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PROPOSAL

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| Subject: | Roadworthiness Package 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 |

Delegations will find attached a proposal from the Commission, submitted under a covering letter from Mr Jordi AYET PUIGARNAU to Mr Uwe CORSEPIUS, Secretary-General of the Council of the European Union.

Encl.: COM(2012) 382 final



EUROPEAN COMMISSION

Brussels, 13.7.2012
COM(2012) 382 final

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Roadworthiness Package

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**

(Text with EEA relevance)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

- Grounds for and objectives of the proposal

The objective of the proposal is to lay down updated harmonised rules on the roadside inspection of motor vehicles and their trailers with a view to enhance road safety and environmental protection.

The proposal aims at contributing to reach the target of a reduction of road fatalities by the half until 2020 as laid down in the Policy Orientations on Road Safety 2011 - 2020¹. It will also contribute to the reduction of emissions in road transport linked to poor maintenance of vehicles.

- General context

Before a vehicle is allowed to be put on the market, it has to fulfil all the relevant type or individual approval requirements guaranteeing an optimal level of safety and environmental standards. Every Member State has the obligation to register for the first time any vehicle that got the European type-approval on the basis of the “Certificate of Conformity” issued by the vehicle manufacturer. This registration is the official authorisation for the use on public roads and enforces the different introduction dates of different vehicles' requirements.

Following this approval, cars on the road have to be regularly submitted to periodic roadworthiness tests. The aim of these tests is to ensure that cars on the road remain roadworthy, safe and do not pose any danger to the driver and other road users. Cars are therefore checked for compliance with certain requirements, such as those for safety and environmental protection, as well as for retrofitting requirements. Because of their regular and intensive use mainly for commercial purposes, vehicles used for the professional transport of goods with a laden mass above 3.5 tonnes and for the professional transport of passengers of more than 8 passengers are additionally subject to ad hoc technical roadside inspections by which their compliance with environmental and technical requirements is verified at anytime and anywhere in the EU.

During a vehicle's lifetime it may be subject to re-registration, due to a change of ownership, or a transfer to another Member State for permanent use. Provisions on a vehicle registration procedure should be similarly introduced to ensure that vehicles which constitute an immediate risk to road safety are not used on roads. The main objective of technical roadside inspections is to ensure that in the intervals between periodic roadworthiness tests, commercial vehicles do not pose significant risks to road safety. It also aims at the creation of a level playing field regarding the quality of maintenance of the commercial vehicles circulating within the Union by discouraging irresponsible operators from attempting to gain a competitive advantage by operating inadequately maintained vehicles.

¹ COM(2010)389 final.

- Existing provisions in the area of the proposal

The "Roadworthiness Package" will carry over the existing requirements laid down in the existing legislative framework related to the roadworthiness regime, which covers roadworthiness tests², roadside inspections³ and rules on the registration of vehicles⁴.

Compared to the existing legislation on roadside inspections, the main objective of the proposal is to provide for a risk-rating system aimed at focusing inspections on vehicles operated by undertakings with poor safety records, thus rewarding vehicles operated by undertakings which are safety and environment minded. The proposal also lays down new requirements on several issues related to the standard and quality of testing, namely test equipment, skills and training of testing personnel and supervision of the testing system.

- Consistency with the other policies and objectives of the Union

The proposal is consistent with the EU objective to make roads safer as outlined in the White Paper on Transport⁵ and aims at implementing the specific strategy related to safer vehicles within the Road Safety Policy Orientations 2011-2020.

Furthermore, as far as the environmental aspects of the proposal are concerned, the foreseen requirements contribute to reduce CO₂ emissions and other air pollutants from motor vehicles following the European Strategy on clean and energy efficient vehicles as well as the integrated energy and climate change policy the so-called "20-20-20 strategy" and to contribute to achieve the air quality objectives set out in Directive 2008/50/EC⁶

2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES AND IMPACT ASSESSMENTS

- Consultation of interested parties

Consultation methods

In developing the proposal the Commission has consulted stakeholders in a number of ways:

- There was a general internet consultation, covering all aspects of the proposal.
- Experts and stakeholders have been consulted within workshops.

² Directive 2009/40/EC of the European Parliament and of the Council of 6 May 2009 on roadworthiness tests for motor vehicles and their trailers (OJ L 141 of 6.6.2009, p.12).

