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INFORMATION NOTE

from:	General Secretariat
to:	Permanent Representatives Committee/Council
Subject:	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 - Outcome of the European Parliament's proceedings (Strasbourg, 1 to 4 July 2013)

I. INTRODUCTION

The Rapporteur, Mrs Olga SEHNALOVA (S&D - CZ), presented a report consisting of 73 amendments (amendments 1-73) to the proposal for a Regulation, on behalf of the Committee on Transport and Tourism.

The S&D political group tabled four further amendments (amendments 74 - 77).

II. DEBATE

See information note, doc. 11619/13, on the Joint debate on Roadworthiness which took place on 1 July 2013.

III. VOTE

When it voted on 2 July 2013, the Parliament adopted 66 amendments (amendments 1 - 20, 28 - 35, 37, 39 - 50, 52 - 73, 75 - 77) the text of which is annexed to this note.

The vote on the legislative resolution was postponed to a later session, thereby not closing the first reading. The matter was referred back to the Committee on Transport and Tourism, pursuant to Rule 57(2) of the European Parliament's Rules of Procedure, and in order to start negotiations with the Council.

Inspection of the roadworthiness of commercial vehicles ***I

Amendments adopted by the European Parliament on 2 July 2013 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 (COM(2012)0382 – C7-0188/2012– 2012/0186(COD))¹

(Ordinary legislative procedure: first reading)

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 environmentally 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 environmentally 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. Technical roadside inspections of commercial vehicles should only be complementary to periodic tests and should be targeted at vehicles on the road*** which constitute an immediate risk to road safety.

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

Amendment

(4) A number of technical standards, requirements on vehicle safety ***and environmental standards*** have been

¹ The matter was referred back to the committee responsible for reconsideration pursuant to Rule 57(2), second subparagraph (A7-0207/2013).

necessary to ensure, through a regime of unexpected roadside inspections, that after being placed on the market, vehicles ***continue to meet safety standards*** throughout their lifetime.

adopted within the Union. It is however necessary to ensure, through a regime of unexpected ***technical*** roadside inspections, that after being placed on the market, vehicles ***remain technically roadworthy*** throughout their lifetime.

Amendment 3

Proposal for a regulation Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) Since, as shown by the Commission's report on the implementation of Directive 2000/30/EC, numerous vehicles which are stopped for roadside inspections reveal no defects, the selection of vehicles for roadside inspection should be based on the risk profile of the operators and should be targeted at high-risk undertakings in order to reduce the burden on operators that maintain their vehicles in a proper way.

Amendment 4

Proposal for a regulation Recital 6

Text proposed by the Commission

Amendment

(6) ***The*** roadside inspections should be implemented via a risk rating system. ***The Member States may use the risk rating system established in accordance with Article 9 of Directive 2006/22/EC of the European Parliament and the Council of 15 March 2006 on minimum conditions for the implementation of Council Regulation (EEC) No 3820/85 and (EEC) No 3821/85 concerning social legislation relating to road transport activities and repealing Council Directive 88/599/EEC.***

(6) ***Technical*** roadside inspections should ***therefore*** be implemented via a risk rating system ***based on the number and severity of deficiencies found on vehicles operated by individual undertakings as stated in standardised roadworthiness certificates and roadside inspection reports.***

Amendment 5

Proposal for a regulation Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) Taking into consideration the volume of traffic of commercial vehicles between Member States, and in order to avoid any discrimination based on the country of registration of the vehicle, the risk rating system should be implemented throughout the Union and based on an adequate level of harmonisation between all Member States of periodic roadworthiness testing and roadside checks.

Amendment 6

Proposal for a regulation Recital 6 b (new)

Text proposed by the Commission

Amendment

(6b) Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator established the European Register of Road Transport Undertakings (ERRU). ERRU allows national electronic registers of transport undertakings to be interconnected throughout the Union, in compliance with the Union rules on the protection of personal data. The use of that system, operated by the competent authority of each Member State, facilitates cooperation among Member States and reduces the costs involved in checks for both undertakings and administrative bodies.

Amendment 7

Proposal for a regulation Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) 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 that where agricultural vehicles are used in this way they are treated in the same way as trucks as regards technical roadside inspections.

Amendment 8

Proposal for a regulation Recital 10

Text proposed by the Commission

Amendment

(10) With a view to *avoid* unnecessary administrative *burden* and costs and to improve the efficiency of inspections, vehicles operated by undertakings not complying with road safety and environmental standards ***should*** be selected as a priority, while vehicles operated by responsible and safety-minded operators and properly maintained ***should*** be rewarded with less frequent inspections.

