Defective operation.		X	
		(b) Deteriorated condition. Likely to cause injuries.	X		X
		(c) Defective emergency control.		X	
		(d) Remote control of doors or warning devices defective.		X	
		(e) Not in accordance with the requirements <sup>1</sup> . Insufficient door width.	X		X

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
9.1.2. Emergency exits	Visual inspection and by operation (where appropriate)	(a) Defective operation.		X	
		(b) Emergency exits signs illegible. Emergency exits signs missing.	X	X	
		(c) Missing hammer to break glass.	X		
		(d) Not in accordance with requirements <sup>1</sup> . Insufficient width or access blocked.	X	X	
9.2. Demisting and defrosting system (X) <sup>2</sup>	Visual inspection and by operation	(a) Not operating correctly. Affecting safe operation of the vehicle.	X	X	
		(b) Emission of toxic or exhaust gases into driver's or passenger compartment. Danger to health of persons on board.		X	X
		(c) Defective defrosting (if compulsory).		X	
9.3. Ventilation & heating system (X) <sup>2</sup>	Visual inspection and by operation	(a) Defective operation. Risk to health of persons on board.	X	X	
		(b) Emission of toxic or exhaust gases into driver's or passenger compartment. Danger to health of persons on board.		X	X
9.4. Seats					
9.4.1. Passenger seats (including seats for accompanying personnel)	Visual inspection	Folding seats (if allowed) not working automatically. Blocking an emergency exit.	X	X	
9.4.2. Driver's seat (additional requirements)	Visual inspection	(a) Defective special devices such as anti-glare shield. Field of vision impaired.	X	X	
		(b) Protection for driver insecure or not in accordance with requirements <sup>1</sup> . Likely to cause injuries.	X	X	

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
9.5. Interior lighting and destination devices (X) <sup>2</sup>	Visual inspection and by operation	Device defective or not in accordance with requirements <sup>1</sup> . Not operational at all.	X	X	
9.6. Gangways, standing areas	Visual inspection	(a) Insecure floor. Stability affected.		X	X
		(b) Defective rails or grab handles. Insecure or un-useable.	X	X	
		(c) Not in accordance with the requirements <sup>1</sup> . Insufficient width or space.	X	X	
9.7. Stairs and steps	Visual inspection and by operation (where appropriate)	(a) Deteriorated condition. Damaged condition. Stability affected.	X	X	X
		(b) Retractable steps not operating correctly.		X	
		(c) Not in accordance with requirements <sup>1</sup> Insufficient width or exceeding height.	X	X	
9.8. Passenger communication system (X) <sup>2</sup>	Visual inspection and by operation.	Defective system. Not operational at all.	X	X	
9.9. Notices (X) <sup>2</sup>	Visual inspection.	(a) Missing, erroneous or illegible notice.	X		
		(b) Not in accordance with requirements <sup>1</sup> . False information.	X	X	
9.10. Requirements regarding the transportation of children. (X) <sup>2</sup>					
9.10.1. Doors	Visual inspection	Protection of doors not in accordance with the requirements <sup>1</sup> . regarding this form of transport.		X	
9.10.2. Signalling and special equipment	Visual inspection	Signalling or special equipment absent or not in accordance with requirements <sup>1</sup>	X		

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
9.11. Requirements regarding the transportation of persons with reduced mobility (X) <sup>2</sup>					
9.11.1. Doors, ramps and lifts	Visual inspection and operation	(a) Defective operation. Safe operation affected.	X	X	
		(b) Deteriorated condition. Stability affected; likely to cause injuries.	X	X	
		(c) Defective control(s). Safe operation affected.	X	X	
		(d) Defective warning device(s). Not operating at all.	X	X	
		(e) Not in accordance with the requirements <sup>1</sup> .		X	
9.11.2. Wheelchair restraint system	Visual inspection and by operation if appropriate	(a) Defective operation. Safe operation affected.	X	X	
		(b) Deteriorated condition. Stability affected; likely to cause injuries.	X	X	
		(c) Defective control(s). Safe operation affected.	X	X	
		(d) Not in accordance with the requirements <sup>1</sup> .		X	
9.11.3. Signalling and special equipment	Visual inspection	Signalling or special equipment absent or not in accordance with requirements <sup>1</sup> .		X	
9.12. Other special equipment (X) <sup>2</sup>					
9.12.1. Installations for food preparation	Visual inspection	(a) Installation not in accordance with the requirements <sup>1</sup> .		X	
		(b) Installation damaged to such an extent that it would be dangerous to use it.		X	

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
9.12.2. Sanitary installation	Visual inspection	Installation not in accordance with the requirements <sup>1</sup> . Likely to cause injuries.	X	X	
9.12.3. Other devices (e.g. audiovisual systems)	Visual inspection	Not in accordance with the requirements <sup>1</sup> . Safe operation of vehicle affected.	X	X	

(<sup>1</sup>) The vehicle categories which are outside the scope of this Directive are included for guidance.

(<sup>2</sup>) 43 % for semi-trailers approved before 1 January 2012.

(<sup>3</sup>) 48 % for vehicles not fitted with ABS or type-approved before 1 October 1991.

(<sup>4</sup>) 45 % for vehicles registered after 1988 or from the date specified in requirements, whichever is the later.

(<sup>5</sup>) 43 % for semi-trailers and draw-bar trailers registered after 1988 or from the date specified in requirements, whichever is the later.

(<sup>6</sup>) E.g. 2,5 m/s<sup>2</sup> for N<sub>1</sub>, N<sub>2</sub> and N<sub>3</sub> vehicles registered for the first time after 1.1.2012.

(<sup>7</sup>) Type-approved in accordance with Directive 70/220/EEC, Regulation (EC) No 715/2007, Annex I, Table 1 (Euro 5), Directive 88/77/EEC and Directive 2005/55/EC.

(<sup>8</sup>) Type-approved in accordance with Regulation (EC) No 715/2007, Annex I, Table 2 (Euro 6) and Regulation (EC) No 595/2009 (Euro VI).

(<sup>9</sup>) Type-approved in accordance with Directive 70/220/EEC, Annex I, Table 1 (Euro 5) to Regulation (EC) No 715/2007, Directive 88/77/EEC and Directive 2005/55/EC.

(<sup>10</sup>) Type-approved in accordance with Annex I, Table 2 (Euro 6) to Regulation (EC) No 715/2007, and Regulation (EC) No 595/2009 (Euro VI).

(<sup>11</sup>) Type-approved in accordance with limits in row B, section 5.3.1.4 of Annex I to Directive 70/220/EEC as amended by Directive 98/69/EC or later; row B1, B2 or C, section 6.2.1 of Annex I to Directive 88/77/EEC or first registered or put into service after 1 July 2008.

(<sup>12</sup>) Type-approved in accordance with the Regulation (EC) No 715/2007, Table 2, Annex I (Euro 6). Type-approved in accordance with Regulation (EC) No 595/2009 (Euro VI).

#### NOTES:

<sup>1</sup> 'Requirements' are laid down by type-approval at the date of approval, first registration or first entry into service as well as by retrofitting obligations or by national legislation in the country of registration. These reasons for failure apply only when compliance with requirements has been checked.

<sup>2</sup> (X) identifies items which relate to the condition of the vehicle and its suitability for use on the road but which are not considered essential in a roadworthiness test.

<sup>3</sup> Unsafe modification means a modification that adversely affects the road safety of the vehicle or has a disproportionately adverse effect on the environment.



## ANNEX II

**MINIMUM CONTENTS OF A ROADWORTHINESS CERTIFICATE**

The roadworthiness certificate issued following a roadworthiness test shall cover at least the following elements preceded by the corresponding harmonised Union codes:

- (1) Vehicle Identification Number (VIN number or chassis number)
  - (2) Registration plate number of the vehicle and country symbol of the State of registration
  - (3) Place and date of the test
  - (4) Odometer reading at the time of the test, if available
  - (5) Vehicle category, if available
  - (6) Identified deficiencies and their level of severity
  - (7) Result of the roadworthiness test
  - (8) Date of the next roadworthiness test or date of expiry of the current certificate, if this information is not provided by other means
  - (9) Name of testing organisation or centre and signature or identification of the inspector responsible for the test
  - (10) Other information
-

## ANNEX III

**MINIMUM REQUIREMENTS CONCERNING ROADWORTHINESS FACILITIES AND TEST EQUIPMENT**

## I. Facilities and equipment

Roadworthiness tests undertaken in accordance with the recommended methods specified in Annex I shall be carried out by using appropriate facilities and equipment. This may include, where applicable, the use of mobile test units. The test equipment that is necessary will depend on the vehicle categories to be tested, as described in Table I. Facilities and equipment shall comply with the following minimum requirements:

- (1) A test facility with adequate space for the evaluation of vehicles which meets the necessary health and safety requirements;
- (2) A test lane of sufficient size for each test, a pit or lift and, for vehicles having a maximum mass exceeding 3,5 tonnes, a device to lift a vehicle on one of the axles, equipped with appropriate lighting and, where necessary, with aeration devices;
- (3) For testing any vehicle, a roller brake tester capable of measuring, displaying and recording the braking forces and the air pressure in air brake systems in accordance with Annex A to standard ISO 21069-1 on the technical requirements of roller brake tester or equivalent standards;
- (4) For testing vehicles having a maximum mass not exceeding 3,5 tonnes, a roller brake tester in accordance with item 3, which may not include the recording of braking forces, pedal force and the air pressure in air brake systems and their display;

or

A plate brake tester equivalent to the roller brake tester in accordance with item 3, which may not include the recording capability of the braking forces, pedal force and the display of air pressure in air brake systems;

- (5) A deceleration recording instrument, while non-continuous measurement instruments must record/store measurements at least 10 times per second;
- (6) Facilities for the testing of air brake systems, such as manometers, connectors and hoses;
- (7) A wheel/axle load measuring device to determine the axle loads (optional facilities for measuring two-wheel loads, such as wheel weight pads and axle weight pads);
- (8) A device for testing the wheel-axle suspension (wheel play detector) without lifting the axis, meeting the following requirements:
  - (a) The device must be equipped with at least two power-operated plates that can be moved in opposite sense in both the longitudinal and the transversal directions;
  - (b) The movement of the plates must be controllable by the operator from the testing position;
  - (c) For vehicles having a maximum mass exceeding 3,5 tonnes, the plates shall comply with the following technical requirements:
    - Longitudinal and transversal movement of at least 95 mm,
    - Longitudinal and transversal movement speed 5 cm/s to 15 cm/s;

- (9) A Class II sound level meter, if sound level is measured;
- (10) A 4-gas analyser in accordance with Directive 2004/22/EC of the European Parliament and of the Council <sup>(1)</sup>;
- (11) A device for measuring the absorption coefficient with sufficient accuracy;
- (12) One headlamp aiming device allowing the setting of the headlight to be tested in accordance with the provisions for the setting of headlights of motor vehicles (Directive 76/756/EEC); the light/dark boundary must be easily recognisable in daylight (without direct sunlight);
- (13) A device for measuring the tread depth of tyres;
- (14) A device to connect to the electronic vehicle interface, such as an OBD scan tool;
- (15) A device to detect LPG/CNG/LNG leakage, if such vehicles are tested.

Any of the above devices may be combined in one composite device, provided that this does not affect the accuracy of each device.

## II. Calibration of equipment used for measurements

Unless specified otherwise by the relevant Union legislation, the interval between two successive calibrations may not exceed:

- (i) 24 months for the measurement of weight, pressure and sound level,
- (ii) 24 months for the measurement of forces,
- (iii) 12 months for the measurement of gaseous emissions.

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<sup>(1)</sup> Directive 2004/22/EC of the European Parliament and of the Council of 31 March 2004 on measuring instruments (OJ L 135, 30.4.2004, p. 1).

Table I (1)

Minimum equipment required for the purpose of performing a roadworthiness test																		
Vehicles		Category		Equipment required for each item listed in section I														
	Maximum mass			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
1. Motorcycles			1															
		L1e	P	x								x	x		x	x	x	
		L3e,L4e	P	x								x	x		x	x	x	
		L3e,L4e	D	x								x		x	x	x	x	
		L2e	P	x	x							x	x		x	x	x	
		L2e	D	x	x							x		x	x	x	x	
		L5e	P	x	x							x	x		x	x	x	
		L5e	D	x	x							x		x	x	x	x	
		L6e	P	x	x							x	x		x	x	x	
		L6e	D	x	x							x		x	x	x	x	
		L7e	P	x	x							x	x		x	x	x	
		L7e	D	x	x							x		x	x	x	x	
2. Vehicles for the carriage of persons																		

Minimum equipment required for the purpose of performing a roadworthiness test

Vehicles		Category		Equipment required for each item listed in section I														
	Maximum mass			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
	Up to 3 500 kg	M <sub>1</sub> ,M <sub>2</sub>	P	x	x		x					x	x		x	x	x	x
	Up to 3 500 kg	M <sub>1</sub> ,M <sub>2</sub>	D	x	x		x					x		x	x	x	x	
	> 3 500 kg	M <sub>2</sub> ,M <sub>3</sub>	P	x	x	x		x	x	x	x	x	x		x	x	x	x
	> 3 500 kg	M <sub>2</sub> ,M <sub>3</sub>	D	x	x	x		x	x	x	x	x		x	x	x	x	
3. Vehicles for the carriage of goods																		
	Up to 3 500 kg	N <sub>1</sub>	P	x	x		x					x	x		x	x	x	x
	Up to 3 500 kg	N <sub>1</sub>	D	x	x		x					x		x	x	x	x	
	> 3 500 kg	N <sub>2</sub> ,N <sub>3</sub>	P	x	x	x		x	x	x	x	x	x		x	x	x	x
	> 3 500 kg	N <sub>2</sub> ,N <sub>3</sub>	D	x	x	x		x	x	x	x	x		x	x	x	x	
4. Special vehicles derived from a category N vehicle, T5																		
	Up to 3 500 kg	N <sub>1</sub>	P	x	x		x					x	x		x	x	x	x
	Up to 3 500 kg	N <sub>1</sub>	D	x	x		x					x		x	x	x	x	

Minimum equipment required for the purpose of performing a roadworthiness test																		
Vehicles		Category		Equipment required for each item listed in section I														
	Maximum mass			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
	> 3 500 kg	N <sub>2</sub> ,N <sub>3</sub> ,T5	P	x	x	x		x	x	x	x	x	x		x	x	x	x
	> 3 500 kg	N <sub>2</sub> ,N <sub>3</sub> ,T5	D	x	x	x		x	x	x	x	x		x	x	x	x	
5. Trailers	Up to 750 kg	O <sub>1</sub>		x												x		
	> 750 to 3 500 kg	O <sub>2</sub>		x	x		x									x		
	> 3 500 kg	O <sub>3</sub> ,O <sub>4</sub>		x	x	x			x	x	x					x		

<sup>(1)</sup> The vehicle categories which are outside the scope of this Directive are included for guidance.

<sup>1</sup> P...petrol (positive ignition); D...diesel (compression ignition)

## ANNEX IV

**MINIMUM REQUIREMENTS CONCERNING THE COMPETENCE, TRAINING AND CERTIFICATION OF INSPECTORS**

## 1. Competence

Before authorising an applicant for a position as inspector to carry out periodic roadworthiness tests, Member States or competent authorities shall verify that that person:

(a) has a certified knowledge and understanding relevant for road vehicles in the following areas:

- mechanics;
- dynamics;
- vehicle dynamics;
- combustion engines;
- material and material processing;
- electronics;
- electrics;
- electronic vehicle components;
- IT applications;

(b) has at least three years of documented experience or equivalent, such as documented mentorship or studies, and appropriate training in the road vehicle field set out above.

## 2. Initial and refresher training

Member States or competent authorities shall ensure that inspectors receive the appropriate initial and refresher training or undergo appropriate examination, including in theoretical and practical elements, to enable them to be authorised to carry out roadworthiness tests.

The minimum contents of the initial and refresher training or appropriate examination shall include the following topics:

(a) Initial training or appropriate examination

The initial training provided by the Member State or by an authorised training centre of the Member State shall cover at least the following topics:

(i) vehicle technology:

- braking systems,
- steering systems,
- fields of vision,
- light installation, lighting equipment and electronic components,
- axles, wheels and tyres,
- chassis and bodywork,
- nuisance and emissions,
- additional requirements for special vehicles,

- (ii) testing methods;
- (iii) assessment of deficiencies;
- (iv) legal requirements applicable on the vehicle condition for approval;
- (v) legal requirements relating to roadworthiness testing;
- (vi) administrative provisions relating to vehicle approval, registration and roadworthiness testing;
- (vii) IT applications relating to testing and administration.

(b) Refresher training or appropriate examination

Member States shall ensure that inspectors regularly receive refresher training or undergo an appropriate examination provided or set by the Member State or by an authorised training centre of the Member State.

Member States shall ensure that the contents of the refresher training or appropriate examination enable inspectors to maintain and refresh the requisite knowledge and skills in relation to the topics referred to in point (a), (i) to (vii) above.

3. Certificate of competence

The certificate or equivalent documentation issued to an inspector authorised to carry out roadworthiness tests shall include at least the following information:

- identification of the inspector (first name, surname);
  - vehicle categories for which the inspector is authorised to carry out roadworthiness tests;
  - name of the issuing authority;
  - date of issue.
-



## ANNEX V

**SUPERVISING BODIES**

Rules and procedures concerning supervising bodies established by Member States in accordance with Article 14 shall cover the following minimum requirements:

1. Tasks and activities of the supervising bodies

Supervising bodies shall perform at least the following tasks:

- (a) Supervision of testing centres:
  - checking whether the minimum requirements for premises and test equipment are met;
  - verifying the mandatory requirements of the authorised entity;
- (b) Verifying training and examination of inspectors:
  - verifying the initial training of inspectors;
  - verifying the periodic refresher training of inspectors;
  - periodic refresher training of supervising body examiners;
  - conducting or supervising examinations.
- (c) Auditing:
  - pre-audit of testing centres prior to authorisation;
  - periodic re-audit of testing centres;
  - special audit in the case of irregularities;
  - audit of training/examination centres.
- (d) Monitoring, using measures such as the following:
  - re-testing of a statistically valid proportion of tested vehicles;
  - 'mystery shopper' checks (use of defective vehicle optional);
  - analysis of results of roadworthiness tests (statistical methods);
  - appeal tests;
  - investigation of complaints.
- (e) Validation of measurement results of roadworthiness tests.
- (f) Proposing the withdrawal or suspension of authorisation of testing centres and/or of inspectors:
  - where the centre or inspector concerned does not fulfil a significant authorisation requirement;
  - where major irregularities are detected;
  - where there are continued negative audit results;
  - where there is a loss of good repute on the part of the centre or inspector in question.

## 2. Requirements concerning the supervising body

Requirements applicable to the personnel employed by a supervising body shall cover the following areas:

- technical competence;
- impartiality;
- standards of qualification and training.

