ROADMAP

Title of the initiative: Regulation on roadworthiness tests for motor vehicles and their trailers and repeal of the Directive 2009/40/EC (Roadworthiness directive)
Lead DG: MOVE
Expected date of adoption (month/year): October 2010

Initial impact assessment screening & planning of further work

A. Context and problem definition

What is the political context of the initiative?

The main priorities for the coming years are the reduction of pollution resulting from road transport, keeping the high safety level of vehicles throughout their lifetime, and the further completion of the internal market for services.

Motor vehicles and their trailers circulate freely within the EU. Existing legislation has established common rules for testing and certifying their roadworthiness. The frequency and the quality of the vehicle technical inspections has a direct impact not only on the Road Safety, since a properly maintained and fully functioning vehicle meeting all safety requirements is less likely to be involved in a road accident, but also on the environment, reducing the emissions in terms of both noise and air pollutants.
Nevertheless so far, the potential of using roadworthiness tests, which include the measurement of gaseous emissions, for reducing pollution remains untapped, and the market for providing roadworthiness services is still national, as there is no adequate mutual recognition of test.

The transformation of the directive into a regulation and the in-depth revision of its content will also contribute to achieving "Better regulation" and to ensure a continuous high level of road safety.

How does this initiative relate to past and possible future initiatives, and to other EU policies?
- Relation with past initiatives
Since the 1977, the Directive related to roadworthiness tests for motor vehicles and their trailers has been substantially amended several times to reflect the increasing need in terms of road safety and to follow the technological development. At that time it dealt only with commercial vehicles over 3.5 t, taxis and ambulances. In the following years, the scope of the directive was broadened to include in 1988 the light goods vehicles with test frequency 4-2-2 and in 1991 the passenger cars with frequency 4-2-2. In terms of technical content, in 1992 the brake section was updated and the 'reasons for failure' were added. Then the exhaust emission testing was included and the brake performance and efficiency values were updated in line with type approval requirements. Some additional amendments have been done in the time period 1999-2009 regarding emissions limits, the introduction of roadside roadworthiness inspections and new testing items (Airbags, ABS, EBS, etc).

- Relation with other EU policies
A properly maintained and fully functioning vehicle meeting all safety requirements has less emissions in terms of both noise and air pollutants.
The mutual recognition of the roadworthiness certification and the creation of an information exchange system, will give a positive contribution to the simplification of the administrative

procedure in the frame of the Better Regulation, contributing to the implementation of the principle of the free movement in Europe, and will enable cross-border provision of services in this area.

What are the main problems identified?

- Defects rates of safety relevant components rise up to 40% for vehicles which are more than 8 years old, irrespective of the year of construction. The existing regulation has not been stringent enough to ensure that all defective vehicles are taken out of service; this has an adverse effect on safety.
- Vehicle defects increase emissions by between 1.2% and 5.7% (source AUTOFORE project) depending on vehicle and fuel type, with an extensive impact on climate change, degradation of the urban environment and a deterioration of human health.
- The current system for mutual recognition of roadworthiness certificates, which is based on voluntary action of Member States, is not functioning in practice. As a consequence, a lot of traffic is created due to the obligations of Roadwothiness tests :the citizen temporarily staying abroad or operators working in a country which does not correspond to the one where the vehicle is registered are forced to do additional journeys to come back to make the tests, meaning waste of time, resources and impact on environment and mobility (see figures section D).

Moreover, citizens face unnecessary administrative burdens when exercising their right to free movement within the Union, and the potential market for cross-border service provision in this area remains untapped.

Who is affected?

All EU citizens owning a vehicle; roadworthiness testing centres; public administration in charg of surveillance of roadworthiness.

Is EU action justified on grounds of subsidiarity?

Vehicles circulate freely within the Union. Therefore, it is necessary to ensure compliance with minimum safety requirements for roadworthiness. If action was left to Member States, Member States may engage into a "race to the bottom" in order to attract business activity. With regard to the mutual recognition of roadworthiness test results, experience under the current legislation has shown that Member States do not on their own take the necessary steps to ensure that cross-border service provision is possible. The systems are not harmonised in terms of quality of standards, education and training of inspectors, inspection equipments etc Non-compliance in areas directly related to the safety of vehicles will have an immediate effect on road safety. A recent study of the BAST (Germany) has shown on different examples of failures/manipulations of electronic safety systems in vehicles (ESC, Air-bag, etc) teir direct impact on the safety performance of the vehicle.

