



EUROPEAN PARLIAMENT

2009 - 2014

Plenary sitting

A7-0210/2013

7.6.2013

*****I**
REPORT

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

Committee on Transport and Tourism

Rapporteur: Werner Kuhn

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

In amendments by Parliament, amendments to draft acts are highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the draft act which may require correction when the final text is prepared – for instance, obvious errors or omissions in a language version. Suggested corrections of this kind are subject to the agreement of the departments concerned.

The heading for any amendment to an existing act that the draft act seeks to amend includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend. Passages in an existing act that Parliament wishes to amend, but that the draft act has left unchanged, are highlighted in **bold**. Any deletions that Parliament wishes to make in such passages are indicated thus: [...].

CONTENTS

	Page
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION	5
EXPLANATORY STATEMENT.....	68
OPINION OF THE COMMITTEE ON INDUSTRY, RESEARCH AND ENERGY	70
OPINION OF THE COMMITTEE ON THE INTERNAL MARKET AND CONSUMER PROTECTION	88
PROCEDURE	131

DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

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

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2012)0380),
 - having regard to Article 294(2) and Article 91 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0186/2012),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the reasoned opinions submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the French Senate, the Netherlands House of Representatives, the Netherlands Senate, the Swedish Parliament and the Cypriot House of Representatives, asserting that the draft legislative act does not comply with the principle of subsidiarity,
 - having regard to the opinion of the European Economic and Social Committee of 12 December 2012¹,
 - after consulting the Committee of the Regions,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Transport and Tourism and the opinions of the Committee on Industry, Research and Energy and the Committee on the Internal Market and Consumer Protection (A7-0210/2013),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ OJ C 44, 15.2.2013, p. 128.

Amendment 1
Proposal for a regulation
Recital 3

Text proposed by the Commission

(3) Roadworthiness testing is a part of a wider regime ensuring that vehicles are kept in a safe and environmental acceptable condition during their use. This regime should cover periodic roadworthiness tests for all vehicles and roadside technical inspection for vehicles used for commercial road transport activities as well as provisions on a vehicle registration procedure to ensure *that* vehicles which constitute an immediate risk to road safety *are not used on roads*.

Amendment

(3) Roadworthiness testing is a part of a wider regime ensuring that vehicles are kept in a safe and environmental acceptable condition during their use. This regime should cover periodic roadworthiness tests for all vehicles and roadside technical inspection for vehicles used for commercial road transport activities as well as provisions on a vehicle registration procedure. ***Periodic testing should be the main tool to ensure roadworthiness. Roadside inspections of commercial vehicles should only be complementary to periodic tests and should be targeted at*** vehicles which constitute an immediate risk to road safety.

Amendment 2
Proposal for a regulation
Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) All vehicles used on public roads, without prejudice to requirements of periodic roadworthiness testing, are required to be roadworthy at all times when they are used.

Justification

Periodic technical inspections are part of a wider roadworthiness regime where the first requirement is for vehicle owners to ensure their vehicle is roadworthy at all time when it is used.

Amendment 3
Proposal for a regulation
Recital 3 b (new)

Text proposed by the Commission

Amendment

(3b) Enforcement of roadworthiness measures should include awareness campaigns focusing on vehicle owners and aimed at developing good practices and habits resulting from basic checks on their vehicle.

Justification

Education of vehicle owners as regards to basic checks such as tyre check is an important part of the roadworthiness regime which should be emphasized.

Amendment 4
Proposal for a regulation
Recital 4

Text proposed by the Commission

Amendment

(4) A number of technical standards and requirements on vehicle safety have been adopted within the Union. It is however necessary to ensure, through a regime of periodic roadworthiness tests, that after being placed on the market, vehicles continue to meet safety standards throughout their lifetime. ***This regime should apply to*** categories of vehicles as defined in Directive 2002/24/EC of the European Parliament and of the Council of 18 March 2002 relating to the type-approval of two or three-wheel motor vehicles and repealing Council Directive 92/61/EEC, Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval for motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles and Directive 2003/37/EC of the European Parliament and of the Council of 26 May 2003 on

(4) A number of technical standards and requirements on vehicle safety have been adopted within the Union. It is however necessary to ensure, through a regime of periodic roadworthiness tests, that after being placed on the market, vehicles continue to meet safety standards throughout their lifetime. ***Member States might introduce national requirements concerning roadworthiness tests for*** categories of vehicles as defined in Directive 2002/24/EC of the European Parliament and of the Council of 18 March 2002 relating to the type-approval of two or three-wheel motor vehicles and repealing Council Directive 92/61/EEC; ***that national roadworthiness regime should apply to categories of vehicles as defined in*** Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval for motor vehicles and their trailers, and of systems,

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.

components and separate technical units intended for such vehicles and Directive 2003/37/EC of the European Parliament and of the Council of 26 May 2003 on type-approval of agricultural or forestry tractors, their trailers and interchangeable towed machinery, together with their systems, components and separate technical units and repealing Directive 74/150/EEC.

Amendment 5
Proposal for a regulation
Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) Early disclosure of a motor-vehicle roadworthiness deficiency helps to remedy that deficiency and hence prevent accidents, and accident-related costs saved should be used to part-fund the establishment of a bonus scheme.

Amendment 6
Proposal for a regulation
Recital 6

Text proposed by the Commission

Amendment

(6) A large fraction of total emissions of road transport, in particular CO₂ emissions, is due to a minority of vehicles with malfunctioning emission control systems. It is estimated that 5% of the vehicle fleet causes 25% of all pollutant emissions. Therefore, a periodic regime of roadworthiness tests would also contribute to improve the environment through the reduction of the average vehicle emissions.

(6) A large fraction of total emissions of road transport, in particular CO₂ emissions, is due to a minority of vehicles with malfunctioning emission control systems. It is estimated that 5% of the vehicle fleet causes 25% of all pollutant emissions. ***This also applies to an increase in particulates and NO_x emissions from engines of modern design which require a more comprehensive emissions test, including a check, by means of an electronic control device, of the integrity and functionality of the vehicle's own on-board diagnostic (OBD) system, verified by existing tailpipe testing to ensure a***

complete emissions system test, since testing by reference to the OBD alone is not reliable. Therefore, a periodic regime of roadworthiness tests would also contribute to improve the environment through the reduction of the average vehicle emissions.

Amendment 7
Proposal for a regulation
Recital 7

Text proposed by the Commission

Amendment

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

deleted

Justification

In line with the subsidiarity and proportionality principles, it should be left to the Member States to decide whether roadworthiness testing requirements should also cover two- and three-wheel motor vehicles.

Amendment 8
Proposal for a regulation
Recital 8

Text proposed by the Commission

Amendment

(8) Agricultural vehicles with a maximum design speed exceeding 40 km/h are *more and more* used to replace trucks *in local transport activities. Their risk potential is comparable to that of trucks and therefore this vehicle category should be* treated in the same way as trucks regarding

(8) Agricultural vehicles with a maximum design speed exceeding 40 km/h are *in some instances being* used to replace trucks *for commercial road haulage purposes. It is important to ensure, where agricultural vehicles are used in this way, that they are* treated in the same way as

roadworthiness testing.

trucks regarding roadworthiness testing.

Justification

The Commission's proposed wording would capture the vast majority of tractors, even those that rarely travel on public roads and lead to significant consequences for the farming industry and rural communities across Europe.

Amendment 9
Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) Vehicles of historic interest ***are supposed to*** conserve heritage of the *époque* ***they have been*** built ***and considered to be hardly used on public roads***, it should be left to Member States to extend the period of periodic roadworthiness testing for such vehicles. It should also be for Member States to regulate roadworthiness testing of other types of specialised vehicles.

Amendment

(9) Vehicles of historic interest conserve heritage of the *age in which they were* built, ***are maintained in a historically correct condition and are rarely used as everyday vehicles***. It should be left to Member States to extend the period of periodic roadworthiness testing for such vehicles ***or to otherwise regulate the regime for testing their roadworthiness***. It should also be for Member States to regulate roadworthiness testing of other types of specialised vehicles.

Justification

It relates to AMs 15, 16 and 17.

Amendment 10
Proposal for a regulation
Recital 10

Text proposed by the Commission

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

Amendment

(10) Roadworthiness testing is a sovereign activity and ***as such*** should be done by the Member ***State concerned***, or by ***a public body entrusted with that task by the State or by bodies or establishments designated and directly supervised by the State, including duly authorised private bodies***. ***In particular, where establishments designated as vehicle testing centres also***

*perform motor vehicle repairs, Member States should **make every effort to ensure the objectivity and high quality of the vehicle testing.***

Justification

This wording is taken from Article 2 of the current directive, 2009/40/EC, the aim being to continue to ensure that there are different functioning forms of roadworthiness testing.

Amendment 11
Proposal for a regulation
Recital 10 a (new)

Text proposed by the Commission

Amendment

(10a) With a view to better application of the principle of free movement within the Union, the roadworthiness certificate issued in the original Member State of registration should be mutually recognised among Member States for the purpose of re-registration.

Justification

As a first step towards the PTI internal market, it is proposed that Member States would mutually recognise the roadworthiness certificates in case of cross-border re-registration. This amendment is linked to amendment 26.

Amendment 12
Proposal for a regulation
Recital 10 b (new)

Text proposed by the Commission

Amendment

(10b) When there is evidence that harmonisation of roadworthiness testing has been achieved to a sufficient degree, provisions for full mutual recognition of roadworthiness certificates throughout the Union should be established.

Justification

Possibilities for further development of PTI internal market, where holders of vehicles

registered in one Member State could undergo roadworthiness testing in other Member State should be explored. This would enable to allow unnecessary journey back to the Member States of registration for commercial vehicles used in international transport.

Amendment 13
Proposal for a regulation
Recital 11

Text proposed by the Commission

(11) For the inspection of vehicles and especially for their electronic safety components it is crucial to have access to the technical specifications of each single vehicle. Therefore vehicle manufacturers should not only provide the complete set of data as covered by the certificate of conformity (CoC) but also the access to data necessary for verification of the functionality of safety and environmental related *components*. *The provisions related to access to repair and maintenance information should be applied similarly for this purpose, allowing inspection centres to have access to those information-elements necessary for roadworthiness testing. This is of crucial importance especially in the field of electronic controlled systems and should cover all elements that have been installed by the manufacturer.*

Amendment 14
Proposal for a regulation
Recital 12

Text proposed by the Commission

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

Amendment

(11) For the inspection of vehicles and especially for their electronic safety components it is crucial to have access to the technical specifications of each single vehicle. Therefore vehicle manufacturers should not only provide the complete set of data as covered by the certificate of conformity (CoC) but also the access to data necessary for verification of the functionality of safety and environmental related *systems*. *The data should include the details that allow the functionality of the vehicle safety systems to be monitored in a way that allows them to be tested in a periodic technical inspection environment, in such a way as to establish a predictable pass or fail rate.*

Amendment

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

reductions and improvements in use.

Amendment 15
Proposal for a regulation
Recital 13

Text proposed by the Commission

(13) Inspectors, when performing roadworthiness tests, should act independently and any conflict of interests should be avoided. ***The result of roadworthiness tests should not thus be linked to salary or any economic or personal benefit.***

Amendment

(13) Inspectors, when performing roadworthiness tests, should act independently and any conflict of interests should be avoided. ***Member States should ensure that assessments are carried out properly and should pay particular attention to their objectivity.***

Amendment 16
Proposal for a regulation
Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) The quality and impartiality of roadworthiness testing centres is crucial for achieving the target of higher road safety. Therefore, testing centres carrying out roadworthiness tests should, for example, meet the minimum requirements in respect of ISO 17020 on general criteria for the operation of various types of bodies performing inspection.

Amendment 17
Proposal for a regulation
Recital 14

Text proposed by the Commission

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

Amendment

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

roadworthiness test.

roadworthiness test *and impose the appropriate penalties on the body which issued the certificate.*

Amendment 18
Proposal for a regulation
Recital 15

Text proposed by the Commission

(15) High standards of roadworthiness testing require a high level of skills and competences of the testing personnel. A training system including an initial training and periodic refresher trainings should be introduced. A transitional period should be defined to allow for a smooth transition of existing testing personnel into the periodic training regime.

Amendment

(15) High standards of roadworthiness testing require a high level of skills and competences of the testing personnel. A training system including an initial training and periodic refresher trainings should be introduced. A transitional period should be defined to allow for a smooth transition of existing testing personnel into the periodic training regime. ***Member States which already apply more stringent training, competence and testing requirements than the minimum requirements should be allowed to maintain their high standards.***

Justification

Member States should be able to apply more stringent requirements than the minimum standard to examiners operating within their territory.

Amendment 19
Proposal for a regulation
Recital 17

Text proposed by the Commission

(17) Frequency of tests should be adapted according to the type of vehicle ***and to their mileage***. Vehicles are more likely to present technical deficiencies when they reach a certain age ***and, in particular when intensively used, after a certain mileage***. It is therefore appropriate to ***increase the test frequency for older vehicles and for vehicles with high mileage***.

Amendment

(17) Frequency of tests should be adapted according to the type of vehicle. Vehicles are more likely to present technical deficiencies when they reach a certain age. It is therefore appropriate to ***test older vehicles more frequently***.

Amendment 20
Proposal for a regulation
Recital 19

Text proposed by the Commission

(19) Roadworthiness tests should cover all items relevant to the specific design, construction and equipment of the tested vehicle. Within these items and considering the current state of vehicle technology, modern electronic systems should be included in the list of items to be tested. To achieve a harmonisation of roadworthiness testing, testing methods should be provided for each of the test items.

Amendment

(19) Roadworthiness tests should cover all items relevant to the specific design, construction and equipment of the tested vehicle. ***Those items should be updated to take account of evolving research and technical progress on vehicle safety. Substandard wheels fitted onto non-standard axles should be treated as a critical safety item and should therefore be included in roadworthiness testing.*** Within these items and considering the current state of vehicle technology, modern electronic systems should be included in the list of items to be tested. To achieve a harmonisation of roadworthiness testing, testing methods should be provided for each of the test items.

Justification

There are serious liability and safety concerns associated with substandard or damaged wheels, whereby wheels are fitted onto non-standard axles. The testing of wheels not in conformity with the wheel hub should be treated as a safety critical item and therefore included in the list of items to be checked during roadworthiness testing.