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

⁴ Council Directive 1999/37/EC of 29 April 1999 on the registration documents of vehicles (OJ L 138 of 1.6.1999, p.57).

⁵ COM(2011)144 final.

⁶ Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe (OJ L 152, 11.6.2008, p.1)

- A study on future options for roadworthiness and roadside enforcement in the European Union has been carried out to identify possible measures and to elaborate a cost benefit analysis tool related to the effects of roadworthiness testing and roadside inspections.

Summary of responses and how they have been taken into account

During the internet consultation, several issues were raised by stakeholders. The impact assessment that accompanies this proposal provides a full account of the substantive issues raised and indicates how they have been taken into consideration.

An open consultation was conducted over the internet from 29 July 2010 to 24 September 2010. The Commission received 9,653 responses from citizens, Member State authorities, equipment suppliers, test centres, garage associations and vehicle manufacturers.

The results are available on http://ec.europa.eu/transport/road_safety/take-part/public-consultations/pti_en.htm.

- Collection and use of expertise

Scientific/expertise domains concerned

The proposal required the assessment of different policy options as well as the associated economic, societal and environmental impacts.

Methodology used

A study on the impacts of the different policy options has been performed by an external consultant (Europe Economics) using several scientific and evaluation reports, notably as sources of models and data for the monetization of the costs and benefits of the different policy options. Most extensively used studies include the following:

- The Report from the Commission to the Council and the European Parliament on the application by the Member States of Directive 2000/30/EC of the European Parliament and of the Council of 6 June 2000 on the technical roadside inspections of the roadworthiness of commercial vehicles circulating in the community - Reporting periods 2005–2006 and 2007–2008⁷,
- AUTOFORE (2007),
- "MOT Scheme Evidence-base" Department of Transport (UK, 2008),
- DEKRA Road Safety Report 2008 – Strategies for preventing accidents on Europe's roads,
- DEKRA Road Safety Report on Trucks 2009,
- DEKRA Motorcycle road safety report 2010,

⁷ COM(2010) 754 final.

– TÜV Reports 2009 / 2010.

Means used to make the expert advice publicly available

All completed and approved research reports are or will be made available on the DG Mobility and Transport website.

- Impact assessment

For the main aspects of the proposal the following options were considered:

- (a) The 'No policy change' approach provides the reference case against which the effects of other policy options are compared. Within this option, the present EU legal framework for would be maintained.
- (b) The "Soft law approach" would consist in a better implementation and better monitoring of the application of existing legislation. This option would not introduce new legislation, but there would be new and increased efforts by the Commission to improve the standards of testing and enforcement, as well as actions to incentivise the exchange of data.
- (c) The "Legislative approach" would be based on two components.
 - In order to meet the specific objective to enhance the safety of vehicles on the road, the first component is to revise upwards the minimum EU standards for periodic roadworthiness tests (PTI) and unexpected roadside inspections (RSI) and define mandatory standards. This is essential to avoid that gaps in the system reduce the effectiveness of roadworthiness enforcement as a whole.
 - In order to meet the specific objective of making the necessary data for and from roadworthiness testing available, a second component of the overall regime would include, in a second phase, the possible establishment of an EU harmonised data exchange system linking the existing databases with a view to improve the efficiency of the implementation of the EU roadworthiness package.

In several Member States a high number of private authorised test centres carry out roadworthiness tests. In order to ensure a coherent approach, certain common procedures such as minimum time limits and the nature of the information to be forwarded, should be specified in the legislation

However, the impact assessment has shown the benefits of a combination of a soft-law approach with a regulatory approach. Therefore, the soft-law measures previously envisaged by the impact assessment have been integrated into the legislative texts.

3. LEGAL ELEMENTS OF THE PROPOSAL

- Summary of the proposed action

Light commercial vehicles and their trailers will be included into the scope of roadside test activities as this group of vehicles does not follow the downward trend in road fatalities. Other commercially used light vehicles such as taxis or ambulances, which are already subject to annual roadworthiness tests, shall not be the main target of roadside inspections taking into consideration that these vehicles show the lowest fatality rates.

To better distribute the roadside inspections by Member States a percentage of the number of registered commercial vehicles shall be inspected every year. The envisaged percentage will in total not exceed the number of roadworthiness tests already performed in the Union.

