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IRU POSITION ON THE ROADWORTHINESS TESTING OF VEHICLES IN THE EU

*Unanimously adopted by the IRU Passenger Transport Council (CTP) on 8 November 2012
and approved by the IRU Goods Transport Liaison Committee (CLTM)*

IRU Position on the new EU proposals to amend the existing legal framework on the roadworthiness testing of vehicles.

I. ANALYSIS

On 13 July 2012, the European Commission presented two new proposals for regulations to update the existing Directives 2009/40 on periodic roadworthiness tests (COM(2012)380) and 2000/30 on roadside roadworthiness inspections (COM(2012)382). The objectives are the reduction of accidents, the improvement of the environmental performance of vehicles, the reduction of distortion of competition and more cooperation and information exchange between the Member States.

Road safety has always been, and will remain, a top priority issue for the road transport industry. For true professionals, every accident is one too many. In this framework, it is important to work for more harmonised and standardised rules and to adapt the current periodic roadworthiness tests and roadside inspections. Technical progress and the high standards for periodic testing which already exist in several Member States cannot be jeopardised.

It should be noted that recent scientific studies such as the European Truck Accident Causation Study (ETAC) highlight that only in 5% of all accidents involving heavy commercial vehicles is the main cause linked to technical failure. The European Commission estimates the costs of compliance with the newly proposed rules at 3.5 billion euro. The commercial road transport operators strongly question the estimated benefits in terms of road safety and societal costs.

This investment burden for Member States could however be alleviated by involving road transport operators in periodic roadworthiness testing, by establishing a system of official accreditation, allowing commercial vehicle operators to test their own and other's vehicles. Such systems are currently operational in several EU Member States such as the Netherlands and the United Kingdom and have proven to work correctly. In addition, innovation in terms of testing systems, procedures and equipment should be encouraged in order to be able to further reduce costs and optimise benefits.

Currently, goods and passenger transport operators are still forced to recall vehicles to the country of registration for **periodic roadworthiness testing** and incur unacceptable

additional costs. As these obligatory returns can often not be properly planned, vehicles run empty and thus also cause a significant negative environmental impact. It is seriously questioned whether the newly proposed standards for periodic testing and roadside inspections will eventually lead to sufficient harmonisation and standardisation to allow the establishment of a system of mutual recognition of roadworthiness certificates.

It is the industry opinion that incentives should also be introduced for operators, whose vehicles consistently and regularly show excellent compliance results at periodic road worthiness testing.

One of the main criticisms of the current **roadside inspection** Directive is its different implementations in the EU Member States, which can potentially lead to discrimination and distortion of competition. Yet the new proposal does not aim to harmonise current national practices. In addition, the new proposal still includes a number of potential sources of discrimination, such as tractors being excluded and vehicles used for own account transport potentially falling outside its scope. It is also not clear to what extent third country vehicles can also be controlled on the roadside.

In addition, the feasibility to control 5% of all registered vehicles in a given Member State is seriously questioned, as many EU member States have the tendency to reduce their enforcement capabilities instead of increasing them.

Furthermore, intelligence led inspections accompanied with a risk rating system cannot facilitate enforcement if the same approach is not followed by every Member State, including in relation to the interpretation and weighting of infringements, their proportionality, sanctioning, appeal procedures and the liability of drivers, transport managers, undertakings and third parties in the logistics and travel chain. Differences could lead to distortion of competition. Unfortunately, the newly proposed package does not provide sufficient guarantees for such a standardised approach.

It is also questionable to which extent a new electronic database for roadworthiness of vehicles is needed as the Electronic Registers for Road transport Undertakings (ERRU) should be established and operational in all EU Member States by 31 December 2012. A proven solution in terms of electronic registers is required to avoid problems with implementation, and harmonised mutual access rules to the national registers to guarantee efficient and non-discriminatory enforcement

In addition, roadside inspections could also lead to considerable time loss and inconvenience for bus and coach passengers leading to additional commercial penalties for operators. Solutions, including in public-private partnerships, should be developed to minimise time loss during roadside inspections such as inspecting the majority of regular lines and touring coaches when passengers are not on board, i.e. at bus and coach terminals.

In addition, recommending a maximum time for detaining a vehicle for a check would benefit both operators and control officers. Similarly, introducing a common control document certifying that a check has been performed, to be valid for up to 48 hours or longer, would equally improve the efficiency of roadside inspections at European level.

A lack of compatibility in the package proposals in areas such as the inclusion of agricultural tractors, control documents, the training of inspectors and the technical requirements for test equipment will have a negative impact on the effectiveness of the rules and lead to distortion of competition.

In relation to **load securing**, it should be noted that currently there are no EU rules on load securing in goods transport, only an EN Standard 12195-1 from 2004, revised in 2010. The revised 2010 EN Standard is not used by all EU Member States. Therefore, it is questionable whether the European Commission can categorise infringements at EU level without EU rules on how to secure loads. In addition, the ETAC Study has shown that the load is the main cause of accidents involving trucks in only very few cases (1.4%).

II. IRU POSITION

In order to improve road safety and the environmental performance of vehicles, the IRU is convinced that all road transport vehicles must be correctly maintained and repaired. However, the IRU cannot accept a new roadworthiness package without a binding roadmap for more harmonisation, standardisation and a mutual recognition of roadworthiness certificates which should eventually lead to higher standards across the EU and to more benefits for transport operators in terms of incentives, reduction of costs and of the administrative burden, whilst at the same time avoiding that already existing high standards are jeopardised.

Therefore, the IRU calls for an extensive revision and radical improvement of the current roadworthiness package proposals to:

- Include a binding roadmap for the further harmonisation and standardisation of test procedures (including the frequency of periodic tests), test equipment, test results, training of inspectors and enforcement. Establishing a system of mutual recognition of roadworthiness certificates must be the final objective.
- Ensure that the periodic inspections in test centres remain the most important tool to control the roadworthiness of vehicles in order to avoid distortion of competition.
- Ensure the compatibility of the two proposals in terms of scope, vehicle classes (including tractors), training of inspectors, control documents and technical requirements for test centres and non-mobile and mobile equipment to avoid distortion of competition.
- Further harmonise and standardise enforcement procedures (including the maximum length of roadside inspections and the creation of a commonly accepted road-side inspection document).
- Set a realistic objective for roadside inspections not higher than 2% of vehicles registered in a given Member State.
- Minimise time losses during roadside inspections, ensure that they take place at a safe location and avoid inconvenience for bus and coach passengers.
- Avoid the creation of new electronic registers or databases and use established and proven solutions.
- Establish a harmonised accreditation system for operators to become testers to carry out periodic roadworthiness testing on their own and others' vehicles.
- Encourage innovation in terms of testing systems, procedures and equipment in order to allow further cost reductions and optimise benefits.

The IRU rejects the proposal for EU rules on roadside roadworthiness inspections to be used to create a harmonised EU approach to the classification of deficiencies relating to cargo securing. These two issues should be dealt with separately because there are no formal EU rules yet stipulating how the cargo should be secured.

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