European Transport Safety Council

Roadworthiness Package

In the light of the European Parliament's draft 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 for the , ETSC supports the following amendments:

Conflict of interest: 5, 69,
Independence of testing centres: 165
Proposal for a regulation: 85, 88
Frequency of testing and scope: 196
High mileage: 215

ETSC does not support the following amendments:
Proposal for a directive: 37, 38, 39, 40, 41, 42, 43, 92
PTW risk: 53, 54, 55, 56, 57
Frequency of testing: 20, 21, 70, 75
Inclusion of PTW: 105, 106, 107, 108, 109, 110, 111, 112, 121, 125, 182, 183, 184, 185, 186, 187, 188, 189.

On the proposal for a Regulation of the European Parliament and of the Council on the technical roadside inspection of the roadworthiness of commercial vehicles circulating in the Union and repealing Directive 2000/30/EC, ETSC supports the following amendments:
Personnel: 6
Risk rating systems: 27

ETSC does not support the following amendments:
Exclusion of N1 category: 54, 55, 56, 57

Background

The European Commission has launched proposals to revise the roadworthiness legislation as part of a new initiative to improve road safety[1]. The first instrument is a revision of the 2009/40/EC Periodic Roadworthiness Directive[2]. The second covers the revision of Directive 2000/30/EC on technical roadside inspections of commercial vehicles[3]. The final Directive to

[1] http://ec.europa.eu/transport/road_safety/events-archive/2012_07_13_press_release_en.htm
[2] http://ec.europa.eu/transport/road_safety/pdf/road_worthiness_package/proposal_for_a_regulation_on_periodic_roadworthiness_tests_en.pdf
[3] http://ec.europa.eu/transport/road_safety/pdf/road_worthiness_package/proposal_for_a_regulation_on_technical_roadside_inspections_en.pdf

be revised is 1999/37/EC on the requirements for issuing registration certificates[4]. The Directive on Periodic Roadworthiness tests was recast in 2009 but the body of the text has not seen any major revision since adoption in 1996. Since then both cars and in-vehicle safety systems that are electronically controlled have developed rapidly. Vehicle examiners need to assure a rigorous testing regime for new in-vehicle technologies. The EU has also proposed extending the Directive to cover other vehicle types such as light commercial vehicles and Powered Two Wheelers (PTWs).

The main objective of the proposed legislative package is to enhance road safety and the European Commission clearly sets out both the long-term 'vision zero' objective of the Transport White Paper and also the target of halving road deaths by 50% by 2020. According to the European Commission's impact assessment, 1,200 lives could be saved annually[5]. The methodology of the Impact Assessment takes into account issues such as the number of accidents of vehicles in a given year, the percentage share of accidents caused by technical faults and the ratio of additional inspections. In its proposals, the European Commission cites the clear correlation between severity of collisions and vehicle age and the need to tighten up the technical controls of older vehicles.

Both national and European law require motorists to keep their vehicles in a roadworthy condition. However, not all vehicle owners do so, and roadworthiness testing exists so that a vehicle's original design and manufacture are retained in service. Mandatory inspections provide immediate benefit but do have associated costs to motorists and implementing authorities and inspection bodies. ETSC stresses that the proposals will in some cases bring about significant changes to administrative procedures in different Member States. It is therefore important to support changes with robust cost benefit analysis and to find the right balance between road and vehicle safety (which deserve a high priority) on the one hand and the costs of legislation on the other.

The proposals

Directive 2009/40/EC sets minimum standards for the periodic roadworthiness tests of motor vehicles - these are the regular vehicle checks required by law. The new proposed Regulation again sets minimum standards. According to Article 228 of the Treaty, a regulation shall have general application and is binding in its entirety. Member States can apply higher standards as long as they satisfy the minimum requirements set out in the proposal. This is the case with the new proposal which sets out, within different articles, areas where Member States can go beyond the minimum requirements.

At present the Directive applies to passenger cars, buses and coaches and heavy goods vehicles and their trailers, but not to powered two wheelers. The scope of vehicles to be

[4] http://ec.europa.eu/transport/road_safety/pdf/road_worthiness_package/proposal_for_a_directive_amending_directive_1999_37_on_registration_documents_for_vehicles_en.pdf

[5] http://ec.europa.eu/transport/road_safety/pdf/road_worthiness_package/proposal_for_a_regulation_on_technical_roadside_inspections_en.pdf

tested shall be extended to the powered two or three wheelers. The test frequency of older cars shall also be increased. ETSC[6] supports the proposed testing regime of 4-2-1-1.

The proposal will also subject vehicles with high mileage (160,000 km) to annual testing as it is already the case for taxis and ambulances. ETSC believes that frequency of checks should be adapted to the type of vehicle and its relative risk exposure.

An additional issue is mileage fraud. The proposals require that the results of roadworthiness tests, including information on the vehicles mileage, are kept in national registers, in order to facilitate the identification of mileage fraud.

ETSC also welcomes that the proposal includes the need for a vehicle that is involved in a collision to undergo a technical inspection after repairs. ETSC emphasises that vehicles involved in a collision need to be recorded by the Police and that Police need to be trained to assess the severity of the collision and impact on the vehicle.

Standards governing the quality of checks should be extended to all EU Member States. Quantity should not be a substitute for quality. Moreover, the neutrality and competence of those carrying out the checks should be guaranteed. It is of paramount importance that any conflict of interest is avoided. In addition checks should be practical and implementable for those carrying out the checks.

