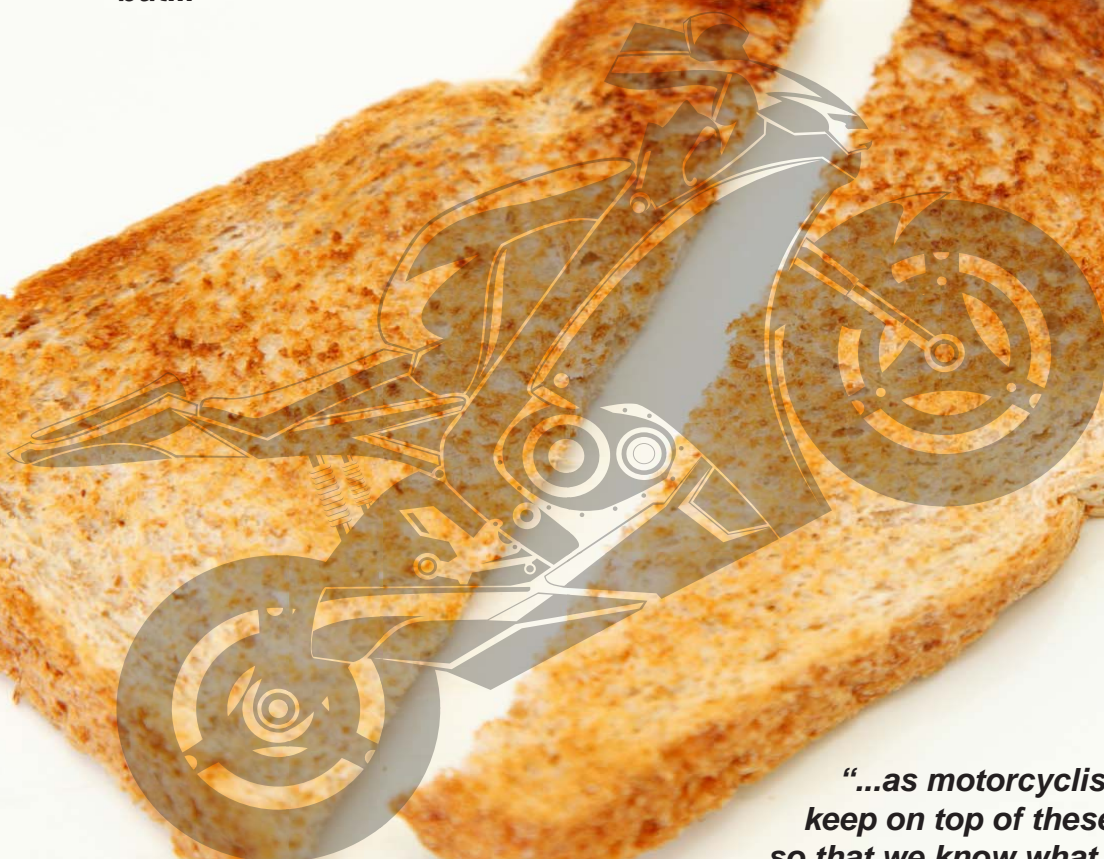


Road Worthiness Testing

Is It Toast?

“The RWT (Road Worthiness Testing) procedures are probably as interesting as dried toast, but...”



“...as motorcyclists we need to keep on top of these procedures so that we know what our future is.”

Trevor Baird
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5th March 2013

Right To Ride

Road Worthiness Testing - Is it Toast?

5th March 2013

The RWT (Road Worthiness Testing) procedures are probably as interesting as dried toast, but as motorcyclists we need to keep on top of these procedures so that we know what our future is. The Commission's proposal if implemented would create enormous change across Europe and for different reasons, governments, consumer organisations and politicians have opposing views about the proposal.

The Commission's proposal started the ball rolling, followed by the response from the EU Council, the latest point in the procedures are the amendments from the TRAN (Transport and Tourism) Committee's rapporteurs as well as the opinion of the IMCO (Internal Market and Consumer Protection) Committee.

