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**REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND
THE COUNCIL**

**on the implementation of Directive 2014/47/EU on the technical roadside inspection of
commercial vehicles circulating in the Union and repealing Directive 2000/30/EC**

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1. INTRODUCTION

1.1. Background

Vehicle inspections are fundamental to road safety. The EU rules setting minimum standards for vehicle checks dated back to 1977, with only minor updates. However, vehicles, driver behaviour and technology have developed a lot since then. The first substantial change in the roadworthiness inspection framework was introduced with the adoption of the Roadworthiness Package¹ in 2014. It had three parts, the periodic roadworthiness tests, the technical roadside inspections of commercial vehicles, and the vehicle registration documents.

The proposal of the Roadworthiness Package in 2012 was prompted by the Commission's 2010 policy orientations on road safety². Under "*objective n° 4: Safer vehicles*" of the policy orientations the Commission defined the action to "*make proposals in view of the progressive harmonisation and strengthening of roadworthiness tests and technical roadside inspections*".

Directive 2014/47/EU³ on the technical roadside inspection of commercial vehicles (hereinafter 'the Directive') has applied from 20 May 2018 and it introduced substantial novelties compared to Directive 2000/30/EC⁴.

The novelties include:

- Improving the quality of vehicle tests by setting common minimum standards for equipment, training of inspectors carrying out more detailed inspections, the assessment and follow-up of deficiencies.
- Extension of the risk rating system of road transport undertakings, introduced by Directive 2006/22⁵, with information based on the technical roadside inspection.
- Using a two-step approach for the roadside inspections by introducing the initial and more detailed inspection.
- First measures for the inspection of cargo securing
- Compulsory EU wide testing of high-speed tractors used for commercial road haulage purposes.

1.2. The purpose and scope of this report

¹ https://ec.europa.eu/transport/road_safety/events-archive/2014_04_30_rwp_en

² Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, *Towards a European road safety area: policy orientations on road safety 2011-2020*, COM(2010) 389 final.

³ 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, *OJ L 127* 29.4.2014, p. 134

⁴ 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

⁵ 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. 35–44

Pursuant to Article 24(1) of the Directive, the Commission should draw up a report by 20 May 2020. The Commission fully acknowledges and deeply regrets the late submission of the report that should have been prepared by 20 May 2020. Another report is due no later than 20 May 2022 according to Article 24(2).

The report according to Article 24(1) should

- provide information on the implementation and effects of the Directive;
- analyse in particular its effect in terms of improvement of road safety;
- assess the costs and benefits of the possible inclusion of light duty vehicles (N1) and trailers (O2) within the scope of the Directive.

The report according to Article 24(2) should

- provide information on the application and effects of the 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;
- be accompanied by a detailed impact assessment analysing the costs and benefits throughout the Union, 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 the Directive.

As mentioned above, the Directive has applied from 20 May 2018. In order to generate data to draw meaningful conclusions, in particular its effect in terms of improvement of road safety, on average an uninterrupted period of application of three years is required. Therefore the data collection that will enable drawing conclusions concerning the effects of the Directive may start in the second half of 2021 the earliest.

As regards the cost and benefit analysis of the possible inclusion of light duty vehicles and light trailers, the Commission would carry out the necessary analysis in the frame of an impact assessment prior to a possible future Commission proposal.

As far as the effectiveness and harmonisation of risk rating systems is concerned, it should be noted that the Directive only supplements the risk rating system by adding some relevant information in relation to the technical roadside inspection. However, the obligation to create a risk rating system is set out by Article 9 of Directive 2006/22/EC⁶. Moreover, Directive 2006/22/EC has not harmonised the risk rating systems, therefore Member States were free to define the details of their national risk rating systems. Although Annex I to the Directive sets out the criteria for the attribution of a risk profile to an undertaking, the scope of these measures are limited to the technical roadside inspections and they are also only optional. Therefore, the analysis of the effectiveness and harmonisation of risk rating systems would need to be carried out in the frame of Directive 2006/22/EC, once the respective measures will have been introduced.

In this respect, this report aims at providing an overview of the implementation actions of the Member States based on the preliminary findings of the transposition control.