(10) With a view to *avoiding* unnecessary administrative *burdens* and costs and to improve the efficiency of inspections, ***it should be possible for competent national authorities to decide that*** vehicles operated by undertakings not complying with road safety and environmental standards ***will*** be selected as a priority, while vehicles operated by responsible and safety-minded operators and properly maintained ***will*** be rewarded with less frequent inspections.

Amendment 9

Proposal for a regulation Recital 11

Text proposed by the Commission

Amendment

(11) Technical roadside inspections of *the* roadworthiness should consist of initial and, where necessary, more detailed inspections. In both cases they should cover all relevant parts and systems of vehicles. To achieve a more harmonised testing, for all of the possible test items, test methods and examples of deficiencies and their assessment according to their

(11) Technical roadside inspections of roadworthiness should consist of initial and, where necessary, more detailed inspections. In both cases they should cover all relevant parts and systems of vehicles, ***including the securing of cargo.*** To achieve a more harmonised testing, for all of the possible test items, test methods and examples of deficiencies and their

severity should be introduced.

assessment according to their severity should be introduced. *The use of standards for the securing of cargo and for its assessment should be encouraged.*

Amendment 10

Proposal for a regulation Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) Since the proper performance of tyres is closely linked to their inflation pressure, the extension of the mandatory fitment to commercial vehicles of tyre pressure monitoring systems as defined in UNECE (United Nations Economic Commission for Europe) Regulation 64.02 should be considered and, if it is found to be appropriate, the functioning of such systems should be checked in the course of technical roadside inspections.

Amendment 11

Proposal for a regulation Recital 11 b (new)

Text proposed by the Commission

Amendment

(11b) Member States may check cargo securing during technical roadside inspections according to existing standards. The outcome of such checks should not be introduced into the risk rating system until the rules on cargo securing are harmonised at Union level. Pending such harmonisation, the use of the European standards and the European Best Practice Guidelines on Cargo Securing for Road Transport for assessment purposes should be encouraged.

Amendment 12

Proposal for a regulation

Recital 12

Text proposed by the Commission

(12) Reports of technical roadside inspections are in several Member States elaborated by electronic means. In such cases *a* print *out* of the inspection report should be ***handed over to the driver***. All the data and information gathered during roadside inspections should be transferred to a common repository of the Member State in order that the data can be *easier* processed and information transfer can be performed without additional administrative burden.

Amendment

(12) Reports of technical roadside inspections are in several Member States elaborated by electronic means. In such cases, ***it is important that full advantage be taken of the benefits of electronic communication, and recourse to print-outs*** of the inspection report should be ***minimised***. All the data and information gathered during roadside inspections should be transferred to a common repository of the Member State in order that the data can be *more easily* processed and information transfer can be performed without ***any*** additional administrative burden.

Amendment 13

Proposal for a regulation

Recital 13

Text proposed by the Commission

(13) The use of mobile inspection units reduces the delay and costs for operators as more detailed inspections can be performed directly at the roadside. Testing centres may also ***be used in certain circumstances*** to carry out more detailed inspections.

Amendment

(13) The use of mobile inspection units reduces the delay and costs for operators as more detailed inspections can be performed directly at the roadside. Testing centres may also be used to carry out more detailed inspections ***when they are located nearby***.

Amendment 14

Proposal for a regulation

Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) Personnel performing initial roadside inspections should have the appropriate skills to carry out visual inspections in an efficient manner.

Amendment 15

Proposal for a regulation Recital 14 a (new)

Text proposed by the Commission

Amendment

(14a) No fee should be charged to undertakings or drivers for the performance of the initial technical roadside inspection. However, in order to mitigate the costs arising from the use of technical equipment for a more detailed roadside inspection either by mobile inspection unit or in a test centre located nearby, Member States should be able to charge a fee if major or dangerous deficiencies have been found indicating that the undertaking operating the vehicle has not complied with its responsibility to keep the vehicle in a roadworthy condition. In order to limit the financial burden for such undertakings, the amount of the fee should not exceed that payable for a periodic roadworthiness test for a vehicle of the same vehicle category. Any revenue or income derived from the charging of such fees should be used to enhance road safety.