State of Play

This is where we are at the moment. Having trawled through the documentation, read all the opinions, discussed the issues with various stakeholders etc, we at Right To Ride are of the view that this proposal will most probably fall in the second reading in Parliament.

The decision to kill this proposal will be not due to the ability of lobbying nor petitions, nor protest rides, it will simply be a matter of national governments not wanting to spend enormous sums of money to implement such a regulation. In these uncertain times of economic woe, the last thing the Member States need is to spend millions of Euros or Pounds on changing a system which in the case of the UK, the government here would argue that it does not require changing.

The European Council has made its decision which was to throw out parts of the Commission's proposal and turn the document into not quite, but almost a toothless tiger. Changing the proposal into a Directive means that Member states would have significant leeway to decide how they could implement it. The exclusion of motorcycles in some countries, or tractors and trailers in others is a cost factor. Equally in the case of separating the RWT test inspection from repairers and mechanics (which for example would mean the end of MoTs by independent mechanics who also carry out repairs in Great Britain), this would mean huge economic loss for the repair and maintenance sector.

The Federation of Small Businesses not only highlights this important factor, but also mention other consequences that would affect the UK such as the changes proposed for trailers and tractors. See here: pdf – 267kb -

<http://www.righttoride.eu/rwtdocuments/fsbroadworthinesspackagefebruary2013.pdf>

Right To Ride's Point of View

As we have repeatedly commented in the past, it ain't over until the fat lady sings, but we have considered all the evidence and for now at least, this is our point of view.

Unfortunately the TRAN Committee ignored the wishes of the Council and has aligned itself with the Commission by agreeing that the proposal should be a regulation. With a regulation, you would expect Member States to have next to no room for manoeuvre which means whatever is agreed, e.g. the Rapporteur Kuhn's proposals for 4.2.2 and separate MoT inspections from repair shops, would become the standard.

But crucially we expect that the Council will never accept these changes, regardless of what the parliament decides, as they have already changed the draft law into a Directive. In those circumstances, we can't see how there could be any compromise in a trialogue as the positions are just so far apart. In which case the file would go to a second reading, and Mr Kuhn would need a qualified majority this time to get his radical amendments back in, which would be very unlikely.

Committee Opinions

The IMCO (Internal Market and Consumer Protection) committee of MEPs has also published its opinion on the RWT proposal which is in addition to an opinion from the European Economic and Social Committee (EESC).

The EESC committee stated, *"The Committee endorses and supports the Commission's initiative which, the Committee fully agrees on the need to include motorcycles. It is right that L-category vehicles be subject to periodic tests, to overcome the anomaly in many Member States where there has been no provision for testing "L" vehicles. It believes, however, that the proposed test frequency (4-2-1) is excessive for these vehicles, which have a very low annual mileage. The Committee therefore proposes a reduced frequency (4-2-2) (NB – first test at 4 years and then every 2 years thereafter), at least initially",* however more on that later

Although the IMCO opinion recognises that the scope of the Commission's proposal has been extended beyond that of the present directive to include new categories of vehicles, in particular powered two and three wheelers, (light trailers below 3.5 tonnes, and tractors with a design speed exceeding 40 kmh.) the opinion focuses on single market matters.

However the suggested amendments will affect riders, mutual recognition on RWT across Europe and doubts that the proposal should be a Regulation. Also, IMCO has proposed an Amendment to modify the definition of a Roadworthiness test.

TRAN Committee reports

The TRAN Committee draft reports lay out the amendments and the justification for those amendments submitted by the Rapporteur in charge of the file, in this case German MEP Werner Kuhn regarding the Road Worthiness Testing (RWT), periodic roadworthiness tests for motor vehicles and their trailers and on the registration documents for vehicles.

There is a scheduled deadline for all amendments - the 22nd March and a vote in the TRAN Committee scheduled for May 2013 and a vote in the European Parliament in July 2013.