Amendment 21
Proposal for a regulation
Recital 20 a (new)

Text proposed by the Commission

Amendment

(20a) Roadworthiness test standards should be set at a common Union-wide high minimum level, allowing those Member States which already have roadworthiness test standards at a level higher than required by this Regulation to maintain their higher standards and to adapt them to technical progress where appropriate.

Justification

The Regulation lays down minimum level of technical standards. Member States may maintain or introduce higher standards.

Amendment 22 **Proposal for a regulation** **Recital 21**

Text proposed by the Commission

(21) The holder of the registration 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 case of dangerous deficiencies, the **registration of the** vehicle should be **withdrawn** until those deficiencies are fully rectified.

Amendment

(21) The holder of the registration of a vehicle subject to a roadworthiness test during which deficiencies are found, in particular *a vehicle* which *represents* a risk to road safety, should rectify such deficiencies without delay. In *the* case of dangerous deficiencies, the vehicle should **not be driven on public roads** until those deficiencies are fully rectified.

Amendment 23 **Proposal for a regulation** **Recital 22**

Text proposed by the Commission

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

Amendment

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

Justification

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

Amendment 24
Proposal for a regulation
Recital 22 a

Text proposed by the Commission

Amendment

(22a) Since some Member States do not require the registration of certain categories of vehicles, such as light trailers, the information on the successful passing of a roadworthiness test should be made available by a proof of test displayed in a visible manner on the vehicle.

Amendment 25
Proposal for a regulation
Recital 23

Text proposed by the Commission

Amendment

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

(23) Odometer fraud is considered to affect between 5% and 12% of used *car* sales ***within a single country, while the figure is far higher in the case of cross-border sales***, resulting in a very *significant* cost to society of several *billion euros* yearly and in an incorrect evaluation of *the* roadworthiness of a vehicle. With a view to *combating* odometer fraud, the recording of mileage in the roadworthiness certificate combined with the obligation to present the certificate of the previous test would facilitate the detection of tampering *with*, or manipulation of, the odometer. ***The establishment of an electronic vehicle information platform recording the mileage of vehicles and the serious accidents in which they have been involved throughout their lifetime, with due regard for data protection, would also help to prevent manipulation and to make important information accessible.*** Odometer fraud should ***moreover*** be more systematically considered as an offence

liable to a penalty.

Amendment 26
Proposal for a regulation
Recital 25

Text proposed by the Commission

(25) Roadworthiness testing is part of a wider regulatory scheme, governing vehicles throughout their lifetime from approval via registrations, inspections until scrapping. The development and interconnection of national and manufacturers' electronic vehicle databases ***should in principle*** contribute to improve the efficiency of the whole vehicle administrative chain and reduce costs and administrative burdens. ***The Commission should therefore carry out a study on the feasibility, costs and benefits of setting-up a European electronic vehicle information platform for this purpose.***

Amendment

(25) Roadworthiness testing is part of a wider regulatory scheme, governing vehicles throughout their lifetime from approval via registrations, inspections until scrapping. The development and interconnection of national and manufacturers' electronic vehicle databases ***would*** contribute to improve the efficiency of the whole vehicle administrative chain and reduce costs and administrative burdens.

Amendment 27
Proposal for a regulation
Recital 25 a (new)

Text proposed by the Commission

(25a) Since the objective of this Regulation should be to encourage further harmonisation and standardisation of periodic roadworthiness testing of vehicles, which should eventually lead to the establishment of a single market for periodic roadworthiness testing in the Union with a system of mutual recognition of roadworthiness testing certificates which allows vehicles to be tested in any Member State, the Commission should draft a report on progress in the harmonisation process in order to determine when such a mutual

Amendment

recognition system could be established.

Justification

We need a roadmap for achieving a full mutual recognition of roadworthiness certificates which could create a Single Market for roadworthiness testing.

Amendment 28
Proposal for a regulation
Recital 26

Text proposed by the Commission

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

Amendment

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

Amendment 29
Proposal for a regulation
Recital 29

Text proposed by the Commission

(29) Since the objective of this Regulation, namely to lay down minimum common requirements and harmonised rules concerning the conduct of roadworthiness tests of vehicles within the Union, cannot be sufficiently achieved by the Member States and can therefore be better achieved at Union level, the Union may adopt

Amendment

(29) Since the objective of this Regulation, namely to lay down minimum common requirements and harmonised rules concerning the conduct of roadworthiness tests of vehicles within the Union, cannot be sufficiently achieved by the Member States and can therefore be better achieved at Union level, the Union may adopt

measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.

measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective. ***Member States may decide to lay down requirements more stringent than the minimum standards.***

Amendment 30
Proposal for a regulation
Article 1

Text proposed by the Commission

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

Amendment

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

Amendment 31
Proposal for a regulation
Article 2 – paragraph 1 – indent 1

Text proposed by the Commission

– motor vehicles ***having at least four wheels, used*** for the carriage of ***passengers and with*** not more than eight seats in addition to the driver’s seat – vehicle category M1,

Amendment

– motor vehicles ***designed and constructed primarily*** for the carriage of ***persons and their luggage, comprising*** not more than eight seats in addition to the driver’s seat – vehicle category M1,

Justification

Terminology adapted to the revision of Directive 2007/46/EC.

Amendment 32
Proposal for a regulation
Article 2 – paragraph 1 – indent 2

Text proposed by the Commission

Amendment

– motor vehicles **used** for the carriage of **passengers and with** more than eight seats, excluding the driver’s seat – vehicle category M2 and M3,

– motor vehicles **designed and constructed primarily** for the carriage of **persons and their luggage, comprising** more than eight seats, excluding the driver’s seat – vehicle category M2 and M3,

Justification

Terminology adapted to the revision of Directive 2007/46/EC.

Amendment 33

Proposal for a regulation

Article 2 – paragraph 1 – indent 3

Text proposed by the Commission

Amendment

– motor vehicles **having at least four wheels, normally used** for the **road** carriage of goods **and with** a maximum **permissible** mass not exceeding **3 500 kg** – vehicle category N1,

– motor vehicles **designed and constructed primarily** for the carriage of goods, **having** a maximum mass not exceeding **3,5 tonnes** – vehicle category N1,

Justification

Terminology adapted to the revision of Directive 2007/46/EC.

Amendment 34

Proposal for a regulation

Article 2 – paragraph 1 – indent 4

Text proposed by the Commission

Amendment

– motor vehicles **used** for the carriage of goods **and** having a maximum **permissible** mass exceeding **3 500kg** - vehicle categories N2 and N3,

– motor vehicles **designed and constructed primarily** for the carriage of goods, having a maximum mass exceeding **3,5 tonnes** – vehicle categories N2 and N3,

Justification

Terminology adapted to the revision of Directive 2007/46/EC.

Amendment 35
Proposal for a regulation
Article 2 – paragraph 1 – indent 5

Text proposed by the Commission

– trailers **and semi-trailers with a** maximum **permissible** mass not exceeding **3 500 kg** – vehicle **categories O1 and O2**,

Amendment

– trailers **designed and constructed for the carriage of goods or of persons as well as for the accommodation of persons, having a maximum mass of more than 750 kg but not exceeding 3,5 Tonnes**– vehicle **category O2**

Justification

Terminology adapted to the revision of Directive 2007/46/EC.

Amendment 36
Proposal for a regulation
Article 2 – paragraph 1 – indent 6

Text proposed by the Commission

– trailers **and semi-trailers with a** maximum **permissible** mass exceeding **3 500 kg** – vehicle categories **O3 and O4**,

Amendment

– trailers **designed and constructed for the carriage of goods or of persons as well as for the accommodation of persons, having a maximum mass exceeding 3,5 tonnes** – vehicle categories **O3 and O4**,

Justification

Terminology adapted to the revision of Directive 2007/46/EC.

Amendment 37
Proposal for a regulation
Article 2 – paragraph 1 – indent 7

Text proposed by the Commission

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

Amendment

deleted

Amendment 38
Proposal for a regulation

Article 2 – paragraph 1 – indent 8

Text proposed by the Commission

– wheeled tractors with a maximum design speed exceeding **40 km/h – vehicle category T5**.

Amendment

– wheeled tractors **of category T5 used mainly on public roads** with a maximum design speed exceeding **40km/h**.

Justification

It is necessary to make a distinction between tractors used solely for agricultural purposes, and those which may also be involved in the road haulage trade.

Amendment 39
Proposal for a regulation
Article 2 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Mandatory periodic roadworthiness tests may be extended by Member States to other vehicle categories. Member States shall inform the Commission of any extension decisions taken by them, giving reasons for those decisions.

Justification

Should periodic testing of vehicle categories not yet within the scope of this directive prove necessary, Member States must be able to act accordingly at their level.

Amendment 40
Proposal for a regulation
Article 2 – paragraph 2 – indent 2

Text proposed by the Commission

– vehicles **belonging to** armed forces, fire services, civil protection, emergency or rescue services,

Amendment

– vehicles **used by** armed forces, fire services, civil protection, emergency or rescue services,

Justification

In some cases vehicles used by armed forces are leased or on other forms of contract hire.

Amendment 41 **Proposal for a regulation** **Article 2 – paragraph 2 – indent 4 a (new)**

Text proposed by the Commission

Amendment

– O2 category trailers having a maximum mass not exceeding 2,0 Tonnes but not including O2 category trailers of the trailer caravan type.

Amendment 42 **Proposal for a regulation** **Article 3 – paragraph 1 – point 5**

Text proposed by the Commission

Amendment

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

deleted

Amendment 43 **Proposal for a regulation** **Article 3 – paragraph 1 – point 7**

Text proposed by the Commission

Amendment

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

- It was manufactured at least 30 years ago,***
- It is maintained by use of replacement parts which reproduce the historic components of the vehicle;***
- It has not sustained any change in the technical characteristics of its main***

(7) ‘vehicle of historic interest’ means any vehicle which is considered to be historic 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 by the relevant legal acts of the Union on type approval, is no longer in production;***
- it is preserved and maintained in a historically correct condition, and***

components such as engine, brakes, steering or suspension and

– It has not been changed in its appearance;

therefore has not *undergone major changes in its* technical characteristics;

Justification

Member States should get more discretion in defining vehicle of historic interest.

Amendment 44

Proposal for a regulation

Article 3 – paragraph 1 – point 9

Text proposed by the Commission

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

Amendment

(9) ‘roadworthiness test’ means *an inspection to ensure that* a vehicle *is safe to be used on public roads and complies with required safety and environmental characteristics at the time of approval, first registration or entry into service, or at the time of retrofitting;*

Justification

The definition should be clarified and adapted to the purpose of the periodic technical inspection test, which is to assess the correct functionality of the safety and environmental systems. The type-approval should only be a time-reference to understand what safety and environmental requirements relate to the vehicle. These requirements should not refer to the parts or components themselves.

Amendment 45

Proposal for a regulation

Article 3 – paragraph 1 – point 13

Text proposed by the Commission

(13) ‘inspector’ means a person authorised by a Member State to carry out roadworthiness tests in a testing centre or on behalf of a competent authority ;

Amendment

(13) ‘inspector’ means a person authorised by a Member State *or its competent authority* to carry out roadworthiness tests in a testing centre or on behalf of a competent authority;

Justification

In some Member States, roadworthiness tests fall within the remit of regional authorities.

Amendment 46
Proposal for a regulation
Article 4 – paragraph 2

Text proposed by the Commission

2. Roadworthiness tests shall be carried out **only** by the competent authority of a Member State or by **testing centres authorised by Member States**.

Amendment

2. Roadworthiness tests shall be carried out, **in principle, in the Member State in which the vehicle is registered by the** competent authority of **that** Member State or by **a public body entrusted with the task by the State or by bodies or establishments certified and supervised by the State, including authorised private bodies**.

Justification

Clarification that testing centres in a Member State are only responsible for testing vehicles which have been registered in that Member State.

Amendment 47
Proposal for a regulation
Article 4 – paragraph 3

Text proposed by the Commission

3. Vehicle manufacturers shall provide the testing centres or, when relevant, the competent authority, with access to the technical information necessary for roadworthiness testing, as set out in Annex I. The Commission shall adopt detailed rules concerning the procedures on access to the technical information set out in Annex I in accordance with the examination procedure referred to in Article 16(2).

Amendment

3. Vehicle manufacturers shall provide, **free of charge**, the testing centres **and test equipment manufacturers** or, when relevant, the competent authority, with access to the technical information necessary for roadworthiness testing, as set out in Annex I. **For test equipment manufacturers, that information shall include the information required to allow the test equipment to be used for the purposes of conducting a pass or fail assessment of the functionality of vehicle electronic control systems.** The Commission shall adopt detailed rules concerning the procedures on access to the technical information set out in Annex I **and examine the feasibility of a single point of access** in accordance with the examination procedure referred to in

Article 16(2).

Justification

It is important that test equipment manufacturers have access to data they need to develop properly functioning equipment.

Amendment 48
Proposal for a regulation
Chapter 3 – title

Text proposed by the Commission

Amendment

REQUIREMENTS CONCERNING
ROADWORTHINESS TESTS

MINIMUM REQUIREMENTS
CONCERNING ROADWORTHINESS
TESTS

Amendment 49
Proposal for a regulation
Article 5 – paragraph 1 – indent 1

Text proposed by the Commission

Amendment

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

deleted

Amendment 50
Proposal for a regulation
Article 5 – paragraph 1 – indent 2

Text proposed by the Commission

Amendment

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

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

Justification

The ‘4+2+2’ frequency of testing for these categories of vehicles is proportionate to the objectives pursued.

Amendment 51
Proposal for a regulation
Article 5 – paragraph 1 – indent 3

Text proposed by the Commission

– Vehicles of category M1 registered as taxis or ambulances, vehicles of categories M2, M3, N2, N3, **T5**, O3 and O4: one year after the date on which the vehicle was first registered, and thereafter annually.

Amendment

– Vehicles of category M1 registered as taxis or ambulances, vehicles of categories M2, M3, N2, N3, O3 and O4: one year after the date on which the vehicle was first registered, and thereafter annually;

Amendment 52
Proposal for a regulation
Article 5 – paragraph 1 – indent 3 a (new)

Text proposed by the Commission

Amendment

– Vehicles of category T5 used mainly on public roads: one year after the date on which the vehicle was first registered, and thereafter annually;

Amendment 53
Proposal for a regulation
Article 5 – paragraph 1 – indent 3 b (new)

Text proposed by the Commission

Amendment

– Other categories of vehicles: at intervals defined by the Member State of registration.

Justification

Member States should be allowed to set frequency of testing for categories of vehicles not governed by other provisions of Article 5.