## 3. Contents of the rules and procedures

Each Member State or its competent authority shall lay down the relevant rules and procedures, which shall include at least the following items:

### (a) Requirements concerning the authorisation and supervision of testing centres:

- application for authorisation to operate as a testing centre;
- responsibilities of testing centres;
- pre-authorisation visit, or visits, to verify that all requirements are complied with;
- authorisation of testing centres;
- periodic re-testing/audits of testing centres;
- periodic checks on testing centres to see whether they are continuing to comply with the applicable rules and procedures;
- evidence-based unannounced special checks or audits of testing centres;
- analysis of test data to see whether evidence exists of non-compliance with the applicable rules and procedures;
- withdrawal or suspension of authorisations granted to testing centres.

### (b) Inspectors of testing centres:

- requirements to become a certified inspector;
- initial training, refresher training and examinations;
- withdrawal or suspension of certification of inspectors.

### (c) Equipment and premises:

- requirements for test equipment;
- requirements for testing premises;
- requirements for signage;
- requirements for maintenance and calibration of testing equipment;
- requirements for computerised systems.

### (d) Supervising bodies:

- powers of the supervising bodies;
  - requirements applicable to staff of supervising bodies;
  - appeals and complaints.
-

**DIRECTIVE 2014/46/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**  
**of 3 April 2014**  
**amending Council Directive 1999/37/EC on the registration documents for vehicles**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee <sup>(1)</sup>,

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure <sup>(2)</sup>,

Whereas:

- (1) Roadworthiness testing is a part of a wider regime ensuring that vehicles are kept in a safe and environmentally acceptable condition during their use. That regime should provide for periodic roadworthiness testing of vehicles and technical roadside inspection of vehicles used for commercial road transport activities as well as a vehicle registration procedure allowing for the suspension of a vehicle's authorisation to be used in road traffic where the vehicle constitutes an immediate risk to road safety.
- (2) The registration of a vehicle provides administrative authorisation for its entry into service in road traffic. Council Directive 1999/37/EC <sup>(3)</sup> applies only to the granting of a registration for vehicles. Nevertheless, especially in cases where the use of a vehicle on public roads would create a risk on account of its technical condition, it should be possible to suspend authorisation of the use of that vehicle for a certain period of time. To reduce the administrative burden resulting from suspension, it should not be necessary to go through a new process of registration when the suspension is lifted.
- (3) An obligation to cancel permanently the registration of a vehicle notified as having been treated as an end-of-life vehicle in accordance with Directive 2000/53/EC of the European Parliament and of the Council <sup>(4)</sup> should be introduced. Member States have the possibility to specify in national law other reasons for cancelling a vehicle registration.
- (4) Even where a vehicle registration has been cancelled, it should be possible to retain a record of that registration.
- (5) In order to reduce administrative burdens and to ease the exchange of information between Member States, information relating to vehicles should be recorded electronically.
- (6) This Directive should not prevent a Member State from regarding the electronic dataset kept by its competent authorities as the main source of information about a vehicle registered in its territory. It should be possible for Member States to use an electronic network, comprising data from national electronic databases, in order to facilitate the exchange of information.
- (7) In cases where dangerous deficiencies have been found during a roadworthiness test and the authorisation of a vehicle for use on public roads has been suspended, that suspension should be recorded until the vehicle has passed a new roadworthiness test.

<sup>(1)</sup> OJ C 44, 15.2.2013, p. 128.

<sup>(2)</sup> Position of the European Parliament of 11 March 2014 (not yet published in the Official Journal) and decision of the Council of 24 March 2014.

<sup>(3)</sup> Council Directive 1999/37/EC of 29 April 1999 on the registration documents for vehicles (OJ L 138, 1.6.1999, p. 57).

<sup>(4)</sup> Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of-life vehicles (OJ L 269, 21.10.2000, p. 34).

- (8) In order to update point II.4, second indent and point III.1.A (b) of both Annex I and Annex II to Directive 1999/37/EC in the event of enlargement of the Union, as well as to update point II.6 of Annex I related to non mandatory elements in the event of changes of definitions or the content of certificates of conformity in the relevant Union type-approval legislation, 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. 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.
- (9) Directive 1999/37/EC should therefore be amended accordingly,

HAVE ADOPTED THIS DIRECTIVE:

*Article 1*

**Amendments to Directive 1999/37/EC**

Directive 1999/37/EC is amended as follows:

- (1) in Article 1, the first sentence is replaced by the following:

'This Directive shall apply to the vehicle registration documents issued by the Member States.;

- (2) in Article 2, the following points are added:

'(e) "suspension": means a limited period of time in which a vehicle is not authorised by a Member State to be used in road traffic following which – provided the reasons for suspension have ceased to apply – it may be authorised to be used again without involving a new process of registration;

(f) "cancellation of a registration": means the cancellation of a Member State's authorisation for a vehicle to be used in road traffic.;

- (3) in Article 3, the following paragraphs are added:

'4. Member States shall record electronically data on all vehicles registered on their territory. Those data shall include:

(a) all mandatory elements in accordance with point II.5 of Annex I as well as the elements of points II.6(I) and II.6(V.7) and (V.9) of that Annex, where the data are available;

(b) other non-mandatory data listed in Annex I or data from the certificate of conformity as provided for in Directive 2007/46/EC of the European Parliament and of the Council (\*), where possible;

(c) the outcome of mandatory periodic roadworthiness tests in accordance with Directive 2014/45/EU of the European Parliament and of the Council (\*\*\*) and the period of validity of the roadworthiness certificate.

The processing of personal data in the context of this Directive shall be carried out in accordance with Directives 95/46/EC (\*\*\*) and 2002/58/EC (\*\*\*\*) of the European Parliament and of the Council.

5. Technical vehicle data shall be made available to the competent authorities or testing centres for the purpose of periodic roadworthiness testing. Member States may limit the use and the dissemination of such data by testing centres in order to avoid their misuse.

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(\*) Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (OJ L 263, 9.10.2007, p. 1).

(\*\*) Directive 2014/45/EU of the European Parliament and of the Council of 3 April 2014 on periodic roadworthiness tests for motor vehicles and their trailers and repealing Directive 2009/40/EC (OJ L 127, 29.4.2014, p. 51).

(\*\*\*) Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281, 23.11.1995, p. 31).

(\*\*\*\*) Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (OJ L 201, 31.7.2002, p. 37).;

(4) the following Article is inserted:

*Article 3a*

1. Where the competent authority of a Member State receives notification of a periodic roadworthiness test showing that the authorisation to use a particular vehicle in road traffic has been suspended in accordance with Article 9 of Directive 2014/45/EU, the suspension shall be recorded electronically and an additional roadworthiness test shall be carried out.

The suspension shall be effective until the vehicle has passed a new roadworthiness test. On successful completion of the roadworthiness test, the competent authority shall without delay re-authorise the use of the vehicle in road traffic. No new process of registration shall be necessary.

Member States or their competent authorities may adopt measures to facilitate the retesting of a vehicle the authorisation of which for use in road traffic has been suspended. Those measures may include the grant of permission to travel on public roads between a place of repair and a test centre for the purpose of a roadworthiness test.

2. Member States may allow the holder of the registration certificate to submit a request to the competent authority for transfer of the registration to the new owner of the vehicle.

3. In the event that the competent authority of a Member State receives notification that a vehicle has been treated as an end-of-life vehicle in accordance with Directive 2000/53/EC of the European Parliament and of the Council (\*), the registration of that vehicle shall be cancelled permanently and information to that effect shall be added to the electronic register.

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(\*) Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of-life vehicles (OJ L 269, 21.10.2000, p. 34).;

(5) in Article 5, the following paragraph is added:

‘3. Without prejudice to Articles 5(4) and 8(3) of Directive 2014/45/EU, Member States shall, as a matter of principle, recognise the validity of the roadworthiness certificate in the event that the ownership of a vehicle – which has a valid proof of periodic roadworthiness test – changes.’;

(6) Articles 6 and 7 are replaced by the following:

*Article 6*

The Commission shall be empowered to adopt delegated acts in accordance with Article 7 in order to amend:

- point II.4, second indent and point III.1.A(b) of both Annex I and Annex II, in the event of enlargement of the Union,
- point II.6 of Annex I in relation to non mandatory elements in the event of changes of definitions or of the content of certificates of conformity in the relevant Union type-approval legislation.

#### Article 7

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Article 6 shall be conferred on the Commission for a period of five years from 19 May 2014. 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.
3. The delegation of powers referred to in Article 6 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
5. A delegated act adopted pursuant to Article 6 shall enter into force only if no objection has been expressed by either the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.;

(7) Article 9 is replaced by the following:

#### 'Article 9

Member States shall assist one another in the implementation of this Directive. They may exchange information at bilateral or multilateral level in particular so as to check, before any registration of a vehicle, the latter's legal status, where necessary in the Member State in which it was previously registered. Such checking may in particular involve the use of an electronic network, comprising data from national electronic databases to facilitate the exchange of information.;

(8) in point II.6 of Annex I, the following point is added:

'(X) proof of having passed the roadworthiness test, date of next roadworthiness test or expiry of current certificate'.

#### Article 2

##### **Transposition**

1. Member States shall adopt and publish, by 20 May 2017, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall immediately inform the Commission thereof.

They shall apply those measures from 20 May 2018.

When Member States adopt those measures, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

2. Member States shall communicate to the Commission the text of the main measures of national law which they adopt in the field covered by this Directive.

*Article 3***Entry into force**

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

*Article 4***Addressees**

This Directive is addressed to the Member States.

Done at Brussels, 3 April 2014.

*For the European Parliament*

*The President*

M. SCHULZ

*For the Council*

*The President*

D. KOURKOULAS

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**DIRECTIVE 2014/47/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**  
**of 3 April 2014**  
**on the technical roadside inspection of the roadworthiness of commercial vehicles circulating in the**  
**Union and repealing Directive 2000/30/EC**  
**(Text with EEA relevance)**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee <sup>(1)</sup>,

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure <sup>(2)</sup>,

Whereas:

- (1) In its White Paper of 28 March 2011 entitled 'Roadmap to a Single European Transport Area — Towards a competitive and resource efficient transport system', the Commission set out a 'zero-vision' objective whereby the Union should move close to zero fatalities in road transport by 2050. With a view to attaining that objective, vehicle technology is expected to contribute greatly to the improvement of the safety record of road transport.
- (2) In its Communication entitled 'Towards a European road safety area: policy orientations on road safety 2011-2020', the Commission proposed a further halving of the overall number of road fatalities in the Union by 2020, starting from 2010. With a view to attaining that goal, the Commission set out seven strategic objectives, and identified actions for safer vehicles, a strategy to reduce the number of injuries and measures to improve the safety of vulnerable road users, in particular motorcyclists.
- (3) Roadworthiness testing is a part of a wider regime designed to ensure that vehicles are kept in a safe and environmentally acceptable condition during their use. That regime should cover periodic roadworthiness testing of vehicles and technical roadside inspection of vehicles used for commercial road transport activities, as well as providing for a vehicle registration procedure allowing for the suspension of a vehicle's authorisation to be used in road traffic where the vehicle constitutes an immediate risk to road safety. Periodic testing should be the main tool to ensure roadworthiness. Roadside inspections of commercial vehicles should merely be complementary to periodic testing.
- (4) A number of technical standards and requirements in respect of vehicle safety and environmental characteristics have been adopted within the Union. It is necessary to ensure, through a regime of unexpected technical roadside inspections, that vehicles remain roadworthy.
- (5) Technical roadside inspections are a crucial element for the achievement of a continuous high level of roadworthiness of commercial vehicles throughout their use. Such inspections contribute not only to road safety and a reduction of vehicle emissions but also to avoiding unfair competition in road transport due to acceptance of different inspection levels as between the Member States.

<sup>(1)</sup> OJ C 44, 15.2.2013, p 128.

<sup>(2)</sup> Position of the European Parliament of 11 March 2014 (not yet published in the Official Journal) and decision of the Council of 24 March 2014.



- (6) Regulation (EC) No 1071/2009 of the European Parliament and of the Council<sup>(1)</sup> established the European Register of Road Transport Undertakings (ERRU). ERRU allows national electronic registers of transport undertakings to be interconnected throughout the Union, in compliance with the Union rules on the protection of personal data. The use of that system, operated by the competent authority of each Member State, facilitates cooperation among Member States.
- (7) This Directive should apply to certain commercial vehicles with a design speed exceeding 25 km/h of the categories defined in Directive 2007/46/EC of the European Parliament and the Council<sup>(2)</sup>. It should not, however, prevent the Member States from carrying out technical roadside inspections on vehicles not covered by this Directive or checking other aspects of road transport, in particular those relating to driving and resting time or the transport of dangerous goods.
- (8) Wheeled tractors with a maximum design speed exceeding 40 km/h are increasingly used to replace trucks in local transport activities and for commercial road haulage purposes. Their risk potential is comparable to that of trucks, and vehicles in that category, which are used mainly on public roads, should therefore be treated in the same way as trucks when it comes to technical roadside inspections.
- (9) Reports on the implementation of Directive 2000/30/EC of the European Parliament and of the Council<sup>(3)</sup> clearly show the importance of technical roadside inspections. During the period from 2009 to 2010, more than 350 000 vehicles subject to technical roadside inspections throughout the Union were reported to be in a condition requiring their immobilisation. Those reports also show very significant differences between the results of inspections carried out in different Member States. During the period from 2009 to 2010, the rate of detection for certain deficiencies ranged from 2,1 % of all vehicles inspected in one Member State to 48,3 % in another. Finally, those reports show the significant differences in the number of technical roadside inspections performed as between Member States. In order to arrive at a more balanced approach, Member States should commit to carrying out an appropriate number of inspections, proportionate to the number of commercial vehicles registered and/or operating on their territory.
- (10) Vans, such as N<sub>1</sub> vehicles, and their trailers are not subject to the same road safety requirements at Union level as heavy duty vehicles such as those relating to driving time, training for professional drivers or the installation of speed limitation devices. Although N<sub>1</sub> vehicles do not fall within the scope of this Directive, Member States should take such vehicles into account in their overall road safety and roadside inspection strategies.
- (11) In order to avoid unnecessary administrative burdens and costs, and to improve the efficiency of inspections, it should be possible for competent national authorities to select, as a priority, vehicles operated by undertakings not complying with road safety and environmental standards, while vehicles which are operated by responsible and safety-minded operators and properly maintained should be rewarded with less frequent inspections. The selection of vehicles for roadside inspection based on the risk profile of their operators could prove to be a useful tool for the purposes of checking high-risk undertakings more closely and more often.
- (12) Roadside inspections should be supported by the use of a risk rating system. Regulation (EC) No 1071/2009 requires Member States to extend the risk classification system established under Directive 2006/22/EC of the European Parliament and of the Council<sup>(4)</sup>, as regards implementation of the rules on driving time and resting-periods, to cover other specified areas relating to road transport, including the roadworthiness of commercial

<sup>(1)</sup> Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC (OJ L 300, 14.11.2009, p. 51).

<sup>(2)</sup> Directive 2007/46/EC of the European Parliament and the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (OJ L 263, 9.10.2007, p. 1).

<sup>(3)</sup> Directive 2000/30/EC of the European Parliament and of the Council of 6 June 2000 on the technical roadside inspection of the roadworthiness of commercial vehicles circulating in the Community (OJ L 203, 10.8.2000, p. 1).

<sup>(4)</sup> Directive 2006/22/EC of the European Parliament and of the Council of 15 March 2006 on minimum conditions for the implementation of Council Regulations (EEC) No 3820/85 and (EEC) No 3821/85 concerning social legislation relating to road transport activities and repealing Council Directive 88/599/EEC (OJ L 102, 11.4.2006, p. 35).

vehicles. Consequently, the information concerning the number and severity of deficiencies found in vehicles should be introduced into the risk rating system established under Article 9 of Directive 2006/22/EC. It should be possible for Member States to decide on the appropriate technical and administrative arrangements for the operation of risk rating systems. The effectiveness and harmonisation of risk rating systems throughout the Union should be further analysed.

- (13) The holder of the registration certificate and, where applicable, the operator of the vehicle should be responsible for keeping the vehicle in a roadworthy condition.
- (14) Inspectors, when performing technical roadside inspections, should act independently, and their judgement should not be affected by conflicts of interest, including those of an economic or personal nature, in particular as regards the driver, the operator or the holder of the registration certificate, that could have any influence on the impartiality and objectivity of their decisions. There should therefore be no direct correlation between the reward of inspectors and the results of technical roadside inspections. This should not prevent a Member State from authorising private bodies to perform both more detailed technical roadside inspections and vehicle repairs, even on the same vehicle.
- (15) Technical roadside inspections should consist of initial and, where necessary, more detailed inspections. In both cases they should cover relevant parts and systems of vehicles. In order to achieve harmonisation of more detailed inspections at Union level, recommended test methods and examples of deficiencies and their categorisation according to their severity should be introduced for each test item.
- (16) Securing of cargo is crucial for road safety. Cargo should therefore be secured in such a way as to cope with accelerations occurring during the use of the vehicle on road. For the sake of practicality, the mass-forces resulting from such accelerations should be used as limit values based on European standards. Personnel involved in checking whether cargo is adequately secured should be appropriately trained.
- (17) All parties involved in the logistics process, including packers, loaders, transport companies, operators and drivers, have a role to play in ensuring that cargo is properly packed and loaded on a suitable vehicle.
- (18) In several Member States, reports of technical roadside inspections are drawn up by electronic means. In such cases, a copy of the inspection report should be provided to the driver. All the data and information gathered during technical roadside inspections should be transferred to a common database of the Member State concerned, so that the data can be easily processed and the relevant information can be transferred without any additional administrative burden.
- (19) In order to reduce the administrative burden on inspection authorities, reports of initial technical roadside inspections, including on vehicles registered in third countries, should contain only essential information recording that a check took place on a particular vehicle and the outcome of that check. A detailed report should be required only where a more detailed inspection takes place following an initial inspection.
- (20) The Commission should examine the possibility of combining the report form contained in Annex IV with other reports.
- (21) The use of mobile inspection units reduces the delay and costs for operators as more detailed inspections can be performed directly at the roadside. The closest practicable testing centres and designated roadside inspection facilities may also be used to carry out more detailed inspections.