The reports are in response to the European Commission's proposal (July 2012) on RWT with the Council of the European Union (Member States Governments) already having published their documentation on RWT in December 2012.

At present these reports do not agree or introduce amendments outside the European Commission's proposal, so there would need to be some trialogue meetings with negotiations and compromises, with all parties (Parliament – Council – Commission) involved in the decision making process) before any vote is passed in a First Reading.

Which would require a common position agreement from all these parties prior to any scheduled vote in Parliament.

TRAN Draft Report - On periodic roadworthiness tests for motor vehicles and their trailers.

1) The TRAN Committee report has left the proposal as a Regulation (not a Directive as proposed by the EU Council), what this means is that ALL member states would have to comply to the regulation;

2) the report has left L category vehicles in the report - that includes mopeds, scooters motorcycles, sidecar combinations and trikes, however it has amended the frequency to 4-2-2 for PTWs and cars (that means that the vehicle would need testing after four years, then every two years) (amendment 20, article 5, para 1, indent 1 and 2).

The justification for this and one that we agree with is, *"The frequency of motorcycles' testing should also be assessed against financial and administrative burden on motorcycles holders. To reach the objective of enhanced road safety, we need to strike the right balance between the frequency of tests and additional burden on citizens. We should avoid unnecessary and inappropriate burden on motorcycles holders. The '4+2+2' formula is more proportionate in this regard."*

Is this a case of common sense?

3) With a view to better applying the free movement principle within the Union, the roadworthiness certificate issued in the original Member State of registration should be mutually recognised among Member States for the purpose of re-registration (amendment 2, recital 10a). *"5a. Roadworthiness certificates shall be mutually recognised by all Member States for the purpose of re-registration of a vehicle transferred from one Member State to another, provided that the certificate is valid in terms of the frequency of the re-registering Member State."*

The justification is, *"As a first step towards the PTI internal market, it is proposed that Member States would mutually recognise the roadworthiness certificates in case of cross-border re-registration."*

RTR Comment: for this to work, every member state would have to have the same testing frequency. However it would appear that this is covered in an amendment to the regulation to registration document to vehicles (see below), *"In case of re-registering a vehicle in another Member State or changing the owner of the vehicle, the technical conditions of the vehicle do not change and so the validity of the roadworthiness certificate should be recognised and stated on the new registration certificate. However as Member States can decide on more frequent testing intervals than foreseen in the proposal for a regulation on roadworthiness tests, mutual recognition of validity shall be subject to the fact that the frequency of testing is not less in the original Member State than in the re-registering Member State."*

4) A person who has performed repairs or maintenance on a vehicle shall not be involved as an inspector in the subsequent conduct of a periodic roadworthiness test of that same vehicle. (amendment 28, article 12, para 4)

The justification is, *"In order to enhance independency of inspectors it is necessary to ensure that the same person is not involved in both, repairing and maintain the vehicle before testing and testing itself."*

The full amendment to recital 13 is, *"(13) Inspectors, when performing roadworthiness tests, should act independently and any conflict of interests should be avoided. The result of roadworthiness tests*

should not thus be linked to salary or any economic or personal benefit. Economic operators involved in the production, sales, rental, maintenance or repair of vehicles should keep such activities separate from the organisational, personnel and financial aspects of performing roadworthiness tests.”

The Rapporteurs view is, *“It is crucial that roadworthiness testing is carried out by well educated, trained and independent inspectors. It is proposed to strengthen the independency of inspectors as well as to further eliminate potential conflicts of interest.”*

RTR Comment: This would mean that the whole system in GB will have to change because this recital and the amendment would not allow garages to repair, maintain and then carry out a MoT. In Northern Ireland this would not be a problem, because MoT testing stations are run by government agencies.