Amendment 54
Proposal for a regulation
Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Any Member State may provide funding for roadworthiness tests should a vehicle owner decide to reduce the inspection interval to one year. The funding period shall begin no sooner than 10 years following the date of first registration of the vehicle.

Justification

The number of accidents and the costs related to accidents can be expected to fall if owners of vehicles over ten years old voluntarily decide to have them tested on an annual basis. Part of the savings should be used to fund these measures. This procedure is tantamount to the introduction of a bonus system.

Amendment 55
Proposal for a regulation
Article 5 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. A Member State may require that vehicles of any class registered in its territory be subject to more frequent periodic roadworthiness testing.

Justification

To support road safety this allows any Member State to apply periodic testing to any vehicle. It also explicitly permits more frequent testing for any type of vehicle.

Amendment 56
Proposal for a regulation
Article 5 – paragraph 2

Text proposed by the Commission

Amendment

2. In the case where a vehicle of categories M1 or N1 reaches a mileage of 160 000 km on the first roadworthiness test after the vehicle was first registered, it

deleted

shall be subject to a roadworthiness test thereafter annually.

Justification

There is a risk of odometers manipulation linked to the proposed provision.

Amendment 57
Proposal for a regulation
Article 5 – paragraph 3

Text proposed by the Commission

3. The holder of the registration certificate may request the testing centre, or the competent authority if relevant, to carry out the roadworthiness test during a period extending from the beginning of the month preceding the month of the anniversary date referred to in paragraph 1 until the end of the second month following this date, without affecting the date for the next roadworthiness test.

Amendment

3. The holder of the registration certificate may request the testing centre, or the competent authority ***or the bodies or establishments certified and supervised by the State*** if relevant, to carry out the roadworthiness test during a period extending from the beginning of the month preceding the month of the anniversary date referred to in paragraph 1 until the end of the second month following this date, without affecting the date for the next roadworthiness test.

Justification

It is essential that a vehicle always has a valid roadworthiness testing certificate on board. Providing flexibility to undertake the periodic test until after the anniversary date of first registration may not be mutually accepted by all Member States and could lead to unjustified penalties for commercial road transport operators.

Amendment 58
Proposal for a regulation
Article 5 – paragraph 4 – indent 3

Text proposed by the Commission

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

Amendment

deleted

Justification

The vehicles holders should be allowed to rely on the valid roadworthiness test in case of re-registration. The cross-border aspect of re-registration is governed by amendment 26.

Amendment 59
Proposal for a regulation
Article 5 – paragraph 4 – indent 3 a (new)

Text proposed by the Commission

Amendment

– when the vehicle has reached a mileage of 160 000 km.

Amendment 60
Proposal for a regulation
Article 6 – paragraph 1

Text proposed by the Commission

Amendment

1. The roadworthiness test shall cover the areas referred to in Annex II, point 2.

1. The roadworthiness test shall cover **at least** the areas referred to in Annex II, point 2.

Justification

Clarification needed to show that these are minimum requirements.

Amendment 61
Proposal for a regulation
Article 6 – paragraph 2

Text proposed by the Commission

Amendment

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 and using the method ***applicable to*** the testing of those items, as set out in Annex II, point 3.

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 and using the method ***applicable to*** the testing of those items, as set out in Annex II, point 3, ***or an equivalent alternative approved by a competent authority.***

Justification

The above-mentioned testing methods are minimum requirements taking the form of recommendations. Other equivalent or more stringent testing methods should also be permitted instead of – or in addition to – these methods, in order to cater for possible further developments in testing as well as in vehicle development and electronic systems.

Amendment 62
Proposal for a regulation
Article 8 – paragraph 1

Text proposed by the Commission

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

Amendment

1. The testing centre or, if relevant, the competent authority that has conducted a roadworthiness test on a vehicle shall issue a roadworthiness certificate to that vehicle, ***which shall also be available in electronic format, containing*** at least the elements laid down in Annex IV. ***To that end, the Commission shall draw up a standard European Union form for roadworthiness tests.***

Amendment 63
Proposal for a regulation
Article 8 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Amendment 64
Proposal for a regulation
Article 8 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Where an application for re-registration of a vehicle has been received, and the vehicle originates from another Member State, the registration authorities shall recognise the vehicle's roadworthiness certificate, once its validity has been verified at the time of re-registration. Such recognition shall cover the same period as the original validity

period of the certificate, except where that original validity period extends beyond the maximum legal duration in the Member State where the vehicle is being re-registered. In that event, validity shall be aligned downwards, and calculated from the date on which the original roadworthiness certificate was issued for the vehicle. Before the date of application of this Regulation, Member States shall communicate to each other the format of the roadworthiness certificate recognised by their respective competent authorities as well as instructions on how to verify authenticity.

Justification

In order to facilitate the re-registration of motorvehicles across the Union, this amendments introduces a system for the mutual recognition of roadworthiness certificates between Member States, with effect from the date of application of this Regulation.

Amendment 65
Proposal for a regulation
Article 8 – paragraph 4

Text proposed by the Commission

4. For the purposes of checking the odometer reading, and where *this* information was not communicated electronically following the previous roadworthiness test, the inspector shall require the person presenting the vehicle to the test to show the certificate issued following the previous roadworthiness test.

Amendment

4. For the purposes of checking the odometer reading, ***where fitted***, and where *the information on that reading* was not communicated electronically following the previous roadworthiness test, the inspector shall require the person presenting the vehicle to the test to show the certificate issued following the previous roadworthiness test, ***if that certificate has not been issued electronically.***

Amendment 66
Proposal for a regulation
Article 8 – paragraph 5

Text proposed by the Commission

5. The results of the roadworthiness test

Amendment

5. The results of the roadworthiness test

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

shall be notified **by electronic means** to the registration authority of the vehicle **without delay**. This notification shall contain the information mentioned in the roadworthiness certificate.

Justification

For the sake of document security and efficiency the report of the test should always be electronically and not demanded from the person presenting the vehicle for test, who often will not be the same as the owner of the vehicle. This should also apply as concerns the access of the enforcement authorities during roadside inspections.

Amendment 67 **Proposal for a regulation** **Article 9 – paragraph 2**

Text proposed by the Commission

2. In the case of major deficiencies, the competent authority **shall** decide on the conditions under which a vehicle may be used before undergoing another roadworthiness test. The latter test shall take place within six weeks following the initial test.

Amendment

2. In the case of major deficiencies, the **national** competent authority **may** decide on the conditions under which a vehicle may be used before undergoing another roadworthiness test. The latter test shall take place within six weeks following the initial test.

Justification

In accordance with the principles of subsidiarity, Member States are responsible for deciding whether vehicles should be taken off the road. This should therefore be left to the national authorities.

Amendment 68 **Proposal for a regulation** **Article 9 – paragraph 3**

Text proposed by the Commission

3. In the case of dangerous deficiencies, the **vehicle shall not be used on publicly accessible roads and its registration shall be withdrawn in accordance with Article 3a of Directive XXX of the European Parliament and of the Council amending Council Directive 1999/37/EC on the**

Amendment

3. In the case of dangerous deficiencies, the **Member State or the competent authority may prevent or restrict the use of the vehicle on public roads** until **any dangerous** deficiencies are rectified.

registration documents for vehicles²⁴ until the deficiencies are rectified and a new roadworthiness certificate is issued testifying that the vehicle is in a roadworthy condition.

Justification

Withdrawal of registration is not appropriate as registration is a complex and separate process not always designed to limit vehicle use. In some Member States withdrawal of registration may be appropriate, in others, a process of prohibition is more suitable to achieve similar, positive, road safety outcomes. Member States need to be able to use the most effective methods without wasting massive amounts money to achieve the same outcome.

**Amendment 69
Proposal for a regulation
Article 10 – paragraph 1**

Text proposed by the Commission

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 issue a proof to each vehicle having successfully passed such a test. The proof shall indicate the date of the next roadworthiness test.

Amendment

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 issue a proof to each vehicle having successfully passed such a test. The proof shall indicate the date of the next roadworthiness test. ***No proof of roadworthiness need be issued if it is possible to indicate in the vehicle registration document that the roadworthiness test has been conducted and the date of the next such test.***

Justification

In accordance with the amendments to Directive 1999/37/EU (concerning vehicle registration documents), which is currently under consideration by the European Parliament, there is no need to issue a separate document as proof of roadworthiness testing if there is an appropriate table in the vehicle registration document in which to record the period of validity of a roadworthiness test and the date of the next such test. This means that testing centres and competent authorities do not need to issue a separate document in evidence of the vehicle's roadworthiness, which vehicle users are required to carry with them.

Amendment 70
Proposal for a regulation
Article 10 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

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

Amendment 71
Proposal for a regulation
Article 10 – paragraph 2

Text proposed by the Commission

Amendment

Each Member State shall recognise the proof issued in accordance with paragraph 1.

Each Member State shall recognise the proof issued ***by another Member State*** in accordance with paragraph 1 ***or a corresponding record in the vehicle registration document, provided that it was issued for a vehicle registered in that Member State.***

Amendment 72
Proposal for a regulation
Article 11 – paragraph 1

Text proposed by the Commission

Amendment

1. Testing facilities and equipment used for carrying out roadworthiness tests shall comply with the minimum technical requirements laid down in Annex V.

1. Testing facilities and equipment used for carrying out roadworthiness tests shall comply with ***at least*** the minimum technical requirements laid down in Annex V.

Amendment 73
Proposal for a regulation
Article 11 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

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

Justification

Testing centres for roadworthiness tests must be authorized by a Member State or its competent authority.

Amendment 74
Proposal for a regulation
Article 11 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b Testing centres which have already been authorised by Member States prior to the entry into force of this Regulation shall be retested for compliance with the minimum standards following a period of at least five years from the entry into force of this Regulation.

Amendment 75
Proposal for a regulation
Article 11 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. To meet minimum requirements in terms of quality management, testing centres shall comply with the requirements of the authorising Member State. Testing centres shall ensure the objectivity and the high quality of the vehicle testing.

Justification

Testing centres for roadworthiness tests, whether privately or publicly operated, must meet minimum requirements to ensure good quality management. They must be objective and ensure a high quality of vehicle testing.

Amendment 76
Proposal for a regulation
Article 12 – paragraph 1

Text proposed by the Commission

1. Roadworthiness tests shall be carried out by inspectors fulfilling the minimum competence and training requirements laid down in Annex VI.

Amendment

1. Roadworthiness tests shall be carried out by inspectors fulfilling the minimum competence and training requirements laid down in Annex VI. ***Member States may lay down additional competence and training requirements.***

Justification

The competence and training requirements laid down in Annex VI are the minimum ones and Member States may set additional requirements.

Amendment 77
Proposal for a regulation
Article 12 – paragraph 1a (new)

Text proposed by the Commission

Amendment

1a. Member States shall prescribe adequate training for inspectors in line with the qualification requirements.

Justification

In line with the qualification requirements, Member States should promote adequate training.

Amendment 78
Proposal for a regulation
Article 12 – paragraph 2

Text proposed by the Commission

2. ***Member States*** shall deliver a certificate to inspectors who fulfil the minimum

Amendment

2. ***The competent authorities or, where applicable, approved training centres*** shall

competence and training requirements. This certificate shall include at least the information mentioned in Annex VI, point 3.

deliver a certificate to inspectors who fulfil the minimum competence and training requirements. This certificate shall include at least the information mentioned in Annex VI, point 3.

Justification

The proposed condition that Member States shall deliver a certificate to inspectors who fulfil the minimum requirements would be too restrictive for Member States. Also approved training centres can provide such a certificate.

Amendment 79 **Proposal for a regulation** **Article 12 – paragraph 3**

Text proposed by the Commission

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

Amendment

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

Amendment 80 **Proposal for a regulation** **Article 12 – paragraph 4 a (new)**

Text proposed by the Commission

Amendment

4a. A person who has performed repairs or maintenance on a vehicle shall not be involved as an inspector in the subsequent conducting of a periodic roadworthiness test of that same vehicle unless the supervising body has established to its satisfaction that a high level of objectivity can be guaranteed. Member States may prescribe stronger requirements regarding the separation of activities.

Justification

In order to enhance independency of inspectors it is necessary to ensure that the same person is not involved in both, repairing and maintain the vehicle before testing and testing itself.

Amendment 81
Proposal for a regulation
Article 12 – paragraph 5

Text proposed by the Commission

5. The testing centre shall inform the person presenting the vehicle to the test of the ***necessary repairs to be carried out*** and shall not alter the results of the test for commercial purposes.

Amendment

5. The testing centre shall inform the person ***or repair workshop*** presenting the vehicle to the test of the ***deficiencies identified on the vehicle*** and shall not alter the results of the test for commercial purposes.

Justification

Clarification of the differing tasks of inspectors (identification of deficiencies) and repair workshops (performance of repairs to remedy the deficiencies).

Amendment 82
Proposal for a regulation
Article 13 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Each Member State shall ensure that testing centres in its territory are supervised.

Justification

To ensure a high quality of vehicle testing, testing centres must be supervised.

Amendment 83
Proposal for a regulation
Article 13 – paragraph 2

Text proposed by the Commission

2. Testing centres directly operated by a competent authority shall be exempted from the requirements regarding

Amendment

2. Testing centres directly operated by a ***Member State's*** competent authority shall be exempted from the requirements

authorisation and supervision.

regarding authorisation and supervision.

Justification

This aims at clarifying that the exemption from authorisation and supervision applies only to testing centres directly operated by Member states.

Amendment 84
Proposal for a regulation
Article 15

Text proposed by the Commission

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

Amendment

The Commission shall examine the ***most efficient and effective way to establish*** 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. The examination shall consider the most appropriate way to link the existing national systems*** with a view to ***exchanging*** information on data related to roadworthiness testing ***and odometer readings*** between the competent authorities of Member States responsible for testing, registration and vehicle approval, the testing centres, the test equipment manufacturers and the vehicle manufacturers.

The Commission shall also examine the collection and storage of existing safety-related data concerning vehicles which have been involved in serious accidents. Those data should include at least information concerning components with a safety function which have been replaced and repaired.

The information on the history of a vehicle should be made available to inspectors testing that vehicle and, in anonymised form, to Member States, so as to help them plan and carry out measures to improve road safety, and also to the holder of the registration certificate or the

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

vehicle owner.