- (22) Personnel conducting technical roadside inspections should be appropriately trained or qualified, including for the purpose of carrying out visual inspections in an efficient manner. Inspectors performing more detailed technical roadside inspections should have at least the same skills and fulfil the same requirements as those performing roadworthiness tests in accordance with Directive 2014/45/EU of the European Parliament and of the Council <sup>(1)</sup>. Member States should require inspectors carrying out inspections in designated roadside inspection facilities or using mobile inspection units to fulfil these or equivalent requirements approved by the competent authority.
- (23) In order to mitigate the costs arising from the use of technical equipment for a more detailed roadside inspection, Member States should be able to require a payment where deficiencies have been found. The amount of that payment should be reasonable and proportionate.
- (24) Cooperation and exchange of best practices between Member States is crucial in order to achieve a more harmonised system of technical roadside inspections throughout the Union. Consequently, Member States should work more closely together, also during operational activities, where possible. Such cooperation should include the periodical organisation of concerted technical roadside inspections.
- (25) In order to ensure the efficient exchange of information between Member States, there should be, within each Member State, a contact point for liaising with other relevant competent authorities. That contact point should also compile relevant statistics. Furthermore, Member States should apply a coherent national enforcement strategy on their territory and should be able to designate a body to coordinate its implementation. The competent authorities in each Member State should designate procedures setting out time limits and the contents of the information to be forwarded.
- (26) When designating contact points, constitutional provisions and the resulting level of competencies should be respected.
- (27) In order to allow the roadside inspection regime implemented in the Union to be monitored, Member States should communicate to the Commission, before 31 March 2021 and before 31 March every two years thereafter, the results of the technical roadside inspections performed. The Commission should report the data collected to the European Parliament and to the Council.
- (28) In order to minimise the time loss for undertakings and drivers and to increase the overall efficiency of roadside checks, the performance of technical roadside inspections, along with inspections to check compliance with social legislation in the field of road transport, in particular Regulation (EC) No 561/2006 of the European Parliament and of the Council <sup>(2)</sup>, Directive 2006/22/EC and Council Regulation (EEC) No 3821/85 <sup>(3)</sup>, should be encouraged.
- (29) Member States should lay down rules on penalties applicable to infringements of the provisions of this Directive and should ensure that they are implemented. Those penalties should be effective, proportionate, dissuasive and non-discriminatory. Member States should, in particular, include appropriate measures to address a failure by a driver or operator to cooperate with the inspector and for the unauthorised use of a vehicle with dangerous deficiencies.
- (30) In order to ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council <sup>(4)</sup>.

<sup>(1)</sup> Directive 2014/45/EU of the European Parliament and of the Council of 3 April 2014 on periodic roadworthiness tests for motor vehicles and their trailers and repealing Directive 2009/40/EC (see page 51 of this Official Journal).

<sup>(2)</sup> Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85 (OJ L 102, 11.4.2006, p. 1).

<sup>(3)</sup> Council Regulation (EEC) No 3821/85 of 20 December 1985 on recording equipment in road transport (OJ L 370, 31.12.1985, p. 8).

<sup>(4)</sup> 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 (OJ L 55, 28.2.2011, p. 13).

- (31) The Commission should not adopt implementing acts concerning the procedures for the notification of vehicles with major or dangerous deficiencies to the contact points of the Member States of registration, as well as those laying down the data format for the communication to the Commission of the information collected by the Member States concerning vehicles inspected, where the Committee established pursuant to this Directive delivers no opinion on the draft implementing act presented by the Commission.
- (32) In order to update Article 2(1) and Annex IV point 6 as appropriate, without affecting the scope of this Directive, to update point 2 of Annex II in respect of methods, and to adapt point 2 of Annex II in respect of the list of test items, methods, reasons for failure and assessment of deficiencies, 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. 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 simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.
- (33) Since the objective of this Directive, namely to improve road safety by laying down minimum common requirements and harmonised rules concerning technical roadside inspections of vehicles circulating within the Union, cannot be sufficiently achieved by the Member States but can rather, by reason of the scale of the action, 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 on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.
- (34) This Directive respects fundamental rights and observes the principles recognised by the Charter of Fundamental Rights of the European Union as referred to in Article 6 of the Treaty on European Union.
- (35) This Directive develops the existing regime of technical roadside inspections, updates the technical requirements of Directive 2000/30/EC and integrates the rules contained in Commission Recommendation 2010/379/EU<sup>(1)</sup>. As a result, Directive 2000/30/EC should be repealed,

HAVE ADOPTED THIS DIRECTIVE:

#### CHAPTER I

### SUBJECT MATTER, DEFINITIONS AND SCOPE

#### *Article 1*

#### **Subject matter**

In order to improve road safety and the environment, this Directive establishes minimum requirements for a regime of technical roadside inspections of the roadworthiness of commercial vehicles circulating within the territory of the Member States.

#### *Article 2*

#### **Scope**

1. This Directive shall apply to commercial vehicles with a design speed exceeding 25 km/h of the following categories, as defined in Directive 2003/37/EC of the European Parliament and of the Council<sup>(2)</sup> and Directive 2007/46/EC:

- (a) motor vehicles designed and constructed primarily for the carriage of persons and their luggage comprising more than eight seating positions in addition to the driver's seating position — vehicle categories M<sub>2</sub> and M<sub>3</sub>;

<sup>(1)</sup> Commission Recommendation 2010/379/EU of 5 July 2010 on the risk assessment of deficiencies detected during technical roadside inspections (of commercial vehicles) in accordance with Directive 2000/30/EC (OJ L 173, 8.7.2010, p. 97).

<sup>(2)</sup> Directive 2003/37/EC of the European Parliament and 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 (OJ L 171, 9.7.2003, p. 1).

- (b) motor vehicles designed and constructed primarily for the carriage of goods and having a maximum mass exceeding 3,5 tonnes — vehicle categories N<sub>2</sub> and N<sub>3</sub>;
- (c) trailers designed and constructed for the carriage of goods or persons, as well as for the accommodation of persons, having a maximum mass exceeding 3,5 tonnes — vehicle categories O<sub>3</sub> and O<sub>4</sub>;
- (d) wheeled tractors of category T5, the use of which mainly takes place on public roads for commercial road haulage purposes, with a maximum design speed exceeding 40 km/h.

2. This Directive does not affect the right of Member States to carry out technical roadside inspections on vehicles not covered by this Directive, such as light commercial vehicles of category N<sub>1</sub> having a maximum mass not exceeding 3,5 tonnes, and to check other aspects of road transport and safety, or to carry out inspections in places other than public roads. Nothing in this Directive prevents a Member State from limiting the use of a particular type of vehicle to certain parts of its road network for reasons of road safety.

### Article 3

#### Definitions

The following definitions shall only apply for the purposes of this Directive:

- (1) 'vehicle' means any not rail-borne motor vehicle or its trailer;
- (2) 'motor vehicle' means any power-driven vehicle on wheels which is moved by its own means with a maximum design speed exceeding 25 km/h;
- (3) 'trailer' means any non-self propelled vehicle on wheels which is designed and constructed to be towed by a motor vehicle;
- (4) 'semi-trailer' means any trailer designed to be coupled to a motor vehicle in such a way that part of it rests on the motor vehicle and a substantial part of its mass and the mass of its load is borne by the motor vehicle;
- (5) 'cargo' means all goods that would normally be placed in or on the part of the vehicle designed to carry a load and that are not permanently fixed to the vehicle, including objects within load carriers such as crates, swap bodies or containers on vehicles;
- (6) 'commercial vehicle' means a motor vehicle and its trailer or semi-trailer used primarily for the transport of goods or passengers for commercial purposes, such as transport for hire and reward or own-account transport, or for other professional purposes;
- (7) 'vehicle registered in a Member State' means a vehicle which is registered or put into service in a Member State;
- (8) 'holder of a registration certificate' means the legal or natural person in whose name the vehicle is registered;
- (9) 'undertaking' means an undertaking as defined in point 4 of Article 2 of Regulation (EC) No 1071/2009;
- (10) 'technical roadside inspection' means an unexpected technical inspection of the roadworthiness of a commercial vehicle carried out by the competent authorities of a Member State or under their direct supervision;

- (11) 'public road' means a road that is of general public utility, such as a local, regional or national road, highway, expressway or motorway;
- (12) 'roadworthiness test' means an inspection in accordance with point (9) of Article 3 of Directive 2014/45/EU;
- (13) 'roadworthiness certificate' means a roadworthiness test report issued by the competent authority or a testing centre containing the result of the roadworthiness test;
- (14) 'competent authority' means an authority or public body entrusted by a Member State with responsibility for managing the system of technical roadside inspections, including, where appropriate, the carrying-out of such inspections;
- (15) 'inspector' means a person authorised by a Member State or by its competent authority to carry out initial and/or more detailed technical roadside inspections;
- (16) 'deficiencies' mean technical defects and other instances of non-compliance found during a technical roadside inspection;
- (17) 'concerted roadside inspection' means a technical roadside inspection undertaken jointly by the competent authorities of two or more Member States;
- (18) 'operator' means a natural or legal person operating the vehicle as its owner or authorised to operate the vehicle by its owner;
- (19) 'mobile inspection unit' means a transportable system of test equipment needed to carry out more detailed technical roadside inspections, staffed by inspectors who are competent to carry out more detailed roadside inspection;
- (20) 'designated roadside inspection facility' means a fixed area for the performance of initial and/or more detailed technical roadside inspections which may also be equipped with permanently installed test equipment.

## CHAPTER II

### TECHNICAL ROADSIDE INSPECTION SYSTEM AND GENERAL OBLIGATIONS

#### *Article 4*

#### **Roadside inspection system**

The technical roadside inspection system shall include initial technical roadside inspections as referred to in Article 10(1) and more detailed technical roadside inspections as referred to in Article 10(2).

#### *Article 5*

#### **Percentage of vehicles to be inspected**

1. For vehicles referred to in points (a), (b) and (c) of Article 2(1), the total number of initial technical roadside inspections in the Union shall, in every calendar year, correspond to at least 5 % of the total number of these vehicles that are registered in the Member States.
2. Each Member State shall make efforts to carry out an appropriate number of initial technical roadside inspections, proportionate to the total number of such vehicles that are registered in its territory.
3. Information on vehicles inspected shall be communicated to the Commission in accordance with Article 20(1).

*Article 6***Risk rating system**

For vehicles referred to in points (a), (b) and (c) of Article 2(1), Member States shall ensure that the information concerning the number and severity of deficiencies set out in Annex II and, where applicable, Annex III found on vehicles operated by individual undertakings is introduced into the risk rating system established under Article 9 of Directive 2006/22/EC. For the attribution of a risk profile to an undertaking, Member States may use the criteria set out in Annex I. That information shall be used to check undertakings with a high risk rating more closely and more often. The risk rating system shall be operated by the competent authorities of the Member States.

For the purpose of implementing the first subparagraph, the Member State of registration shall use the information received from other Member States pursuant to Article 18(1).

Member States may allow additional voluntary roadworthiness tests. Information on compliance with roadworthiness requirements obtained from voluntary tests may be taken into account in order to improve the risk profile of an undertaking.

*Article 7***Responsibilities**

1. Member States shall require that the roadworthiness certificate corresponding to the most recent periodic roadworthiness test or a copy thereof or, in the case of an electronically produced roadworthiness certificate, a certified or original printout of that certificate, and the report of the most recent technical roadside inspection, be kept on board the vehicle when they are available. Member States may allow their authorities to accept electronic evidence of such inspections when information in that regard is accessible.

2. Member States shall require undertakings and drivers of a vehicle subject to a technical roadside inspection to cooperate with the inspectors and to provide access to the vehicle, its parts and all relevant documentation for the purposes of the inspection.

3. Member States shall ensure that the responsibilities of undertakings for keeping their vehicles in a safe and roadworthy condition are defined, without prejudice to the responsibilities of the drivers of those vehicles.

*Article 8***Inspectors**

1. When selecting a vehicle for a technical roadside inspection and when carrying out that inspection, inspectors shall refrain from any discrimination on grounds of the nationality of the driver or of the country of registration or entry into service of the vehicle.

2. When carrying out a technical roadside inspection, the inspector shall be free from any conflict of interest that could have any influence on the impartiality and objectivity of his decision.

3. The reward of inspectors shall not be directly related to the results of initial or more detailed technical roadside inspections.

4. More detailed technical roadside inspections shall be carried out by inspectors who fulfil the minimum competence and training requirements laid down in Article 13 and in Annex IV to Directive 2014/45/EU. Member States may provide that inspectors carrying out inspections in designated roadside inspection facilities or using mobile inspection units are to fulfil those requirements or equivalent requirements approved by the competent authority.

## CHAPTER III

**INSPECTION PROCEDURES***Article 9***Selection of vehicles for initial technical roadside inspection**

When identifying vehicles to be subject to an initial technical roadside inspection, inspectors may select, as a priority, vehicles operated by undertakings with a high-risk profile as referred to in Directive 2006/22/EC. Vehicles may also be selected randomly for inspection, or where there is a suspicion that the vehicle presents a risk to road safety or to the environment.

*Article 10***Contents and methods of technical roadside inspections**

1. Member States shall ensure that vehicles selected in accordance with Article 9 are subject to an initial technical roadside inspection.

In each initial technical roadside inspection of a vehicle, the inspector:

- (a) shall check the latest roadworthiness certificate and technical roadside inspection report, where available, kept on board, or electronic evidence thereof in accordance with Article 7(1);
- (b) shall carry out a visual assessment of the technical condition of the vehicle;
- (c) may carry out a visual assessment of the securing of the vehicle's cargo in accordance with Article 13;
- (d) may carry out technical checks by any method deemed appropriate. Such technical checks may be carried out in order to substantiate a decision to submit the vehicle to a more detailed technical roadside inspection, or to request that the deficiencies be rectified without delay in accordance with Article 14(1).

The inspector shall verify whether any deficiencies indicated in the previous technical roadside inspection report have been rectified.

2. On the basis of the outcome of the initial inspection, the inspector shall decide whether the vehicle or its trailer should be subject to a more detailed roadside inspection.

3. A more detailed technical roadside inspection shall cover those items listed in Annex II that are considered necessary and relevant, taking into account in particular the safety of the brakes, tyres, wheels, chassis and nuisance, and the recommended methods applicable to the testing of those items.

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

*Article 11***Inspection facilities**

1. A more detailed technical roadside inspection shall be carried out using a mobile inspection unit or a designated roadside inspection facility, or in a testing centre as referred to in Directive 2014/45/EU.



2. Where a more detailed inspection is to be carried out in a testing centre or designated roadside inspection facility, it shall be carried out as soon as possible in one of the closest practicable centres or facilities.

3. Mobile inspection units and designated roadside inspection facilities shall include appropriate equipment for carrying out a more detailed technical roadside inspection, including the equipment necessary to assess the condition of the brakes and brake efficiency, steering, suspension and nuisance of the vehicle as required. Where mobile inspection units or designated roadside inspection facilities do not include the equipment required to check an item indicated in an initial inspection, the vehicle shall be directed to a testing centre or facility where a detailed check of that item can be performed.

#### Article 12

##### Assessment of deficiencies

1. For each item to be inspected, Annex II provides a list of possible deficiencies and their level of severity to be used during technical roadside inspections.

2. Deficiencies found during technical roadside inspections of vehicles shall be categorised in one of the following groups:

- (a) minor deficiencies having no significant effect on the safety of the vehicle or impact on the environment, and other minor non-compliances,
- (b) major deficiencies that may prejudice the safety of the vehicle or have an impact on the environment or put other road users at risk, or other more significant non-compliances;
- (c) dangerous deficiencies constituting a direct and immediate risk to road safety or having an impact on the environment.

3. A vehicle having deficiencies falling into more than one of the deficiency groups referred to in paragraph 2 shall be classified in the group corresponding to the more serious deficiency. A vehicle showing several deficiencies within the same inspection areas as defined in the scope of the technical roadside inspection referred to in point 1 of Annex II may be classified in the next most serious deficiency group if it is considered that the combined effect of those deficiencies results in a higher risk to road safety.

#### Article 13

##### Inspection of cargo securing

1. During a roadside inspection a vehicle may be subject to an inspection of its cargo securing in accordance with Annex III, in order to ensure that the cargo is secured in such a way that it does not interfere with safe driving, or pose a threat to life, health, property or the environment. Checks may be carried out to verify that during all kinds of operation of the vehicle, including emergency situations or uphill starting manoeuvres:

- loads can only minimally change their position relative to each other, against walls or surfaces of the vehicle, and
- loads cannot leave the cargo space or move outside the loading surface.

2. Without prejudice to the requirements applicable to transport of certain categories of goods, such as those covered by the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR) <sup>(1)</sup>, cargo securing and inspection of the securing of cargo may be carried out in accordance with the principles and, where appropriate, the standards laid down in Section I of Annex III. The latest version of the standards laid down in point 5 of Section I of Annex III may be used.

<sup>(1)</sup> Transposed by Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods (OJ L 260, 30.9.2008, p. 13), as amended by, inter alia, Commission Directive 2012/45/EU (OJ L 332, 4.12.2012, p. 18).

3. The follow-up procedures referred to in Article 14 may also apply in the case of major or dangerous deficiencies related to cargo securing.
4. Member States shall provide that personnel involved in cargo securing checks are to be appropriately trained for that purpose.

#### *Article 14*

##### **Follow-up in the case of major or dangerous deficiencies**

1. Without prejudice to Article 14(3), Member States shall provide that any major or dangerous deficiency revealed by an initial or more detailed inspection is to be rectified before the vehicle is further used on public roads.
2. The inspector may decide that the vehicle is to be subject to a full roadworthiness test within a specified time limit if it is registered in the Member State where the technical roadside inspection has been carried out. If the vehicle is registered in another Member State, the competent authority may request the competent authority of that other Member State, via the contact points referred to in Article 17, to carry out a new roadworthiness test of the vehicle following the procedure laid down in Article 18(2). Where major or dangerous deficiencies are found in a vehicle registered outside the Union, Member States may decide to inform the competent authority of the country of registration of the vehicle.
3. In the case of any deficiencies which require prompt or immediate rectification due to any direct and immediate risk to road safety, the Member State or the competent authority concerned shall provide that the use of the vehicle in question is to be restricted or prohibited until those deficiencies have been rectified. The use of such a vehicle may be permitted in order to enable it to reach one of the closest workshops where those deficiencies can be rectified, on condition that the dangerous deficiencies in question have been fixed in such a way as to allow it to reach that workshop and that there is no immediate risk to the safety of its occupants or other road users. In the case of deficiencies that do not require immediate rectification, the Member State or the competent authority concerned may decide on the conditions and a reasonable timespan under which the vehicle may be used before the deficiencies are rectified.

Where the vehicle cannot be fixed in such a way to allow it to reach the workshop, the vehicle may be brought to an available location where it can be repaired.

#### *Article 15*

##### **Inspection fees**

Where deficiencies have been found following a more detailed inspection, Member States may require the payment of a reasonable and proportionate fee that should be linked to the cost of carrying out that inspection.

#### *Article 16*

##### **Inspection report and databases on technical roadside inspections**

1. For each initial technical roadside inspection carried out, the following information shall be communicated to the competent authority:
  - (a) country of registration of the vehicle;
  - (b) category of the vehicle;
  - (c) outcome of the initial technical roadside inspection.
2. On completion of a more detailed inspection, the inspector shall draw up a report in accordance with Annex IV. Member States shall ensure that the driver of the vehicle is provided with a copy of the inspection report.
3. The inspector shall communicate to the competent authority the results of the more detailed technical roadside inspection within a reasonable time following that inspection. The competent authority shall keep that information in accordance with the applicable legislation on data protection for not less than 36 months from the date of its receipt.

## CHAPTER IV

**COOPERATION AND EXCHANGE OF INFORMATION***Article 17***Designation of a contact point**

1. Member States shall designate a contact point which shall:
  - ensure coordination with contact points designated by other Member States as regards actions taken under Article 18;
  - forward the data referred to in Article 20 to the Commission;
  - ensure, where appropriate, any other exchange of information with, and the provision of assistance to, the contact points of other Member States.
2. Member States shall forward to the Commission the names and contact details of their national contact point by 20 May 2015, and shall inform it without delay of any changes thereto. The Commission shall draw up a list of all contact points and forward it to the Member States.

