



EUROPEAN COMMISSION

Brussels, 20.2.2013
C(2013) 702 final

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

Dear President,

The Commission would like to thank the Bundesrat for its Opinion 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) 382 final}, and apologises for the delay in replying.

The Commission would like to point out that the principles of technical roadside inspections are already regulated in Articles 4, 5 and 7 of Directive 2000/30/EC¹ (i.e. the use of progressive inspections, from basic roadside inspections to in-depth roadside inspections for suspicious cases, and summoning vehicles registered elsewhere displaying significant technical deficiencies for roadworthiness checks).

The Commission report to the European Parliament and Council regarding the implementation of Directive 2000/30/EC for 2005-2006 and 2007-2008² highlighted the considerable differences between the roadside inspections carried out in the different Member States. The Commission believes that linking the number of technical roadside inspections to the number of commercial vehicles in use in each Member State would lead to a more measured and commensurate distribution of these inspections EU-wide. The suggested rate of 5% was chosen so that the total number of inspections would not exceed the number of checks currently carried out across the EU. The number of inspections reported by the German authorities considerably exceeds the suggested rate, so this is not expected to have any influence on other transport monitoring measures put in place in Germany.

Regarding the use of a risk rating system to preselect vehicles for roadside inspections, the Commission would like to draw attention to the fact that a similar system has already been introduced (and successfully used during inspections) in Member States, under

¹ OJ L 203, 10.8.2000, p. 1.

² COM(2010) 754 final

Directive 2006/22/EC on minimum conditions for the implementation of Council Regulations (EEC) No 3820/85 and (EEC) No 3821/85 concerning social legislation relating to road transport activities³. The present proposal seeks to apply this risk rating system to the area of technical roadside inspections.

The Commission proposal establishes that vehicles from operators with a high risk rating should be prioritised when selecting vehicles for inspection. Nonetheless, other vehicles could still be inspected. Within the context of maximising resource efficiency, it seems logical to focus inspection activity on vehicles from operators with a high risk rating. As shown by the Commission impact assessment⁴, some 2.3 million unnecessary commercial vehicle checks could be avoided, potentially saving €80.4 million for transport operators (which are primarily small and medium-sized enterprises).

Regarding monitoring authorities being potentially given access to Europe-wide data, the information systems which the Commission could set up would only be put into practice following thorough data protection checks.

The proposal that an inspector who has already carried out a roadworthiness check on a vehicle would not be able to subsequently perform a roadside inspection on that same vehicle is intended to avoid conflicts of interest from the outset. The Commission does not anticipate any practical issues regarding the availability of suitable staff.

The obligation for drivers to comply with the inspectors during roadside inspections should not be interpreted as an obligation of self-incrimination, but rather as a means for ensuring inspector safety and the entire feasibility of the technical inspection.

The envisaged minimum requirements for inspectors to be authorised to conduct thorough inspections would match the requirements for inspectors performing routine roadworthiness checks. However, Member States would have the right to introduce or retain further requirements beyond the minimum criteria in their national transposition of this legislation.

The proposal clearly differentiates between the level of qualifications required of the inspection bodies conducting basic inspections and those conducting thorough inspections, as a means of ensuring that the current systems in place (which also involve police forces) could still continue to function.

Regarding the use of mobile inspection units for thorough inspections, the Commission is able to draw on the experience of other Member States which have been successfully using such a system for over thirty years. However, it would remain possible to conduct thorough

³ OJ L 102, 11.4.2006, p. 35.

⁴ SWD(2012) 206 final

inspections in nearby test centres, to keep costs to a minimum for the inspection body and the transport operator alike.

Insufficiently or unsecured truck loads pose a major threat to road safety. Given the technical nature of ensuring that vehicle freight is adequately secured, it is appropriate to address this point within the context of technical roadside inspections. The Commission agrees with the Bundesrat that freight safety is only regulated at national level, which has led to great legislative diversity between Member States. This creates legal uncertainty and significant expenses for cross-border transport operators. By harmonising freight safety inspections, the Commission proposal is seeking to establish legal certainty for transport operators and prevent unequal treatment within the context of international transport.

The Commission would like to thank the Bundesrat for identifying clear translation and cross-referencing errors in the German version of the proposal.

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

Yours faithfully,

*Maroš Šefčovič
Vice-President*