Amendment 16

Proposal for a regulation Recital 16

Text proposed by the Commission

Amendment

(16) In order to ensure the efficient exchange of information between Member States, there should be within each Member State a single body acting as contact point for liaising with other relevant competent authorities. That body should also compile relevant statistics. Furthermore, Member States should apply a coherent national enforcement strategy on their territory and may designate a single body to coordinate its implementation. The competent authorities in each Member State should designate procedures setting out time limits and the

(16) In order to ensure the efficient exchange of information between Member States, there should be within each Member State a single body acting as contact point for liaising with other relevant competent authorities. That body should also compile relevant statistics, ***in particular in relation to the categories of commercial vehicles checked during technical roadside inspections, the number and type of deficiencies found, and their severity.*** Furthermore, Member States should apply a coherent national enforcement strategy on their territory and

contents of the information to be forwarded.

may designate a single body to coordinate its implementation. The competent authorities in each Member State should designate procedures setting out time limits and the contents of the information to be forwarded.

Amendment 17

Proposal for a regulation

Recital 17

Text proposed by the Commission

(17) In order to allow a monitoring of the roadside inspection regime implemented in the Union Member States should communicate ***on a biannual basis*** to the Commission the results of the roadside inspections performed. The Commission should report the data collected to the European Parliament.

Amendment

(17) In order to allow a monitoring of the roadside inspection regime implemented in the Union Member States should communicate to the Commission, ***before 31 March of every second year***, the results of the roadside inspections performed. The Commission should report the data collected to the European Parliament.

Amendment 18

Proposal for a regulation

Recital 17 a (new)

Text proposed by the Commission

Amendment

(17a) In order to minimise the time loss for undertakings and drivers and to increase overall efficiency, the performance of technical roadside inspections, along with inspections to check compliance with social legislation in the field of road transport, in particular Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport¹, Directive 2006/22/EC and Council Regulation (EEC) No 3821/85 of 20 December 1985 on recording equipment in road transport², should be encouraged.

¹ OJ L 102, 11.4.2006, p. 1.

² OJ L 370, 31.12.1985, p. 8.

Amendment 19

Proposal for a regulation

Article 1 – paragraph 1

Text proposed by the Commission

This Regulation establishes a regime of roadside inspections of commercial vehicles circulating within the territory of the Member States.

Amendment

1. This Regulation establishes a regime of ***technical*** roadside inspections ***of the roadworthiness*** of commercial vehicles circulating within the territory of the Member States.

Amendment 20

Proposal for a regulation

Article 1 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Technical roadside inspections shall be carried out without discrimination on grounds of the nationality of the driver or of the country of registration or entry into service of the commercial vehicle concerned.

Amendment 75

Proposal for a regulation

Article 2 – paragraph 1

Text proposed by the Commission

Amendment

1. This Regulation shall apply to commercial vehicles with a design speed exceeding 25 km/h of the following categories, as defined in Directive 2007/46/EC ***of the European Parliament and the Council:***

- 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 ***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 used for the carriage of goods and having a maximum permissible

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

- motor vehicles ***and any attached trailer,*** used for the carriage of passengers and with more than eight seats, excluding the driver's seat – vehicle category M2 and M3,
- motor vehicles ***and any attached trailer*** used for carriage of goods and ***having*** a maximum permissible mass not exceeding 3 500 kg – vehicle category N1,
- motor vehicles ***and any attached trailer*** used for the carriage of goods and having a

mass exceeding 3 500 kg – vehicle categories N2 and N3,
– *trailers and semi-trailers with a maximum permissible mass not exceeding 3 500 kg – vehicle categories O1 and O2,*
– *trailers and semi-trailers with a maximum permissible mass exceeding 3 500 kg – vehicle categories O3 and O4.*

maximum permissible mass exceeding 3 500 kg – vehicle categories N2 and N3,

– *wheeled tractors of category T5, the use of which mainly takes place on public roads for commercial road haulage purposes, with a maximum design speed exceeding 40 km/h.*

Amendment 28

Proposal for a regulation

Article 3 – paragraph 1 – point 6

Text proposed by the Commission

(6) ‘commercial vehicle’ means a motor vehicle and its trailer intended for the transport of goods or passengers *for professional purposes*;

Amendment

(6) ‘commercial vehicle’ means a motor vehicle and its trailer intended for the transport of goods or passengers *for the carriage of goods by road in vehicles for reward*;

Amendment 29

Proposal for a regulation

Article 3 – paragraph 1 – point 9

Text proposed by the Commission

(9) ‘roadside inspection’ means an unexpected inspection of the roadworthiness of a commercial vehicle circulating on roads open to public traffic within the territory of a Member State carried out by the authorities, or under their direct supervision;