On the basis of that examination, **the Commission shall** put forward and evaluate different policy options, including the possibility *of removing* the requirement of a proof of test as provided for in Article 10 **and the establishment of a system for exchanging information between Member States, in the event of cross-border sales of vehicles, about the mileage readings of, and serious accidents suffered by, those vehicles throughout their lifetime.** Within two years after the date of application of this Regulation, the Commission shall report to the European Parliament and to the Council on the results of the examination, and accompany it with a legislative proposal, if appropriate.

Amendment 85
Proposal for a regulation
Article 17

Text proposed by the Commission

The Commission shall be empowered to adopt delegated acts in accordance with Article 19 with a view:

– **to update** Article 2(1) and Article 5(1) and (2) as appropriate in **order to take account of the** changes to the vehicle categories stemming from amendments to the legislation referred to in Article 3(1),

– **to update the Annexes in the light of technical progress or in order to take account of the modification in international or Union legislation.**

Amendment

The Commission shall be empowered to adopt delegated acts in accordance with Article 18 with a view **to updating:**

(a) the designation of vehicle categories 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 or the frequency of testing;**

(b) point 3 of Annex II in respect of methods and reasons for failure, and Annex V, in the event of the availability of more efficient and effective test methods, and Annex I, should additional

information be required in order to carry out roadworthiness tests;

(c) point 3 of Annex II in respect of the list of test items, methods, reasons for failure, Annex III in respect of the assessment of deficiencies, and Annex V, in order to adapt them to developments in Union safety or environmental legislation, and Annex I, should additional information be required in order to carry out roadworthiness tests.

Amendment 86
Proposal for a regulation
Article 18 – paragraph 2

Text proposed by the Commission

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

Amendment

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 [the date of entry into force of this Regulation]. *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.*

Amendment 87
Proposal for a regulation
Article 18b

Text proposed by the Commission

Amendment

Article 18b

Reporting on two- or three-wheel vehicles
No later than [three years from the date of publication of this Regulation], the Commission shall submit a report to the European Parliament and the Council on

the inclusion of two- or three-wheel vehicles in the scope of this Regulation. The report shall assess the road safety situation in the Union for that category of vehicles. In particular, the Commission shall compare road safety results for that category of vehicles in Member States which carry out roadworthiness testing of that category of vehicles with those in Member States which do not test that category of vehicles, in order to assess whether roadworthiness testing of two- or three-wheel vehicles is proportionate to the road safety objectives set. The report shall be accompanied, if appropriate, by legislative proposals.

Amendment 88
Proposal for a regulation
Article 19 – paragraph 2

Text proposed by the Commission

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

Amendment

2. Each Member State shall take the necessary measures to ensure that manipulation *of*, or tampering *with, vehicle components and systems which have a bearing on compliance with safety and environmental requirements or* an odometer is regarded as an offence and is punishable by effective, proportionate, dissuasive and non-discriminatory penalties, *and to ensure the accuracy of the odometer reading during the entire lifetime of a vehicle.*

Justification

It is essential that member states take all necessary measures to ensure that the odometer reading is reliable and accurate during a vehicle's entire lifetime, recognising that between the date of registration and the first roadworthiness check is the period in which mileage fraud is most likely.

Amendment 89
Proposal for a regulation
Annex I – part 5 – point 5.3 – indent 8 a (new)

<i>Text proposed by the Commission</i>	<i>Amendment</i>
	– Recommended tyre pressure

Justification

This information is included in the vehicle’s placard label, as well as in the vehicle owner’s manual. This will be the benchmark against which the inspectors will determine whether the tyres are properly inflated.

Amendment 90
Proposal for a regulation
Annex II – part 1 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

Where it is not possible to test a vehicle using a recommended test method set out in this Annex, the test centre may conduct the test in accordance with an alternative method which has been approved in writing by the appropriate competent authority. The competent authority must be satisfied that safety and environmental standards will be maintained.

Justification

Testing of specific vehicles such as mobile cranes may require specific methods of testing which should be allowed, if approved by the competent authority.

Amendment 91
Proposal for a regulation
Annex II – part 3 – item 1.8 – point a

Text proposed by the Commission

1.8 Brake fluid

Measuring of boiling temperature or water content

(a) Brake fluid boiling temperature to low ***or water content to high***

Amendment by Parliament

1.8 Brake fluid

Measuring of boiling temperature or water content

(a) Brake fluid boiling temperature to low

Justification

It is important to ensure the accurate testing of brake fluid in order to avoid misleading or even dangerous results.

Amendment 92
Proposal for a regulation
Annex II – part 3 – item 3.3 – point a

Text proposed by the Commission

3.3. Rear-view mirrors or devices	Visual inspection.	(a) Mirror or device missing or not fitted according to the requirements(1).
-----------------------------------	--------------------	--

Amendment by Parliament

3.3. Rear-view mirrors or devices	Visual inspection.	(a) Mirror or device missing or not fitted according to the requirements(1) including those outlined in Directive 2007/38/EC on the retrofitting of mirrors to heavy goods vehicles registered in the Community.
-----------------------------------	--------------------	---

Justification

In its Report to the European Parliament and the Council on the implementation of Directive 2007/38/EC on the retrofitting of mirrors to heavy goods vehicles registered in the Community, the Commission outlined that most Member States had no detailed information on how many vehicles failed their roadworthiness test because they failed to comply with the retrofitting requirements. These retrofitting requirements are, however, crucial for road safety and should be included as part of the test.

Amendment 93
Proposal for a regulation
Annex II – part 3 – item 4.1.2

Text proposed by the Commission

4.1.2. Alignment	Determine the horizontal aim of each headlamp on dipped beam using a headlamp aiming device	Aim of a headlamp not within limits laid down in the requirements.
------------------	---	--

or a screen.

Amendment by Parliament

4.1.2. Alignment

Determine the horizontal **and vertical** aim of each headlamp on dipped beam using a headlamp aiming device **and an electronic control device in order to check the dynamic functionality where relevant.**

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

Amendment 94
Proposal for a regulation
Annex II – part 3 – item 4.1.3

Text proposed by the Commission

4.1.3. Switching

Visual inspection and by operation.

(a) Switch does not operate in accordance with the requirements⁽¹⁾ (Number of headlamps illuminated at the same time)

(b) Function of control device impaired.

Amendment by Parliament

4.1.3. Switching

Visual inspection and by operation, **and using where appropriate an electronic control device.**

(a) Switch does not operate in accordance with the requirements⁽¹⁾ (Number of headlamps illuminated at the same time)

(b) Function of control device impaired.

Amendment 95
Proposal for a regulation
Annex II – part 3 – item 4.1.5

Text proposed by the Commission

4.1.5. Levelling devices
(where mandatory)

Visual inspection and by
operation ***if possible***.

- (a) Device not operating.
- (b) Manual device cannot
be operated from driver's
seat.

Amendment by Parliament

4.1.5. Levelling devices
(where mandatory)

Visual inspection and by
operation, ***and using
where appropriate an
electronic control device***.

- (a) Device not operating.
- (b) Manual device cannot
be operated from driver's
seat.

Amendment 96
Proposal for a regulation
Annex II – part 3 – item 4.3.2

Text proposed by the Commission

4.3.2. Switching

Visual inspection and by
operation

- (a) Switch does not
operate in accordance
with the requirements
- (b) Function of control
device impaired.

Amendment by Parliament

4.3.2 ***Stop lamps –
emergency brake light***
switching

Visual inspection and by
operation, ***using an
electronic control device
to vary the brake pedal
sensor input value and
verify by observation the
emergency brake light
functionality***.

- (a) Switch does not
operate in accordance
with the requirements
- (b) Function of control
device impaired.
***(ba) Emergency brake
light functions fail to
operate, or do not operate***

correctly.

Justification

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

Amendment 97
Proposal for a regulation
Annex II – part 3 – item 4.5.2

Text proposed by the Commission

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

Amendment by Parliament

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

Amendment 98
Proposal for a regulation
Annex II – part 3 – item 5.2.2. – point d a (new)

Text proposed by the Commission

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
		(...)

Amendment by Parliament

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
		(...)
		(da) Wheel not

Justification

There are serious liability and safety concerns associated with substandard or damaged wheels, whereby wheels are fitted onto non-standard axles. The testing of wheels not in conformity with the wheel hub should be treated as a safety critical item and therefore included in the list of items to be checked during roadworthiness testing.

Amendment 99

Proposal for a regulation

Annex II – part 3 – item 5.2.3. – column 2

Text proposed by the Commission

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.

Amendment by Parliament

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.

Use a pressure gauge to measure tyre pressure and compare it with the values given by the manufacturer.

Justification

The pressure of a tyre cannot be checked without the use of a pressure gauge. The inspector will have to compare whether the tyre pressure is in line with that recommended by the vehicle manufacturer.

Amendment 100
Proposal for a regulation
Annex II – part 3 – item 8.2.1.2

Text proposed by the Commission

8.2.1.2 Gaseous emissions

Measurement using an exhaust gas analyser in accordance with the requirements⁽¹⁾.

Alternatively, for vehicles equipped with suitable on-board diagnostic systems, the proper functioning of the emission system can be checked by appropriate reading of the OBD device and checks on the proper functioning of the OBD system in place of emission measurements at engine idle in accordance with the manufacturer's conditioning recommendations and other requirements⁽¹⁾.

(a) Either, gaseous emissions exceed the specific levels given by the manufacturer;

(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⁽¹⁾.

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%⁶
 - at high idle: 0.2%
- according to the date of first registration or use specified in requirements⁽¹⁾.
- (c) Lambda outside the range 1 ± 0.03 or not in accordance with the manufacturer's specification
 - (d) OBD readout indicating significant malfunction

Amendment by Parliament

8.2.1.2 Gaseous emissions

Measurement using an exhaust gas analyser in accordance with the requirements⁽¹⁾. ***The tailpipe testing shall always be the default method of exhaust emission assessment, even if combined with OBD.***

For vehicles equipped with OBD in accordance with requirements⁽¹⁾, reading of OBD information and checks (readiness) on the proper functioning of the OBD system at engine idle in accordance with the manufacturer's recommendations and other requirements⁽¹⁾.

Measurement of NOx levels by means of a suitable equipment/suitably

(a) Either, gaseous emissions exceed the specific levels given by the manufacturer;

(b) Or, if this information is not available, the CO emissions exceed,

*equipped gas analyser,
using existing tailpipe test
methods.*

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⁽¹⁾.

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%⁶

– at high idle: 0.2%

or

– *at engine idle: 0.2%* ^(6a)

– *at high idle: 0.1%* ^(6a)

according to the date of
first registration or use
specified in
requirements⁽¹⁾.

(c) Lambda outside the
range 1 ± 0.03 or not in
accordance with the
manufacturer's
specification

(d) OBD readout
indicating significant
malfunction *at engine idle
speed.*

*NOx level not in
accordance with the
requirements or in excess
of the specific levels*

*given by the
manufacturer.*

(6a) Type-approved according to limits of Table 1 of Annex I to Regulation (EC) No 715/2007 or first registered or put into service after 1 July 2007 (Euro 5).

Amendment 101
Proposal for a regulation
Annex II – part 3 – item 8.2.2.2

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

	radiation to be at least an equivalent temperature. If, owing to vehicle configuration, this measurement is impractical, the establishment of the engine's normal operating temperature may be made by other means, for example by the operation of the engine cooling fan.	
	(ii) Exhaust system shall be purged by at least three free acceleration cycles or by an equivalent method.	or, for vehicles identified in requirements ⁽¹⁾ , or first registered or put into service for the first time after the date specified in requirements ⁽¹⁾ ,
	(c) Test procedure:	1.5 m ⁻¹⁷ .
	1 Engine and any turbocharger fitted, to be at idle before the start of each free acceleration cycle. For heavy-duty diesels, this means waiting for at least 10 seconds after the release of the throttle.	
	2. To initiate each free acceleration cycle, the throttle pedal must be fully depressed quickly and continuously (in less than one second) but not violently, so as to obtain maximum delivery from the injection pump.	
	3. During each free acceleration cycle, the engine shall reach cut-off speed or, for vehicles with automatic transmissions, the speed specified by the manufacturer or if this data is not available then	

	<p>two thirds of the cut-off speed, before the throttle is released. This could be checked, for instance, by monitoring engine speed or by allowing a sufficient time to elapse between initial throttle depression and release, which in the case of vehicles of category 1 and 2 of Annex 1, should be at least two seconds.</p>	
	<p>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, <i>or the result of any other statistical calculation that takes account of the scattering of the measurements</i>. Member States may limit the number of test cycles.</p>	
	<p>5. To avoid unnecessary testing, Member States may fail vehicles which have measured values significantly in excess of the limit values after less than three free acceleration cycles or after the purging cycles. Equally to avoid unnecessary testing, Member States may pass vehicles which have measured values significantly below the limits after less than three free acceleration cycles or</p>	

	after the purging cycles	
<i>Amendment by Parliament</i>		
8.2.2.2 Opacity		
Vehicles registered or put into service before 1 January 1980 are exempted from this requirement	(a) Exhaust gas opacity to be measured during free acceleration (no load from idle up to cut-off speed) with gear lever in neutral and clutch engaged. <i>The tailpipe testing shall always be the default method of exhaust emission assessment, even if combined with OBD.</i>	(a) For vehicles registered or put into service for the first time after the date specified in requirements ⁽¹⁾ ,
	<i>For vehicles equipped with OBD in accordance with requirements⁽¹⁾, reading of OBD information and checks (readiness) on the proper functioning of the OBD system at engine idle in accordance with the manufacturer's recommendations and other requirements⁽¹⁾.</i>	
	(b) Vehicle preconditioning:	opacity exceeds the level recorded on the manufacturer's plate on the vehicle;
	1. Vehicles may be tested without preconditioning although for safety reasons checks should be made that the engine is warm and in a satisfactory mechanical condition.	(b) Where this information is not available or requirements ⁽¹⁾ do not allow the use of reference values,
	2. precondition requirements:	for naturally aspirated engines: 2.5 m ⁻¹ ,
	(i) Engine shall be fully warm, for instance the engine oil temperature measured by a probe in	for turbo-charged engines: 3.0 m ⁻¹ ,

	<p>the oil level dipstick tube to be at least 80 °C, or normal operating temperature if lower, or the engine block temperature measured by the level of infrared radiation to be at least an equivalent temperature. If, owing to vehicle configuration, this measurement is impractical, the establishment of the engine's normal operating temperature may be made by other means, for example by the operation of the engine cooling fan.</p>	
	<p>(ii) Exhaust system shall be purged by at least three free acceleration cycles or by an equivalent method.</p>	<p>or, for vehicles identified in requirements⁽¹⁾ or first registered or put into service for the first time after the date specified in requirements⁽¹⁾,</p>
	<p>(c) Test procedure:</p>	<p>1.5 m^{-1.7}</p>
	<p>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.</p>	<p><i>or</i></p>
	<p>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.</p>	<p><i>0.5 m^{-1.6a}</i></p>
	<p>3. During each free</p>	

	<p>acceleration cycle, the engine shall reach cut-off speed or, for vehicles with automatic transmissions, the speed specified by the manufacturer or if this data is not available then two thirds of the cut-off speed, before the throttle is released. This could be checked, for instance, by monitoring engine speed or by allowing a sufficient time to elapse between initial throttle depression and release, which in the case of vehicles of category 1 and 2 of Annex 1, should be at least two seconds.</p>	
	<p>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. Member States may limit the number of test cycles.</p>	
	<p>5. To avoid unnecessary testing, Member States may fail vehicles which have measured values significantly in excess of the limit values after less than three free acceleration cycles or after the purging cycles. Equally to avoid unnecessary testing, Member States may pass vehicles which have measured values significantly below the</p>	

	limits after less than three free acceleration cycles or after the purging cycles	
	<i>Measurement of NOx levels and particulates by means of suitable equipment/a suitably equipped gas analyser, using existing free acceleration test methods.</i>	<i>NOx level or particulate values not in accordance with the requirements or in excess of the specific levels given by the manufacturer.</i>
<hr/> <p>^{6a} Type-approved according to limits of Table 1 of Annex I to Regulation (EC) No 715/2007 or first registered or put into service after 1 July 2007 (Euro 5).</p>		

Amendment 102
Proposal for a regulation
Annex III – item 1.8 – point a

Text proposed by the Commission

1.8 Brake fluid (a) Brake fluid boiling temperature too low **or water content too high**

Amendment by Parliament

1.8 Brake fluid (a) Brake fluid boiling temperature too low

Justification

It is important to ensure the accurate testing of brake fluid in order to avoid misleading or even dangerous results.