5) Text proposed by the Commission in Article 1 of the regulation says, *“This Regulation establishes a regime of periodic roadworthiness tests of vehicles.”* The report amends this text by adding, *“carried out on the basis of minimum technical standards and requirements with the aim of ensuring a high level of road safety and environmental protection.”*

A further Amendment, Amendment 7 Proposal for a regulation Recital 20 a (new) states, *“Roadworthiness test standards should be set at a common Union-wide applicable high minimum level, allowing those Member States which already have a higher than requested level of roadworthiness tests to maintain their higher standards and to adapt them to technical progress if appropriate.”*

The justification for this amendment is, *“The Regulation lays down minimum level of technical standards. Member States may maintain or introduce higher standards.”*

RTR Comment: For the UK with the MoT already of a high standard, there would be no reduction of these standards. Also what this suggests is that the minimum level of technical standards will not see any kind of Super EU MoT for the UK.

6) Historic vehicles are to be left to Member States to extend the period of periodic roadworthiness testing for such vehicles or to otherwise regulate their roadworthiness testing regime (amendment 1, recital 9). The Rapporteurs view is that, *“The Member States should have more discretion in setting their own national requirements to defining and testing those vehicles. While the Proposal represent a solid base for further debate, your Rapporteur found the definition of historical vehicles quite rigorous and suggests changing the definition to make it more flexible.”*

Amendment 16 inserts the words “substantial” and “bodywork” into the original text so that it reads, *“It has not sustained any substantial change in the technical characteristics of its main components such as engine, brakes, steering or suspension and bodywork.”*

The justification being that, *“Many historic vehicles have been changed during their existence. Therefore, only substantial changes should disqualify the vehicle from being considered as historic.”*

However a further Amendment 17 - Article 3 – point 7 – indent 4 - deletes text from the proposal, *“– It has not been changed in its appearance;”* the Justification being that, *“The proposed condition would be too restrictive as a change in the appearance is quite common in the life cycle of historic vehicles, particularly for the older ones.”*

RTR Comments: There appears to be a movement to a less prescriptive definition and for Member States to be left to decide on these vehicles in their own country.

7) Probably the most important amendment is Amendment 18 Proposal for a regulation Article 3 – point 9 which is what the definition of Roadworthiness Test is.

The text proposed by the commission states, “(9) ‘roadworthiness test’ means a verification that the parts and components of a vehicle comply with its safety and environmental characteristics in force at the time of approval, first registration or entry into service, as well as at the time of retrofitting;”

The amendment reads, “(9) ‘roadworthiness test’ means an inspection to ensure that a vehicle is safe to be used on public roads and complies with required environmental characteristics;”

The justification is, “The definition should be clarified and adapted to the purpose of the periodic technical inspection test, which is to assess the correct functionality of the safety and environmental systems. The type-approval should only be a time-reference to understand what safety and environmental requirements relate to the vehicle. These requirements should not refer to the parts or components themselves.”

RTR Comment: As we have already mentioned, this is probably one of the most important amendments to the proposal and simplifies the proposal for what a Roadworthiness test can achieve when a vehicle is presented for inspection.

8) Amendment 19 Proposal for a regulation Article 4 – paragraph 3 is simply that, “Vehicle manufacturers shall provide, free of charge, the testing centres and test equipment manufacturers” and that, “For test equipment manufacturers, that information shall include the information required to allow the test equipment to conduct a pass or fail assessment of the functionality of vehicle electronic control systems.”

DRAFT REPORT - on 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 – pdf – 233kb -

http://www.righttoride.eu/rwtdocuments/RWT_TRAN_Committee_amendments_feb2013.pdf

TRAN Committee Draft Report – On the registration documents for vehicles

The Rapporteur for this report in the TRAN Committee is Estonian MEP Vilja Savisaar-Toomast.

In the report she comments that, “During a vehicle’s lifetime it may be subject to re-registration, due to a change of ownership, or a transfer to another Member State for permanent use. Provisions on a vehicle registration procedure should be similarly introduced to ensure that vehicles which constitute an immediate risk to road safety are not used on roads.

The goal of vehicle registration is to authorise the use of a vehicle in road traffic. This authorisation is rendered visible by the attachment of the registration number plate to the vehicle and the issuing of a registration certificate.”