The selection of vehicles shall be based on the risk profile of the operators and target on high risk undertakings to reduce the burden on such operators that maintain their vehicles in a proper way. With the current provisions following Directive 2000/30/EC and as shown in the Commission's report on its implementation⁸ a high number of vehicles are stopped for roadside inspections where no defects are found. The impact assessment showed that with a risk rated approach for technical roadside inspections some 2.3 Mio checks of well-maintained vehicles could be avoided, with a potential to save € 80.4 Mio for the transport operators. The company profiling shall be based on the results of previous roadworthiness tests and roadside inspections similar to the system that has been introduced by Directive 2006/22/EC⁹ in the area of driving- and resting-time enforcement.

More elaborated roadside inspections shall be performed using testing equipment either by mobile inspection units or at test centres in close vicinity. The securing of cargo should be included in the roadside checks. Deficiencies detected shall be assessed according to harmonised rules related to their risk.

The level of knowledge and skills of inspectors performing roadside inspections shall meet at least the level of those conducting roadworthiness tests.

Cooperation between Member State enforcement authorities should be further promoted through concerted checks, joint training initiatives, the electronic exchange of information, and the exchange of intelligence and experience. Member States shall closely cooperate and organise regularly concerted inspection activities where each Member State acts on its own territory focusing on the selected target of the concerted action, such as the condition of tyres or securing of cargo.

Cooperation and exchange of information between Member States and with the Commission will be performed more efficient via designated points of contact in the Member States.

The reporting to the Commission will be performed by using standardised reporting forms.

The Commission shall be empowered to update the annexes to technical progress via delegated acts and to maintain the certificates and reporting forms in close cooperation with Member States via implementing acts including inter alia alternative test procedures based upon modern emission after-treatment systems for checking the in use NOx and particulate emissions conformity which are still under development.

⁸ COM(2010)754

⁹ JO L 102 of 11.4.2006, p.35.

- Legal basis

The legal basis of the proposal is Article 91 of the Treaty on the Functioning of the European Union.

- Subsidiarity principle

The subsidiarity principle applies insofar as the proposal does not fall under the exclusive competence of the Union.

The objectives of the proposal cannot be sufficiently achieved by the Member States for the following reason: the technical requirements for roadside inspections have been set on a minimum level at Union level and their implementation by Member States has led to a high diversity in the requirements throughout the Union with negative impacts both on road safety but also on the internal market.

The proposal therefore complies with the subsidiarity principle.

- Proportionality principle

The proposal complies with the proportionality principle for the following reasons.

As showed in the impact assessment, the proposal complies with the proportionality principle because it does not go beyond what is necessary in order to achieve the objectives related to the increase of road safety and environmental protection by increasing the quality and strengthening of roadside inspections and creating the appropriate framework for a seamless flow of information.

- Choice of instrument

Proposed instruments: Regulation.

The use of a Regulation is considered to be appropriate in providing the required assurance of compliance whilst not requiring the transposition into Member States legislation.

4. BUDGETARY IMPLICATION

The proposal has no implication on the Union budget.

5. OPTIONAL ELEMENTS [WHERE NECESSARY]

- Repeal of existing legislation

The adoption of the proposal will lead to the repeal of existing legislation.

- European Economic Area

The proposed act concerns an EEA matter and should therefore extend to the European Economic Area.

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

**on the technical roadside inspection of the roadworthiness of commercial vehicles
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(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the European Commission,

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

Having regard to the opinion of the European Economic and Social Committee¹,

Having regard to the opinion of the Committee of the Regions²,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) In its White Paper of 28 March 2011 'Roadmap to a Single European Transport Area – Towards a competitive and resource efficient transport system'³ the Commission set out a 'vision zero' objective in which the Union should by 2050, move close to zero fatalities in road transport. To reach this objective, vehicle technology is expected to contribute a great deal to the improvement of the safety record of road transport.
- (2) The Commission, in its Communication on 'Towards a European road safety area: policy orientations on road safety for 2011-2020'⁴, proposed to further halve the overall number of road fatalities in the Union by 2020, starting from 2010. With a view to reach this goal, the Commission defined seven strategic objectives, including actions for safer vehicles, a strategy to reduce the number of injuries and the improvement of the safety of vulnerable road users, in particular motorcyclists.

¹ OJ C, p .

² OJ C, , p .

³ COM(2011) 144 final.