Amendment 103
Proposal for a regulation
Annex III – item 5.2.2 – point d a (new)

Text proposed by the Commission

		Min or	Maj or	Dan ger ous
5.2.2. Wheels	(a) Any fracture or welding defect.			x

(...)

Amendment by Parliament

		Min or	Maj or	Dan ger ous
5.2.2. Wheels	(a) Any fracture or welding defect.			x
	(...)			
	(da) Wheel not compatible with wheel hub.		x	

Justification

There are serious liability and safety concerns associated with substandard or damaged wheels, whereby wheels are fitted onto non-standard axles. The testing of wheels not in conformity with the wheel hub should be treated as a safety critical item and therefore included in the list of items to be checked during roadworthiness testing.

Amendment 104
Proposal for a regulation
Annex III – item 5.2.3

Text proposed by the Commission

		Min or	Maj or	Dan ger ous
5.2.3. Tyres	(a) Tyre size, load capacity, approval mark or speed rating not in accordance with the requirements ⁽¹⁾ and <i>effecting</i> road safety		x	
	Insufficient load capacity or speed rating for actual use, tyre touches other fix vehicle parts impairing safe driving			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.		x	
	Cord visible or damaged			x
	(e) Tyre tread depth not in accordance with the requirements⁽¹⁾.		x	
	Less than 80% of required tread depth			x
	(f) Tyre rubbing against other components (flexible anti spray devices).	x		
	Tyre rubbing against other components (save driving not impaired)		x	
	(g) Re-grooved tyres not in accordance with requirements ⁽¹⁾ .		x	
	Cord protection layer affected			x
	(h) Air pressure monitoring system malfunctioning	x		
	obviously inoperative		x	
	<i>Amendment by Parliament</i>			
		Min or	Maj or	Dangerous
5.2.3. Tyres	(a) Tyre size, load capacity, approval mark or speed rating not in accordance with the requirements ⁽¹⁾ and affecting road safety		x	
	Insufficient load capacity or speed rating for actual use, tyre touches other fix vehicle parts impairing			x

save driving		
(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.		x
Cord visible or damaged		x
(e) Tyre tread <i>wear indicator becomes visible.</i>		x
<i>Tyre at legal tread depth. Tyres below legal tread depth.</i>		x
(f) Tyre rubbing against other components (flexible anti spray devices).	x	
Tyre rubbing against other components (save driving not impaired)		x
(g) Re-grooved tyres not in accordance with requirements ⁽¹⁾ .		x
Cord protection layer affected		x
(h) <i>Tyre</i> pressure monitoring system malfunctioning <i>or tyre obviously underinflated</i>	x	
obviously inoperative		x
<i>(i) In-service operating pressure in one of the vehicle tyres reduced by 20%, but not below 150 kPa</i>		x
<i>Tyre pressure below 150 kPa</i>		x

Justification

Driving with correctly inflated tyres enhances the efficiency of low rolling resistance tyres and reduces CO₂ emissions by as much as 5g per kilometre. A tyre under 150kPa is not only unsafe by dangerous as it is at risk of exploding. Any tyre with a tread depth below the legal requirements is illegal and should therefore not be allowed on European roads. It is for this reason that this defect should be marked as dangerous. Any tyre at legal tread depth should be changed before it becomes dangerous and therefore it should be marked as major.

Amendment 105

Proposal for a regulation

Annex III – item 8.2.1.2 – point b

Text proposed by the Commission

		Min or	Maj or	Dan ger ous
8.2.1.2 Gaseous emissions	(b) Or, if this information is not available, the CO emissions exceed, (...) 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% –at high idle: 0.2% according to the date of first registration or use specified in requirements ⁽¹⁾ .		x	

Amendment by Parliament

		Min or	Maj or	Dan ger ous
8.2.1.2 Gaseous emissions	(b) Or, if this information is not available, the CO emissions exceed,		x	

(...)

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%
- at high idle: 0.2%

or

- **at engine idle: 0.2%** ^{6a}
- **at high idle: 0.1%** ^{6a}

according to the date of first registration or use specified in requirements⁽¹⁾.

^{6a} *Type-approved according to limits of Table 1 of Annex I to Regulation (EC) No 715/2007 or first registered or put into service after 1 July 2007 (Euro 5).*

Amendment 106
Proposal for a regulation
Annex III – item 8.2.2.2 – point b

Text proposed by the Commission

		Min or	Maj or	Dan ger ous
8.2.2.2 Opacity				
Vehicles registered or put into service before 1 January 1980 are exempted from this requirement	Where this information is not available or requirements ⁽¹⁾ do not allow the use of reference values, for naturally aspirated engines: 2.5 m ⁻¹ , for turbo-charged engines: 3.0 m ⁻¹ ,		x	

or, for vehicles identified in requirements⁽¹⁾ or first registered or put into service for the first time after the date specified in requirements⁽¹⁾,

1.5 m⁻¹.

Amendment by Parliament

		Min or	Maj or	Dan ger ous
8.2.2.2 Opacity				
Vehicles registered or put into service before 1 January 1980 are exempted from this requirement	<p>Where this information is not available or requirements⁽¹⁾ do not allow the use of reference values,</p> <p>for naturally aspirated engines: 2.5 m⁻¹,</p> <p>for turbo-charged engines: 3.0 m⁻¹,</p> <p>or, for vehicles identified in requirements⁽¹⁾ or first registered or put into service for the first time after the date specified in requirements⁽¹⁾,</p> <p>1.5 m⁻¹.</p> <p><i>or</i></p> <p>0.5 m-1 ^{6a}</p>		x	

^{6a} *Type-approved according to limits of Table 1 of Annex I to Regulation (EC) No 715/2007 or first registered or put into service after 1 July 2007 (Euro 5).*

Amendment 107
Proposal for a regulation
Annex IV – paragraph 1 – point 6 a (new)

Text proposed by the Commission

Amendment

***(6a) Details of major repairs necessitated
by an accident***

Amendment 108
Proposal for a regulation
Annex V – part I – paragraph 2 a (new)

Text proposed by the Commission

Amendment

***Alternative equipment implementing
technological innovation in a neutral way
may be used provided it ensures an
equivalent high quality level of testing.***

Amendment 109
Proposal for a regulation
Annex V – part 1 – paragraph 1 – point 15 – indent 15 a (new)

Text proposed by the Commission

Amendment

***– A pressure gauge to measure tyre
pressure;***

Justification

A pressure gauge is needed to measure tyre pressure.

EXPLANATORY STATEMENT

Commission's proposal

I. Existing EU rules on periodic roadworthiness tests of motor vehicles

Directive 2009/40/EC sets minimum standards for the regular vehicle checks. The Directive applies to passenger cars, buses and coaches and heavy goods vehicles and their trailers, but not to scooters and motorbikes.

II. New proposal for roadworthiness testing

The Commission put forward new rules on roadworthiness testing with the aim to further enhance the road safety and ensure high level of environmental protection. The Proposal is in line with the road safety objectives laid down in the White Paper on 'Roadmap to a Single European Transport Area'.

The Proposal is based on setting common EU wide minimum standards for vehicle checks, with Member States free to go further and introduce higher standards, if appropriate.

The main elements of the Proposal are:

1. Compulsory EU wide testing for scooters, motorbikes. The scope of vehicles to be tested would be extended to this highest risk group of road users. The light trailers (under 3,5 tons) would also be tested. These categories of vehicles are currently excluded from EU-based system. Their testing remains in Member States' discretion.
2. Increasing the frequency of periodic roadworthiness tests for certain categories of vehicles. Currently, cars and vans (up to 3,5 tons) older than six years are checked minimum once every 2 years. It is proposed to have them checked at least annually after the six years. This means a change to 4-2-1 instead of the current 4-2-2. The 4-2-1 formula is also proposed for scooters and motorbikes. Moreover, it is proposed to increase the frequency of tests for cars and vans with high mileage (160.000 km). These vehicles would be inspected annually after the first test (4-1-1 instead of the existing 4-2-2) if they reach at the date of the first inspection (after 4 years) a mileage of more than 160 000 km. This would bring their tests in line with other high mileage vehicles such as taxis, ambulances etc.
3. It is proposed to set minimum level of skills and training requirements for inspectors.
4. Improving the quality of vehicle tests by setting common minimum standards for deficiencies and equipment.
5. Clamping down on mileage fraud, with registered mileage readings
6. Making electronic safety components subject to mandatory testing.

National parliaments: FR, NL, SE and CY national parliaments formally objected that the Proposal infringes the principle of EU subsidiarity.

The Rapporteur's view

It should be carefully considered during the parliamentary debate whether the proposed measures are proportionate to the pursued objectives. The impact of the proposal on citizens and business should be carefully assessed in order to avoid unnecessary financial and administrative burden. We need to strike a balanced outcome.

In the light of the above mentioned, your Rapporteur would propose:

1. Frequency of tests and categories of vehicles: Your Rapporteur supports the Commission proposal to extend roadworthiness testing to scooters and motorbikes as they represent a higher risk group of users. However, it seems to be more proportionate to change the frequency from 4-2-1 to 4-2-2 for these categories of vehicles. The 4-2-2 formula also represents a balanced approach to testing of cars and light vehicles are concerned as various studies concerning the link between the accidents and technical failures come to ambiguous results in terms of impact of more frequent tests on road safety. Nevertheless, the Commission should further monitor and evaluate this issue and report back to co-legislators. Member States would be allowed to introduce more frequent tests. The mileage criterion could raise questions relating to odometers manipulation. It is therefore proposed to take this element out of the Proposal.
2. The technical requirements and test methods as laid down in the Annexes should be considered as EU minimum standards. The Member States should be allowed to maintain or introduce higher standards. This principle has been laid down in Article 6(2) of the Proposal. Your Rapporteur suggests amendments aiming at strengthening that principle. The same applies to qualification requirements to inspectors which should also be minimum ones.
3. It is crucial that roadworthiness testing is carried out by well educated, trained and independent inspectors. It is proposed to strengthen the independency of inspectors as well as to further eliminate potential conflicts of interest.
4. Historic cars: It has been recognised that historical cars should be exempted from the scope of EU legislation. The Member States should have more discretion in setting their own national requirements to defining and testing those vehicles. While the Proposal represent a solid base for further debate, your Rapporteur found the definition of historical vehicles quite rigorous and suggests changing the definition to make it more flexible.
5. In case of cross-border re-registration of vehicles, it recommended to take into account the recent EU Court of Justice case law (C-150/11).
6. Delegated acts: While some degree of flexibility is needed in order to ensure that legislation catches up with technological development, the Commission's text is rather ambiguous. Therefore, your Rapporteur would suggest setting more precise limits to delegation of powers to the Commission.

26.4.2013

OPINION OF THE COMMITTEE ON INDUSTRY, RESEARCH AND ENERGY

for the Committee on Transport and Tourism

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

Rapporteur: Krišjānis Kariņš

SHORT JUSTIFICATION

With increased mobility of persons across the European Union more harmonised legislation on roadworthiness inspections is necessary. It's needed not only for the purpose of increased road safety, but also in order to provide citizens with valid information regarding vehicles bought in a different Member State. With development of technology it is necessary to adapt legislation that includes vehicles that have not previously fallen under the scope of regulation.

The rapporteur proposes several improvements to the text.

First, the roadworthiness certificate and protocol of roadworthiness test have to be available online to the interested parties. These include the inspector who performs roadside inspection, the roadworthiness test centre in a Member State where the car has now been registered, or even the buyer of the car. Availability of odometer readings is critical to ensure that no tampering with the odometer has occurred.

Second, there already exists an information exchange mechanism between the Member States - EUCARIS. There is no need to set up new information exchange mechanism or explore the feasibility of a European electronic vehicle information platform. The Commission has to explore the possibilities of expanding the framework of EUCARIS instead. The rapporteur is of the opinion that this will be the more cost efficient solution, which can be implemented fastest.

And finally, the rapporteur considers penalties for odometer fraud as useless if the readings are available to the interested parties. Availability of odometer readings to interested parties will take away motivation to falsify it.

