



EUROPEAN COMMISSION

Brussels, 23.10.2013
C(2013) 6969 final

Dear President,

The Commission would like to thank the Bundesrat for its Opinion concerning the Proposal for a Regulation of the European Parliament and of the Council on periodic roadworthiness tests for motor vehicles and their trailers and repealing Directive 2009/40/EC {COM(2012) 380 final}, and apologises for the long delay in replying.

In reply to the comments and concerns raised by the Bundesrat in its Opinion the Commission would like to provide the following clarifications.

Following the provisions of the Treaty of Lisbon, the choice of the legal form of a regulation has to be taken where European legislation directly addresses economic operators as is the case with the current proposal. Furthermore the Commission has drafted its proposal in such a way that even when using the legal form of a regulation, it allows Member States to nationally require higher standards. This allows maintaining also in future the possibility of innovations in this field.

Where reference is made to delegation of powers, and especially in relation to vehicle categories and test frequencies (Article 17, first indent) the Commission would like to take the opportunity for a further clarification on a misunderstanding possibly stemming from a misleading translation and confirm that the amendments to Article 2(1) and Article 5(1) and 5(2) are strictly limited to the vehicle category designation stemming from amendments to the type approval legislation without affecting the scope and the frequency of testing.

The proposal does not prohibit Member States from requiring roadworthiness tests within shorter intervals than proposed. Therefore Germany would be in a position to further maintain the 6 month test interval for certain high risk vehicles such as heavy lorries or coaches.

Requirements related to skills and training for personnel performing roadworthiness tests are drafted as minimum requirements and thus allowing Member States to require higher standards. Especially by avoiding defining a certain level of qualification but listing the areas

*Mr Winfried KRETSCHMANN
President of the Bundesrat
Leipziger Straße 3 - 4
D – 10117 BERLIN*

in which knowledge is required provides the Member States with the flexibility to adjust their national requirements to the educational system in place in their country. Nevertheless Member States will have to respect the applicable EU rules related to recognition of professional qualifications.

As regards the proposed test intervals for light vehicles, the Commission would like to draw the attention of the Bundesrat to a study conducted on behalf of the German Ministry for transport and the German Länder related to the revision of the German system for roadworthiness testing which concluded in relation to the test frequency in a recommendation to introduce in Germany annual testing of cars as of the age of eight years.

The Commission hopes that these clarifications address the issues raised by the Bundesrat and looks forward to continuing our political dialogue in the future.

Yours faithfully,

*Maroš Šefčovič
Vice-President*