*Article 18***Cooperation between Member States**

1. In cases where major or dangerous deficiencies, or deficiencies resulting in a restriction or prohibition on the use of the vehicle, are found in a vehicle not registered in the Member State of inspection, the contact point shall notify the results of the inspection to the contact point of the Member State of registration of the vehicle. That notification shall contain the elements of the roadside inspection report as set out in Annex IV and shall be communicated preferably through the national electronic register referred to in Article 16 of Regulation (EC) No 1071/2009. The Commission shall adopt detailed rules concerning the procedures for the notification of vehicles with major or dangerous deficiencies to the contact point of the Member State of registration in accordance with the examination procedure referred to in Article 23(2).
2. In cases where major or dangerous deficiencies are found in a vehicle, the contact point of the Member State in which the vehicle has been inspected may request the competent authority of the Member State in which the vehicle is registered, via the contact point of the latter Member State, to take appropriate follow-up action, such as submitting the vehicle to a further roadworthiness test as provided for in Article 14.

*Article 19***Concerted technical roadside inspections**

On a yearly basis, Member States shall regularly undertake concerted roadside inspection activities. Member States may combine those activities with those provided for by Article 5 of Directive 2006/22/EC.

*Article 20***Communication of information to the Commission**

1. Before 31 March 2021 and before 31 March every two years thereafter, Member States shall communicate to the Commission, by electronic means, the data collected relating to the previous two calendar years and concerning the vehicles inspected in their territory. Those data shall indicate:
  - (a) the number of vehicles inspected;
  - (b) the category of vehicles inspected;
  - (c) the country of registration of each vehicle inspected;

(d) in the case of more detailed inspections, the areas checked and the items failed, in accordance with point 10 of Annex IV.

The first report shall cover the period of two years beginning on 1 January 2019.

2. The Commission shall adopt detailed rules, in accordance with the examination procedure referred to in Article 23(2), concerning the format in which the data referred to in paragraph 1 are to be communicated by electronic means. Pending the establishment of such rules, the standard reporting form set out in Annex V shall be used.

The Commission shall report the data collected to the European Parliament and to the Council.

## CHAPTER V

### DELEGATED AND IMPLEMENTING ACTS

#### Article 21

##### Delegated acts

The Commission shall be empowered to adopt delegated acts in accordance with Article 22 in order to:

- update Article 2(1) and point 6 of Annex IV as appropriate in order to take account of changes to the vehicle categories stemming from amendments to the legislation referred to in that Article, without affecting the scope of this Directive;
- update point 2 of Annex II in respect of methods in the event that more efficient and effective test methods become available, without extending the list of items to be tested;
- adapt point 2 of Annex II, following a positive assessment of the costs and benefits involved, in respect of the list of test items, methods, reasons for failure and assessment of deficiencies in the event of a modification of mandatory requirements relevant for type-approval in Union safety or environmental legislation.

#### Article 22

##### Exercise of delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The delegation of power referred to in Article 21 shall be conferred on the Commission for a period of five years from 19 May 2014. 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.
3. The delegation of powers referred to in Article 21 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
5. A delegated act adopted pursuant to Article 21 shall enter into force only if no objection has been expressed by either the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

*Article 23***Committee procedure**

1. The Commission shall be assisted by the Roadworthiness Committee referred to in Directive 2014/45/EU. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply. Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third paragraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.

## CHAPTER VI

**FINAL PROVISIONS***Article 24***Reporting**

1. By 20 May 2016, the Commission shall submit a report to the European Parliament and the Council on the implementation and effects of this Directive. The report shall analyse, in particular, its effect in terms of improvement of road safety as well as the costs and benefits of the possible inclusion of N<sub>1</sub> and O<sub>2</sub> category vehicles within the scope of this Directive.
2. No later than 20 May 2022, the Commission shall submit to the European Parliament and to the Council a report on the application and effects of this Directive, in particular as regards the effectiveness and harmonisation of risk rating systems, notably in the definition of a mutually comparable risk profile of the different undertakings concerned. That report shall be accompanied by a detailed impact assessment analysing the costs and benefits throughout the Union. The impact assessment shall be made available to the European Parliament and to the Council at least six months prior to the submission of any legislative proposal, if appropriate, to include new categories of vehicles within the scope of this Directive.

*Article 25***Penalties**

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.

*Article 26***Transposition**

1. Member States shall adopt and publish, by 20 May 2017, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall immediately inform the Commission thereof.

They shall apply those measures from 20 May 2018.

With regard to the risk rating system referred to in Article 6 of this Directive, they shall apply those measures from 20 May 2019.

When Member States adopt those measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

2. Member States shall communicate to the Commission the text of the main measures of national law which they adopt in the field covered by this Directive.

*Article 27***Repeal**

Directive 2000/30/EC is repealed with effect from 20 May 2018.

*Article 28***Entry into force**

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

*Article 29***Addressees**

This Directive is addressed to the Member States.

Done at Brussels, 3 April 2014.

*For the European Parliament*  
*The President*  
M. SCHULZ

*For the Council*  
*The President*  
D. KOURKOULAS

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## ANNEX I

## ELEMENTS OF THE RISK RATING SYSTEM

The risk rating system shall provide the basis for a targeted selection of vehicles operated by undertakings with a poor record concerning compliance with vehicle maintenance and roadworthiness requirements. It shall take into account results from both periodic roadworthiness tests and technical roadside inspections.

The risk rating System shall consider the following parameters for determining a risk rating for the undertaking concerned:

- number of deficiencies
- severity of deficiencies
- number of technical roadside inspections or periodic and voluntary roadworthiness tests
- time factor

1. The deficiencies shall be weighted according to their severity, using the following severity factors:

- Dangerous deficiency = 40
- Major deficiency = 10
- Minor deficiency = 1

2. The evolution of an undertaking's (vehicle's) situation shall be reflected by applying a lower weighting to 'older' inspection results (deficiencies) than to more 'recent' ones, using the following factors:

- Year 1 = last 12 months = factor 3
- Year 2 = months 13-24 = factor 2
- Year 3 = months 25-36 = factor 1

This shall only apply for the calculation of the overall risk rating.

3. The risk rating shall be calculated using the following formulas:

(a) The formula for the overall risk rating:

$$RR = \frac{(D_{Y1} \times 3) + (D_{Y2} \times 2) + (D_{Y3} \times 1)}{\#C_{Y1} + \#C_{Y2} + \#C_{Y3}}$$

Where

RR = overall risk rating score

$D_{Yi}$  = total for the defects in year 1, 2, 3

$D_{Y1}$  = (#DD × 40) + (#MaD × 10) + (#MiD × 1) in year 1

#... = number of...

DD = dangerous deficiencies

MaD = major deficiencies

MiD = minor deficiencies

C = checks (technical roadside inspections or periodic and voluntary roadworthiness tests) in year 1, 2, 3

(b) The formula for the annual risk rating:

$$AR = \frac{(\#DD \times 40) + (\#MaD \times 10) + (\#MiD \times 1)}{\#C}$$

Where

AR = annual risk score

#... = number of...

DD = dangerous deficiencies

MaD = major deficiencies

MiD = minor deficiencies

C = checks (technical roadside inspections or periodic and voluntary roadworthiness tests)

The annual risk shall be used to assess the evolution of an undertaking over the years.

The classification of undertakings (vehicles) based on the overall risk rating shall be performed in such a way that the following distribution within the listed undertakings (vehicles) is reached:

- < 30 % low risk
  - 30-80 % medium risk
  - > 80 % high risk.
-



## ANNEX II

## SCOPE OF TECHNICAL ROADSIDE INSPECTION

## 1. INSPECTION AREAS

- (0) Identification of the vehicle;
- (1) Braking equipment;
- (2) Steering;
- (3) Visibility;
- (4) Lighting equipment and parts of electrical system;
- (5) Axles, wheels, tyres, suspension;
- (6) Chassis and chassis attachments;
- (7) Other equipment;
- (8) Nuisance;
- (9) Supplementary tests for passenger-carrying vehicles of categories M<sub>2</sub> and M<sub>3</sub>.

## 2. INSPECTION REQUIREMENTS

Items that may only be checked by the use of equipment are marked with an E.

Items that can only be checked to some extent without the use of equipment are marked with + (E).

Where a method of inspection is indicated as visual, this means that, in addition to looking at the items concerned, the inspector shall also, if appropriate, handle them, evaluate their noise or use any other appropriate means of inspection not involving the use of equipment.

Technical roadside inspections may cover items listed in Table 1, which includes the recommended testing methods that should be used. Nothing in this Annex shall prevent an inspector from using additional equipment where relevant, such as a hoist or a pit.

The tests shall be carried out using techniques and equipment currently available, without the use of tools to dismantle or remove any part of the vehicle. The test may also include a verification as to whether the respective parts and components of the vehicle correspond to the safety and environmental requirements that were in force at the time of approval or, if applicable, at the time of retrofitting.

Where the design of the vehicle does not allow the application of the test methods laid down in this Annex, the test shall be conducted in accordance with the recommended test methods accepted by the competent authorities.

The 'Reasons for failure' do not apply in cases where they refer to requirements which were not prescribed in the relevant vehicle approval legislation at the time of first registration or first entry into service, or in the retrofitting requirements.

## 3. CONTENTS AND METHODS OF TESTING, ASSESSMENT OF DEFICIENCIES OF VEHICLES

The test shall cover those items that are considered necessary and relevant, taking into account in particular the safety of the brakes, tyres, wheels, chassis and nuisance, and the recommended methods listed in the following table.

For each vehicle system and component subject to testing, the assessment of deficiencies shall be carried out in accordance with the criteria set out in that table, on a case-by-case basis.

Deficiencies not listed in this Annex shall be assessed in terms of the risks that they pose to road safety.

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
0. IDENTIFICATION OF THE VEHICLE					
0.1. Registration number plates (if needed by requirements <sup>1</sup> )	Visual inspection	(a) Number plate(s) missing or so insecurely fixed that it is (they are) likely to fall off.		X	
		(b) Inscription missing or illegible.		X	
		(c) Not in accordance with vehicle documents or records.		X	
0.2. Vehicle identification/chassis/serial number	Visual inspection	(a) Missing or can not be found.		X	
		(b) Incomplete, illegible, obviously falsified, or does not match the vehicle documents.		X	
		(c) Illegible vehicle documents or clerical inaccuracies.	X		
1. BRAKING EQUIPMENT					
1.1. Mechanical condition and operation					
1.1.1. Service brake pedal/hand lever pivot	Visual inspection of the components while the braking system is operated  Note: Vehicles with power-assisted braking systems should be inspected with the engine switched off.	(a) Pivot too tight.		X	
		(b) Excessive wear or play.		X	

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
1.1.2. Pedal/hand lever condition and travel of the brake operating device	Visual inspection of the components while the braking system is operated  Note: Vehicles with power-assisted braking systems should be inspected with the engine switched off.	(a) Excessive or insufficient reserve travel.  Brake cannot be fully applied or is blocked		X	X
		(b) Brake control not releasing correctly.  Its functionality is affected	X	X	
		(c) Anti-slip provision on brake pedal missing, loose or worn smooth.		X	
1.1.3. Vacuum pump or compressor and reservoirs	Visual inspection of the components at normal working pressure. Check time required for vacuum or air pressure to reach safe working value and function of warning device, multi-circuit protection valve and pressure relief valve.	(a) Insufficient pressure/vacuum to give assistance for at least four brake applications after the warning device has operated (or gauge shows an unsafe reading).  at least two brake applications after the warning device has operated (or gauge shows an unsafe reading).		X	X
		(b) Time taken to build up air pressure/vacuum to safe working value is too long according to the requirements <sup>1</sup> .		X	
		(c) Multi-circuit protection valve or pressure relief valve not working.		X	
		(d) Air leak causing a noticeable drop in pressure or audible air leaks.		X	
		(e) External damage likely to affect the function of the braking system.  Secondary braking performance not met.		X	X
1.1.4. Low pressure warning gauge or indicator	Functional check	Malfunctioning or defective gauge or indicator.	X		
		Low pressure not identifiable.		X	

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
1.1.5. Hand operated brake control valve	Visual inspection of the components while the braking system is operated	(a) Control cracked, damaged or excessively worn.		X	
		(b) Control insecure on valve or valve insecure.		X	
		(c) Loose connections or leaks in system.		X	
		(d) Unsatisfactory operation.		X	
1.1.6. Parking brake activator, lever control, parking brake ratchet, electronic parking brake	Visual inspection of the components while the braking system is operated	(a) Ratchet not holding correctly.		X	
		(b) Wear at lever pivot or in ratchet mechanism. Excessive wear	X	X	
		(c) Excessive movement of lever indicating incorrect adjustment.		X	
		(d) Activator missing, damaged or inoperative.		X	
		(e) Incorrect functioning, warning indicator shows malfunction.		X	
1.1.7. Braking valves (foot valves, unloaders, governors)	Visual inspection of the components while the braking system is operated	(a) Valve damaged or excessive air leak. Its functionality is affected.		X	X
		(b) Excessive oil discharge from compressor.	X		
		(c) Valve insecure or inadequately mounted.		X	
		(d) Hydraulic fluid discharge or leak. Its functionality is affected.		X	X
1.1.8. Couplings for trailer brakes (electrical and pneumatic)	Disconnect and reconnect braking system coupling between towing vehicle and trailer	(a) Tap or self sealing valve defective. Its functionality is affected.	X	X	

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
		(b) Tap or valve insecure or inadequately mounted. Its functionality is affected.	X	X	
		(c) Excessive leaks. Its functionality is affected.		X	X
		(d) Not functioning correctly. Operation of brake affected.		X	X
1.1.9. Energy storage reservoir/ pressure tank	Visual inspection	(a) Tank slightly damaged or slightly corroded. Tank heavily damaged, corroded or leaking.	X	X	
		(b) Drain device inoperative.		X	
		(c) Tank insecure or inadequately mounted.		X	
1.1.10. Brake servo units, master cylinder (hydraulic systems)	Visual inspection of the components while the braking system is operated, if possible	(a) Defective or ineffective servo unit. If it is not operating.		X	X
		(b) Master cylinder defective but brake still operating. Master cylinder defective or leaking.		X	X
		(c) Master cylinder insecure but brake still operating. Master cylinder insecure.		X	X
		(d) Insufficient brake fluid below MIN mark. Brake fluid significantly below MIN mark. No brake fluid visible.	X	X	X

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
		(e) Master cylinder reservoir cap missing.	X		
		(f) Brake fluid warning light illuminated or defective.	X		
		(g) Incorrect functioning of brake fluid level warning device.	X		
1.1.11. Rigid brake pipes	Visual inspection of the components while the braking system is operated, if possible	(a) Imminent risk of failure or fracture.			X
		(b) Pipes or connections leaking (air brake systems). Pipes or connection leaking (hydraulic brake systems).		X	X
		(c) Pipes damaged or excessively corroded. Affecting the functioning of the brakes on account of blocking or imminent risk of leaking.		X	X
		(d) Pipes misplaced. Risk of damage.	X	X	
1.1.12. Flexible brake hoses	Visual inspection of the components while the braking system is operated, if possible.	(a) Imminent risk of failure or fracture.			X
		(b) Hoses damaged, chafing, twisted or too short. Hoses damaged or chafing.	X	X	
		(c) Hoses or connections leaking (air brake systems). Hoses or connections leaking (hydraulic brake systems).		X	X
		(d) Hoses bulging under pressure. Cord impaired.		X	X
		(e) Hoses porous.		X	

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
1.1.13. Brake linings and pads	Visual inspection	(a) Lining or pad excessively worn. (minimum mark reached).  Lining or pad excessively worn. (minimum mark not visible).		X	X
		(b) Lining or pad contaminated (oil, grease etc.).  Brake performance affected.		X	X
		(c) Lining or pad missing or wrongly mounted.			X
1.1.14. Brake drums, brake discs	Visual inspection	(a) Drum or disc worn.  Drum or disc excessively scored, cracked, insecure or fractured		X	X
		(b) Drum or disc contaminated (oil, grease, etc.).  Braking performance severely affected.		X	X
		(c) Drum or disc missing.			X
		(d) Back plate insecure.		X	
1.1.15. Brake cables, rods, levers, linkages	Visual inspection of the components while the braking system is operated, if possible	(a) Cable damaged or knotted.  Braking performance affected.		X	X
		(b) Component excessively worn or corroded.  Braking performance affected.		X	X
		(c) Cable, rod or joint insecure.		X	
		(d) Cable guide defective.		X	
		(e) Restriction to free movement of the braking system.		X	

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
		(f) Abnormal movement of the levers/linkage indicating maladjustment or excessive wear.		X	
1.1.16. Brake actuators (including spring brakes or hydraulic cylinders)	Visual inspection of the components while the braking system is operated, if possible.	(a) Actuator cracked or damaged. Braking performance affected.		X	X
		(b) Actuator leaking. Braking performance affected.		X	X
		(c) Actuator insecure or inadequately mounted. Braking performance affected.		X	X
		(d) Actuator excessively corroded. Likely to crack.		X	X
		(e) Insufficient or excessive travel of operating piston or diaphragm mechanism. Braking performance affected (lack of reserve movement).		X	X
		(f) Dust cover damaged. Dust cover missing or excessively damaged.	X		X
1.1.17. Load sensing valve	Visual inspection of the components while the braking system is operated, if possible.	(a) Defective linkage.		X	
		(b) Linkage incorrectly adjusted.		X	
		(c) Valve seized or inoperative (ABS functioning). Valve seized or inoperative		X	X
		(d) Valve missing. (if required).			X
		(e) Missing data plate.	X		



Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
		(f) Data illegible or not in accordance with requirements <sup>1</sup> .	X		
1.1.18. Slack adjusters and indicators	Visual inspection	(a) Adjuster damaged, seized or having abnormal movement, excessive wear or incorrect adjustment.		X	
		(b) Adjuster defective.		X	
		(c) Incorrectly installed or replaced.		X	
1.1.19. Endurance braking system (where fitted or required)	Visual inspection	(a) Insecure connectors or mountings.  Its functionality is affected.	X		
		(b) System obviously defective or missing.		X	
1.1.20. Automatic operation of trailer brakes	Disconnect brake coupling between towing vehicle and trailer	Trailer brake does not apply automatically when coupling disconnected.			X
1.1.21. Complete braking system	Visual inspection	(a) Other system devices (e.g. anti-freeze pump, air dryer, etc.) damaged externally or excessively corroded in a way that adversely affects the braking system.  Braking performance affected.		X	
		(b) Leakage of air or anti-freeze.  System functionality affected.	X		
		(c) Any component insecure or inadequately mounted.		X	
		(d) Unsafe modification to any component <sup>3</sup> .  Braking performance affected.		X	X
1.1.22. Test connections (where fitted or required)	Visual inspection	Missing.		X	