Although UK riders may not be selling and buying motorcycles to and from Europe, other member states do have land borders and here in Northern Ireland our European land border is with the Republic of Ireland.

However the proposal and these amendments appear to introduce regulation that in Northern Ireland and the rest of the UK seem to be already covered.

For example the report says that, *“By adding the possibility for the owners to cancel the registration of a vehicle registered on her/his name, we create a possibility for the owners to exempt themselves from the liability of ownership in case of selling, for the period that elapses between the time of sale and the time when the new owner registers the vehicle on his/her name. Without this provision the owner finds himself in a difficult position to prove that he is not liable for damages that happened in the time-span described above.”*

On withdrawing a vehicle registration, *“The withdrawal ensures that vehicles which constitute all immediate risk to road safety are not allowed on the road by withdrawing their registration until another roadworthiness test has been passed successfully. To reduce administrative burden, it should not be necessary to go through the process of registration when the withdrawal is lifted again”.*

The Rapporteur suggests that, *“The reduction in size of the registration certificate and the marking of a link to the tests of the road worthiness test so as to reduce the papers drivers have to carry with them all the time.”*

Here in Northern Ireland not only do we have a separate MoT certificate to the Vehicle Registration document (V5) we also have a MoT disc which must be displayed along with a valid Road Tax Fund (VED) disc and there seems to be no great problem, nor are there complaints regarding this requirement.

The Rapporteur agrees with the establishment of electronic data bases, but would like all these national databases to be connected to other Member States so as to make identification of the vehicle easier.

This appears to be what we already have in the UK but we understand that in other European Member States, there is a registration document for a vehicle which is also a Road Worthiness Test Certificate, although further in the proposal it does mention the issuing of a roadworthiness certificate after each test.

Whereas we in the UK have separate documents for the Registered Keeper and MoT Certificate and in some other Member States the registration document is proof of ownership.

Full Report – pdf – 191kb –

http://www.righttoride.eu/rwtdocuments/RWT_certification_feb%202013.pdf

IMCO Opinion - On the proposal for a regulation of the European Parliament and of the Council on periodic road worthiness tests for motor vehicles and their trailers.

The Rapporteur for the IMCO Committee is Malcolm Harbour UK MEP and the Chair of IMCO.

He supports the key objectives of the proposal which are to strengthen minimum safety and emissions standards for Periodic Roadworthiness Tests (PTI) and the aim to help reduce EU road fatalities by half before 2020, this is according to the EU's Policy Orientations on Road Safety.

However the Rapporteur says, *“Given the differences between Member States' practices, supports targeted harmonisation in accordance with the subsidiary principle, and therefore doubts that the*

instrument should be a Regulation leaving less room for Member States to adapt the rules nationally.” In other words the Rapporteur would appear to support the Councils position that the proposal should be a Directive.

He then continues that he, *“Believes that the road-fatalities reduction target should be achieved while ensuring proportionality, and accordingly supports adapted solutions based on a solid evidence base. With this, he would like to draw attention to the uncertainties highlighted by the European Parliament's Impact Assessment Unit that: "the basic assumption that better and more frequent technical inspections would lead to fewer defects in vehicles seems not to be supported by evidence at all".*

Our interpretation of this is that the European Commission proposal that more frequent technical inspections, would lead to fewer defects and thus reduce road fatalities is not supported by, *“evidence at all”* but he supports solutions that are based on a solid evidence base. This seems sensible.

Malcolm Harbour further suggests and proposes an amendment to modify the definition of "Roadworthiness test" of what components should be tested and similar to the TRAN committee definition It should only be relevant to test those components , which are type approved for safety and emissions.

In the general area of testing fraud avoidance on mileage readings, test results, mutual recognition and databases the IMCO report suggest amendments to the Commissions proposal.

On the subject of access to road worthiness test results on national registers, access to technical information and minimum testing equipment requirements.