Amendment

(9) ‘*technical* roadside inspection’ means an unexpected inspection of the roadworthiness of a commercial vehicle, *and of the securing of its cargo, whilst that vehicle is* circulating on roads open to public traffic within the territory of a Member State carried out by the authorities, or under their direct supervision;

Amendment 30

Proposal for a regulation

Article 3 – paragraph 1 – point 10

Text proposed by the Commission

(10) ‘roadworthiness test’ means *a*

Amendment

(10) ‘roadworthiness test’ means *an*

*verification that the parts and components of a vehicle **comply with its** safety and environmental characteristics at the time of approval, first registration or entry into service, or at the time of retrofitting;*

*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;*

Amendment 31

Proposal for a regulation

Article 3 – paragraph 1 – point 11

Text proposed by the Commission

(11) ‘competent authority’ means an authority or public body **responsible** for managing the **national** system of roadside inspections.

Amendment

(11) ‘competent authority’ means an authority or public body **entrusted by the Member State with responsibility** for managing the system of roadside inspections, **including where appropriate the carrying-out of technical roadside inspections;**

Amendment 32

Proposal for a regulation

Article 3 – paragraph 1 – point 12 a (new)

Text proposed by the Commission

Amendment

(12a) ‘undertaking’ means any natural or legal person, association or group of persons without legal personality, whether profit-making or not, or any official body, whether it has its own legal personality or is dependent on an authority with legal personality, which engages in carriage by road, whether for hire or reward, or for its own account;

Amendment 33

Proposal for a regulation

Article 3 – paragraph 1 – point 14 a (new)

Text proposed by the Commission

Amendment

(14a) ‘vehicle safety inspection’ means a visual inspection, a performance test and a functional check of a commercial vehicle’s chassis/frame, coupling devices, steering, tyres, wheels and braking equipment;

Amendment 34

Proposal for a regulation

Article 3 – paragraph 1 – point 14 b (new)

Text proposed by the Commission

Amendment

(14b) 'testing centre' means a public or private body or establishment authorised by a Member State to carry out roadworthiness tests;

Amendment 35

Proposal for a regulation

Article 3 – paragraph 1 – point 14 c (new)

Text proposed by the Commission

Amendment

(14c) 'operator' means an individual or legal entity which operates the vehicle as its owner or is authorised to operate the vehicle by its owner.

Amendment 37

Proposal for a regulation

Article 5

Text proposed by the Commission

Amendment

Each Member State shall carry out in every calendar year ***a total*** number of initial roadside inspections, ***corresponding*** to at least 5% of the total number of vehicles referred to in Article 3(1) that are registered in its territory.

Each Member State shall carry out in every calendar year ***an appropriate*** number of initial roadside inspections.

The total number of initial roadside inspections shall correspond to at least 5% of the total number of ***the following commercial*** vehicles referred to in Article 2(1) that are registered in its territory:

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

**500 kg – vehicle categories O3 and O4.
At least 5% of commercial vehicles that
are not registered in its territory but
operating there shall be proportionally
checked.**

Amendment 76

Proposal for a regulation Article 6

Text proposed by the Commission

1. A roadside inspections risk rating system based on the number and severity of deficiencies found on vehicles ***operated by individual undertakings*** shall be introduced at ***national*** level. The risk rating system shall be operated by the competent authority ***of the Member State***.

2. A risk profile shall be attributed to each undertaking identified in the ***roadside inspections*** risk rating system using the criteria ***set out in*** Annex I.

Undertakings shall be classified according to the following risk profile:

- high risk,
- medium risk,
- low risk.

Amendment

1. ***In order to improve the efficiency of technical roadside inspections***, a roadside inspections risk rating system based on the number and severity of deficiencies found on ***commercial*** vehicles ***during periodic roadworthiness tests and technical roadside inspections*** shall be introduced at ***Union*** level. The risk rating system shall be ***based on a national electronic register interconnected throughout the Union and*** operated by the competent authority ***in each Member State***.

Three years after the entry into force of Regulation XX of the European Parliament and of the Council on periodic roadworthiness tests for motor vehicles and their trailers and repealing Directive 2009/40/EC, roadworthiness certificates and roadside inspection reports shall comply with a standard European Union form.

