

EUROPEAN COMMISSION

*Brussels, 10.6.2013
C(2013)3386 final*

*Mr William CASH MP
Chairman of the
European Scrutiny Committee
House of Commons
Palace of Westminster
UK – LONDON SW1A 0AA*

Dear Chairman,

The Commission thanks the House of Commons for its Opinion on the Commission proposal for a Regulation on periodic roadworthiness tests for motor vehicles and their trailers and repealing Directive 2009/40/EC {COM(2012) 380 final}, and apologises for the delay in replying.

In reply to the comments and concerns raised by the House of Commons in its Opinion, the Commission would like to provide the following replies and clarifications.

As regards the competence to address roadworthiness testing as an element of road safety at EU level, the Commission bases its proposal on Article 91 (1) c of the Treaty on the Functioning of the EU (TFEU). This provision gives the legislators, the European Parliament and the Council, the necessary powers to establish measures to enhance road safety.

Concerning the alleged failure to comply with essential procedural requirements, the Commission would like to refer the House of Commons to section 2.6. of the Impact assessment¹ entitled "Does the EU have the right to act?". In this section this question is addressed in a more extensive manner than in the Summary of the Impact Assessment that the opinion of the House of Commons refers to. Moreover, the issues that the House of Commons raises in relation to the procedural obligations, i.e. the burdens falling upon different actors are addressed in the Impact assessment according to the type of burden and actor (Section 5.6 on administrative costs; Section 5.7. on impact on SMEs from the PTI sector; Section 5.8. on impact on vehicle owners and operators; Section 5.9. on impact on citizens; Section 5.10 on impact on public administrations; Section 5.11 on impact on competition in the internal market looking at the international road haulage market).

As regards the necessity for action at EU level, the Commission would like to point out that, within an EU internal market characterised by free movement of goods, persons and services,

¹ SWD (2012) 206 final, available at:

http://ec.europa.eu/transport/road_safety/pdf/road_worthiness_package/impact_assessment_en.pdf

there is a strong common interest in promoting road safety by ensuring minimum roadworthiness standards for all vehicles. This is particularly the case when vehicles travel in Member States other than those where they are registered. Furthermore, the Road safety Policy Orientations 2011-2020² set the target to further halve the number of road fatalities in the Union by 2020 and define a specific objective to harmonise and strengthen roadworthiness tests. To reach this EU target, it is necessary to take action at EU level. Given that the Member States currently have different systems in place for roadworthiness testing, the minimum levels proposed by the Commission are expected to have different effects in different Member States. The proposal would however have the benefit of ensuring that all vehicles travelling in the Union are tested to a certain minimum level thus ensuring a level playing field for businesses active in the field of vehicle testing, such as testing centres and producers of testing equipment and ensuing safety for all Union citizens.

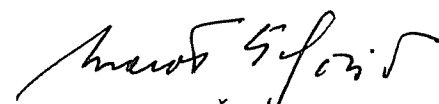
As regards the cost implications for the UK, the Commission – having studied the UK government's own impact assessment – disagrees with one of the main cost elements, related to the registration of trailers. Putting in place such a system is not required by the Commission's proposal. It is already standard practice in the UK to test trailers above 3.5 tons which are not registered.

With regard to agricultural vehicles, the Commission wishes to underline that vehicles used by agricultural, horticultural, forestry, farming or fishery undertakings with a maximum speed not exceeding 40 km/h are excluded from the scope of the proposed Regulation. However, the Commission considers that there is a case for including agricultural vehicles designed for a higher speed. This type of vehicle is increasingly used to replace trucks in local transport activities and should for safety reasons be tested in the same way as trucks.

Finally, the qualification of inspectors is deemed indispensable to provide for a high quality standard of roadworthiness tests. The level of qualification of inspectors has to be maintained and updated in order to keep track with the fast development in vehicle technology. A high quality level of testing will provide citizens with greater value for money when taking roadworthiness tests.

The Commission hopes that these clarifications address the concerns raised by the House of Commons and looks forward to continuing our political dialogue.

Yours faithfully,



Maroš Šefčovič

Vice-President

² COM(2010) 389 final