AMENDMENTS

The Committee on Industry, Research and Energy calls on the Committee on Transport and Tourism, as the committee responsible, to incorporate the following amendments in its report:

Amendment 1
Proposal for a regulation

Recital 7

Text proposed by the Commission

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

Amendment

(7) Solid investigation results show that 8% of the accidents involving motorcycles are caused or linked to technical defects. Motorcycle riders are the group of road users with the highest safety risk, with rising trend in the number of fatalities. The scope of vehicles to be tested shall therefore be extended to the highest risk group of road users, the powered two- or three-wheel vehicles. ***Mopeds, although overrepresented in the number of fatal accidents, should not be included given that such a wide scope of periodic roadworthiness tests would be impractical and would go against the principle of proportionality.***

Justification

To include mopeds would be impractical. For example, a moped driver in a rural area, would have to travel a long distance on major roads to reach the place of the periodic roadworthiness test. In doing so, the driver would expose him- or herself and others to an unnecessary risk.

Amendment 2
Proposal for a regulation
Recital 8

Text proposed by the Commission

(8) Agricultural vehicles with a maximum design speed exceeding 40 km/h are more and more used to replace trucks in local transport activities. Their risk potential is comparable to that of trucks and therefore this vehicle category should be treated in

Amendment

(8) Agricultural vehicles with a maximum design speed exceeding 40 km/h are more and more used to replace trucks in local transport activities, ***and thus compete with traditional modes of transport of goods.*** Their risk potential is comparable to that of

the same way as trucks regarding roadworthiness testing.

trucks and therefore this vehicle category should be treated in the same way as trucks regarding roadworthiness testing.

Justification

As vehicles of T5 category increasingly participate at the road traffic, they should be subject to full roadworthiness inspection.

Amendment 3
Proposal for a regulation

Recital 9

Text proposed by the Commission

(9) Vehicles of historic interest are supposed to conserve heritage of the époque they have been built **and considered to be hardly used on public roads**, it should be left to Member States to extend the period of periodic roadworthiness testing for such vehicles. It should also be for Member States to regulate roadworthiness testing of other types of specialised vehicles.

Amendment

(9) Vehicles of historic interest are supposed to conserve heritage of the époque they have been built. **They are a cultural asset and are not regularly used as everyday vehicles.** It should be left to Member States to extend the period of periodic roadworthiness testing for such vehicles. **This right must not, however, lead to the application of stricter standards than that which originally applied to the vehicle.** It should also be for Member States to regulate roadworthiness testing of other types of specialised vehicles.

Justification

Vehicles of historic interest are a cultural asset and are not regularly used as everyday vehicles. Different rules must therefore apply to them.

Amendment 4
Proposal for a regulation

Recital 10

Text proposed by the Commission

(10) Roadworthiness testing is a sovereign activity and should therefore be done by the Member States or by entrusted bodies

Amendment

(10) Roadworthiness testing is a sovereign activity and should therefore be done by the Member States or by entrusted bodies

under their supervision. Member States should remain responsible for roadworthiness testing in any cases even if the national system allows for authorisation of private bodies, including those involved in performing repairs.

under their supervision. Member States should remain responsible for **organising** roadworthiness testing in any cases even if the national system allows for authorisation of private bodies, including those involved in performing repairs.

Amendment 5
Proposal for a regulation
Recital 11

Text proposed by the Commission

(11) For the inspection of vehicles and especially for their electronic safety components it is crucial to have access to the technical specifications of each single vehicle. Therefore vehicle manufacturers should not only provide the complete set of data as covered by the certificate of conformity (CoC) but also the access to data necessary for verification of the functionality of safety and environmental related **components**. The provisions related to access to repair and maintenance information should be applied similarly for this purpose, allowing inspection centres to have access to those information-elements necessary for roadworthiness testing. This is of crucial importance especially in the field of electronic controlled systems and should cover all elements that have been installed by the manufacturer.

Amendment

(11) For the inspection of vehicles and especially for their electronic safety components it is crucial to have access to the technical specifications of each single vehicle. Therefore vehicle manufacturers should not only provide the complete set of data as covered by the certificate of conformity (CoC) but also the access to data necessary for verification of the functionality of safety and environmental related **systems**. ***The data should include the details that allow the functionality of the vehicle safety systems to be controlled in a way that allows them to be tested in a periodic roadworthiness test environment to create a predictable pass or fail assessment.*** The provisions related to access to repair and maintenance information should be applied similarly for this purpose, allowing inspection centres to have access to those information-elements necessary for roadworthiness testing. This is of crucial importance especially in the field of electronic controlled systems and should cover all elements that have been installed by the manufacturer.

Amendment 6
Proposal for a regulation

Recital 17

Text proposed by the Commission

(17) Frequency of tests should be adapted according to the type of vehicle **and to their mileage**. Vehicles are more likely to present technical deficiencies when they reach a certain age **and, in particular when intensively used, after a certain mileage**. It is therefore appropriate to **increase the test frequency for older vehicles and for vehicles with high mileage**.

Amendment

(17) Frequency of tests should be adapted according to the type of vehicle. Vehicles are more likely to present technical deficiencies when they reach a certain age. It is therefore appropriate to **test older vehicles at regular intervals**.

Amendment 7

Proposal for a regulation

Recital 22

Text proposed by the Commission

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

Amendment

(22) A roadworthiness certificate should be issued after each test, including inter alia information related to the identity of the vehicle and information on the results of the test. With a view to ensure a proper follow-up of roadworthiness tests, Member States should collect and keep such information in a database. ***If possible also an electronic version of a roadworthiness certificate should be made available to the interested parties, but respecting the protection of personal data.***

Amendment 8

Proposal for a regulation

Recital 23

Text proposed by the Commission

(23) Odometer fraud is considered to affect between 5% and 12% of used cars sales, resulting in a very important cost to society of several billions Euros yearly and in an incorrect evaluation of a roadworthiness condition of a vehicle. With a view to

Amendment

(23) Odometer fraud is considered to affect between 5% and 12% of used cars sales, ***within a single country, while the figure is far higher in the case of cross-border sales***, resulting in a very important cost to society of several billions Euros yearly and

combat odometer fraud, the recording of mileage *in the roadworthiness certificate combined with the obligation to present the certificate of the previous test* would facilitate the detection of tampering or manipulation of the odometer. *Odometer fraud should also be more systematically considered as an offence liable to a penalty.*

in an incorrect evaluation of a roadworthiness condition of a vehicle. With a view to combat odometer fraud, the recording of mileage *and availability of these recordings to interested parties throughout the Union* would facilitate the detection of tampering or manipulation of the odometer. *Member States may monitor the accuracy of mileage readings throughout the lifetime of a vehicle by means of central databases containing information on all mileage readings registered with various parties (dealers, repair services, testing centres). Member States should make readings of odometer available via exchange of information electronically, but respecting the protection of personal data;*

Amendment 9 Proposal for a regulation

Recital 25

Text proposed by the Commission

(25) Roadworthiness testing is part of a wider regulatory scheme, governing vehicles throughout their lifetime from approval via registrations, inspections until scrapping. The development and interconnection of national and manufacturers' electronic vehicle databases should in principle contribute to improve the efficiency of the whole vehicle administrative chain and reduce costs and administrative burdens. The Commission should therefore carry out a study on the feasibility, costs and benefits of setting-up a European electronic vehicle information platform *for this* purpose.

Amendment

(25) Roadworthiness testing is part of a wider regulatory scheme, governing vehicles throughout their lifetime from approval via registrations, inspections until scrapping. The development and interconnection of national and manufacturers' electronic vehicle databases should in principle contribute to improve the efficiency of the whole vehicle administrative chain and reduce costs and administrative burdens. The Commission should therefore carry out a study on the feasibility, costs and benefits of setting-up a European electronic vehicle information platform *as well as the possibilities of broadening the functionality of existing information exchange systems, with purpose to include in the platform sharing of odometer readings and to explore the possibilities to broaden information*

sharing even further.

Amendment 10
Proposal for a regulation

Article 2 – paragraph 1 – indent 7

Text proposed by the Commission

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

Amendment

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

Justification

To include mopeds would be impractical. For example, a moped driver in a rural area, would have to travel a long distance on major roads to reach the place of the periodic roadworthiness test. In doing so, the driver would expose him- or herself and others to an unnecessary risk. In addition, this would lead to an unnecessary administrative burden.

Amendment 11
Proposal for a regulation

Article 3 – paragraph 1 – point 7 – indent 2

Text proposed by the Commission

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

Amendment

– It is maintained **or restored** by use of replacement parts which reproduce the historic components of the vehicle **or which are contemporaneous**;

Justification

Vehicles of historic interest are a cultural asset. The requirements for the definition must therefore be clear, too. Only vehicles in a sufficiently original condition are genuinely historic vehicles. The definition in this Regulation is the first definition of historic vehicles in EU legislation. As it may be a blueprint for further legislation, it must be particularly clear.

Amendment 12
Proposal for a regulation

Article 3 – paragraph 1 – point 7 – indent 3

Text proposed by the Commission

Amendment

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

– The technical characteristics of its main components such as engine, brakes, steering, ***vehicle type*** or suspension ***are unchanged or are contemporaneous,***

Amendment 13
Proposal for a regulation

Article 3 – paragraph 1 – point 7 – indent 4

Text proposed by the Commission

Amendment

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

– ***Its external*** appearance ***is unchanged or contemporaneous;***

Amendment 14
Proposal for a regulation

Article 3 – paragraph 1 – point 7 – indent 4 a (new)

Text proposed by the Commission

Amendment

- Changes are contemporaneous if, legally and technically, they were possible no later than 10 years after the vehicle was manufactured,

Amendment 15
Proposal for a regulation

Article 3 – paragraph 1 – point 9

Text proposed by the Commission

Amendment

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

(9) ‘roadworthiness test’ means a verification that ***a vehicle displays the required functionality for use on public roads in terms of*** its safety and environmental characteristics;

Justification

The definition should be better tailored to testing the proper functioning of a vehicle's safety and environmental systems.

Amendment 16
Proposal for a regulation

Article 3 – paragraph 1 – point 16 a (new)

Text proposed by the Commission

Amendment

(16a) ‘mileage database’ means a database established by the Member State in which the mileages of vehicles registered in the Member State are stored.

Amendment 17
Proposal for a regulation

Article 4 – paragraph 3

Text proposed by the Commission

Amendment

3. Vehicle manufacturers shall provide the testing centres or, when relevant, the competent authority, with access to the technical information necessary for roadworthiness testing, as set out in Annex I. The Commission shall adopt detailed rules concerning the procedures on access to the technical information set out in Annex I in accordance with the examination procedure referred to in Article 16(2).

3. Vehicle manufacturers shall provide the testing centres or, when relevant, the competent authority, ***as well as workshops and manufacturers of testing equipment and all stakeholders*** with ***non-discriminatory*** access to the technical information necessary for roadworthiness testing, as set out in Annex I. The Commission shall adopt detailed rules concerning the procedures on access to the technical information set out in Annex I in accordance with the examination procedure referred to in Article 16(2).

Justification

Access to information is extremely important for periodic roadworthiness tests. Non-discriminatory access should be possible for all stakeholders, as provided for in the OBD legislation. This must be guaranteed in order to ensure fair competition.

Amendment 18
Proposal for a regulation

Article 5 – paragraph 1 – indent 1

Text proposed by the Commission

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

Amendment

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

Justification

The frequency of motorcycle testing should also be assessed in the light of the financial and administrative burden on motorcycle holders. The subsidiarity principle applies, as the proposal does not fall under the exclusive competence of the Union. It should continue to be for the Member States to decide whether to impose compulsory regular roadworthiness testing on small motorcycles and scooters with a maximum speed of up to 45 km/h.

Amendment 19
Proposal for a regulation

Article 5 – paragraph 1 – indent 2

Text proposed by the Commission

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

Amendment

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

Justification

In line with the subsidiarity and proportionality principles, it should be left to the individual Member States to decide whether vehicles of categories M1, N1 and O2 should undergo more frequent roadworthiness testing.

Amendment 20
Proposal for a regulation

Article 5 – paragraph 2

Text proposed by the Commission

Amendment

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

Justification

Given that the average mileage of modern M1 and N1 vehicles is increasing with no significant worsening of the safety and environmental performance, and in view of the technical ways in which odometers can be manipulated, the test frequency should not be linked to mileage.

**Amendment 21
Proposal for a regulation**

Article 5 – paragraph 4 – indent 3

Text proposed by the Commission

Amendment

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

**Amendment 22
Proposal for a regulation**

Article 5 – paragraph 4 – indent 3 a (new)

Text proposed by the Commission

Amendment

– following a roadside inspection.

**Amendment 23
Proposal for a regulation**

Article 6 – paragraph 2

Text proposed by the Commission

Amendment

2. For each area referred to in paragraph 1, the competent authorities of the Member

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 **and using the method applicable to the testing of those items, as** set out in Annex II, point 3.

State or the testing centre shall carry out a roadworthiness test covering at least the items set out in Annex II, point 3. **The aim shall be exclusively to test the functioning of the vehicle. Objections may be raised about components and replacement parts which are not approved for the vehicle in question and which noticeably impair its safety and/or environmental characteristics. The testing methods applicable to these items set out in Annex II, point 3 shall be used.**

Justification

Periodic roadworthiness tests examine the functioning of replacement parts and not usually their type approval. This is not even possible, given that some replacement parts are fitted in the vehicle in such a way that it is not possible to check them. Only when the safety and environmental characteristics of a vehicle are noticeably impaired as a result of the fitting of parts which have not been approved for the model in question may fault be found. The free supply of replacement parts must not be indirectly impaired as a result of this.

Amendment 24 Proposal for a regulation

Article 8 – paragraph 4

Text proposed by the Commission

4. For the purposes of checking the odometer reading, and where **this** information **was not communicated** electronically **following the previous roadworthiness test**, the inspector shall require the person presenting the vehicle to the test to show the certificate issued following the previous roadworthiness test.

Amendment

4. For the purposes of checking the odometer reading, and where **normally fitted, the** information **of the previous roadworthiness test shall be made available to the inspector** electronically. **Until electronic transfer of information is established**, the inspector shall require the person presenting the vehicle to the test to show the certificate issued following the previous roadworthiness test. **The odometer reading taken during the last roadworthiness test shall be made electronically available to the interested parties. This information may not contain personal data.**

Amendment 25
Proposal for a regulation
Article 8 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5 a. Roadworthiness certificates shall be mutually recognised by all Member States for the purpose of re-registration of a vehicle transferred from one Member State to another, provided the certificate is valid within the frequency of the re-registering Member State.

Justification

Recognition of roadworthiness certificates of every Member State in all other Member States is important step for the completion of internal market.