2. ***After the date referred to in paragraph 1***, a risk profile shall be attributed to each undertaking identified in the risk rating system using the ***following*** criteria ***in accordance with*** Annex I:

- ***number of deficiencies;***
- ***severity of deficiencies;***
- ***number of inspections or tests;***
- ***time factor.***

Undertakings shall be classified according to the following risk profile:

- high risk,
- medium risk,
- low risk.

In order to allow undertakings to improve their risk profile, information on compliance with roadworthiness

requirements from voluntary regular vehicle safety inspections by undertakings carried out in line with the following frequencies shall be taken into account when establishing the risk rating of an undertaking:

– Category N2 vehicles with a maximum permissible mass exceeding 7.5 tonnes: initially, 42 months after the date of first registration and, thereafter, every six months after the last roadworthiness test;

– Category N3 vehicles: initially, 30 months after the date of first registration and, thereafter, every six months after the last roadworthiness test;

– Category O4 vehicles: initially, 30 months after the date of first registration and, thereafter, every six months after the last roadworthiness test.

3. With a view to **implement** the roadside inspections risk rating system, Member States **may** use the risk rating system established **in accordance with Article 9 of Directive 2006/22/EC of the European Parliament and the Council.**

3. With a view to **implementing** the roadside inspections risk rating system, Member States **shall** use the risk rating system established **by Regulation (EC) No 1071/2009.**

The risk rating system shall contain the information on roadworthiness of vehicles referred to in Article 2 four years after the entry into force of this Regulation.

Amendment 39

Proposal for a regulation Article 7 – paragraph 1

Text proposed by the Commission

1. Drivers of a vehicle registered in a Member State shall keep on board the roadworthiness certificate corresponding to the latest roadworthiness test and the report of the last roadside inspection, when they are available.

Amendment

1. Drivers of a vehicle registered in a Member State shall keep on board the roadworthiness certificate corresponding to the latest roadworthiness test and the report of the last roadside inspection, when they are available. ***If the certificate and the report are available electronically in the Member State of the vehicle, the authorities cannot ask for paper copies to be kept onboard.***

Amendment 40

Proposal for a regulation

Article 7 – paragraph 3

Text proposed by the Commission

3. **Individual** undertakings shall ensure that the vehicles which they operate are in a good roadworthy condition at all times.

Amendment

3. Undertakings ***that operate vehicles which fall within the scope of this Regulation*** shall ensure that the vehicles which they operate are in good roadworthy condition at all times ***and that the original or a certified copy of the roadworthiness certificate and a proof of test issued pursuant to Article 10 of Regulation XX [on periodic roadworthiness tests] in respect of the most recent roadworthiness test is kept on board.***

Amendment 41

Proposal for a regulation

Article 7 – paragraph 3

Text proposed by the Commission

3. Individual undertakings shall ensure that the vehicles which they operate are in a good roadworthy condition at all times.

Amendment

(Does not affect the English version)

Amendment 42

Proposal for a regulation

Article 9

Text proposed by the Commission

When identifying vehicles to be subject to a roadside inspection, inspectors ***shall*** select as a priority vehicles operated by undertakings with a high-risk profile as referred to in Article 6(2). Other vehicles may be selected for inspection when there is a suspicion that the vehicle presents a risk to road safety.

Amendment

When identifying vehicles to be subject to a roadside inspection, inspectors ***may, if the Member State so decides,*** select as a priority vehicles operated by undertakings with a high risk profile as referred to in Article 6(2). Other vehicles may be selected for inspection when there is a suspicion that the vehicle presents a risk to road safety.

Amendment 43

Proposal for a regulation

Article 10 – paragraph 1 – subparagraph 2

Text proposed by the Commission

On each initial inspection of a vehicles, the inspector ***shall***:

(a) check the roadworthiness certificate and roadside inspection report, ***where available***, kept on board in accordance with Article 7(1);

(b) carry out a visual assessment of the condition of the vehicle ***and of its cargo***.

Amendment

On each initial inspection of a vehicles, the inspector:

(a) ***shall*** check the roadworthiness certificate ***corresponding to the most recent roadworthiness test, the proof of test issued pursuant to Article 10 of Regulation XX [on periodic roadworthiness tests]*** and, ***where available, the latest*** roadside inspection report, kept on board in accordance with Article 7(1);

(b) ***shall*** carry out a visual assessment of the ***technical*** condition of the vehicle;

Amendment 44

Proposal for a regulation

Article 10 – paragraph 1 – subparagraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) may carry out a compliance check in respect of any other regulatory requirement pertaining to the operation of a commercial vehicle within the Union.