B. Objectives of EU initiative

What are the main policy objectives?

- Increase the level of Road Safety in the EU;
- Reduce the environmental impact of road transport;

through the creation of a 'single European area' for vehicles, inside which roadworthiness checks can be carried out in any Member State, irrespectively of the country where the vehicle is registered, and can be recognized by all the EU public authorities

Does the objective imply developing EU policy in new areas or in areas of strategic importance?
No.

C. Options

What are the policy options? What legislative or 'soft law' instruments could be considered? Would any legislative initiatives go beyond routine up-date of existing legislation?
- Four policy options could be envisaged: current situation (baseline scenario) including a routine update trough comitology ; soft-law (guidelines on mutual recognition); revision of the existing Directive; adoption of a Regulation. The last two options would go beyond a routine up-date.

Does the action proposed in the options cut across several policy areas or impact on action taken/planned by other Commission departments?
The activities of the following DGs could be affected: DG ENTR, DG ENV, DG INFSO, DG CLIMA, DG MARKT, DG TAXUD, DG ENER, LS.

Explain how the options respect the proportionality principle.

The proposed option does not exceed the proportionality principle as in relation to road safety the lives saved and accidents avoided could be achieved only with European wide common action.
Mutual recognition of roadworthiness tests needs a fully harmonized roadworthiness testing regime which can only be assured by action in terms of European regulation.

D. Initial assessment of impacts

What are the significant impacts likely to result from each policy option (cf. list of impacts in the impact assessment guidelines), even if these impacts would materialise only after subsequent Commission initiatives?

Baseline scenario: no impacts expected
Soft-law (guidelines on mutual recognition): this may slightly improve the mutual recognition, but in the light of experience gathered so far under the Directive, no significant change is expected.
Revision of Directive (towards a Regulation): the benefits could be divided in two groups: primary and secondary. The primary benefits are identified as:
- Improved road safety by reducing the number and severity of road traffic accidents caused by vehicle malfunction;
- Reduced impact on the environment and public health trough reductions in level of pollutants emitted by vehicles;
- Moving vehicles from a country to another will be simpler and additional journeys through Europe for the only purpose of vehicle testing will be avoided.

It was estimated that 14% of tractors and trailer units travel empty to the country of registration, solely for road test purposes on an average distance of 400 km generating 2 Million € cost.
14% estimation equates to 440.084 tractors and trailers, 176 million KM, 112 millions Kg of CO2 emissions and 172 Million € of cost incurred.
The secondary benefits are: reduced traffic congestion caused by vehicle breakdowns and

accidents, increased personal security, improved transport efficiency and avoidance of unfair competition in the road transport sector.

Could the options have impacts on the EU-Budget (above 5 Mio €) and/or should the IA also serve as the ex-ante evaluation, required by the Financial Regulation?
Setting up a European information exchange platform may reach the threshold for financial impacts. Therefore, the IA should also serve as ex-ante evaluation.

Could the options have significant impacts on simplification/administrative burden or on relations with third countries?
The creation of a European exchange system related to technical and administrative aspects and the mutual recognition of roadworthiness, simplifying the re-registration process, is expected to have a deep impact on simplification. The saving will be quantified during the impact assessment study carried on by an independent external contractor.
The relation with third countries will not be affected

E. Planning of further impact assessment work

When will the impact assessment work start? April 2010

What information and data is already available? Will this impact assessment build on already existing impact assessment work or evaluation carried out?
The outcome of the project AUTOFORE, on future options on roadworthiness enforcement, funded by DG TREN in 2004, and the outcome of IDELSY project on periodic technical inspection, funded by DG TREN in 2005, as well as the CARE-Database, EUROSTAT, Study on periodic technical inspection by UK, annual TÜV and DEKRA reports and the OECD Data constitute already available data and information.

What further information needs to be gathered?
The cost of the implementation of the amendments for the citizens and the public authorities and the related social benefits.

How will this be done (e.g. internally or by an external contractor) and by when?
It will be done with the assistance of an external contractor.

What type and level of analysis will be carried out (cf. principle of proportionate analysis)?
The cost-benefit analysis related to the different scenarios.

Which stakeholders & experts have been/will be consulted, how and at what stage?
The position of institutional stakeholders at EU level, relevant public authorities at national level, relevant private stakeholders (including the signatories of the European Road Safety Charter) and experts will be investigated via several technical workshops and additionally a public consultation open to any citizen on the Commission website will be performed in April/May 2010.