Amendment 26
Proposal for a regulation

Article 8 – paragraph 5 b (new)

Text proposed by the Commission

Amendment

5b. Roadworthiness certificates shall be mutually recognised by all Member States for the purpose of re-registration of a vehicle transferred from one Member State to another, provided the certificate meets the requirements of the re-registering Member State regarding the frequency of testing. This is based on tests in all Member States requiring the same standards.

Justification

Mutual recognition is also useful for re-registrations and cross-border sales. Comparable standards must be applied in all EU Member States for this to work. This is based on tests in all Member States requiring the same standards.

Amendment 27
Proposal for a regulation

Article 8 – paragraph 5 c (new)

Text proposed by the Commission

Amendment

5c. The inspection centre – or, if relevant, the competent authority – which has performed a technical inspection on a vehicle shall, after each technical inspection, communicate the mileage reading to the mileage database, if applicable.

Amendment 28
Proposal for a regulation

Article 12 – paragraph 1

Text proposed by the Commission

Amendment

1. Roadworthiness tests shall be carried out by inspectors fulfilling the minimum competence and training requirements laid down in Annex VI.

1. Roadworthiness tests shall be carried out by inspectors fulfilling the minimum competence and training requirements laid down in Annex VI. ***Member States applying more stringent requirements shall be allowed to maintain these.***

Justification

Qualification requirements are applied to inspectors for the first time. EU Member States applying higher standards should be able to maintain these.

Amendment 29
Proposal for a regulation

Article 12 – paragraph 1a (new)

Text proposed by the Commission

Amendment

1a. Member States shall promote adequate training for inspectors in line with the qualification requirements.

Justification

In line with the qualification requirements, Member States should promote adequate training.

Amendment 30
Proposal for a regulation

Article 12 – paragraph 4

Text proposed by the Commission

4. When carrying out a roadworthiness test, the inspector shall be free of any conflict of interests, in particular as regards economic, personal or family links with the holder of the registration certificate of the vehicle subject to testing.

Amendment

4. When carrying out a roadworthiness test, the inspector shall be free of any conflict of interests, in particular as regards economic, personal or family links with the holder of the registration certificate of the vehicle subject to testing. ***This requires relevant certification standards, using the applicable ISO Standard, for example.***

Justification

In order to guarantee comparability and the independence of the periodic roadworthiness tests, Member States should agree to use the same certification standards, e.g. the relevant ISO Standard.

Amendment 31
Proposal for a regulation
Article 15 – paragraph 1

Text proposed by the Commission

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

Amendment

The Commission shall examine ***what is the most efficient and effective way 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 minimize costs and to avoid duplications. The examination shall consider the most appropriate way to link the existing national systems*** with a view to exchange information on data related to roadworthiness testing ***and odometer readings*** between the competent authorities of Member States responsible

for testing, registration and vehicle approval, the testing centres, *the test equipment manufacturers* and the vehicle manufacturers. *The aim of this shall be to provide all stakeholders with non-discriminatory access to vehicle information.*

Justification

Access to information is extremely important for periodic roadworthiness tests. Non-discriminatory access should be possible for all stakeholders, as provided for in the OBD legislation.

Amendment 32 Proposal for a regulation

Article 15 – paragraph 2

Text proposed by the Commission

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

Amendment

It shall, on the basis of that examination, put forward *proposals for increased interoperability and standardisation of electronic documents and* remove the requirement of a proof of test as provided for in Article 10 *and the establishment of a system for exchanging information about mileage readings between Member States in the event of cross-border sales.* Within two years after the date of application of this Regulation, the Commission shall *provide for an adequate legislative proposal* to the European Parliament and to the Council.

Amendment 33 Proposal for a regulation

Article 18 – paragraph 2

Text proposed by the Commission

2. The delegation of power referred to in Article 17 shall be conferred for *an indeterminate* period of *time* from [the

Amendment

2. The delegation of power referred to in Article 17 shall be conferred for *a* period of *five years* from [the date of entry into

date of entry into force of this Regulation].

force of this Regulation]. *The Commission shall present a report on the delegation of power no later than nine months before the end of that five-year period. The delegation of power shall be tacitly extended for periods of identical duration unless the European Parliament or Council opposes such an extension not later than 3 months before the end of each period.*

Amendment 34
Proposal for a regulation

Article 18 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. The Commission shall regularly inform the European Parliament about the implementation of the Regulation and its impact on the internal market and industrial production in the Union.

Justification

This is a sensitive industry for the European economy and therefore increased transparency and review are essential.

Amendment 35
Proposal for a regulation
Article 19 – paragraph 2

Text proposed by the Commission

Amendment

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

deleted

Justification

Penalties will not stop falsifications of odometer readings. Availability of information on latest odometer reading might do that without imposing penalties or fines.

PROCEDURE

Title	Periodic roadworthiness tests for motor vehicles and their trailers
References	COM(2012)0380 – C7-0186/2012 – 2012/0184(COD)
Committee responsible Date announced in plenary	TRAN 11.9.2012
Opinion by Date announced in plenary	ITRE 11.9.2012
Rapporteur Date appointed	Krišjānis Kariņš 25.10.2012
Discussed in committee	18.3.2013
Date adopted	25.4.2013
Result of final vote	+: 42 -: 4 0: 3
Members present for the final vote	Jean-Pierre Audy, Zigmantas Balčytis, Ivo Belet, Bendt Bendtsen, Fabrizio Bertot, Jan Březina, Reinhard Bütikofer, Maria Da Graça Carvalho, Giles Chichester, Jürgen Creutzmann, Pilar del Castillo Vera, Vicky Ford, Gaston Franco, Adam Gierek, Norbert Glante, Robert Goebbels, Fiona Hall, Jacky Hénin, Edit Herczog, Romana Jordan, Krišjānis Kariņš, Philippe Lamberts, Judith A. Merkies, Angelika Niebler, Jaroslav Paška, Aldo Patriciello, Vittorio Prodi, Teresa Riera Madurell, Michèle Rivasi, Jens Rohde, Paul Rübig, Amalia Sartori, Salvador Sedó i Alabart, Konrad Szymański, Britta Thomsen, Evžen Tošenovský, Catherine Trautmann, Ioannis A. Tsoukalas, Claude Turmes, Marita Ulvskog, Adina-Ioana Vălean, Kathleen Van Brempt, Alejo Vidal-Quadras
Substitute(s) present for the final vote	Elisabetta Gardini, Jolanta Emilia Hibner, Bernd Lange, Vladimír Remek, Algirdas Saudargas, Silvia-Adriana Țicău

27.5.2013

OPINION OF THE COMMITTEE ON THE INTERNAL MARKET AND CONSUMER PROTECTION

for the Committee on Transport and Tourism

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

Rapporteur: Malcolm Harbour

SHORT JUSTIFICATION

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

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

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

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

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

most relevant issues include:

1. How to define "Roadworthiness test"

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

2. Measures to identify and prevent mileage fraud.

Amongst all products, the Consumer Markets Scoreboard gives second-hand cars the lowest Market Performance score for the third consecutive year, and in particular, the lowest rank in terms of trust. Accordingly, your Rapporteur proposes enhanced measures to combat odometer fraud by expanding the scope of the electronic vehicle information platform to ensure a web-based platform holds all vehicle mileage information. Furthermore, your Rapporteur is concerned that the Commission's proposal bans any correction to an odometer including those upward adjustments which would avoid leaving the affected vehicles with unnecessarily reduced market value.

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

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

4. Exemptions.

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

5. Mutual recognition

Roadworthiness testing is linked to the re-registration of Motor Vehicles given that greater

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

6. Review and monitoring.

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

AMENDMENTS

The Committee on the Internal Market and Consumer Protection calls on the Committee on Transport and Tourism, as the committee responsible, to incorporate the following amendments in its report:

Amendment 1 **Proposal for a regulation**

Title 1

Text proposed by the Commission

Amendment

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

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

Justification

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

Amendment 2
Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) A number of technical standards and requirements on vehicle safety have been adopted within the Union. It is however necessary to ensure, through a regime of periodic roadworthiness tests, that after being placed on the market, vehicles continue to meet safety standards throughout their lifetime. ***This regime should apply to*** categories of vehicles as defined in ***Directive 2002/24/EC of the European Parliament and of the Council of 18 March 2002 relating to the type-approval of two or three-wheel motor vehicles and repealing Council Directive 92/61/EEC***, Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval for motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles and Directive 2003/37/EC of the European Parliament and of the Council of 26 May 2003 on type-approval of agricultural or forestry tractors, their trailers and interchangeable towed machinery, together with their systems, components and separate technical units and repealing Directive 74/150/EEC.

Amendment

(4) A number of technical standards and requirements on vehicle safety have been adopted within the Union. It is however necessary to ensure, through a regime of periodic roadworthiness tests, that after being placed on the market, vehicles continue to meet safety standards throughout their lifetime. ***The Member States could introduce national requirements governing roadworthiness tests for*** categories of vehicles as defined in ***Regulation 2013/168/EU of the European Parliament and of the Council of 15 January 2013 on the approval and market surveillance of two- or three-wheel vehicles and quadricycles. This regime should apply to categories of vehicles as defined in*** Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval for motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles and Directive 2003/37/EC of the European Parliament and of the Council of 26 May 2003 on type-approval of agricultural or forestry tractors, their trailers and interchangeable towed machinery, together with their systems, components and separate technical units and repealing Directive 74/150/EEC.

Amendment 3
Proposal for a regulation

Recital 5

Text proposed by the Commission

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

Amendment

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

Justification

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

Amendment 4
Proposal for a regulation

Recital 6

Text proposed by the Commission

(6) A large fraction of total emissions of road transport, in particular CO₂ emissions, is due to a minority of vehicles with malfunctioning emission control systems. It is estimated that 5% of the vehicle fleet causes 25% of all pollutant emissions. Therefore, a periodic regime of roadworthiness tests would also contribute to improve the environment through the reduction of the average vehicle emissions.

Amendment

(6) A large fraction of total emissions of road transport, in particular CO₂ emissions, is due to a minority of vehicles with malfunctioning emission control systems. It is estimated that 5% of the vehicle fleet causes 25% of all pollutant emissions.

This also applies to an increase in particulates and NO_x emissions from modern engine designs which require a more comprehensive emission check, including an electronic check of the

integrity and functionality of the vehicle's own on-board diagnostic (OBD) system, verified by existing tailpipe testing to ensure a complete and accurate emission system test, as OBD only is not a reliable test.

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

Justification

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

**Amendment 5
Proposal for a regulation**

Recital 7

Text proposed by the Commission

Amendment

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

deleted

Justification

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

Amendment 6
Proposal for a regulation

Recital 10

Text proposed by the Commission

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

Amendment

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

Amendment 7
Proposal for a regulation

Recital 12

Text proposed by the Commission

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

Amendment

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

Amendment 8
Proposal for a regulation

Recital 14

Text proposed by the Commission

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

Amendment

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

able to modify the results of a roadworthiness test.

able to modify the results of a roadworthiness test ***and impose the appropriate penalties on the body which issued the certificate.***

Amendment 9
Proposal for a regulation
Recital 22

Text proposed by the Commission

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

Amendment

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

Justification

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

Amendment 10
Proposal for a regulation
Recital 23

Text proposed by the Commission

(23) Odometer fraud is considered to affect between 5 % and 12 % of used cars sales, resulting in a very important cost to society of several billions Euros yearly and in an incorrect evaluation of a roadworthiness condition of a vehicle. With a view to combat odometer fraud, the recording of mileage in the roadworthiness certificate

Amendment

(23) Odometer fraud is considered to affect between 5 % and 12 % of used cars sales, resulting in a very important cost to society of several billions Euros yearly and in an incorrect evaluation of a roadworthiness condition of a vehicle. With a view to combat odometer fraud, the recording of mileage in the roadworthiness certificate

combined with the obligation to present the certificate of the previous test would facilitate the detection of tampering or manipulation of the odometer. Odometer fraud should also be more systematically considered as an offence liable to a penalty.

combined with the obligation to present the certificate of the previous test would facilitate the detection of tampering or manipulation of the odometer ***and would furthermore improve the functioning of the single market in respect of cross border trade of second hand cars. Indeed, in the eighth edition of the consumer markets scoreboard ‘Making markets work for consumers’ of December 2012, for the third year running, this market segment was ranked with the lowest market performance score, and in particular the lowest rank in terms of trust.*** Odometer fraud should also be more systematically considered as an offense liable to penalty.

Amendment 11 **Proposal for a regulation**

Recital 26

Text proposed by the Commission

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

Amendment

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

Justification

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

Amendment 12 **Proposal for a regulation**

Recital 27

Text proposed by the Commission

(27) In order to ensure uniform conditions for the implementation of this **Regulation**, implementing powers should be conferred on the Commission. The implementing powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers.

Amendment

(27) In order to ensure uniform conditions for the implementation of this **Directive**, implementing powers should be conferred on the Commission. The implementing powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers.

Justification

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

Amendment 13 **Proposal for a regulation**

Recital 29

Text proposed by the Commission

(29) Since the objective of this **Regulation**, namely to lay down minimum common requirements and harmonised rules concerning the conduct of roadworthiness

Amendment

(29) Since the objective of this **Directive**, namely to lay down minimum common requirements and harmonised rules concerning the conduct of roadworthiness

tests of vehicles within the Union, cannot be sufficiently achieved by the Member States and can therefore be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this **Regulation** does not go beyond what is necessary in order to achieve that objective.

tests of vehicles within the Union, cannot be sufficiently achieved by the Member States and can therefore be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this **Directive** does not go beyond what is necessary to achieve that objective.