⁶ “(1) Member States shall introduce a risk rating system for undertakings based on the relative number and severity of any infringements of Regulations (EEC) No 3820/85 or (EEC) No 3821/85 that an individual undertaking has committed.”

2. THE DIRECTIVE

2.1 The scope of the Directive

The Directive kept the mandatory testing for all vehicles which have already been tested regularly according to Directive 2000/30/EC, i.e. for heavy goods vehicles (N2, N3), busses (M2, M3) and heavy trailers (O3 and O4).

However as a novelty, the Directive introduced the testing of tractors with a maximum design speed exceeding 40 km/h the use of which mainly takes place on public roads for commercial road haulage purposes.

The Directive underlines that Member States have the right to carry out technical roadside inspections on vehicles not covered by the Directive, such as light duty vehicles (N1), or carry out inspections in places other than public roads.

2.2 Risk rating system; Selection of vehicles for initial technical roadside inspection

As a novelty, the Directive extends the risk rating system established by Directive 2006/22/EC. Member States are now obliged to add to their risk rating systems the information concerning the number and severity of deficiencies detected during the technical roadside inspection on heavy goods vehicles, busses and heavy trailers but not on speed tractors.

The Directive sets out criteria, such as the number and severity of defects, in its Annex I for the attribution of a risk profile to an undertaking, however the use of the criteria is only optional, and Member States may use their own system.

In addition to the information collected during the roadside inspections carried out on domestic vehicles, Member States also have to add the information they receive from other Member States to their risk rating system.

Member States may allow undertakings to submit their vehicles to additional voluntary roadworthiness tests and the information on these inspections may be taken into account in order to improve the risk profile of an undertaking.

Vehicles to be inspected may be selected either based on the high-risk profile of the operating undertaking or randomly, if there is a suspicion that the vehicle presents a risk to road safety or to the environment.

2.3 The roadside inspection system; Contents and methods of the technical roadside inspections

One of the most important novelties of the Directive is the introduction of a two-step approach for the technical roadside inspection.

On each vehicle selected for a technical roadside inspection, the inspector has to perform at least the initial inspection. The initial inspection has both mandatory and optional elements. In each case the inspector has to check the latest roadworthiness certificate, the technical roadside inspection report if available and carry out a visual assessment of the technical condition of the vehicle. Additionally the inspector also has to verify if any defects indicated in the last roadside inspection report have been rectified. Optional elements are the visual inspection of the securing of the vehicle's cargo and technical checks by any method deemed appropriate. The purpose of such technical checks is to substantiate a decision to submit the vehicle to a more detailed inspection or to request detected major or dangerous defects to be rectified before the vehicle is allowed to further circulate on public roads.

Based on the outcome of the initial inspection, the inspector decides if it is necessary to submit the vehicle to a more detailed inspection.

While for the initial inspection the Directive serves more as a frame and allows for a lot of flexibility for the Member States, more detailed inspections have to be carried out by following strict rules set out by the Directive.

Similar to Directive 2014/45/EU on the periodic roadworthiness test, the Directive in its Annex II defines the items, methods, reasons for failures and the classification of the defects applicable as harmonised minimum during the technical roadside inspection. However while during the periodic technical inspection the inspector has to check each item and cover the whole Annex, during a technical roadside inspection only those items listed in Annex II to the Directive have to be covered, which are considered necessary and relevant. Nevertheless particular attention has to be paid to the safety of the brakes, tyres, wheels, chassis and nuisance.

A limit to the technical roadside inspection is, that if according to the roadworthiness certificate or a roadside inspection report an inspection of one of the items listed in Annex II has been carried out within the last three months, the inspector may only check that item, if an obvious deficiency justifies it.

After a more detailed inspection, the inspector has to issue a report in accordance with Annex IV and has to give a copy of the report to the driver.