⁴ COM (2010) 389 final.

- (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.
- (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 unexpected roadside inspections, that after being placed on the market, vehicles continue to meet safety standards throughout their lifetime.
- (5) Technical roadside inspections, as established by Directive 2000/30/EC of the European Parliament and of the Council of 6 June 2000 on the technical roadside inspection of the roadworthiness of commercial vehicles circulating in the Community⁵, are a crucial element to achieve a continuous high level of roadworthiness of commercial vehicles throughout their use. Such inspections contribute not only to road safety and a reduction of vehicle emissions but also to avoid unfair competition in road transport due to acceptance of different inspection levels between the Member States.
- (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/EEC⁶.
- (7) This Regulation should apply to commercial vehicles with a design speed exceeding 25 km/h of the categories defined in Directive 2007/46/EC of the European Parliament and the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles⁷. It should however not prevent the Member States from carrying out roadside inspections on vehicles not covered by this Regulation or to check other aspects of road transport, in particular those related to driving and resting time, or the transport of dangerous goods.
- (8) Reports on the implementation of Directive 2000/30/EC⁸ clearly show the importance of technical roadside inspections. During the period 2007-2008, nearly 300 000 vehicles subject to roadside inspections throughout the Union have been reported to be in such a bad condition that they had to be immobilized. Those reports also show very significant differences between the results of inspection carried out by Member States. During the period 2007-2008, differences in percentage of certain deficiencies ranged from 0.6% to 41.4% between neighbouring countries. Finally, those reports emphasize

⁵ OJ L 203, 10.8.2000, p.1.

⁶ OJ L 102, 11.4.2006, p. 35.

⁷ OJ L 263, 9.10.2007, p. 1.

⁸ COM(2010) 754 final.

the important differences in the number of performed roadside inspections between Member States. To reach a more balanced approach, Member States should commit to carry out a minimum number of inspections, proportional to the number of commercial vehicles registered at their territory.

- (9) Vans and their trailers are being used more frequently in road transport. These vehicles are not covered by certain requirements such as the requirements of training for professional drivers or the installation of speed limitation devices ending up in a relatively high number of road accidents involving such vehicles. Vans and their trailers should therefore be included into the scope of roadside inspections.
- (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.
- (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 severity should be introduced.
- (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.
- (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.
- (14) Personnel performing more detailed roadside inspections should have at least the same skills and fulfil the same requirements as those performing roadworthiness tests in accordance with Regulation (EU) No XX/XX/XX of the European parliament and of the Council of [date] on roadworthiness tests for motor vehicles and their trailers and repealing Directive 2009/40/EC⁹.
- (15) Cooperation and exchange of best practices between Member States is crucial to achieve a more harmonised system of technical roadside inspections throughout the Union. Therefore Member States should work more closely together also during operational activities. This cooperation should also include the periodical organisation of concerted roadside inspections.

⁹ OJ L [XXX]

- (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 contents of the information to be forwarded.
- (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.
- (18) Member States should lay down rules on penalties applicable to infringements of the provisions of this Regulation and ensure that they are implemented. Those penalties should be effective, proportionate, dissuasive and non-discriminatory.
- (19) 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 EC type-approval legislation in relation to 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 simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.
- (20) 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 powers¹⁰.
- (21) Since the objective of this Regulation, namely to lay down minimum common requirements and harmonised rules concerning the conduct of roadside inspections of vehicles circulating 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.
- (22) This Regulation respects fundamental rights and observes the principles recognised by the Charter of Fundamental Rights of the European Union as referred to in Article 6 of the Treaty on European Union.

¹⁰ OJ L 55, 28.2.2011, p. 13.

- (23) This Regulation enlarges the scope of Directive 2000/30/EC and updates its technical requirements updating. Therefore this Directive should be repealed, In addition, this Regulation integrates the rules contained in the Commission Recommendation 2010/379/EU of 5 July 2010 on the risk assessment of deficiencies detected during technical roadside inspections (of commercial vehicles) in accordance with Directive 2000/30/EC of the European Parliament and of the Council¹¹.

HAVE ADOPTED THIS REGULATION:

CHAPTER I

SUBJECT MATTER, DEFINITIONS AND SCOPE

Article 1

Subject matter

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

Article 2

Scope

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 mass exceeding 3 500kg - 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.
2. This Regulation does not affect the right of Member States to carry out roadside inspections on vehicles not covered by this Regulation.