Justification

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

Amendment 14 **Proposal for a regulation**

Recital 30

Text proposed by the Commission

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

Amendment

deleted

Amendment 15 **Proposal for a regulation**

Recital 31

Text proposed by the Commission

(31) This Regulation updates the technical requirements of Directive 2009/40/EC of the European Parliament and of the Council of 6 May 2009 on roadworthiness

Amendment

(31) This Directive updates the technical requirements of Directive 2009/40/EC of the European Parliament and of the Council of 6 May 2009 on roadworthiness

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

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

Justification

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

Amendment 16 **Proposal for a regulation**

Article 1 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Justification

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

Amendment 17
Proposal for a regulation

Article 2 – paragraph 1 – introductory part

Text proposed by the Commission

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

Amendment

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

Justification

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

Amendment 18
Proposal for a regulation

Article 2 – paragraph 1 – indent 7

Text proposed by the Commission

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

Amendment

deleted

Justification

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

Amendment 19
Proposal for a regulation

Article 2 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

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

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

Justification

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

Amendment 20
Proposal for a regulation

Article 2 – paragraph 2 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

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

Amendment 21
Proposal for a regulation

Article 2 – paragraph 3

Text proposed by the Commission

Amendment

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

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

Justification

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

Amendment 22
Proposal for a regulation

Article 3 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

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

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

Justification

Terminology in accordance with a Directive

Amendment 23
Proposal for a regulation

Article 3 – paragraph 1 – point 5

Text proposed by the Commission

Amendment

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

deleted

Justification

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

Amendment 24
Proposal for a regulation

Article 3 – paragraph 1 – point 7 – introductory part

Text proposed by the Commission

Amendment

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

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

Justification

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

Amendment 25

Proposal for a regulation

Article 3 – paragraph 1 – point 7 – indent 1

Text proposed by the Commission

Amendment

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

Amendment 26

Proposal for a regulation

Article 3 – paragraph 1 – point 7 – indent 2

Text proposed by the Commission

Amendment

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

Amendment 27

Proposal for a regulation

Article 3 – paragraph 1 – point 7 – indent 3

Text proposed by the Commission

Amendment

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

Amendment 28

Proposal for a regulation

Article 3 – paragraph 1 – point 7 – indent 4

Text proposed by the Commission

Amendment

– It has not been changed in its appearance;

deleted

Amendment 29

Proposal for a regulation

Article 3 – paragraph 1 – point 9

Text proposed by the Commission

Amendment

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

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

Justification

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

Amendment 30

Proposal for a regulation

Article 4 – paragraph 1

Text proposed by the Commission

Amendment

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

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

Justification

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

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

Amendment 31
Proposal for a regulation

Article 4 – paragraph 3

Text proposed by the Commission

3. Vehicle manufacturers shall provide the testing centres *or, when* relevant, the competent *authority*, with access to the technical information necessary for roadworthiness testing, as set out in Annex I. The Commission shall adopt detailed rules concerning the procedures on access to the technical information set out in Annex I in accordance with the examination procedure referred to in Article 16(2).

Amendment

3. Vehicle manufacturers shall provide the testing centres, *testing equipment manufacturers, and, where* relevant, the competent *authorities and independent operators ensuring the repairing, servicing and maintenance of vehicles*, with access to the technical information necessary for roadworthiness testing as set out in Annex I. The Commission shall adopt detailed rules concerning the procedures on access to the technical information set out in Annex I in accordance with the examination procedure referred to in Article 16(2).

Amendment 32
Proposal for a regulation

Article 5 – paragraph 1 – indent 1

Text proposed by the Commission

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

Amendment

deleted

Justification

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

Amendment 33
Proposal for a regulation

Article 5, Paragraph 1, Indent 2

Text proposed by the Commission

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

Amendment

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

Amendment 34
Proposal for a regulation

Article 5 – paragraph 1 – indent 3

Text proposed by the Commission

– Vehicles of category M1 registered as taxis or ambulances, vehicles of categories M2, M3, N2, N3, T5, O3 and O4: **one year** after the date on which the vehicle was first registered, and thereafter **annually**.

Amendment

– Vehicles of category M1 registered as taxis or ambulances, vehicles of categories M2, M3, N2, N3, T5, O3 and O4: **two years** after the date on which the vehicle was first registered, and thereafter, **at the most, every two years**.

Justification

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

Amendment 35
Proposal for a regulation

Article 5 – paragraph 2

Text proposed by the Commission

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

Amendment

deleted

Justification

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

Amendment 36 Proposal for a regulation

Article 5 – paragraph 4

Text proposed by the Commission

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

after an accident with serious damage to the main safety related components of the vehicle such as wheels, suspension, deformation zones, steering or brakes,

when the safety and environmental systems and components of the vehicle have been altered or modified,

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

Amendment

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

after an accident with serious damage to the main safety related components of the vehicle such as wheels, suspension, deformation zones, steering or brakes,

when the safety and environmental systems and components of the vehicle have been altered or modified,

Justification

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

Amendment 37 Proposal for a regulation

Article 5 – paragraph 4 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

following a roadside inspection;

Amendment 38
Proposal for a regulation

Article 8 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Amendment 39
Proposal for a regulation

Article 8 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Amendment 40
Proposal for a regulation
Article 8 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. Where an application for vehicle re-registration has been received, and the vehicle originates from another Member State, registration authorities shall recognise the vehicle's roadworthiness certificate, once its validity has been verified at the time of re-registration. Recognition shall be granted for the same period as the original validity of the

certificate, except where the certificate's original validity period extends beyond the maximum legal duration in the Member State where the vehicle is being re-registered. In that case validity shall be aligned downwards, and calculated from the date on which the vehicle received the original roadworthiness certificate. Before the date of application of this Regulation, Member States shall communicate to each other the format of the roadworthiness certificate recognised by their respective competent authorities as well as instructions on how to verify authenticity.

Justification

In order to facilitate the re-registration of motorvehicles across the Union, this amendments introduces a system for the mutual recognition of roadworthiness certificates between Member States, with effect from the date of application of this Regulation.

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

Text proposed by the Commission

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

Amendment

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

Justification

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

Amendment 42 Proposal for a regulation

Article 8 – paragraph 5

Text proposed by the Commission

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

Amendment

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

Amendment 43 Proposal for a regulation

Article 12 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Justification

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

Amendment 44
Proposal for a regulation
Article 14 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Justification

Terminology in accordance with a Directive.

Amendment 45
Proposal for a regulation

Article 14 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Justification

Terminology in accordance with a Directive.

Amendment 46
Proposal for a regulation

Article 15 – paragraph 1

Text proposed by the Commission

The Commission shall **examine the feasibility**, costs and benefits of the

Amendment

1. **Following a detailed analysis** of the costs and benefits **including an assessment**

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

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

Amendment 47
Proposal for a regulation

Article 15 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Amendment 48
Proposal for a regulation

Article 15 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a In both cases, the Commission shall, take into account existing IT solutions and electronic platforms with regard to

publically available data and information.

Amendment 49
Proposal for a regulation

Article 15 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

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

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

Text proposed by the Commission

Amendment

Article 18a

Reporting

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

Amendment 51
Proposal for a regulation

Article 18 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Justification

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

Amendment 52
Proposal for a regulation

Article 19 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Justification

Terminology in accordance with a Directive.

Amendment 53
Proposal for a regulation
Article 19 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Justification

This Amendment ensures that where vehicle odometer readings have been illegally tampered with, these may be lawfully adjusted upwards by testing centres or competent authorities to ensure that the affected vehicles are not effectively written off and can pass PTI roadworthiness tests in future.

Amendment 54
Proposal for a regulation

Article 19 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Justification

Terminology in accordance with a Directive.

Amendment 55
Proposal for a regulation

Article 20 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Justification

Terminology in accordance with a Directive.

Amendment 56
Proposal for a regulation

Article 20 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Justification

Terminology in accordance with a Directive.

Amendment 57
Proposal for a regulation

Article 21 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Amendment 58
Proposal for a regulation

Article 22 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Amendment 59
Proposal for a regulation

Article 22 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Amendment 60
Proposal for a regulation

Article 22 – paragraph 3

Text proposed by the Commission

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

Amendment

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

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

Text proposed by the Commission

Amendment

In exceptional situations, where specific vehicle design is not compatible with the application of the test methods set out in this Annex, the test shall be conducted in accordance with the specific alternative test methods recommended by Member

State competent authorities. Any test method used, which is not specified in this Annex, must be approved in writing by the appropriate competent authority.

Justification

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

Amendment 62
Proposal for a regulation
Annex II – point 4.1.2

Text proposed by the Commission

4.1.2 Alignment	Determine the horizontal aim of each headlamp on dipped beam using a headlamp aiming device <i>or a screen.</i>	Aim of a headlamp not within limits laid down in the requirements.
-----------------	--	--

Amendment by Parliament

4.1.2 Alignment	Determine the horizontal <i>and vertical</i> aim of each headlamp on dipped beam using a headlamp aiming device <i>and electronic control device to control the dynamic functionality where applicable. Check dynamic system headlight function and alignment.</i>	Aim of a headlamp not within limits laid down in the requirements.
-----------------	--	--

Justification

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

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

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

Text proposed by the Commission

4.1.3 Switching	Visual inspection and by operation.	(a) Switch does not operate in accordance with the requirements (Number of headlamps illuminated at the same time) (b) Function of control device impaired.
-----------------	-------------------------------------	--

Amendment by Parliament

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

Justification

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

Amendment 64 **Proposal for a regulation**

Annex II – point 4.1.5

Text proposed by the Commission

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

Amendment by Parliament

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

Justification

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

Amendment 65 Proposal for a regulation Annex II – point 4.3.2

Text proposed by the Commission

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

Amendment by Parliament

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

*by observation
the emergency
brake light
functionality.*

*operate, or do not
operate correctly*

Justification

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

Amendment 66
Proposal for a regulation
Annex II – point 4.5.2

Text proposed by the Commission

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

Amendment by Parliament

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

Justification

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

Amendment 67
Proposal for a regulation
Annex II – point 5.3.2

Text proposed by the Commission

5.3.2. Shock absorbers	Visual inspection with vehicle over a pit or on a hoist or using special equipment, if	(a) Insecure attachment of shock absorbers to chassis or axle. (b) Damaged shock
------------------------	--	--

available.

absorber showing signs of severe leakage or malfunction.

Amendment by Parliament

5.3.2. Shock absorbers

Visual inspection with vehicle over a pit or on a hoist using special equipment.

(a) Insecure attachment of shock absorbers to chassis or axle.

(b) Damaged shock absorber showing signs of severe leakage or malfunction.

Justification

It is only possible to objectively assess the efficiency of the damping of the vehicle suspension system through the use of a damping testing machine. For electronically controlled vehicle suspension systems, an electronic control device should be used to control the vehicle's suspension system whilst simultaneous measurements are made using a damping testing machine to assess correct system functionality. It is proposed that a 30% difference between the left and right hand sides of the same axle represents a practical and realistic pass/fail criteria.

Amendment 68
Proposal for a regulation
Annex II – point 5.3.2.1

Text proposed by the Commission

5.3.2.1 efficiency testing of damping

Use ***special equipment*** and compare left /right differences and/or ***absolute values given by manufactures***

(a) significant difference between left and right

b) given minimum values not reached

Amendment by Parliament

5.3.2.1 efficiency testing of damping

Use ***damping testing machine*** and compare left/right differences and

(a) significant difference between left and right

(b) Damping ratio

*vehicle
manufacturers
damping ratio
values if those
values exceed the
general limit
value for the
damping ratio of
0,1*

*values not met
(c) imbalance of
measurement values
between the left and
right sides of the
same axle of more
than 30 %*

Justification

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

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

Amendment 69
Proposal for a regulation
Annex II – point 8.2.2.2

Text proposed by the Commission

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

(a) Exhaust gas opacity to be measured during free acceleration (no load from idle up to cut-off speed) with gear lever in neutral and clutch engaged.

(b) Vehicle preconditioning:

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

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

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

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

2. precondition requirements:

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

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

(c) Test procedure:

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

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

for naturally aspirated engines: 2.5 m⁻¹ ,

for turbo-charged engines: 3.0 m⁻¹,

or, for vehicles identified in requirements or

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

1.5 m^{-1.7}

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

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

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

measured values significantly below the limits after less than three free acceleration cycles or after the purging cycles

Amendment by Parliament

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

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

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

(b) Vehicle preconditioning:

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

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

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

2. precondition requirements:

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

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

for turbo-charged engines: 3.0 m^{-1} ,
or, for vehicles identified in requirements or first registered or put into service for the first time after the date specified in requirements ,
 $1.5 \text{ m}^{-1.7}$
or
 0.2^{m-1}

temperature may be made by other means, for example by the operation of the engine cooling fan.

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

(c) Test procedure:

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

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

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

NOx level not in accordance with the requirements

two seconds.

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

Particulates values not in accordance with the requirements

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

Justification

OBD is not a guaranteed method of emission assessment; this is why emissions must be verified by measuring at the tailpipe. NOx is particularly a problem for diesel engine vehicles, where low smoke levels normally create high levels of NOx. For vehicles fitted with a diesel particulate filter, it is important to measure the level of particulates and not the opacity value.

To ensure harmonised and accurate measurements, engine temperature and engine speed should both be measured in accordance with the vehicle manufacturer's test conditions.

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

Text proposed by the Commission

Amendment

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

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

Justification

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

PROCEDURE

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

PROCEDURE

Title	Periodic roadworthiness tests for motor vehicles and their trailers			
References	COM(2012)0380 – C7-0186/2012 – 2012/0184(COD)			
Date submitted to Parliament	10.7.2012			
Committee responsible Date announced in plenary	TRAN 11.9.2012			
Committee(s) asked for opinion(s) Date announced in plenary	ENVI 11.9.2012	ITRE 11.9.2012	IMCO 11.9.2012	
Not delivering opinions Date of decision	ENVI 12.9.2012			
Rapporteur(s) Date appointed	Werner Kuhn 10.10.2012			
Discussed in committee	18.12.2012	22.1.2013	19.3.2013	23.4.2013
Date adopted	30.5.2013			
Result of final vote	+: -: 0:	33 7 0		
Members present for the final vote	Magdi Cristiano Allam, Inés Ayala Sender, Georges Bach, Erik Bánki, Izaskun Bilbao Barandica, Antonio Cancian, Michael Cramer, Joseph Cuschieri, Christine De Veyrac, Saïd El Khadraoui, Ismail Ertug, Carlo Fidanza, Jacqueline Foster, Franco Frigo, Mathieu Grosch, Jim Higgins, Juozas Imbrasas, Dieter-Lebrecht Koch, Georgios Koumoutsakos, Werner Kuhn, Marian-Jean Marinescu, Gesine Meissner, Hubert Pirker, Dominique Riquet, Petri Sarvamaa, Olga Sehnalová, Brian Simpson, Silvia-Adriana Țicău, Giommara Uggias, Peter van Dalen, Patricia van der Kammen, Dominique Vlasto, Artur Zasada, Roberts Zīle			
Substitute(s) present for the final vote	Isabelle Durant, Nathalie Griesbeck, Gilles Pargneaux, Sabine Wils, Janusz Władysław Zemke			
Substitute(s) under Rule 187(2) present for the final vote	George Sabin Cutaș			
Date tabled	10.6.2013			