2.4 Responsibilities; Inspectors; Inspection facilities; Penalties

The Directive defines clear requirements, which Member States have to ensure:

- that the most recent roadworthiness certificate and the report of the most recent technical roadside inspection has to be kept on board of the vehicle in original or as a certified printout. The electronic evidence may also be acceptable;
- that undertakings and drivers of the inspected vehicle cooperate with the inspectors and provide access to the vehicle, its parts and all relevant documentation;
- 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;
- that inspectors refrain from any discrimination on grounds of the nationality of the driver or of the country of registration of the vehicle;
- that inspectors are free from any conflict of interest that could have any influence on the impartiality and objectivity of his decision and
- that the reward of inspectors is not directly related to the results of initial or more detailed technical roadside inspections.

Additionally, the Directive has set out a specific requirement concerning inspectors carrying out more detailed inspections. Such inspectors have to comply with the minimum competence and training requirements set out for inspectors carrying out periodic technical inspections.

As regards the facilities used for the more detailed roadside inspections, it may be a mobile inspection unit or a designated roadside inspection facility, or a periodic roadworthiness testing centre, whichever is the closest. The necessary equipment to carry out certain inspections, such as the brakes or suspension, has to be available in both the mobile inspection unit and the designated roadside inspection facility. If an item would need to be

inspected for which the necessary equipment is not available, the vehicle has to be directed to a testing centre inspection can be performed.

2.5 Assessment of deficiencies; Follow-up in case of major or dangerous deficiencies; Inspection fees

In 2010 the Commission adopted a recommendation⁷ in order to provide guidance to inspectors and to ensure harmonised assessment of the defects listed in Annex II to Directive 2009/40/EC. The recommendation introduced three defect categories (minor, major and dangerous) and defined the category for each defect as guidance.

Based on the recommendation, Directive 2014/45/EU introduced the assessment of deficiencies as a harmonised measure for the periodic roadworthiness testing. The same approach has been used during the revision of the technical roadside inspection measures. The Directive introduced three different defect categories. Depending on their severity, defects can be minor, major or dangerous. Where several defects, falling in different severity categories, are found during the roadside inspection, the vehicle has to be classified according to the more serious deficiency. Additionally, if a vehicle shows several defects of the same inspection area (such as braking or steering) the vehicle may be classified in the next most serious deficiency group if the combined effects of the defects result in a higher risk to road safety.

2.6 Percentage of vehicles to be inspected; Inspection report and databases on technical roadside inspection; Communication of information to the Commission

As a novelty, the Directive defined the overall objective that every year the total number of initial technical roadside inspections in the EU has to correspond to at least 5 % of the total number of registered heavy goods vehicles, busses and heavy trailers.

On a Member State level it means that each of them is required to make efforts to carry out a proportionate amount of initial technical roadside inspections, taken into account the number of such vehicles registered in its territory.

Member States are obliged to collect certain information after both the initial and the more detailed technical roadside inspections. The collected information serves as the basis for the reports they have to send to the Commission every second year.

The first national reports will cover 2019 and 2020 and will be due to be sent to the Commission by 31 March 2021.

2.7 Designation of a contact point; cooperation between Member States; Concerted roadside inspections

The Directive required Member States to designate and notify their national contact point to the Commission. The tasks of this contact points are,

- To ensure coordination with the national contact points of other Member States in questions related to the Directive, in particular where during a roadside inspection major or dangerous deficiencies were identified in a vehicle registered in another Member State;

⁷ Commission recommendation on the assessment of defects during roadworthiness testing in accordance with Directive 2009/40/EC of the European Parliament and of the Council on roadworthiness tests for motor vehicles and their trailers (2010/378/EU)

- To send to the Commission every second year the data of technical roadside inspections they carried out.

3. NATIONAL TRANSPOSITION MEASURES NOTIFIED BY THE MEMBER STATES AND THE PRELIMINARY FINDINGS OF THEIR ASSESSMENT

3.1 National transposition measures notified by the Member States

Member States had to adopt and publish the national measures required to comply with the Directive by 20 May 2017 and subsequently notify them to the Commission. The measures have applied from 20 May 2018.

By 20 May 2017 only 8 of the 28 Member States informed the Commission that the transposition of the Directive had been completed. In line with the procedural rules, the Commission launched infringement procedures urging the other 20 Member States to adopt the required national transposition measures. The launch of the infringement procedures was the basis of intensive exchanges with the Member States and in the majority of the cases it led to the notification of the missing national transposition measures.