¹¹ OJ L 173, 8.7.2010, p. 97.

Article 3
Definitions

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

- 1) 'vehicle' means any not rail-borne motor vehicle or its trailer or semi-trailer;
- (2) 'motor vehicle' means any power-driven vehicle on wheels which is moved by its own means with a maximum design speed exceeding 25 km/h;
- (3) 'trailer' means any non-self propelled vehicle on wheels which is designed and constructed to be towed by a motor vehicle;
- (4) 'semi-trailer' means any trailer designed to be coupled to a motor vehicle in such a way that part of it rests on the motor vehicle and that a substantial part of its mass and the mass of its load is borne by the motor vehicle;
- (5) 'cargo' means all objects that are placed in or on a vehicle and are not permanently fixed to the vehicle, including objects within load carriers such as swap bodies or containers on vehicles;
- (6) 'commercial vehicle' means a motor vehicle and its trailer intended for the transport of goods or passengers for professional purposes;
- (7) 'vehicle registered in a Member State' means a vehicle which is registered or entered into service in a Member State;
- (8) 'holder of a registration certificate' means the person in whose name the vehicle is registered;
- (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;
- (10) 'roadworthiness test' means a 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;
- (11) 'competent authority' means an authority or public body responsible for managing the national system of roadside inspections.
- (12) 'inspector' means a person authorised by a Member State to carry out roadside inspections;
- (13) 'deficiencies' mean technical defects and other non-compliances found during a roadside inspection.
- (14) 'concerted roadside inspection' means a roadside inspection organised simultaneously by two or more Member States;

CHAPTER II

ROADSIDE INSPECTION SYSTEM AND GENERAL OBLIGATIONS

Article 4

Roadside inspection system

The roadside inspection system shall include initial roadside inspections as referred to in Article 9 and more detailed roadside inspections as referred to in Article 10(1).

Article 5

Percentage of vehicles to be inspected

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 .

Article 6

Roadside inspections risk rating system

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.
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.

Article 7
Responsibilities

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.
2. The driver of a vehicle subject to a roadside inspection shall cooperate with the inspectors and provide access to the vehicle and its parts for the purposes of the inspection.
3. Individual undertakings shall ensure that the vehicles which they operate are in a good roadworthy condition at all times.

Article 8
Inspectors

1. The inspectors shall refrain from any discrimination on grounds of the nationality of the driver, or of the country of registration or entry into service of the vehicle when they select the vehicle for a roadside inspection and they carry out the inspection.
2. The inspector who has performed a roadworthiness test of a vehicle shall not be involved in the subsequent conduct of a roadside inspection of the same vehicle.
3. The inspector shall be impartial and free of any conflict of interest, in particular as regards economic, personal or family links with the driver, the operator or the holder of the registration certificate of the vehicle inspected.
4. Inspectors shall in no way be rewarded for the number or the results of roadside inspections performed.

CHAPTER III

INSPECTION PROCEDURES

Article 9

Selection of vehicles for initial roadside inspection

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.

Article 10

The contents and methods of the roadside inspections

1. Vehicles selected for a roadside inspection in accordance with Article 9 shall be subject to an initial roadside inspection.

On each initial roadside inspection of a vehicle, 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 .

If a deficiency or deficiencies were indicated in the previous roadside inspection report, the inspector shall verify whether this deficiency or these deficiencies have been rectified.

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

A more detailed roadside inspection shall include at least the following areas:

- braking equipment,
- steering,
- axles, wheels tyres and suspension.
- nuisance.

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.

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.

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

4. When carrying out a roadside inspection, the inspector shall use the inspection methods set out in Annex II.
5. More detailed roadside inspections shall only be carried out by inspectors fulfilling the minimum competence and training requirements laid down in Article 12 and Annex VI of Regulation (EU) NO XXX/XXX of the European Parliament and of the Council of [date] on roadworthiness tests for motor vehicles and for their trailers.

Article 11

Inspection facilities

1. A more detailed roadside inspection shall be carried out using a mobile inspection unit, or in a testing centre as referred to in Regulation (EU) NO XXX/XXX of the European Parliament and of the Council of [date] on roadworthiness tests for motor vehicles and for their trailers.
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.
2. 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.

