



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 18.04.1996  
COM(96) 159 final

95/0226 (SYN)

**Amended proposal for a  
COUNCIL DIRECTIVE  
ON THE APPROXIMATION OF THE LAWS OF THE MEMBER STATES  
RELATING TO  
ROADWORTHINESS TESTS FOR MOTOR VEHICLES  
AND THEIR TRAILERS**

(presented by the Commission pursuant to Article 189 a (2)  
of the EC-Treaty)



## EXPLANATORY MEMORANDUM

- A. On 8 September 1995, the Commission sent to the Council a proposal for a Directive on the approximation of the laws of the Member States relating to roadworthiness tests for motor vehicles and their trailers (COM(95)415 final - 95/0226 (SYN)).

On 22 November 1995<sup>1</sup>, the Economic and Social Committee adopted its opinion which is supportive of all the objectives of the proposed Directive (consolidation with amendments, in particular the proposal for the testing of speed limitation devices).

On 29 February 1996<sup>2</sup>, the European Parliament approved the proposal at its first reading.

The Commission accepted three of the seven requests.

Furthermore, the Commission could not accept the other amendments proposed by the Parliament for the following reasons :

- Amendment which adds a recital 1a :

makes reference to the Parliament's resolution on codification and the Inter-institutional Agreement on the accelerated working method for official codification. As this proposal's main purpose lies in the inclusion of speed limiter testing, the Commission cannot accept the recital which suggests that only codification is the main reason for the proposal.

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<sup>1</sup> OJ No C 39 of 12.02.1996, p. 24.

<sup>2</sup> OJ N° C

- Amendment which adds a recital 32a :  
wants the Commission to study the feasibility of extending roadworthiness tests to two and three-wheeled vehicles. The Commission saw no reason to carry out such a feasibility study as it was already prepared to accept another amendment aiming at extension of the scope of the directive to two and three-wheeled vehicles. However, this amendment was rejected in the Plenary.
  
- Amendment to Annex I, point 5 :  
requests to increase the minimum frequency of testing of light commercial vehicles and passenger cars from a first test after the vehicles are four years old and thereafter every two years (4,2,2,2) to a first test after they are three years old and then every year thereafter (3,1,1,1). The Commission cannot accept an increase in the testing of light commercial vehicles and passenger cars because some Member States are still, with major efforts, in the process of implementation of the minimum frequency testing scheme provided for by the Directive. However, the Directive setting only a minimum testing scheme, several other Member States already carry out tests at a higher frequency than that provided for by the Directive.
  
- Amendment to Annex II, point 8.2. :  
introduces a cold start petrol emission test for pre catalyst cars and vans. This is not acceptable as cold start testing is not included in the vehicle's original approval and so the roadworthiness test could not be more severe in relation to what the vehicle was originally designed to meet.

B. The Commission therefore amends its proposal as follows:

Amendment n° 1 adds a new recital (12a) to ensure that testing is 'conducted methodically and to a high standard'.

Amendment n° 2 adds a new recital (12b) to call on the Commission to report on the 'practical application of this Directive'.

Amendment n° 3 modifies article 2 of the proposal in the sense that it provides the obligation for Member States to establish authorization and control systems that ensure an acceptable quality standard for testing centres, particularly where they have the dual role of roadworthiness testing and repair.

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The proposal from the Commission forming the subject of document COM(95)415 final - 95/0226 (SYN)<sup>1</sup> is hereby amended as follows :

Initial text proposed by the Commission	Amended text
Amendment n° 1 Recital 12a (new)	
	<u>Whereas each Member State must ensure, within its own area of jurisdiction, that roadworthiness tests are conducted methodically and to a high standard;</u>

Initial text proposed by the Commission	Amended text
Amendment n° 2 Recital 12b (new)	
	<u>Whereas the Commission must monitor the practical application of this directive and report to the European Parliament and the Council at regular interval on its findings;</u>

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<sup>1</sup> OJ N° C

Initial text proposed by the Commission	Amended text
Amendment n° 3 Article 2	
<p>Roadworthiness tests within the meaning of this Directive shall be carried out by the State or by bodies or establishments designated and directly supervised by the State.</p>	<p>Roadworthiness tests within the meaning of this Directive shall be carried out by the State, <u>or by public organizations entrusted with the task,</u> or by bodies or establishments designated and directly supervised by the State, <u>including duly authorized private bodies.</u> In particular, when <u>establishments designated as vehicle testing centres also operate as motor vehicle repair workshops,</u> the Member States shall ensure the <u>objectivity and high quality of vehicle testing.</u></p>

Remainder unchanged

Done at Brussels

For the Council

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