Amendment 45

Proposal for a regulation

Article 10 – paragraph 2 – subparagraph 2 – indent 2 a (new)

Text proposed by the Commission

Amendment

– chassis/frame,

Amendment 46

Proposal for a regulation

Article 10 – paragraph 2 – subparagraph 2 – indent 3

Text proposed by the Commission

Amendment

– axles, wheels tyres and suspension.

– wheels and tyres,

Amendment 47

Proposal for a regulation

Article 10 – paragraph 2 – subparagraph 2 – indent 3 a (new)

Text proposed by the Commission

Amendment

– *coupling equipment,*

Amendment 48

Proposal for a regulation

Article 10 – paragraph 2 – subparagraph 2 – indent 4

Text proposed by the Commission

Amendment

– nuisance.

– nuisance: *noise and exhaust fumes.*

Amendment 49

Proposal for a regulation

Article 10 – paragraph 2 – subparagraph 3

Text proposed by the Commission

Amendment

The inspection of each of *these* areas shall cover ***one, several or all of*** the items listed in Annex II and relevant to *these* areas.

The inspection of each of *those* areas shall cover ***all*** the items listed in Annex II ***that are considered necessary*** and relevant to *those* areas.

Amendment 50

Proposal for a regulation

Article 10 – paragraph 2 – subparagraph 4

Text proposed by the Commission

Amendment

In addition, the inspector may check other areas of inspection listed in Annex II *point 1 and* covering ***one, several or all of*** the items listed in *this* Annex.

In addition, ***and whenever necessary due to a potential safety risk,*** the inspector may check other areas of inspection listed in *part 1 of* Annex II covering ***all*** the items listed in *that* Annex ***that are considered necessary and relevant to those areas.***

Amendment 77

Proposal for a regulation

Article 10 – paragraph 2 – subparagraph 5

Text proposed by the Commission

Amendment

Where the roadworthiness certificate or a roadside inspection report demonstrates

Where the roadworthiness certificate ***corresponding to the most recent***

that an inspection of one of the items listed in Annex II, , has been carried out in the course of the preceding **month**, the inspector shall not check **this** item, except where justified on the grounds of an obvious deficiency.

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

Amendment 52

Proposal for a regulation Article 11 – paragraph 2

Text proposed by the Commission

2. Where the inspections are to be carried out in a testing centre, **the place of the initial roadside inspection shall not be fixed more than 10 km away from this** centre.

Amendment

2. Where the inspections are to be carried out in a testing centre, **they must be carried as soon as possible out in the nearest** centre.

Amendment 53

Proposal for a regulation Article 11 – paragraph 3

Text proposed by the Commission

3. Mobile inspection units shall include appropriate equipment for carrying out a roadside inspection, including at least the equipment necessary to assess the condition of the brakes, steering, suspension **and** emissions of the vehicle.

Amendment

3. Mobile inspection units shall include appropriate equipment for carrying out a roadside inspection, including at least the equipment necessary to assess the condition of the brakes, steering, suspension, emissions **and weight** of the vehicle.

Amendment 54

Proposal for a regulation Article 12 – paragraph 2 – indent 3

Text proposed by the Commission

– dangerous deficiencies that constitute a direct and immediate risk to road safety **such that** the vehicle **may not be used** on the road **under any circumstances**.

Amendment

– dangerous deficiencies that constitute a direct and immediate risk to road safety **justifying the Member State concerned or its competent authorities banning** the vehicle **from use** on the road.

Amendment 55

Proposal for a regulation

Article 13

Text proposed by the Commission

Article 13

Specific rules concerning the inspection of cargo securing

The inspector may subject a vehicle to an inspection of the cargo securing in accordance with *Annex IV*. ***The follow-up procedures referred to in Article 14 shall also apply in case of major or dangerous deficiencies related to cargo securing.***

Amendment

Article 13

Inspection of cargo securing

Inspectors may subject a vehicle to an inspection of the cargo securing in accordance with *existing standards*. ***The outcome of such an inspection shall not be introduced into the risk rating system until the rules on cargo securing are harmonised at Union level.***

By[align to date in Article 18a of the proposal for a Regulation on periodic roadworthiness tests], the Commission shall submit to the European Parliament and to the Council a report on the level of harmonisation in the area of cargo securing in road transport, the checking thereof at the roadside and the result of an analysis of methods to ensure that undertakings operating the vehicle, consignors, freight forwarders, loaders and other relevant operators involved in the handling of cargo are complying with cargo securing requirements. The report shall be accompanied, if appropriate, by a legislative proposal.