Article 12

Assessment of deficiencies

1. For each item to be inspected, the inspector shall use the list of possible deficiencies and their level of severity as provided for in Annex III.
2. When carrying out a roadside inspection, the inspector shall attribute to each deficiency detected a level of severity and classify it into one of the following groups:
 - minor deficiencies having no significant effect on the safety of the vehicle and other minor non-compliances,
 - major deficiencies that may prejudice the safety of the vehicle or put other road users at risk or other more significant non-compliances;
 - 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.
3. A vehicle having deficiencies falling into more than one deficiency group referred to in paragraph 2 shall be classified into the group corresponding to the most serious deficiency. A vehicle showing several deficiencies of the same group shall be classified in the next more serious group if the combined effect of those deficiencies results in a higher risk to road safety.

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.

Article 14

Follow-up in case of major or dangerous deficiencies

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.
2. The inspector may decide that the vehicle shall be subject to a roadworthiness test within the time limit set by him if this vehicle is registered in the Member State where the roadside inspection has been carried out.. If the vehicle is registered in another Member State, the inspector may request the competent authority of this Member State to carry out a new roadworthiness test of this vehicle following the procedure laid down in Article 18 (3).
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.

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.

Article 15

Inspection fees

When major or dangerous deficiencies have been found following a more detailed inspection, Member States may require the payment of a fee. The amount of the fee shall be reasonable and shall not exceed the amount of the fee required for a roadworthiness test of the same type of vehicle.

Article 16

Report of inspection and roadside inspection database

1. On completion of a more detailed inspection, the inspector shall draw up a report in accordance with Annex V. The driver of the vehicle shall be provided with a copy of the inspection report or, in case of electronically established reports, a printout of the report.
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. .
3. The results of the roadside inspection shall be communicated to the registration authority of the vehicle.

CHAPTER IV

COOPERATION AND EXCHANGE OF INFORMATION

Article 17

Designation of a contact point

1. Member States shall designate a contact point which shall:
 - ensure coordination with contact points designated by other Member States as regards actions taken under Article 18 ,
 - forward the data referred to in Article 20 to the Commission,
 - be responsible for exchange of information and assisting the competent authorities of other Member States,
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.

Article 18

Cooperation between Member States

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 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). .
2. When major or dangerous deficiencies are found in a vehicle, the contact point of the Member State in which the vehicle has been inspected may ask the competent authority of the Member State in which the vehicle is registered to take appropriate follow-up action, such as submitting the vehicle to a further roadworthiness test as provided for in Article 14.

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

Article 19
Concerted roadside inspections

Member States shall, at least six times per year, undertake concerted roadside inspection activities. Member States may combine these activities with those laid down by Article 5 of Directive 2006/22/EC.

Article 20
Communication of information to the Commission

1. Before 31 March of every second year, Member States shall communicate by electronic means to the Commission the data collected relating to the previous two calendar years and concerning the vehicles inspected, This data shall indicate :
 - (a) the number of vehicles inspected;
 - (b) the category of vehicles inspected in accordance with Annex V, point 6;
 - (c) the Member State of registration of the vehicle;
 - (d) the items checked and deficiencies detected , in accordance with Annex V, point 8.

The first report shall cover the period of two years beginning on 1 January [year].

2. The Commission shall adopt detailed rules concerning the communication referred to in paragraph 1 in accordance with the examination procedure referred to in Article 22(2). Until such rules are established, the standard reporting form set out in Annex VI shall be used.

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

CHAPTER V

PROVISIONS ON DELEGATED AND IMPLEMENTING POWERS

Article 21
Delegated acts

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

- 1) to update Article 2(1) as appropriate in in order to take account of the changes to the vehicle categories stemming from amendments to the legislation referred to in that Article,
- to update the Annexes in the light of technical progress or in order to take account of the modification in international or Union legislation.

Article 22

Exercise of delegation

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

Article 23

Committee procedure

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply. Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time-limit for delivery of the opinion, the chair of the committee so decides or a simple majority of committee members so request.

CHAPTER VI

FINAL PROVISIONS

Article 24

Penalties

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.

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.
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 it without delay any subsequent amendment affecting them.

Article 25

Repeal

Directive 2000/30/EC is repealed with effect from [*the date of application of this Regulation*].

Article 26

Entry into force and application

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

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

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

Done at Brussels,

For the European Parliament
The President

For the Council
The President