3.2 Preliminary findings

In order to gain a preliminary assessment of the national transposition measures on their compliance with the Directive's requirements, the Commission has contracted an external contractor. The findings of the contractor are being further analysed by the Commission, the work is expected to be finalised in the coming months.

3.2.1 The scope of the Directive

According to the preliminary analysis of the national transposition measures, the inclusion of speed-tractors was challenging for some Member States. Some minor issues could also be detected in relation to the vehicle categories having already been part of the roadside inspection regime, which will require further clarification.

3.2.2 Risk rating system; Selection of vehicles for initial technical roadside inspection

The preliminary assessment indicated possible problems in several Member States concerning the extension of the risk rating system with the information stemming from the technical roadside inspections. This will require further analysis and exchanges with the Member States concerned.

It seems that the majority of the Member States have introduced the optional measures of the Directive concerning the selection of vehicles and no substantial concern was raised during the preliminary assessment.

3.2.3 The roadside inspection system; Contents and methods of the technical roadside inspections

According to the preliminary findings, the introduction of the separate initial and more detailed stage of the technical roadside inspection proved challenging. It seems that the clear separation of the two stages has not been introduced in some Member States, which may raise further questions on issues directly related to the different stages, such as the data collection, more detailed roadside inspection report or the training of inspectors.

3.2.4 Responsibilities; Inspectors; Inspection facilities; Penalties

The preliminary analysis did not raise major concerns but some points in relation to the requirements set out for the inspectors will need further assessment and exchanges with the Member States concerned.

3.2.5 Assessment of deficiencies; Follow-up in case of major or dangerous deficiencies; Inspection fees

The overall conclusions of the preliminary assessment were positive, but some points will require further clarifications.

It seems that only a few Member States introduced the optional measures to require the payment of a fee linked to carrying out the inspection where defects have been found during the more detailed inspection.

3.2.6 Percentage of vehicles to be inspected; Inspection report and databases on technical roadside inspection; Communication of information to the Commission

As regards the 5 % threshold and the proportionate amount of inspections on Member State level and the communication of information to the Commission every second year, national transposition measures were in some cases difficult to identify but the preliminary assessment did not identify no major issues.

On the other hand, the new obligation on the collection of different sets of information after initial and more detailed inspections seems to have been challenging for some Member States and further clarification and exchange with the Member States concerned will be necessary.

Concerning the information to be collected on national level, it should be noted that in the absence of transitional measures, the Directive created a difficult situation for the Member States. The Directive applies from 20 May 2018, but the first national reports in accordance with the Directive will only cover 2019 and 2020. This means, that the data for the entirety of 2018 would still need to be collected and the national reports prepared in accordance with Directive 2000/30/EC, however this has been repealed on 20 May 2018, with the application start of the Directive. This legal vacuum posed substantial practical problems for the Member States during the compilation of their 2017-2018 roadside inspection reports.

3.2.7 Designation of a contact point; cooperation between Member States; Concerted roadside inspections;

Member States notified their national contact points by 20 May 2015 and have sent regular updates since then. Based on the notifications and their subsequent updates, the Commission has drawn up a list of the notified national contact points and regularly distributes it to the Member States.

2. SUMMARY – CONCLUSIONS

The Roadworthiness Package adopted in 2014 introduced a number of novelties in the field of periodic roadworthiness testing, the technical roadside inspection of commercial vehicles and the vehicle registration documents, while at the same time it kept the majority of existing and functioning requirements in place.

8 Member States have completed the transposition of the Directive's measures into their national legislation on time. The other 20 have fulfilled their transposition obligation after the Commission has launched the official procedures urging them to do so.

As regards the compliance of the national measures with those of the Directive, the preliminary assessment indicates that the transposition appears to be overall satisfactory in the majority of Member States, however in some cases the Commission may consider launching exchanges with the Member States concerned in order to clarify potential non-compliance issues.

Concerning the effects of the Directive on the various aspects of the technical roadside inspection of commercial vehicles, meaningful conclusions could be drawn only based on data generated after three years' uninterrupted period of application. Nevertheless the Commission will closely monitor the situation and follow up with an ex-post evaluation when the time comes.