Malcolm Harbour points out that, *“The Regulation introduces the possibility of establishing an EU harmonised data exchange system, allowing PTI test centres across the EU to access vehicle repair maintenance information.”* However he thinks that access to this repository should not be limited to competent authorities and PTI testing centres. To ensure a level playing field, he proposes to, *“also allow garage equipment manufacturers to have access as this will allow them to produce competitive and effective test equipment.”*

RTR Comment: These amendments would help to keep down costs of any new testing equipment required, if any.

The issue of “historic vehicles” seems to be a major issue with the proposal from all parties and the report and although Malcolm Harbour welcomes the exemption for 'historic vehicles', he considers, *“the definition is too prescriptive and recommends instead providing a basic age requirement. Furthermore he proposes to maintain Member States' discretion to exempt vehicles from the Regulation in line with current practice.”*

On Mutual recognition of roadworthiness Malcolm Harbour says, *“Testing is linked to the re-registration of Motor Vehicles given that greater EU-harmonisation on PTI testing should simplify vehicle re-registration from one Member State to another. Accordingly your Rapporteur has introduced a new proposal stipulating the mandatory mutual recognition of PTI testing certificates across the Union.”*

DRAFT OPINION of the Committee on the Internal Market and Consumer Protection for the Committee on Transport and Tourism – pdf – 187kb –
<http://www.righttoride.eu/rwtdocuments/IMCOopinionRWTfeb2013.pdf>

Conclusions

Since the introduction of the proposal for a regulation on Road Worthiness Testing from the European Commission in July 2013 we have heard from:

The European Council (Member States) who want the regulation changed to a directive and has removed mandatory testing for motorcycles from their report.

The Internal Market and Consumer Protection (IMCO) Committee opinion and suggested amendments, which focuses on single market matters.

The opinion of the European Economic and Social Committee (EESC) which endorses and supports the Commission's initiative and the Committee fully agrees on the need to include motorcycles. However, they say that the proposed test frequency (4-2-1) is excessive for these vehicles, which have a very low annual mileage. The Committee therefore proposes a reduced frequency (4-2-2) (Right To Ride – first test at 4 years and then every 2 years thereafter).

The TRAN (Transport and Tourism) Committee draft report and included amendments has left L category vehicles in the proposal - that includes mopeds, scooters motorcycles, sidecar combinations and trikes, however it has amended the frequency to 4-2-2 for PTWs and cars.

The draft report has left the proposal as a Regulation (not a Directive as proposed by the EU Council), what this means is that ALL member states would have to comply to the regulation.

What is highlighted is that for countries which already have Road Worthiness Testing and stricter testing for example the UK, 3-1-1 (first test at 3 years and then every 1 year thereafter) would have to comply to extend the time between RWT – less testing for motorcycles.

Also if the regulation was accepted and voted on by the European Parliament, then there would have to be a separation of those who test motorcycles and those that repair motorcycles then that would have a huge impact in England, Scotland and Wales where riders can take their bikes for a service, MoT preparation, MoT repair and testing. In Northern Ireland – this separation is already the case (the inspections are carried out by a government agency) so it wouldn't affect us.

The Rapporteurs will present these draft reports in the next TRAN Committee meeting on the 19th March 2013, any other amendments may be submitted by 27th March 2013, a vote in the TRAN Committee on 29th or 30th March 2013, which would be the recommended position for the European Parliament to vote on 2nd July 2013.

However as previously mentioned, there is such a vast difference of position from all parties that for a vote in Parliament to go through on a First Reading (with prior agreement in any Trialogue meetings from all these parties to establish a common position) would seem highly unlikely.

You may wish to write to your MEPs with your own opinion and thoughts, however you can use any of the information we have picked out here and in previous articles.

What we don't offer is a standardised or suggested letter for you to use.

What we do offer is information so that you can make your mind up!

Links Information

Top Issue Road Worthiness Testing - http://www.righttoride.eu/?page_id=3435

Road Worthiness Testing News - http://www.righttoride.eu/?page_id=8972

Road Worthiness Testing News Releases - http://www.righttoride.eu/?page_id=10567

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