ETSC welcomes that vehicle examiners will now also need to introduce a testing regime for new in-vehicle technologies including advanced driving assistance systems. It is important that the proposal can take into account the frequent changes, improvements and additions to the safety technologies and keep in step with the rapid developments.

The European Commission has prioritised the safety of PTWs in its Road Safety Policy Orientations 2011-2020. In 2009 at least 6,145 Powered Two Wheeler (PTW) riders were killed in road collisions in the EU 27 representing 17% of the total number of road deaths while accounting for only 2% of the total kilometres driven (ETSC, 2011). ETSC believes that a comprehensive approach should be adopted in order to reduce the safety disadvantages of PTWs, a group of road users particularly at risk on EU roads. The inclusion of PTWs in periodic roadworthiness checks is supported by ETSC. The technical failures of PTWs may have much more severe consequences than for a car. A PTW rider has, to a much higher extent, to rely on the good condition of the machine they are riding, and this condition can influence the consequences and the severity of the average event.

The power and speed of PTWs is often tampered with, especially with lower power mopeds. ETSC is of the view that measures including regular technical checks aimed at reducing tampering PTWs (especially mopeds and scooters) are important. But their safety potential is fully exploited only if they are accompanied by regular checks performed by well-trained officers. Building capacity in this area must be taken into account. Practically zero enforcement of technical standards for affected PTWs contrasts with the strict

[6] With the exception of the Auto- und Reiseclub Deutschland (ARCD).

enforcement of regulations imposed on other types of vehicles. A fair treatment of all road users in respect to the regulations in force is therefore needed. ETSC supports the intention to seek synergies with the current proposal on Type Approval on L-Category Vehicles[7] especially on anti-tampering measures[8].

The objective of the second proposal is to update the rules on the roadside inspection of motor vehicles and their trailers used in professional transport. Due to their regular and intensive use mainly for commercial purposes, these vehicles are additionally subject to ad hoc technical roadside inspections. Another requirement will be that Member States will have to check a certain percentage of the number of registered commercial vehicles every year. The checks should also inspect vehicles in transit through EU Member States from other countries.

The requirements of this Directive may lead to higher levels of enforcement which could also identify shortcomings in other areas of road safety related offences which would be beneficial to reducing road risk. Yet, it must also be recognised that the requirement to increase the total number of vehicles referred to under Article 3.1 is resource intensive, and this should be taken into account during the discussions on the proposals.

Changes proposed include extending the application of checks to cover light commercial vehicles and their trailers, thus bringing them into the scope of roadside test activities. The inclusion of vans less than 3.5 tonnes is welcome, they are increasing in number and are currently exempt from the safety legislation governing those over 3.5 tonnes. Vehicles will be selected for inspection based on the risk profile of the operators and high risk undertakings will be targeted in order to reduce the burden on such operators that maintain their vehicles in a proper way.

The third proposal defines the withdrawal and cancellation of registrations. The proposal lays down new requirements on electronic vehicle registration registers and the follow up of notifications related to roadworthiness test results, re-registration and destruction of vehicles. The idea is also that effective enforcement of the roadworthiness should be provided via the vehicle registration regime. Roadworthiness testing and roadside inspections would be more effective if they had access to complete information on the history of the vehicle and its technical characteristics.

Conclusion

ETSC welcomes these three proposals as a step to upgrade roadworthiness to modern vehicles and new in-vehicle technologies as well as extending technical inspections checks to PTWs. However, as the EU has exclusive competence on vehicle safety and vehicle type approval, ETSC has high expectations of the European Commission to show leadership in adopting further measures as a matter of priority to improve vehicle safety[9].

[7] http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0542:FIN:EN:PDF
[8] http://etsc.eu/documents/ETSC_Position_on_L-category_vehicles.pdf

[9] http://etsc.eu/documents/CARS%2021_WP%201_ETSC%20Contribution%2015%20Feb%202012.pdf

ETSC Positions and Responses

All ETSC Positions and Responses are available from http://etsc.eu/documents.php?did=3

ETSC (2012) 6th Road Safety PIN Report, 2011 A Challenging Start towards the EU 2020 Road Safety Target
ETSC (2012) ETSC Contribution to CARS 21
ETSC (2012) Handbook on Preventing Road Accidents and Injuries for the Safety of Employees
ETSC (2011) Response to the Transport White Paper
ETSC (2011) Position Paper on the Proposal for a Regulation on the approval and market surveillance of two- or three- wheel vehicles and quadricycles
ETSC (2010) Response to the EC Policy Orientations on Road Safety
ETSC (2008) Blueprint for the 4th Road Safety Action Programme
ETSC (2008) Position on the EC proposal for a Regulation on Type-Approval Requirements for the general Safety of Motor Vehicles
ETSC (2008) Position on the EC proposal for a Regulation on the protection of pedestrians and other vulnerable road users.
ETSC (2001) Priorities for EU Motor Vehicle Design

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The European Transport Safety Council (ETSC) is a Brussels-based independent non-profit making organisation dedicated to reducing the numbers of deaths and injuries in transport in Europe. The ETSC seeks to identify and promote research-based measures with a high safety potential. It brings together 45 national and international organisations concerned with road safety from across Europe.