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
1.1.23. Overrun brake	Visual inspection and by operation	Insufficient efficiency.		X	
1.2. Service braking performance and efficiency					
1.2.1. Performance (E)	During a test on a brake tester, apply the brakes progressively up to maximum effort.	(a) Inadequate braking effort on one or more wheels.  No braking effort on one or more wheels.		X	X
		(b) Braking effort from any wheel is less than 70 % of the maximum effort recorded from the other wheel on the same axle. Or, in the case of testing on the road, the vehicle deviates excessively from a straight line.  Braking effort from any wheel is less than 50 % of the maximum effort recorded from the other wheel on the same axle in the case of steered axles.		X	X
		(c) No gradual variation in brake effort (grabbing).		X	
		(d) Abnormal lag in brake operation of any wheel.		X	
		(e) Excessive fluctuation of brake force during each complete wheel revolution.		X	
		1.2.2. Efficiency (E)	Test with a brake tester at the presented weight or, if one cannot be used for technical reasons, by a road test using a deceleration recording instrument <sup>(1)</sup> .	Does not give at least the minimum figure as follows <sup>(2)</sup> :  Categories M <sub>1</sub> , M <sub>2</sub> and M <sub>3</sub> : 50 % <sup>(3)</sup>  Category N <sub>1</sub> : 45 %  Categories N <sub>2</sub> and N <sub>3</sub> : 43 % <sup>(4)</sup>  Categories O <sub>3</sub> and O <sub>4</sub> : 40 % <sup>(5)</sup>  Less than 50 % of the above values reached	

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
1.3. Secondary (emergency) braking performance and efficiency (if met by separate system)					
1.3.1. Performance (E)	If the secondary braking system is separate from the service braking system, use the method specified in 1.2.1.	(a) Inadequate braking effort on one or more wheels.  No braking effort on one or more wheels.		X	X
		(b) Braking effort from any wheel is less than 70 % of maximum effort recorded from another wheel on the same axle specified. Or, in the case of testing on the road, the vehicle deviates excessively from a straight line.  Braking effort from any wheel is less than 50 % of the maximum effort recorded from the other wheel on the same axle in the case of steered axles.		X	X
		(c) No gradual variation in brake effort (grabbing).		X	
1.3.2. Efficiency (E)	If the secondary braking system is separate from the service braking system, use the method specified in 1.2.2.	Braking effort less than 50 % <sup>(6)</sup> of the required service brake performance defined in Section 1.2.2 in relation to the maximum authorized mass.		X	
		Less than 50 % of the above braking effort values reached in relation to the vehicle mass during testing.			X
1.4. Parking braking performance and efficiency					
1.4.1. Performance (E)	Apply the brake during a test on a brake tester	Brake inoperative on one side or, in the case of testing on the road, the vehicle deviates excessively from a straight line.		X	
		Less than 50 % of the braking effort values as referred to in point 1.4.2 reached in relation to the vehicle mass during testing			X

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
1.4.2. Efficiency (E)	Test with a brake tester. If not possible, then by a road test using an indicating or deceleration recording instrument	Does not give, for all vehicles, a braking ratio of at least 16 % in relation to the maximum authorised mass, or, for motor vehicles, of at least 12 % in relation to the maximum authorised combination mass of the vehicle, whichever is the greater.		X	
		Less than 50 % of the above braking ratio values reached in relation to the vehicle mass during testing.			X
1.5. Endurance braking system performance	Visual inspection and, where possible test whether the system functions	(a) No gradual variation of efficiency (not applicable to exhaust brake systems).		X	
		(b) System not functioning.		X	
1.6. Anti-lock braking system (ABS)	Visual inspection and inspection of warning device and/or using electronic vehicle interface	(a) Warning device malfunctioning.		X	
		(b) Warning device shows system malfunction.		X	
		(c) Wheel speed sensors missing or damaged.		X	
		(d) Wirings damaged.		X	
		(e) Other components missing or damaged.		X	
		(f) System indicates failure via the electronic vehicle interface.		X	
1.7. Electronic brake system (EBS)	Visual inspection and inspection of warning device and/or using electronic vehicle interface	(a) Warning device malfunctioning.		X	
		(b) Warning device shows system malfunction.		X	
		(c) System indicates failure via the electronic vehicle interface.		X	
		(d) Connector between towing vehicle and trailer incompatible or missing.			X

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
1.8. Brake fluid	Visual inspection	Brake fluid contaminated or sedimented. Imminent risk of failure.		X	X
2. STEERING					
2.1. Mechanical condition					
2.1.1. Steering gear condition	Visual inspection of the operation of the steering gear while the steering wheel is rotated	(a) Sector shaft twisted or splines worn. Affecting functionality.		X	X
		(b) Excessive wear in sector shaft. Affecting functionality.		X	X
		(c) Excessive movement of sector shaft. Affecting functionality.		X	X
		(d) Leaking. Formation of drops.		X	X
2.1.2. Steering gear casing attachment	Visual inspection of the attachment of gear casing to chassis while the steering wheel is rotated clockwise and anti-clockwise.	(a) Steering gear casing not properly attached. Attachments dangerously loose or relative movement to chassis/bodywork visible.		X	X
		(b) Elongated fixing holes in chassis. Attachments seriously affected.		X	X
		(c) Missing or fractured fixing bolts. Attachments seriously affected.		X	X
		(d) Steering gear casing fractured. Stability or attachment of casing affected.		X	X

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
2.1.3. Steering linkage condition	Visual inspection of steering components for wear, fractures and security while the steering wheel is rotated clock-wise and anti-clock-wise	(a) Relative movement between components which should be fixed.  Excessive movement or likely to unlink.		X	X
		(b) Excessive wear at joints.  A very serious risk of unlinking.		X	X
		(c) Fractures or deformation of any component.  Affecting function.		X	X
		(d) Absence of locking devices.		X	
		(e) Misalignment of components (e.g. track rod or drag link).		X	
		(f) Unsafe modification <sup>3</sup> .  Affecting function.		X	X
		(g) Dust cover damaged or deteriorated.  Dust cover missing or severely deteriorated.	X		X
2.1.4. Steering linkage operation	Visual inspection of steering components for wear, fractures and security while the steering wheel is rotated clockwise and anti-clockwise with the road wheels on the ground and the engine running (power steering).	(a) Moving steering linkage fouling a fixed part of the chassis.		X	
		(b) Steering stops not operating or missing.		X	
2.1.5. Power steering	Check steering system for leaks and hydraulic fluid reservoir level (if visible). With the road wheels on ground and with the engine running, check that the power steering system is operating	(a) Fluid leak.		X	
		(b) Insufficient fluid (below MIN mark).  Insufficient reservoir.		X	X

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
		(c) Mechanism not working. Steering affected.		X	X
		(d) Mechanism fractured or insecure. Steering affected.		X	X
		(e) Misalignment or fouling of components. Steering affected.		X	X
		(f) Unsafe modification <sup>3</sup> . Steering affected.		X	X
		(g) Cables/hoses damaged, excessively corroded. Steering affected.		X	X
2.2. Steering wheel, column and handle bar					
2.2.1. Steering wheel condition	With the road wheels on the ground, push and pull the steering wheel in line with column, push steering wheel in various directions at right angles to the column. Visual inspection of play, and condition of flexible couplings or universal joints	(a) Relative movement between steering wheel and column indicating looseness. Very serious risk of unlinking.		X	X
		(b) Absence of retaining device on steering wheel hub. Very serious risk of unlinking.		X	X
		(c) Fracture or looseness of steering wheel hub, rim or spokes. Very serious risk of unlinking.		X	X
		(d) Unsafe modification <sup>3</sup> .		X	

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
2.2.2. Steering column and steering dampers	Push and pull the steering wheel in line with column, push steering wheel in various directions at right angles to the column. Visual inspection of play, and condition of flexible couplings or universal joints.	(a) Excessive movement of centre of steering wheel up or down.		X	
		(b) Excessive movement of top of column radially from axis of column.		X	
		(c) Deteriorated flexible coupling.		X	
		(d) Attachment defective.  Very serious risk of unlinking.		X	X
		(e) Unsafe modification <sup>3</sup>			X
2.3. Steering play	With the engine running, for vehicles with power steering and with the road wheels in the straight-ahead position, lightly turn the steering wheel clockwise and anti-clockwise as far as possible without moving the road wheels. Visual inspection of free movement.	Free play in steering excessive (for example, movement of a point on the rim exceeding one fifth of the diameter of the steering wheel) or not in accordance with the requirements <sup>1</sup> .  Safe steering affected.		X	X
2.4. Wheel alignment (X) <sup>2</sup>	Visual inspection	Obvious misalignment  Straight-on driving affected; directional stability impaired.	X		X
2.5. Trailer steered axle turntable	Visual inspection or using a specially adapted wheel play detector	(a) Component slightly damaged.  Component heavily damaged or cracked.		X	X
		(b) Excessive play.  Straight-on driving affected; directional stability impaired.		X	X
		(c) Attachment defective.  Attachment seriously affected.		X	X



Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
2.6. Electronic Power Steering (EPS)	Visual inspection and consistency check between the angle of the steering wheel and the angle of the wheels when switching on/off the engine, and/or using the electronic vehicle interface.	(a) EPS malfunction indicator lamp (MIL) indicates any kind of failure of the system.		X	
		(b) Power assistance not working.		X	
		(c) System indicates failure via the electronic vehicle interface.		X	
3. VISIBILITY					
3.1. Field of vision	Visual inspection from driving seat	Obstruction within driver's field of view that materially affects his view in front or to the sides (outside cleaning area of windscreen wipers).	X		
		Inside cleaning area of windscreen wipers affected or outer mirrors not visible.		X	
3.2. Condition of glass	Visual inspection	(a) Cracked or discoloured glass or transparent panel (if permitted). (outside cleaning area of windscreen wipers)  Inside cleaning area of windscreen wipers affected or outer mirrors not visible	X		
		(b) Glass or transparent panel (including reflecting or tinted film) that does not comply with specifications in the requirements <sup>1</sup> (outside cleaning area of windscreen wipers).  Inside cleaning area of windscreen wipers affected or outer mirrors not visible.	X		
		(c) Glass or transparent panel in unacceptable condition.  Visibility through inside cleaning area of windscreen wipers heavily affected.		X	X

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
3.3. Rear-view mirrors or devices	Visual inspection	(a) Mirror or device missing or not fitted according to the requirements <sup>1</sup> (at least two rear-view devices available).  Fewer than two rear-view devices available.	X		
		(b) Mirror or device slightly damaged or loose.  Mirror or device inoperative, heavily damaged, loose or insecure.	X		
		(c) Necessary field of vision not covered.		X	
3.4. Windscreen wipers	Visual inspection and by operation	(a) Wipers not operating or missing.		X	
		(b) Wiper blade defective.  Wiper blade missing or obviously defective.	X		
3.5. Windscreen washers	Visual inspection and by operation	Washers not operating adequately (lack of washing fluid but pump operating or water-jet misaligned).  Washers not operating.	X		
3.6. Demisting system (X) <sup>2</sup>	Visual inspection and by operation	System inoperative or obviously defective.	X		
4. LAMPS, REFLECTORS AND ELECTRICAL EQUIPMENT					
4.1. Headlamps					
4.1.1. Condition and operation	Visual inspection and by operation	(a) Defective or missing light/light source (multiple light/light sources; in the case of LED, less than 1/3 not functioning).  Single light/light sources; in the case of LED, seriously affected visibility.	X		

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
		(b) Slightly defective projection system (reflector and lens).  Heavily defective or missing projection system (reflector and lens).	X	X	
		(c) Lamp not securely attached.		X	
4.1.2. Alignment	Visual inspection and by operation	(a) Headlamp grossly misaligned.		X	
		(b) Light source incorrectly fitted.			
4.1.3. Switching	Visual inspection and by operation	(a) Switch does not operate in accordance with the requirements <sup>1</sup> (number of headlamps illuminated at the same time).  Maximum permitted light brightness to the front exceeded.	X	X	
		(b) Function of control device impaired.		X	
4.1.4. Compliance with requirements <sup>1</sup> .	Visual inspection and by operation	(a) Lamp, emitted colour, position, brightness or marking not in accordance with the requirements <sup>1</sup> .		X	
		(b) Products on lens or light source which obviously reduce light brightness or change emitted colour.		X	
		(c) Light source and lamp not compatible.		X	
4.1.5. Levelling devices (where mandatory)	Visual inspection and by operation if possible	(a) Device not operating.		X	
		(b) Manual device cannot be operated from driver's seat.		X	
4.1.6. Headlamp cleaning device (where mandatory)	Visual inspection and by operation if possible	Device not operating.  In the case of gas-discharging lamps.	X	X	

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
4.2. Front and rear position lamps, side marker lamps, end outline marker lamps and daytime running lamps					
4.2.1. Condition and operation	Visual inspection and by operation	(a) Defective light source.		X	
		(b) Defective lens.		X	
		(c) Lamp not securely attached. Very serious risk of falling off.	X		X
4.2.2. Switching	Visual inspection and by operation	(a) Switch does not operate in accordance with the requirements <sup>1</sup> . Rear position lamps and side marker lamps can be switched off when headlamps are on.		X	
		(b) Function of control device impaired.		X	
4.2.3. Compliance with requirements <sup>1</sup>	Visual inspection and by operation	(a) Lamp, emitted colour, position brightness or marking not in accordance with the requirements <sup>1</sup> . Red light to the front or white light to the rear; heavily reduced light brightness.	X		X
		(b) Products on lens or light source which reduce light brightness or change emitted colour. Red light to the front or white light to the rear; heavily reduced light brightness.	X		X
4.3. Stop Lamps					
4.3.1. Condition and operation	Visual inspection and by operation	(a) Defective light source (multiple light source, in the case of LED less than 1/3 not functioning). Single light sources; in the case of LED less than 2/3 functioning. All light sources not functioning.	X		
				X	
					X

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
		(b) Slightly defective lens (no influence on emitted light). Heavily defective lens (emitted light affected).	X	X	
		(c) Lamp not securely attached. Very serious risk of falling off,	X	X	
4.3.2. Switching	Visual inspection and by operation	(a) Switch does not operate in accordance with the requirements <sup>1</sup> . Delayed operation. No operation at all.	X	X	X
		(b) Function of control device impaired.		X	
4.3.3. Compliance with requirements <sup>1</sup> .	Visual inspection and by operation	Lamp, emitted colour, position, brightness or marking not in accordance with the requirements <sup>1</sup> . White light to the rear; heavily reduced light brightness.	X	X	
4.4. Direction indicator and hazard warning lamps					
4.4.1. Condition and operation	Visual inspection and by operation	(a) Defective light source (multiple light source; in the case of LED less than 1/3 not functioning). Single light sources; in the case of LED less than 2/3 functioning.	X	X	
		(b) Slightly defective lens (no influence on emitted light). Heavily defective lens (emitted light affected).	X	X	
		(c) Lamp not securely attached. Very serious risk of falling off.	X	X	

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
4.4.2. Switching	Visual inspection and by operation	Switch does not operate in accordance with the requirements <sup>1</sup> .	X		
		No operation at all.		X	
4.4.3. Compliance with requirements <sup>1</sup> .	Visual inspection and by operation	Lamp, emitted colour, position, brightness or marking not in accordance with the requirements <sup>1</sup> .		X	
4.4.4. Flashing frequency	Visual inspection and by operation	Rate of flashing not in accordance with the requirements <sup>1</sup> . (frequency more than 25 % deviating).	X		
4.5. Front and rear fog lamps					
4.5.1. Condition and operation	Visual inspection and by operation	(a) Defective light source (multiple light source; in the case of LED less than 1/3 not functioning).	X		
		Single light sources; in the case of LED less than 2/3 functioning.		X	
		(b) Slightly defective lens (no influence on emitted light).	X		
		Heavily defective lens (emitted light affected).		X	
		(c) Lamp not securely attached.	X		
		Very serious risk of falling off or dazzling oncoming traffic.		X	
4.5.2. Alignment (X) <sup>2</sup>	Visual inspection and by operation	Front fog lamp out of horizontal alignment when the light pattern has cut-off line (cut-off line too low).	X		
		Cut-off line above that for dipped beam headlamps.		X	
4.5.3. Switching	Visual inspection and by operation	Switch does not operate in accordance with the requirements <sup>1</sup> .	X		
		Not operative.		X	

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
4.5.4. Compliance with requirements <sup>1</sup> .	Visual inspection and by operation	(a) Lamp, emitted colour, position, brightness or marking not in accordance with the requirements <sup>1</sup> .		X	
		(b) System does not operate in accordance with the requirements <sup>1</sup> .	X		
4.6. Reversing lamps					
4.6.1. Condition and operation	Visual inspection and by operation	(a) Defective light source.	X		
		(b) Defective lens.	X		
		(c) Lamp not securely attached. Very serious risk of falling off.	X		X
4.6.2. Compliance with requirements <sup>1</sup>	Visual inspection and by operation	(a) Lamp, emitted colour, position, brightness or marking not in accordance with the requirements <sup>1</sup> .		X	
		(b) System does not operate in accordance with the requirements <sup>1</sup> .		X	
4.6.3. Switching	Visual inspection and by operation	Switch does not operate in accordance with the requirements <sup>1</sup> .  Reversing lamp can be switched on with gear not in reverse position.	X		X
4.7. Rear registration plate lamp					
4.7.1. Condition and operation	Visual inspection and by operation	(a) Lamp throwing direct or white light to the rear.	X		
		(b) Defective light source (multiple light source).  Defective light source (single light source).	X		X
		(c) Lamp not securely attached.  Very serious risk of falling off.	X		X

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
4.7.2. Compliance with requirements <sup>1</sup>	Visual inspection and by operation	System does not operate in accordance with the requirements <sup>1</sup> .	X		
4.8. Retro-reflectors, conspicuity (retro reflecting) markings and rear marking plates					
4.8.1. Condition	Visual inspection	(a) Reflecting equipment defective or damaged. Reflecting affected.	X		
		(b) Reflector not securely attached. Likely to fall off.	X		
4.8.2. Compliance with requirements <sup>1</sup>	Visual inspection	Device, reflected colour or position not in accordance with the requirements <sup>1</sup> .  Missing or reflecting red colour to the front or white colour to the rear.		X	X
4.9. Tell-tales mandatory for lighting equipment					
4.9.1. Condition and operation	Visual inspection and by operation	Not operating.	X		
		Not operating for main beam headlamp or rear fog lamp.		X	
4.9.2. Compliance with requirements <sup>1</sup>	Visual inspection and by operation	Not in accordance with the requirements <sup>1</sup> .	X		
4.10. Electrical connections between towing vehicle and trailer or semi-trailer	Visual inspection: if possible examine the electrical continuity of the connection	(a) Fixed components not securely attached. Loose socket.	X		
		(b) Damaged or deteriorated insulation. Likely to cause a short-circuit fault.	X		
		(c) Trailer or towing vehicle electrical connections not functioning correctly. Trailer brake lights not working at all.		X	X



Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
4.11. Electrical wiring	Visual inspection including inside the engine compartment (if applicable)	(a) Wiring insecure or not adequately secured.  Fixings loose, touching sharp edges, connectors likely to be disconnected.  Wiring likely to touch hot parts, rotating parts or ground, connectors disconnected (relevant parts for braking, steering).	X	X	X
		(b) Wiring slightly deteriorated.  Wiring heavily deteriorated.  Wiring extreme deteriorated (relevant parts for braking, steering).	X	X	X
		(c) Damaged or deteriorated insulation.  Likely to cause a short-circuit fault.  Imminent risk of fire, formation of sparks.	X	X	X
4.12. Non-obligatory lamps and retro-reflectors (X) <sup>2</sup>	Visual inspection and by operation	(a) A lamp/retro-reflector fitted not in accordance with the requirements <sup>1</sup> .  Emitting/reflecting red light to the front or white light to the rear.	X	X	
		(b) Lamp operation not in accordance with the requirements <sup>1</sup> .  Number of headlights simultaneous operating exceeding permitted light brightness; emitting red light to the front or white light to the rear.	X	X	
		(c) Lamp/retro-reflector not securely attached.  Very serious risk of falling off.	X	X	

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
4.13. Battery(ies)	Visual inspection	(a) Insecure.  Not properly attached; likely to cause a short-circuit fault.	X		
		(b) Leaking.  Loss of hazardous substances.	X		
		(c) Defective switch (if required).		X	
		(d) Defective fuses (if required).		X	
		(e) Inappropriate ventilation (if required).		X	
5. AXLES, WHEELS, TYRES AND SUSPENSION					
5.1. Axles					
5.1.1. Axles (+ E)	Visual inspection using wheel play detectors if available	(a) Axle fractured or deformed.			X
		(b) Insecure fixing to vehicle.  Stability impaired, functionality affected: extensive movement relative to its fixtures.		X	X
		(c) Unsafe modification <sup>3</sup> .  Stability impaired, functionality affected, insufficient clearance to other vehicle parts or to the ground.		X	X
5.1.2. Stub axles (+ E)	Visual inspection using wheel play detectors if available. Apply a vertical or lateral force to each wheel and note the amount of movement between the axle beam and stub axle	(a) Stub axle fractured.			X
		(b) Excessive wear in the swivel pin and/or bushes.  Likelihood of loosening; directional stability impaired.		X	X
		(c) Excessive movement between stub axle and axle beam.  Likelihood of loosening; directional stability impaired.		X	X

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
		(d) Stub axle pin loose in axle.  Likelihood of loosening; directional stability impaired.		X	X
5.1.3. Wheel bearings (+ E)	Visual inspection using wheel play detectors if available. Rock the wheel or apply a lateral force to each wheel and note the amount of upward movement of the wheel relative to the stub axle.	(a) Excessive play in a wheel bearing.  Directional stability impaired; danger of demolishment.		X	X
		(b) Wheel bearing too tight, jammed.  Danger of overheating; danger of demolishment.		X	X
5.2. Wheels and tyres					
5.2.1. Road wheel hub	Visual inspection	(a) Any wheel nuts or studs missing or loose.  Missing fixing or loose to an extent which very seriously affects road safety.		X	X
		(b) Hub worn or damaged.  Hub worn or damaged in such a way that secure fixing of wheels is affected.		X	X
5.2.2. Wheels	Visual inspection of both sides of each wheel with vehicle over a pit or on a hoist	(a) Any fracture or welding defect.			X
		(b) Tyre retaining rings not properly fitted.  Likely to come off.		X	X
		(c) Wheel badly distorted or worn.  Secure fixing to hub affected; secure fixing of tyre affected.		X	X
		(d) Wheel size, technical design, compatibility or type not in accordance with the requirements <sup>1</sup> and affecting road safety.		X	

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
5.2.3. Tyres	Visual inspection of the entire tyre by rolling the vehicle backwards and forwards	(a) Tyre size, load capacity, approval mark or speed rating category not in accordance with the requirements <sup>1</sup> and affecting road safety.  Insufficient load capacity or speed rating category for actual use; tyre touches other fixed vehicle parts impairing safe driving.		X	X
		(b) Tyres on same axle or on twin wheels of different sizes.		X	
		(c) Tyres on same axle of different construction (radial/cross-ply).		X	
		(d) Any serious damage or cut to tyre.  Cord visible or damaged.		X	X
		(e) Tyre tread wear indicator becomes exposed.  Tyre tread depth not in accordance with the requirements <sup>1</sup> .		X	X
		(f) Tyre rubbing against other components (flexible anti spray devices).  Tyre rubbing against other components (safe driving not impaired).	X	X	
		(g) Re-grooved tyres not in accordance with requirements <sup>1</sup> .  Cord protection layer affected.		X	X
5.3. Suspension system					
5.3.1. Springs and stabilizer (+ E)	Visual inspection using wheel play detectors if available	(a) Insecure attachment of springs to chassis or axle.  Relative movement visible, fixings very seriously loose.		X	X

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
		(b) A damaged or fractured spring component.  Main spring (-leaf), or additional leaves very seriously affected.		X	X
		(c) Spring missing.  Main spring (-leaf), or additional leaves very seriously affected.		X	X
		(d) Unsafe modification <sup>3</sup> .  Insufficient clearance to other vehicle parts; spring system inoperative.		X	X
5.3.2. Shock absorbers	Visual inspection	(a) Insecure attachment of shock absorbers to chassis or axle.  Shock absorber loose.	X	X	
		(b) Damaged shock absorber showing signs of severe leakage or malfunction.		X	
		(c) Shock absorber missing.		X	
5.3.3. Torque tubes, radius arms, wishbones and suspension arms (+ E)	Visual inspection using wheel play detectors if available	(a) Insecure attachment of component to chassis or axle.  Likelihood of loosening; directional stability impaired.		X	X
		(b) A damaged or excessively corroded component.  Stability of component affected or component fractured.		X	X
		(c) Unsafe modification <sup>3</sup> .  Insufficient clearance to other vehicle parts; system inoperative.		X	X

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
5.3.4. Suspension joints (+ E)	Visual inspection using wheel play detectors if available	(a) Excessive wear in swivel pin and/or bushes or at suspension joints.  Likelihood of loosening; directional stability impaired.		X	X
		(b) Dust cover severely deteriorated.  Dust cover missing or fractured.	X	X	
5.3.5. Air Suspension	Visual inspection	(a) System inoperable.			X
		(b) Any component damaged, modified or deteriorated in a way that would adversely affect the functioning of the system.  Functioning of system seriously affected.		X	X
		(c) Audible system leakage.		X	
		(d) Unsafe modification.		X	
6. CHASSIS AND CHASSIS ATTACHMENTS					
6.1. Chassis or frame and attachments					
6.1.1. General condition	Visual inspection	(a) Slight fracture or deformation of any side or cross-member.  Serious fracture or deformation of any side or cross-member.		X	X
		(b) Insecurity of strengthening plates or fastenings.  Majority of fastenings loose; insufficient strength of parts.		X	X
		(c) Excessive corrosion which affects the rigidity of the assembly.  Insufficient strength of parts.		X	X

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
6.1.2. Exhaust pipes and silencers	Visual inspection	(a) Insecure or leaking exhaust system.		X	
		(b) Fumes entering cab or passengers compartment.  Danger to health of persons on board.		X	X
6.1.3. Fuel tank and pipes (including heating fuel tank and pipes)	Visual inspection, use of leak detecting devices in the case of LPG/CNG/LNG systems	(a) Insecure tank or pipes, creating particular risk of fire.			X
		(b) Leaking fuel or missing or ineffective filler cap.  Risk of fire; excessive loss of hazardous material		X	X
		(c) Chafed pipes.  Damaged pipes.	X		
		(d) Fuel stopcock (if required) not operating correctly.		X	
		(e) Fire risk due to: — leaking fuel; — fuel tank or exhaust not properly shielded; — engine compartment condition.			X
		(f) LPG/CNG/LNG or hydrogen system not in accordance with requirements; any part of the system defective <sup>1</sup> .			X
6.1.4. Bumpers, lateral protection and rear underrun devices	Visual inspection	(a) Looseness or damage likely to cause injury when grazed or contacted.  Parts likely to fall off; functionality heavily affected.		X	X
		(b) Device obviously not in compliance with the requirements <sup>1</sup> .		X	

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
6.1.5. Spare wheel carrier (if fitted)	Visual inspection	(a) Carrier not in proper condition.	X		
		(b) Carrier fractured or insecure.		X	
		(c) A spare wheel not securely fixed in carrier.  Very serious risk of falling off.		X	X
6.1.6. Mechanical coupling and towing device (+ E)	Visual inspection for wear and correct operation with special attention to any safety device fitted and/or use of measuring gauge.	(a) Component damaged, defective or cracked (if not in use).  Component damaged, defective or cracked (if in use)		X	X
		(b) Excessive wear in a component.  Below wear limit.		X	X
		(c) Attachment defective.  Any attachment loose with a very serious risk of falling off.		X	X
		(d) Any safety device missing or not operating correctly.		X	
		(e) Any coupling indicator not working.		X	
		(f) Obstruct registration plate or any lamp (when not in use).  Registration plate not readable (when not in use).	X		X
		(g) Unsafe modification <sup>3</sup> (secondary parts).  Unsafe modification <sup>3</sup> (primary parts).		X	X
		(h) Coupling too weak or incompatible, or coupling device not in accordance with requirements.			X



Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
6.1.7. Transmission	Visual inspection	(a) Loose or missing securing bolts.  Loose or missing securing bolts to such an extent that road safety is seriously endangered.		X	X
		(b) Excessive wear in transmission shaft bearings.  Very serious risk of loosening or cracking.		X	X
		(c) Excessive wear in universal joints or transmission chains/belts.  Very serious risk of loosening or cracking.		X	X
		(d) Deteriorated flexible couplings.  Very serious risk of loosening or cracking.		X	X
		(e) A damaged or bent shaft.		X	
		(f) Bearing housing fractured or insecure.  Very serious risk of loosening or cracking.		X	X
		(g) Dust cover severely deteriorated.  Dust cover missing or fractured.	X		X
		(h) Illegal power-train modification.		X	
6.1.8. Engine mountings	Visual inspection	Deteriorated, obviously and severely damaged mountings  Loose or fractured mountings.		X	X
6.1.9. Engine performance (X) <sup>2</sup>	Visual inspection and/or using electronic interface	(a) Control unit modified affecting safety and/or the environment.		X	
		(b) Engine modification affecting safety and/or the environment.			X

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
6.2. Cab and bodywork					
6.2.1. Condition	Visual inspection	(a) A loose or damaged panel or part likely to cause injury.  Likely to fall off.		X	X
		(b) Insecure body pillar.  Stability impaired.		X	X
		(c) Permitting entry of engine or exhaust fumes.  Danger to health of persons on board.		X	X
		(d) Unsafe modification <sup>3</sup> .  Insufficient clearance to rotating or moving parts and road.		X	X
6.2.2. Mounting	Visual inspection	(a) Body or cab insecure.  Stability affected.		X	X
		(b) Body/cab obviously not located squarely on chassis.		X	
		(c) Insecure or missing fixing of body/cab to chassis or cross-members and if symmetrical.  Insecure or missing fixing of body/cab to chassis or cross-members to such an extent that road safety is very seriously endangered.		X	X
		(d) Excessive corrosion at fixing points on integral bodies.  Stability impaired.		X	X

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
6.2.3. Doors and door catches	Visual inspection	(a) A door will not open or close properly.		X	
		(b) A door likely to open inadvertently or one that will not remain closed (sliding doors).  A door likely to open inadvertently or one that will not remain closed (turning doors).		X	X
		(c) Door, hinges, catches or pillar deteriorated.  Door, hinges, catches or pillar missing or loose.	X	X	
6.2.4. Floor	Visual inspection	Floor insecure or badly deteriorated.		X	
		Insufficient stability.			X
6.2.5. Driver's seat	Visual inspection	(a) Seat with defective structure.  Loose seat.		X	X
		(b) Adjustment mechanism not functioning correctly.  Seat moving or backrest not fixable.		X	X
6.2.6. Other seats	Visual inspection	(a) Seats in defective condition or insecure (secondary parts).  Seats in defective condition or insecure (main parts).	X		X
		(b) Seats not fitted in accordance with requirements <sup>1</sup> .  Permitted number of seats exceeded; positioning not in compliance with approval.	X	X	
6.2.7. Driving controls	Visual inspection and by operation	Any control necessary for the safe operation of the vehicle not functioning correctly.  Safe operation affected.		X	X

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
6.2.8. Cab steps	Visual inspection	(a) Step or step rung insecure. Insufficient stability.	X		
		(b) Step or rung in a condition likely to cause injury to users.		X	
6.2.9. Other interior and exterior fittings and equipment	Visual inspection	(a) Attachment of other fitting or equipment defective.		X	
		(b) Other fitting or equipment not in accordance with the requirements <sup>1</sup> . Parts fitted likely to cause injuries; safe operation affected.	X		
		(c) Leaking hydraulic equipment. Extensive loss of hazardous material.	X		
6.2.10. Mudguards (wings), spray suppression devices	Visual inspection	(a) Missing, loose or badly corroded. Likely to cause injuries; likely to fall off.	X		
		(b) Insufficient clearance to tyre/wheel (spray suppression). Insufficient clearance to tyre/wheel (mudguards).	X		
		(c) Not in accordance with the requirements <sup>1</sup> . Insufficient coverage of tread.	X		
7. OTHER EQUIPMENT					
7.1. Safety-belts/buckles and restraint systems					
7.1.1. Security of safety-belts/buckles mounting	Visual inspection	(a) Anchorage point badly deteriorated. Stability affected.		X	
		(b) Anchorage loose.		X	

X

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
7.1.2. Condition of safety-belts/buckles.	Visual inspection and by operation	(a) Mandatory safety-belt missing or not fitted.		X	
		(b) Safety-belt damaged.  Any cut or sign of overstretching.	X		
		(c) Safety-belt not in accordance with the requirements <sup>1</sup> .		X	
		(d) Safety-belt buckle damaged or not functioning correctly.		X	
		(e) Safety-belt retractor damaged or not functioning correctly.		X	
7.1.3. Safety belt Load limiter	Visual inspection, and/or using electronic interface	(a) Load limiter obviously missing or not suitable with the vehicle.		X	
		(b) System indicates failure via the electronic vehicle interface.		X	
7.1.4. Safety belt Pre-tensioners	Visual inspection, and/or using electronic interface	(a) Pre-tensioner obviously missing or not suitable with the vehicle.		X	
		(b) System indicates failure via the electronic vehicle interface.		X	
7.1.5. Airbag	Visual inspection, and/or using electronic interface	(a) Airbags obviously missing or not suitable with the vehicle.		X	
		(b) System indicates failure via the electronic vehicle interface.		X	
		(c) Airbag obviously non-operative		X	
7.1.6. SRS Systems	Visual inspection of MIL, and/or using electronic interface	(a) SRS MIL indicates any kind of failure of the system		X	

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
		(b) System indicates failure via the electronic vehicle interface.		X	
7.2. Fire extinguisher (X) <sup>2</sup>	Visual inspection	(a) Missing.		X	
		(b) Not in accordance with the requirements <sup>1</sup> . If required (e.g. taxi, busses, coaches, etc.).	X		X
7.3. Locks and anti-theft device	Visual inspection and by operation	(a) Device not functioning to prevent vehicle being driven.	X		
		(b) Defective. Inadvertently locking or blocking.		X	X
7.4. Warning triangle (if required) (X) <sup>2</sup>	Visual inspection	(a) Missing or incomplete.	X		
		(b) Not in accordance with the requirements <sup>1</sup> .	X		
7.5. First aid kit. (if required) (X) <sup>2</sup>	Visual inspection	Missing, incomplete or not in accordance with the requirements <sup>1</sup> .	X		
7.6. Wheel chocks (wedges) (if required) (X) <sup>2</sup>	Visual inspection	Missing or not in good condition; insufficient stability or dimension.		X	
7.7. Audible warning device	Visual inspection and by operation	(a) Not working properly. Not working at all.	X		X
		(b) Control insecure.	X		
		(c) Not in accordance with the requirements <sup>1</sup> . Emitted sound likely to be confused with official sirens.	X		X

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
7.8. Speedometer	Visual inspection or by operation during road test or by electronic means	(a) Not fitted in accordance with the requirements <sup>1</sup> . Missing (if required).	X		
		(b) Operation impaired. Not operational at all.	X		
		(c) Not capable of being sufficient illuminated. Not capable of being illuminated at all.	X		
7.9. Tachograph (if fitted/required)	Visual inspection	(a) Not fitted in accordance with the requirements <sup>1</sup> .		X	
		(b) Not operational.		X	
		(c) Defective or missing seals.		X	
		(d) Installation plaque missing, illegible or out of date.		X	
		(e) Obvious tampering or manipulation.		X	
		(f) Size of tyres not compatible with calibration parameters.		X	
7.10. Speed limitation device (if fitted/required) (+ E)	Visual inspection and by operation if equipment available	(a) Not fitted in accordance with the requirements <sup>1</sup> .		X	
		(b) Obviously not operational.		X	
		(c) Incorrect set speed (if checked).		X	
		(d) Defective or missing seals.		X	
		(e) Plaque missing or illegible.		X	
		(f) Size of tyres not compatible with calibration parameters.		X	

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
7.11. Odometer if available (X) <sup>2</sup>	Visual inspection, and/or using electronic interface	(a) Obviously manipulated (fraud) to reduce or misrepresent the vehicle's distance record.		X	
		(b) Obviously inoperative.		X	
7.12. Electronic Stability Control (ESC) if fitted/required (X) <sup>2</sup>	Visual inspection, and/or using electronic interface	(a) Wheel speed sensors missing or damaged.		X	
		(b) Wirings damaged.		X	
		(c) Other components missing or damaged.		X	
		(d) Switch damaged or not functioning correctly.		X	
		(e) ESC MIL indicates any kind of failure of the system.		X	
		(f) System indicates failure via the electronic vehicle interface.		X	
8. NUISANCE					
8.1. Noise					
8.1.1. Noise suppression system (+ E)	Subjective evaluation (unless the inspector considers that the noise level may be borderline, in which case a measurement of noise emitted by stationary vehicle using a sound level meter may be conducted)	(a) Noise levels in excess of those permitted in the requirements <sup>1</sup> .		X	
		(b) Any part of the noise suppression system loose, damaged, incorrectly fitted, missing or obviously modified in a way that would adversely affect the noise levels.  Very serious risk of falling off.		X	X
8.2. Exhaust emissions					
8.2.1. Positive ignition engine emissions					
8.2.1.1. Exhaust emissions control equipment	Visual inspection	(a) Emission control equipment fitted by the manufacturer absent, modified or obviously defective.		X	
		(b) Leaks which would affect emission measurements.		X	



Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
		(c) MIL does not follow correct sequence.		X	
8.2.1.2. Gaseous emissions (E)	<p>— For vehicles up to emission classes Euro 5 and Euro V <sup>(7)</sup>:</p> <p>measurement using an exhaust gas analyser in accordance with the requirements <sup>1</sup> or reading of OBD. Tailpipe testing shall be the default method of exhaust emission assessment. On the basis of an assessment of equivalence, and by taking into account the relevant type-approval legislation, Member States may authorise the use of OBD in accordance with the manufacturer's recommendations and other requirements.</p> <p>— For vehicles as of emission classes Euro 6 and Euro VI <sup>(8)</sup>:</p> <p>measurement using an exhaust gas analyser in accordance with the requirements <sup>1</sup> or reading of OBD in accordance with the manufacturer's recommendations and other requirements <sup>1</sup>.</p> <p>Measurements not applicable for two-stroke engines.</p> <p>Alternatively, measurement using remote sensing equipment and confirmed by standard test methods.</p>	(a) Either gaseous emissions exceed the specific levels given by the manufacturer.		X	
		(b) Or, if this information is not available, the CO emissions exceed,		X	
		(i) for vehicles not controlled by an advanced emission control system,			
		— 4,5 %, or			
		— 3,5 %			
according to the date of first registration or use specified in requirements <sup>1</sup> ;					
(ii) for vehicles controlled by an advanced emission control system, at engine idle:					
— 0,5 %,					
— at high idle: 0,3 %,					
or					
— at engine idle: 0,3 % <sup>(7)</sup> ,					
— at high idle: 0,2 %,					
according to the date of first registration or use specified in requirements <sup>1</sup> .					
		(c) Lambda coefficient outside the range $1 \pm 0,03$ or not in accordance with the manufacturer's specification.		X	
		(d) OBD readout indicating significant malfunction.		X	
		(e) Remote sensing measurement showing significant non-compliance.		X	

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
8.2.2. Compression ignition engine emissions					
8.2.2.1. Exhaust emission control equipment	Visual inspection	(a) Emission control equipment fitted by the manufacturer absent or obviously defective.		X	
		(b) Leaks which would affect emission measurements.		X	
		(c) MIL does not follow correct sequence.		X	
		(d) Insufficient reagent, if applicable.		X	
8.2.2.2. Opacity  Vehicles registered or put into service before 1 January 1980 are exempted from this requirement	<p>— For vehicles up to emission classes Euro 5 and Euro V <sup>(7)</sup>:</p> <p>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 or reading of OBD. The tailpipe testing shall be the default method of exhaust emission assessment. On the basis of an assessment of equivalence, Member States may authorise the use of OBD in accordance with the manufacturer's recommendations and other requirements.</p> <p>— For vehicles as of emission classes Euro 6 and Euro VI <sup>(8)</sup>:</p> <p>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 or reading of OBD in accordance with the manufacturer's recommendations and other requirements <sup>1</sup>.</p>	(a) For vehicles registered or put into service for the first time after the date specified in requirements <sup>1</sup> ,  opacity exceeds the level recorded on the manufacturer's plate on the vehicle;		X	

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
	<p>Vehicle preconditioning:</p> <p>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.</p>	<p>(b) Where this information is not available or requirements<sup>1</sup> do not allow the use of reference values,</p> <p>— for naturally aspirated engines: 2,5 m<sup>-1</sup>,</p> <p>— for turbo-charged engines: 3,0 m<sup>-1</sup>,</p> <p>or, for vehicles identified in requirements<sup>1</sup> or first registered or put into service for the first time after the date specified in requirements<sup>1</sup>:</p> <p>1,5 m<sup>-1</sup> <sup>(10)</sup></p> <p>or</p> <p>0,7 m<sup>-1</sup> <sup>(8)</sup></p>		X	
	<p>2. Precondition requirements:</p> <p>(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 the vehicle configuration, this measurement is impractical, the engine's normal operating temperature may be established by other means, for example by the operation of the engine cooling fan.</p> <p>(ii) Exhaust system shall be purged by at least three free acceleration cycles or by an equivalent method.</p>			X	

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
	<p>Test procedure:</p> <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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 categories M<sub>2</sub>, M<sub>3</sub>, N<sub>2</sub> and N<sub>3</sub>, should be at least two seconds.</li> <li>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.</li> </ol>	(c) Remote sensing measurement showing significant non-compliance.		X	

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
	<p>5. To avoid unnecessary testing, Member States may fail vehicles which have measured values significantly in excess of the limit values after fewer 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 fewer than three free acceleration cycles or after the purging cycles.</p> <p>Alternatively, measurement using remote sensing equipment and confirmed by standard test methods</p>				
8.4. Other items related to the environment					
8.4.1. Fluid leaks		<p>Any excessive fluid leak, other than water, likely to harm the environment or to pose a risk to the safety of other road users.</p> <p>Steady formation of drops that constitutes a very serious risk.</p>		X	X
9. SUPPLEMENTARY TESTS FOR PASSENGER CARRYING VEHICLES OF CATEGORIES M <sub>2</sub> , M <sub>3</sub>					
9.1. Doors					
9.1.1. Entrance and exit doors	Visual inspection and by operation	(a) Defective operation.		X	
		(b) Deteriorated condition. Likely to cause injuries.	X		
		(c) Defective emergency control.		X	
		(d) Remote control of doors or warning devices defective.		X	

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
9.1.2. Emergency exits	Visual inspection and by operation (where appropriate)	(a) Defective operation.		X	
		(b) Emergency exits signs illegible. Emergency exits signs missing.	X		
		(c) Missing hammer to break glass.	X		
		(d) Access blocked.		X	
9.2. Demisting and defrosting system (X) <sup>2</sup>	Visual inspection and by operation	(a) Not operating correctly. Affecting safe operation of the vehicle.	X		
		(b) Emission of toxic or exhaust gases into driver's or passenger compartment. Danger to health of persons on board.		X	X
		(c) Defective defrosting (if compulsory).		X	
9.3. Ventilation and heating system (X) <sup>2</sup>	Visual inspection and by operation	(a) Defective operation. Risk to health of persons on board.	X		
		(b) Emission of toxic or exhaust gases into driver's or passenger compartment. Danger to health of persons on board.		X	X
9.4. Seats					
9.4.1. Passenger seats (including seats for accompanying personnel and child restraint systems when applicable)	Visual inspection	Folding seats (if allowed) not working automatically. Blocking an emergency exit.	X		X

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
9.4.2. Driver's seat (additional requirements)	Visual inspection	(a) Defective special devices such as anti-glare shield. Field of vision impaired.	X		
		(b) Protection for driver insecure. Likely to cause injuries.	X		
9.5. Interior lighting and destination devices (X) <sup>2</sup>	Visual inspection and by operation	Device defective. Not operational at all.	X		
9.6. Gangways, standing areas	Visual inspection	(a) Insecure floor. Stability affected.		X	X
		(b) Defective rails or grab handles. Insecure or un-useable.	X		
9.7. Stairs and steps	Visual inspection and by operation (where appropriate)	(a) Deteriorated condition. Damaged condition. Stability affected.	X		X
		(b) Retractable steps not operating correctly.		X	
9.8. Passenger communication system (X) <sup>2</sup>	Visual inspection and by operation.	Defective system. Not operational at all.	X		
9.9. Notices (X) <sup>2</sup>	Visual inspection	(a) Missing, erroneous or illegible notice. False information.	X		

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
9.10. Requirements regarding the transportation of children (X) <sup>2</sup>					
9.10.1. Doors	Visual inspection	Protection of doors not in accordance with the requirements <sup>1</sup> . regarding this form of transport.		X	
9.10.2. Signalling and special equipment	Visual inspection	Signalling or special equipment absent.	X		
9.11. Requirements regarding the transportation of persons with reduced mobility(X) <sup>2</sup>					
9.11.1. Doors, ramps and lifts	Visual inspection and operation	(a) Defective operation. Safe operation affected.	X		
		(b) Deteriorated condition. Stability affected; likely to cause injuries.	X		X
		(c) Defective control(s). Safe operation affected.	X		X
		(d) Defective warning device(s). Not operating at all.	X		X
9.11.2. Wheelchair restraint system	Visual inspection and by operation if appropriate	(a) Defective operation. Safe operation affected.	X		X
		(b) Deteriorated condition. Stability affected; likely to cause injuries.	X		X
		(c) Defective control(s). Safe operation affected.	X		X



Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
9.11.3. Signalling and special equipment	Visual inspection	Signalling or special equipment absent.		X	

- (<sup>1</sup>) The brake percentage efficiency is calculated by dividing the total brake effort achieved when the brake is applied by the vehicle weight or, in the case of a semi-trailer, the sum of the axle loads and then multiplying the result by 100.
- (<sup>2</sup>) The vehicle categories which are outside the scope of this Directive are included for guidance.
- (<sup>3</sup>) 48 % for vehicles not fitted with ABS or type approved before 1 October 1991.
- (<sup>4</sup>) 45 % for vehicles registered after 1988 or from the date specified in requirements, whichever is the later.
- (<sup>5</sup>) 43 % for semi-trailers and draw-bar trailers registered after 1988 or from the date in requirements, whichever is the later.
- (<sup>6</sup>) 2,2 m/s<sup>2</sup> for N<sub>1</sub>, N<sub>2</sub> and N<sub>3</sub> vehicles.
- (<sup>7</sup>) Type-approved in accordance with Directive 70/220/EEC, Regulation (EC) No 715/2007, Annex I, Table 1 (Euro 5), Directive 88/77/EEC and Directive 2005/55/EC.
- (<sup>8</sup>) Type-approved in accordance with Regulation (EC) No 715/2007, Annex I, Table 2 (Euro 6) and Regulation (EC) No 595/2009 (Euro VI).
- (<sup>9</sup>) Type approved according to Regulation (EC) No 715/2007 Annex I Table 2 (Euro 6) and Regulation (EC) No 595/2009 (Euro VI).
- (<sup>10</sup>) Type-approved in accordance with limits in row B, Section 5.3.1.4 of Annex I to Directive 70/220/EEC; row B1, B2 or C, Section 6.2.1 of Annex I to Directive 88/77/EEC or first registered or put into service after 1 July 2008.

## NOTES:

- <sup>1</sup> 'Requirements' are laid down by type-approval at the date of approval, first registration or first entry into service, as well as by retrofitting obligations or by national legislation in the country of registration. These reasons for failure apply only when compliance with requirements has been checked.
- <sup>2</sup> (X) identifies items which relate to the condition of the vehicle and its suitability for use on the road but which are not considered essential in a roadworthiness test.
- <sup>3</sup> Unsafe modification means a modification that adversely affects the road safety of the vehicle or has a disproportionately adverse effect on the environment.
- E For testing of this item, equipment is required.

## ANNEX III

**I. Principles of cargo securing**

1. Cargo securing shall withstand the following forces resulting from accelerations/decelerations of the vehicle:

- in driving direction: 0,8 times the weight of the cargo and
- in lateral direction: 0,5 times the weight of the cargo and
- against driving direction: 0,5 times the weight of the cargo,
- and in general must prevent tilting or tipping of cargo.

2. The distribution of cargo shall take into account the maximum authorised axle loads as well as the necessary minimum axle loads within the limits of the maximum authorised mass of the vehicle, in line with the legal provisions on weights and dimensions of vehicles.

3. During the securing of cargo, the applicable requirements regarding the strength of certain vehicle components, such as the headboard, sideboard, endboards, stanchions or lashing points, shall be taken into account when those components are used for the cargo securing.

4. For the securing of cargo, one or more or a combination of the following restraining methods may be used:

- locking;
- blocking (local/overall);
- direct lashing;
- top-over lashing.

5. Applicable standards:

Standard	Subject
— EN 12195-1	Calculation of lashing forces
— EN 12640	Lashing points
— EN 12642	Strength of vehicle body structure
— EN 12195-2	Web lashings made from man-made fibres
— EN 12195-3	Lashing chains
— EN 12195-4	Lashing steel wire ropes
— ISO 1161, ISO 1496	ISO container
— EN 283	Swap bodies
— EN 12641	Tarpaulins
— EUMOS 40511	Poles — Stanchions
— EUMOS 40509	Transport Packaging

## II. Inspection of the Securing of Cargo

### 1. Classification of deficiencies

Deficiencies shall be classified in one of the following deficiency groups:

- Minor deficiency: a minor deficiency exists when the load has been properly secured but a safety advice might be appropriate.
- Major deficiency: a major deficiency exists when the load has not been sufficiently secured and a significant shifting or overturning of the load or parts thereof is possible.
- Dangerous deficiency: a dangerous deficiency exists when traffic safety is directly endangered due to a risk of loss of cargo or parts thereof or a hazard deriving directly from the cargo or an immediate endangering of persons

Where several deficiencies are present, the transport is classified in the highest deficiency group. If, in the event that there are several deficiencies, as the effects based on the combination of those deficiencies are expected to reinforce one another, the transport shall be classified in the next higher deficiency level.

### 2. Methods of inspection

The method of inspection is a visual assessment of the proper use of appropriate measures in the amount necessary to secure cargo and/or measurement of tension forces, calculation of securing efficiency and checking of certificates where appropriate.

### 3. Assessment of deficiencies

Table 1 sets out rules that may be applied during a cargo securing inspection to determine whether the condition of the transport is acceptable.

The categorisation of the deficiencies shall be determined on the basis of the classifications set out in Section 1 of this chapter, on a case-by-case basis.

The values stated in Table 1 are of an indicative nature and should be seen as a guideline for determining the category of a given deficiency in light of the specific circumstances — depending in particular on the nature of the cargo and the discretion of the inspector.

In the case of a transport falling within the scope of Council Directive 95/50/EC <sup>(1)</sup>, more specific requirements may apply.

Table 1

Item	Deficiencies	Deficiencies assessment		
		Minor	Major	Dangerous
A	Transport packaging does not allow proper load securing.	At discretion of inspector		
B	One or more load units are not properly positioned.	At discretion of inspector		
C	The vehicle is not suitable for the loaded cargo (deficiency other than those listed under item 10).	At discretion of inspector		
D	Obvious defects of the vehicle superstructure (deficiency other than those listed under item 10).	At discretion of inspector		
10	Suitability of the vehicle			

<sup>(1)</sup> Council Directive 95/50/EC of 6 October 1995 on uniform procedures for checks on the transport of dangerous goods by road (OJ L 249, 17.10.1995, p. 35).

Item	Deficiencies	Deficiencies assessment		
		Minor	Major	Dangerous
10.1.	Front wall (if used for the securing of cargo)			
10.1.1.	Part-weakening rust damage or deformations		x	
	Part cracked risking the integrity of the cargo compartment			x
10.1.2.	Insufficient strength (certificate or label if applicable)		x	
	Insufficient height relevant to cargo carried			x
10.2.	Board walls (if used for the securing of cargo)			
10.2.1.	Part-weakening rust damage, deformations, insufficient condition of hinges or catches		x	
	Part cracked; hinges or catches missing or inoperative			x
10.2.2.	Stayer insufficient strength (certificate or label if applicable)		x	
	Insufficient height relevant to cargo carried			x
10.2.3.	Board wall planks, insufficient condition		x	
	Part cracked			x
10.3.	Rear wall (if used for the securing of cargo)			
10.3.1.	Part-weakening rust damage, deformations, insufficient condition of hinges or catches		x	
	Part cracked; hinges or catches missing or inoperative			x
10.3.2.	Insufficient strength (certificate or label if applicable)		x	
	Insufficient height relevant to cargo carried			x
10.4.	Stanchions (if used for the securing of cargo)			
10.4.1.	Part-weakening rust damage, deformations or insufficient attachment to vehicle		x	
	Part cracked; attachment to vehicle instable			x
10.4.2.	Insufficient strength or design		x	
	Insufficient height relevant to cargo carried			x
10.5.	Lashing points (if used for the securing of cargo)			
10.5.1.	Insufficient condition or design		x	
	Not capable of bearing required lashing forces			x

Item	Deficiencies	Deficiencies assessment		
		Minor	Major	Dangerous
10.5.2.	Insufficient number Insufficient number for bearing required lashing forces		x	x
10.6.	Required special structures (if used for the securing of cargo)			
10.6.1.	Insufficient condition, damaged Part cracked; not able to bear restraint forces		x	x
10.6.2.	Not suitable for transported cargo Missing		x	x
10.7.	Floor (if used for the securing of cargo)			
10.7.1.	Insufficient condition, damaged Part cracked; not able to bear cargo		x	x
10.7.2.	Insufficient load rating Not able to bear cargo		x	x
20.	Restraining methods			
20.1.	Locking, blocking and direct lashing			
20.1.1.	Direct attachment of the load (blocking)			
20.1.1.1.	Distance forward to the front wall, if used for direct securing of cargo, too great More than 15 cm and danger of penetrating the wall		x	x
20.1.1.2.	Lateral distance to the board wall, if used for direct securing of cargo, too great More than 15 cm and danger of penetrating the wall		x	x
20.1.1.3.	Distance backwards to the rear board wall, if used for direct securing of cargo, too great More than 15 cm and danger of penetrating the wall		x	x
20.1.2.	Securing devices such as lashing rails, blocking beams, battens and wedges to the front, to the sides and to the rear			
20.1.2.1.	Improper attachment to vehicle Insufficient attachment Not able to bear restraint forces, loose	x	x	x

Item	Deficiencies	Deficiencies assessment		
		Minor	Major	Dangerous
20.1.2.2.	Securing improper Insufficient securing Completely ineffective	x	x	x
20.1.2.3.	Insufficient suitability of the securing equipment Securing equipment complete unsuitable		x	x
20.1.2.4.	Suitability of the chosen method for securing the packaging suboptimal Chosen method completely inadequate		x	x
20.1.3.	Direct securing with nets and blankets			
20.1.3.1.	Condition of the nets and blankets (label missing/damaged but device still in good order) Load-restraint devices damaged Load-restraint devices seriously deteriorated and no longer suitable for use	x	x	x
20.1.3.2.	Insufficient strength of the nets and blankets Capability less than 2/3 of the required restraint forces		x	x
20.1.3.3.	Insufficient fastening of the nets and blankets Fastening less capable to bear 2/3 of the required restraint forces		x	x
20.1.3.4.	Insufficient suitability of the nets and blankets for securing the cargo Completely unsuitable		x	x
20.1.4.	Separation and padding of the loading units or clearance spaces			
20.1.4.1.	Unsuitability of the separation and padding unit Extensive separation or clearance spaces		x	x
20.1.5.	Direct lashing (horizontal, transverse, diagonal, loop and spring lashings)			
20.1.5.1.	The required securing strengths inadequate Less than 2/3 of required strength		x	x
20.2.	Friction-lock securing			
20.2.1.	Attainment of the required securing strengths			

Item	Deficiencies	Deficiencies assessment		
		Minor	Major	Dangerous
20.2.1.1.	The required securing strengths inadequate Less than 2/3 of required strength		x	x
20.3.	Load-restraint devices used			
20.3.1.	Unsuitability of the load-restraint devices Completely unsuitable device		x	x
20.3.2.	Label (e.g. patch/test trailer) is missing/damaged but device still in good order Label (e.g. patch/test trailer) is missing/damaged but device shows considerable deterioration	x	x	
20.3.3.	Load-restraint devices damaged Load-restraint devices seriously deteriorated and no longer suitable for use		x	x
20.3.4.	Lashing winches incorrect used Defective lashing winches		x	x
20.3.5.	Use of the load-restraint wrong (e.g. absence of edge protection) Use of the load-restraint devices defective (e.g. knots)		x	x
20.3.6.	Fastening of the load-restraint devices inappropriate Less than 2/3 of required strength		x	x
20.4.	Additional equipment (e.g. anti-slip mats, edge protectors, edge slides)			
20.4.1.	Unsuitable equipment used Wrong or defective equipment used Equipment used completely unsuitable	x	x	x
20.5.	Transport of bulk material, light and loose material			
20.5.1.	Bulk material blown away during operation of the vehicle on the road likely to distract traffic Posing a danger to traffic		x	x
20.5.2.	Bulk materials are not adequately secured Loss of cargo posing a danger to traffic		x	x

Item	Deficiencies	Deficiencies assessment		
		Minor	Major	Dangerous
20.5.3.	Absence of covering for light goods		x	
	Loss of cargo posing a danger to traffic			x
20.6.	Round timber transports			
20.6.1.	Transport material (logs) partially loose			x
20.6.2.	Securing strengths of the loading unit inadequate		x	
	Less than 2/3 of required strength			x
30.	Load entirely unsecured			x



ANNEX IV

(front side)

**SPECIMEN MORE DETAILED TECHNICAL ROADSIDE INSPECTION REPORT INCORPORATING A CHECK-LIST**

- 1. Place of technical roadside inspection .....
- 2. Date .....
- 3. Time .....
- 4. Vehicle nationality mark and registration number .....
- 5. Vehicle identification/VIN number .....
- 6. Category of vehicle
  - (a) N<sub>2</sub><sup>(a)</sup> (3,5 to 12 t)
  - (b) N<sub>3</sub><sup>(a)</sup> (more than 12 t)
  - (c) O<sub>3</sub><sup>(a)</sup> (3,5 to 12 t)
  - (d) O<sub>4</sub><sup>(a)</sup> (more than 10 t)
  - (e) M<sub>2</sub><sup>(a)</sup> (> 9 seats<sup>(b)</sup> to 5 t)
  - (f) M<sub>3</sub><sup>(a)</sup> (> 9 seats<sup>(b)</sup> more than 5 t)
  - (g) T5
  - (h) Other vehicle category:   
(please specify)
- 7. Odometer reading at the time of inspection
- 8. Undertaking carrying out transport
  - (a) Name and address .....
  - .....
  - (b) Number of the Community licence<sup>(c)</sup> (Regulations (EC) No 1072/2009 and (EC) No 1073/2009) .....
- 9. Driver name .....