Amendment 56

Proposal for a regulation

Article 14 – paragraph 1

Text proposed by the Commission

1. Any major deficiency revealed by an initial or a more detailed inspection shall be rectified without delay and in ***the vicinity of the inspection spot.***

Amendment

1. Any major deficiency revealed by an initial or a more detailed inspection shall be rectified without delay and in ***a location with the requisite equipment as close as possible to the place in which the initial or more detailed inspection was carried out.***

Amendment 57

Proposal for a regulation

Article 14 – paragraph 3 – subparagraph 1

Text proposed by the Commission

3. The inspector shall not authorise a vehicle classified with dangerous deficiencies, to be used until such deficiencies have been rectified on the spot **of the inspection. The inspector may** authorise ***such a*** vehicle to be used in order to reach the closest workshop where those deficiencies can be rectified, on ***the*** condition that the dangerous deficiencies have been fixed in such a way as to allow it to reach ***this*** workshop and that there is no immediate risk to the safety of ***its*** occupants or other road users.

Amendment

3. The inspector shall not authorise a vehicle classified with dangerous deficiencies to be used until such deficiencies have been rectified on the spot ***where the inspection took place or at one of the closest workshops. If deficiencies are detected in areas of a vehicle that are referred to in Article 10(2), the inspector shall*** authorise ***the*** vehicle to be used in order to reach the closest workshop where those deficiencies can be rectified, on condition that the dangerous deficiencies have been fixed in such a way as to allow it to reach ***that*** workshop and that there is no immediate risk to the safety of occupants ***of the vehicle*** or other road users.

Amendment 58

Proposal for a regulation

Article 14 – paragraph 3 – subparagraph 2

Text proposed by the Commission

The inspector may authorise the vehicle classified with dangerous deficiencies to be brought directly to the closest location where ***this vehicle*** can be repaired or impounded.

Amendment

The inspector may authorise the vehicle classified with dangerous deficiencies to be brought directly to the closest ***available*** location where ***it*** can be repaired or impounded.

Amendment 59

Proposal for a regulation

Article 16 – paragraph 2

Text proposed by the Commission

2. The inspector shall communicate to the competent authority the results of the more detailed roadside inspections within a reasonable time ***limit*** following ***these*** inspections. The competent authority shall keep ***this information*** for 36 months from the date of its ***reception***.

Amendment

2. The inspector shall communicate ***electronically*** to the competent authority the results of the more detailed roadside inspections within a reasonable time following ***those*** inspections. The competent authority ***shall introduce that information in the national register referred to in Regulation (EC) No 1071/2009 and*** shall

keep *it* for 36 months from the date of its *receipt*.

Amendment 60

Proposal for a regulation

Article 16 – paragraph 3

Text proposed by the Commission

3. The results of the roadside inspection shall be communicated to the registration authority of the vehicle.

Amendment

3. The results of the roadside inspection shall be communicated ***electronically*** to the registration authority of the vehicle, ***to the owner of the vehicle and, in the case of vehicles registered in another Member State, through the use of ERRU, as provided for in Regulation (EC) No 1071/2009.***

Amendment 61

Proposal for a regulation

Article 18 – paragraph 1

Text proposed by the Commission

1. When major or dangerous deficiencies, in particular those resulting in a prohibition to use the vehicle, are found in a vehicle not registered in the Member State of inspection, the contact point shall inform the competent authority of the Member State of registration of the vehicle of the results of *this* inspection

This information shall contain the elements of the roadside inspection report as set out in Annex VI.

The Commission shall adopt detailed rules concerning the procedures ***and formats*** for the notification of vehicles with major or dangerous deficiencies to the competent authority of the Member State of registration in accordance with the examination procedure referred to in

Amendment

1. When major or dangerous deficiencies, in particular those resulting in a prohibition to use the vehicle, are found in a vehicle not registered in the Member State of inspection, the contact point shall inform the competent authority of the Member State of registration of the vehicle of the results of *that* inspection.

The Member State of registration shall take that information into account when classifying undertakings pursuant to Article 6(2).

That information shall contain the elements of the roadside inspection report as set out in Annex VI, ***shall be in a standardised format and shall be communicated through the national electronic register referred to in Article 16 of Regulation (EC) 1071/2009.***

The Commission shall adopt detailed rules concerning the procedures for the notification of vehicles with major or dangerous deficiencies to the competent authority of the Member State of registration in accordance with the examination procedure referred to in

Article 23(2).