## 10. Checklist

	Checked <sup>(d)</sup>	Failed <sup>(e)</sup>
(0) Identification <sup>(f)</sup>	<input type="checkbox"/>	<input type="checkbox"/>
(1) Braking equipment <sup>(f)</sup>	<input type="checkbox"/>	<input type="checkbox"/>
(2) Steering <sup>(f)</sup>	<input type="checkbox"/>	<input type="checkbox"/>
(3) Visibility <sup>(f)</sup>	<input type="checkbox"/>	<input type="checkbox"/>
(4) Lighting equipment and electrical system <sup>(f)</sup>	<input type="checkbox"/>	<input type="checkbox"/>
(5) Axles, wheels, tyres, suspension <sup>(f)</sup>	<input type="checkbox"/>	<input type="checkbox"/>
(6) Chassis and chassis attachments <sup>(f)</sup>	<input type="checkbox"/>	<input type="checkbox"/>
(7) Other equipment incl. tachograph and speed limitation device <sup>(f)</sup>	<input type="checkbox"/>	<input type="checkbox"/>
(8) Nuisance incl. emissions and spillage of fuel and/or oil <sup>(f)</sup>	<input type="checkbox"/>	<input type="checkbox"/>
(9) Supplementary tests for category M <sub>2</sub> and M <sub>3</sub> vehicles <sup>(f)</sup>	<input type="checkbox"/>	<input type="checkbox"/>
(10) Cargo securing <sup>(f)</sup>	<input type="checkbox"/>	<input type="checkbox"/>

## 11. Result of inspection:

Passed	<input type="checkbox"/>
Failed	<input type="checkbox"/>
Prohibition or restriction on using the vehicle, which has dangerous deficiencies	<input type="checkbox"/>

## 12. Miscellaneous/remarks: .....

## 13. Authority/officer or inspector having carried out the inspection

Signature of:

Competent authority/officer or inspector

Driver

.....

## Notes:

- (a) Vehicle category in accordance with Article 2 to Directive 2014/47/EU.
- (b) Number of seats including the driver's seat (item S.1 of registration certificate).
- (c) If available.
- (d) 'checked' means that at least one or more of the inspection items of this group, as listed in Annex II or III to Directive 2014/47/EU, have been checked and minor or no deficiencies have been found.
- (e) Failed items with major or dangerous deficiencies indicated on the rear side.
- (f) Methods for testing and assessment of defects in accordance with Annex II or III to Directive 2014/47/EU.

(reverse side)

0.	<b>IDENTIFICATION OF THE VEHICLE</b>	1.1.17.	Load sensing valve	2.2.	Steering wheel, column and handle bar	4.4.2.	Switching
0.1.	Registration number plates	1.1.18.	Slack adjusters and indicators	2.2.1.	Steering wheel condition	4.4.3.	Compliance with requirements
0.2.	Vehicle identification/chassis/serial number	1.1.19.	Endurance braking system (where fitted or required)	2.2.2.	Steering column and steering dampers	4.4.4.	Flashing frequency
1.	<b>BRAKING EQUIPMENT</b>	1.1.20.	Automatic operation of trailer brakes	2.3.	Steering play	4.5.	Front and rear fog lamps
1.1.	Mechanical condition and operation	1.1.21.	Complete braking system	2.4.	Wheel alignment	4.5.1.	Condition and operation
1.1.1.	Service brake pedal pivot	1.1.22.	Test connections	2.5.	Trailer steered axle turntable	4.5.2.	Alignment
1.1.2.	Pedal condition and travel of brake operating device	1.1.23.	Overrun brake	2.6.	Electronic Power Steering (EPS)	4.5.3.	Switching
1.1.3.	Vacuum pump or compressor and reservoirs	1.2.	Service braking performance and efficiency	3.	<b>VISIBILITY</b>	4.5.4.	Compliance with requirements
1.1.4.	Low pressure warning gauge or indicator	1.2.1.	Performance	3.1.	Field of vision	4.6.	Reversing lamps
1.1.5.	Hand-operated brake control valve	1.2.2.	Efficiency	3.2.	Condition of glass	4.6.1.	Condition and operation
1.1.6.	Parking brake activator, lever control, parking brake ratchet, electronic parking brake	1.3.	Secondary (emergency) braking performance and efficiency	3.3.	Rear-view mirrors	4.6.2.	Compliance with requirements
1.1.7.	Braking valves (foot valves, un-loaders, governors)	1.3.1.	Performance	3.4.	Windscreen wipers	4.6.3.	Switching
1.1.8.	Couplings for trailer brakes (electrical and pneumatic)	1.3.2.	Efficiency	3.5.	Windscreen washers	4.7.	Rear registration plate lamp
1.1.9.	Energy storage reservoir pressure tank	1.4.	Parking braking performance and efficiency	3.6.	Demisting system	4.7.1.	Condition and operation
1.1.10.	Brake servo units, master cylinder (hydraulic systems)	1.4.1.	Performance	4.	<b>LAMPS, REFLECTORS, ELECTRICAL EQUIPMENT</b>	4.7.2.	Compliance with requirements
1.1.11.	Rigid brake pipes	1.4.2.	Efficiency	4.1.	Headlamps	4.8.	Retro-reflectors, conspicuity markings and rear marking plates
1.1.12.	Flexible brake hoses	1.5.	Endurance braking system performance	4.1.1.	Condition and operation	4.8.1.	Condition
1.1.13.	Brake linings and pads	1.6.	Anti-lock braking system	4.1.2.	Alignment	4.8.2.	Compliance with requirements
1.1.14.	Brake drums, brake discs	1.7.	Electronic brake system (EBS)	4.1.3.	Switching	4.9.	Tell-tales mandatory for lighting equipment
1.1.15.	Brake cables, rods, levers, linkages	1.8.	Brake fluid	4.1.4.	Compliance with requirements	4.9.1.	Condition and operation
1.1.16.	Brake actuators (incl. spring brakes or hydraulic cylinders)	2.	<b>STEERING</b>	4.1.5.	Levelling devices	4.9.2.	Compliance with requirements
		2.1.	Mechanical condition	4.1.6.	Headlamp cleaning device	4.10.	Electrical connections between towing vehicle and trailer or semi-trailer
		2.1.1.	Steering gear condition	4.2.	Front and rear position lamps, side marker lamps, end outline marker lamps and daytime running lamps	4.11.	Electrical wiring
		2.1.2.	Steering gear casing attachment	4.2.1.	Condition and operation	4.12.	Non-obligatory lamps and reflectors
		2.1.3.	Steering linkage condition	4.2.2.	Switching	4.13.	Battery
		2.1.4.	Steering linkage operation	4.2.3.	Compliance with requirements		
		2.1.5.	Power steering	4.3.	Stop lamps		
				4.3.1.	Condition and operation		
				4.3.2.	Switching		
				4.3.3.	Compliance with requirements		
				4.4.	Direction indicator and hazard warning lamps		
				4.4.1.	Condition and operation		

5.	<b>AXLES, WHEELS, TYRES AND SUSPENSION</b>	6.1.7.	Transmission	7.5.	First aid kit.	9.1.	Doors
5.1.	Axles	6.1.8.	Engine mountings	7.6.	Wheel chocks (wedges)	9.1.1.	Entrance and exit doors
5.1.1.	Axles	6.1.9.	Engine performance	7.7.	Audible warning device	9.1.2.	Emergency exits
5.1.2.	Stub axles	6.2.	Cab and bodywork	7.8.	Speedometer	9.2.	Demisting and defrosting systems
5.1.3.	Wheel bearings	6.2.1.	Condition	7.9.	Tachograph	9.3.	Ventilation and heating systems
5.2.	Wheels and tyres	6.2.2.	Mounting	7.10.	Speed limitation device	9.4.	Seats
5.2.1.	Road wheel hub	6.2.3.	Doors and door catches	7.11.	Odometer	9.4.1.	Passenger seats
5.2.2.	Wheels	6.2.4.	Floor	7.12.	Electronic Stability Control (ESC)	9.4.2.	Driver's seat
5.2.3.	Tyres	6.2.5.	Driver's seat	8.	<b>NUISANCE</b>	9.5.	Interior lighting and destination device
5.3.	Suspension system	6.2.6.	Other seats	8.1.	Noise suppression system	9.6.	Gangways, standing areas
5.3.1.	Springs and stabiliser	6.2.7.	Driving controls	8.2.	Exhaust emissions	9.7.	Stairs and steps
5.3.2.	Shock absorbers	6.2.8.	Cab steps	8.2.1.	Positive ignition engine emissions	9.8.	Passenger communication system
5.3.3.	Torque tubes, radius arms, wishbones and susp. arms	6.2.9.	Other interior and exterior fittings and equipment	8.2.1.1.	Exhaust emission control equipment	9.9.	Notices
5.3.4.	Suspension joints	6.2.10.	Mudguards (wings), spray suppression devices	8.2.1.2.	Gaseous emissions	9.10.	Requirements regarding the transportation of children
5.3.5.	Air suspension	7.	<b>OTHER EQUIPMENT</b>	8.2.2.	Compression ignition engine emissions	9.10.1.	Doors
6.	<b>CHASSIS AND CHASSIS ATTACHMENTS</b>	7.1.	Safety-belts/buckles and restraint systems	8.2.2.1.	Exhaust emission control equipment	9.10.2.	Signalling and special equipment
6.1.	Chassis or frame and attachments	7.1.1.	Security of safety-belts/buckles mounting	8.2.2.2.	Opacity	9.11.	Requirements regarding the transportation of persons with reduced mobility
6.1.1.	General condition	7.1.2.	Condition of safety-belts/buckles	8.4.	Other items related to the environment	9.11.1.	Doors, ramps and lifts
6.1.2.	Exhaust pipes and silencers	7.1.3.	Safety belt load-limiter	8.4.1.	Fluid leaks	9.11.2.	Wheelchair restraint system
6.1.3.	Fuel tank and pipes (incl. heating fuel tank and pipes)	7.1.4.	Safety belt pre-tensioners	9.	<b>SUPPLEMENTARY TESTS FOR PASSENGER, CARRYING VEHICLES OF CATEGORIES M<sub>2</sub>; M<sub>3</sub></b>	9.11.3.	Signalling and special equipment
6.1.4.	Bumpers, lateral protection and rear under-run devices	7.1.5.	Airbag				
6.1.5.	Spare wheel carrier	7.1.6.	SRS Systems				
6.1.6.	Mechanical coupling and towing device	7.2.	Fire extinguisher				
		7.3.	Locks and anti-theft device				
		7.4.	Warning triangle				

## ANNEX V

**STANDARD FORM FOR REPORTING TO THE COMMISSION**

The standard form shall be drawn up in a computer-processable format and transmitted by electronic means using standard office software.

Each Member State shall produce:

- one single summary table; and
- for each country of registration of vehicles checked in a more detailed inspection, a separate detailed table containing information on checked and detected deficiencies for each vehicle category.

**Summary table  
of all (initial and more detailed) inspections**

Reporting Member State: e.g. Belgium Reporting period year [X] to year [X+1]

Vehicle Category:  Country of registration	N <sub>2</sub>		N <sub>3</sub>		M <sub>2</sub>		M <sub>3</sub>		O <sub>3</sub>		O <sub>4</sub>		T <sub>5</sub>		Other categories (optional)		Total	
	Number of vehicles checked	Number of vehicles failed (1)	Number of vehicles checked	Number of vehicles failed	Number of vehicles checked	Number of vehicles failed	Number of vehicles checked	Number of vehicles failed	Number of vehicles checked	Number of vehicles failed	Number of vehicles checked	Number of vehicles failed	Number of vehicles checked	Number of vehicles failed	Number of vehicles checked	Number of vehicles failed	Number of vehicles checked	Number of vehicles failed
Belgium																		
Bulgaria																		
Czech Republic																		
Denmark																		
Germany																		
Estonia																		
Ireland																		
Greece																		
Spain																		
France																		
Croatia																		
Italy																		
Cyprus																		

Vehicle Category:	N <sub>2</sub>		N <sub>3</sub>		M <sub>2</sub>		M <sub>3</sub>		O <sub>3</sub>		O <sub>4</sub>		T5		Other categories (optional)		Total	
	Number of vehicles checked	Number of vehicles failed (1)	Number of vehicles checked	Number of vehicles failed	Number of vehicles checked	Number of vehicles failed	Number of vehicles checked	Number of vehicles failed	Number of vehicles checked	Number of vehicles failed	Number of vehicles checked	Number of vehicles failed	Number of vehicles checked	Number of vehicles failed	Number of vehicles checked	Number of vehicles failed	Number of vehicles checked	Number of vehicles failed
Latvia																		
Lithuania																		
Luxembourg																		
Hungary																		
Malta																		
Netherlands																		
Austria																		
Poland																		
Portugal																		
Romania																		
Slovenia																		
Slovakia																		
Finland																		
Sweden																		
United Kingdom																		
Albania																		
Andorra																		

Vehicle Category:	N <sub>2</sub>		N <sub>3</sub>		M <sub>2</sub>		M <sub>3</sub>		O <sub>3</sub>		O <sub>4</sub>		T5		Other categories (optional)		Total	
	Number of vehicles checked	Number of vehicles failed (1)	Number of vehicles checked	Number of vehicles failed	Number of vehicles checked	Number of vehicles failed	Number of vehicles checked	Number of vehicles failed	Number of vehicles checked	Number of vehicles failed	Number of vehicles checked	Number of vehicles failed	Number of vehicles checked	Number of vehicles failed	Number of vehicles checked	Number of vehicles failed	Number of vehicles checked	Number of vehicles failed
Armenia																		
Azerbaijan																		
Belarus																		
Bosnia and Herzegovina																		
Georgia																		
Kazakhstan																		
Liechtenstein																		
Monaco																		
Montenegro																		
Norway																		
Republic of Moldova																		
Russian Federation																		
San Marino																		
Serbia																		
Switzerland																		
Tajikistan																		
Turkey																		Turkey



Vehicle Category:  Country of registration	N <sub>2</sub>		N <sub>3</sub>		M <sub>2</sub>		M <sub>3</sub>		O <sub>3</sub>		O <sub>4</sub>		T5		Other categories (optional)		Total		
	Number of vehicles checked	Number of vehicles failed (1)	Number of vehicles checked	Number of vehicles failed	Number of vehicles checked	Number of vehicles failed	Number of vehicles checked	Number of vehicles failed	Number of vehicles checked	Number of vehicles failed	Number of vehicles checked	Number of vehicles failed	Number of vehicles checked	Number of vehicles failed	Number of vehicles checked	Number of vehicles failed	Number of vehicles checked	Number of vehicles failed	
Turkmenistan																			
Ukraine																			
Uzbekistan																			
The former Yugoslav Republic of Macedonia																			
Other third countries (please specify)																			

(1) Failed vehicles with major or dangerous deficiencies as per Annex IV.

**Results of more detailed inspections**

Reporting Member State: e.g. Belgium

Name of the reporting Member State

Country of Registration: e.g. Bulgaria

PERIOD: from 01/year [x] to 12/year [x+1]

Name of the country of vehicles registration

Vehicle Category:	N <sub>2</sub>		N <sub>3</sub>		M <sub>2</sub>		M <sub>3</sub>		O <sub>3</sub>		O <sub>4</sub>		T <sub>5</sub>		Other categories (optional)		Total		
	Number of vehicles checked	Number of vehicles failed (!)	Number of vehicles checked	Number of vehicles failed	Number of vehicles checked	Number of vehicles failed	Number of vehicles checked	Number of vehicles failed	Number of vehicles checked	Number of vehicles failed	Number of vehicles checked	Number of vehicles failed	Number of vehicles checked	Number of vehicles failed	Number of vehicles checked	Number of vehicles failed	Number of vehicles checked	Number of vehicles failed	

Defect detail

	Checked	Failed	Checked	Failed	Checked	Failed	Checked	Failed	Checked	Failed	Checked	Failed	Checked	Failed	Checked	Failed	Checked	Failed
(0) Identification																		
(1) Braking equipment																		
(2) Steering																		
(3) Visibility																		
(4) Lighting equipment and electrical system																		
(5) Axles, wheels, tyres, suspension																		



Vehicle Category:	N <sub>2</sub>		N <sub>3</sub>		M <sub>2</sub>		M <sub>3</sub>		O <sub>3</sub>		O <sub>4</sub>		T5		Other categories (optional)		Total	
	Number of vehicles checked	Number of vehicles failed (1)	Number of vehicles checked	Number of vehicles failed	Number of vehicles checked	Number of vehicles failed	Number of vehicles checked	Number of vehicles failed	Number of vehicles checked	Number of vehicles failed	Number of vehicles checked	Number of vehicles failed	Number of vehicles checked	Number of vehicles failed	Number of vehicles checked	Number of vehicles failed	Number of vehicles checked	Number of vehicles failed
	Checked	Failed	Checked	Failed	Checked	Failed	Checked	Failed	Checked	Failed	Checked	Failed	Checked	Failed	Checked	Failed	Checked	Failed
3.1																		
3.2																		
...																		
20.6.2																		
30																		
Total number of failures																		

(1) Failed vehicles with major or dangerous deficiencies as per Annex IV.







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