Article 23(2).

Amendment 62

Proposal for a regulation

Article 18 – paragraph 2 – subparagraph 2

Text proposed by the Commission

The competent authority of the Member State of registration of the vehicle shall inform the Member State of inspection of the action taken.

Amendment

The competent authority of the Member State of registration of the vehicle shall inform ***the competent authority of the*** Member State of inspection of the action taken ***and introduce the information into ERRU.***

Amendment 63

Proposal for a regulation

Article 18 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. In the event that major or dangerous deficiencies are found, the name of the operator shall be provided to the contact point in accordance with Article 16.

Amendment 64

Proposal for a regulation

Article 18 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. The Member State of registration shall provide information to the authority performing a technical roadside inspection concerning the risk profile of the undertaking whose vehicle is being inspected. That information shall be provided by electronic means within a reasonable time. The Commission shall adopt implementing acts concerning detailed rules on the procedures for the provision of such information to such authorities. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 23(2).

Amendment 65

Proposal for a regulation

Article 20 – paragraph 2 – subparagraph 2

Text proposed by the Commission

The Commission shall report the data collected ***to the European Parliament.***

Amendment

The Commission shall ***submit to the European Parliament a*** report ***summarising*** the data collected.

Amendment 66

Proposal for a regulation

Article 22 – paragraph 2

Text proposed by the Commission

2. The delegation of power referred to in Article 21 shall be conferred for ***an indeterminate*** period of ***time*** [from the date of entry into force of this Regulation.]

Amendment

2. The delegation of power referred to in Article 21 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 identical duration unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.***

Amendment 67

Proposal for a regulation

Article 24 – paragraph 2

Texte proposé par la Commission

2. Rules laid down in accordance with paragraph 1 shall include penalties for failure by a driver or operator to cooperate with the inspector and ***to rectify deficiencies detected during an inspection.***

Amendement

2. Rules laid down in accordance with paragraph 1 shall include penalties for failure by a driver or operator to cooperate with the inspector and ***for the illegal use of a vehicle resulting from non-compliance with Article 14.***

Amendment 68

Proposal for a regulation

Annex II – part 2 – item 5.2.2 – point d a (new)

Text proposed by the Commission

5.2.2. Wheels Visual inspection of both side of each wheel

Amendment by Parliament

5.2.2. Wheels Visual inspection of both side of each wheel ***(da) Wheel not compatible with wheel hub***

Amendment 69

Proposal for a regulation

Annex II – part 2 – item 5.2.3 – column 2: Method

Text proposed by the Commission

5.2.3 Tyres Visual inspection of the entire tyre by rolling the vehicle backwards and forwards.

Amendment by Parliament

5.2.3 Tyres Visual inspection of the entire tyre by rolling the vehicle backwards and forwards.
Use a pressure gauge to measure tyre pressure and compare it with the values given by the manufacturer.

Amendment 70

Proposal for a regulation

Annex III – part 1 – heading: Dangerous deficiencies – paragraph 1

Text proposed by the Commission

Deficiencies that constitute a direct and immediate risk to road safety. ***Further use of the vehicle on the road is not permitted***, although in some instances it may be permitted to be driven under specified conditions directly to a specified location, for example for immediate repair or impounding of the vehicle.

Amendment

Deficiencies that constitute a direct and immediate risk to road safety ***justifying the Member State concerned or its competent authorities banning the vehicle from the road***, although in some instances it may be permitted to be driven under specified conditions directly to a specified location, for example for immediate repair or impounding of the vehicle.

Amendment 71

Proposal for a regulation

Annex 3 – part 2 – item 5.2.3 – point e

Text proposed by the Commission

5.2.3. Tyres	(e) Tyre tread depth <i>not in accordance with the requirements⁽¹⁾</i> . <i>Less than 80% of required</i> tread depth	X	X
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Amendment by Parliament

5.2.3. Tyres	(e) Tyre <i>at minimum legal</i> tread depth. <i>Tyres below minimum legal</i> tread depth	X	X
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Amendment 72

Proposal for a regulation

Annex 3 – part 2 – item 5.2.3 – point g a (new)

Text proposed by the Commission

5.2.3. Tyres

Amendment by Parliament

5.2.3. Tyres	<i>(ga) In-service operating pressure in one of the vehicle's tyres reduced by 20%</i>	X	X
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Amendment 73

Proposal for a regulation

Annex IV

Text proposed by the Commission

Amendment

Annex deleted