



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 29 January 2010**

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**COVER NOTE**

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from: European Commission  
date of receipt: 25 January 2010  
to: Mr Pierre de BOISSIEU, Secretary-General of the Council of the European Union

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Subject: Draft Commission Directive of [...] adapting to technical progress Directive 2009/40/EC of the European Parliament and of the Council on roadworthiness tests for motor vehicles and their trailers

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Delegations will find attached Commission document D006561/01.

Encl.: D006561/01



EUROPEAN COMMISSION

**D006561/01**

Draft

**COMMISSION DIRECTIVE**

**of [...]**

**adapting to technical progress Directive 2009/40/EC of the European Parliament and of the Council on roadworthiness tests for motor vehicles and their trailers**

Draft

## COMMISSION DIRECTIVE

of

### **adapting to technical progress Directive 2009/40/EC of the European Parliament and of the Council on roadworthiness tests for motor vehicles and their trailers**

**(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2009/40/EC of the European Parliament and of the Council of 6 May 2009 on roadworthiness tests for motor vehicles and their trailers<sup>1</sup>, and in particular Article 6(1) thereof,

Whereas:

- (1) In the interests of road-safety, environmental protection and fair competition it is important to ensure that vehicles in operation are properly maintained and tested, in order to maintain their performance as guaranteed by type-approval, without excessive degradation, throughout their life-time.
- (2) Standards and methods, as referred to in Art. 6 (1) of Directive 2009/40/EC, should be further defined and adapted to reflect technical progress, in order to improve motor vehicle roadworthiness testing in the European Union in a cost-effective manner.
- (3) The findings of two projects, Autofore<sup>2</sup> and Idelsy<sup>3</sup>, which recently dealt with future options for roadworthiness testing, and the outcome of an open and factual dialogue with stakeholders should be taken into account.
- (4) The current state of vehicle technology requires modern electronic systems to be included in the list of items to be tested.
- (5) In order to achieve further harmonisation of roadworthiness testing, testing methods should be introduced for each of the test items.
- (6) To facilitate further harmonisation and for reasons of consistency of standards, a non-exhaustive list of the main reasons for failure, as already exists for braking systems, should now be included for all test items.

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<sup>1</sup> OJ L 141, 6.6.2009, p. 12. Directive 2009/40/EC of the European Parliament and the Council of 6 May 2009 on roadworthiness tests for motor vehicles and their trailers.

<sup>2</sup> Autofore study on the Future Options for Roadworthiness Enforcement in the European Union, [http://ec.europa.eu/transport/roadsafety/publications/projectfiles/autofore\\_en.htm](http://ec.europa.eu/transport/roadsafety/publications/projectfiles/autofore_en.htm)

<sup>3</sup> IDELSY Initiative for Diagnosis of Electronic Systems in Motor Vehicles for PTI, [http://ec.europa.eu/transport/roadsafety/publications/projectfiles/idelsy\\_en.htm](http://ec.europa.eu/transport/roadsafety/publications/projectfiles/idelsy_en.htm)

- (7) Roadworthiness tests should cover all items relevant to the specific design, construction and equipment of the tested vehicle. Therefore, where necessary, specific requirements for particular vehicle categories should be added.
- (8) Member States have extended the periodic test requirement pursuant to Article 5 (e) of Directive 2009/40/EC to other categories of vehicles. For the purpose of further harmonised testing, methods and standards for those categories of vehicles should be included. The tests should be carried out using techniques and equipment currently available, and without the use of tools to dismantle or remove any part of the vehicle.
- (9) In addition to the items related to safety, security and environmental protection, the test also needs to cover identification of the vehicle in order to ensure that the correct tests and standards are applied, to enable the results of the test to be recorded and to enable enforcement of other legal requirements.
- (10) To facilitate the functioning of the internal market, and to improve methods of roadworthiness testing, the results of a test should be set out in a roadworthiness certificate covering certain core elements.
- (11) Further work needs to be done in the field of developing alternative test procedures to check the maintenance condition of diesel driven vehicles, particularly concerning NO<sub>x</sub> and particulates taking into account new emission after-treatment systems.
- (12) The measures provided for in this Directive are in accordance with the opinion of the committee on the adaptation to technical progress of the Directive on roadworthiness tests for motor vehicles and their trailers instituted by Article 7 of Directive 2009/40/EC,

HAS ADOPTED THIS DIRECTIVE:

#### *Article 1*

Annex II to Directive 2009/40/EC is amended in accordance with the Annex to this Directive.

#### *Article 2*

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 December 2011 at the latest, with the exception of the provisions of paragraph 3 of Annex II, which shall apply as of 31 December 2013. They shall forthwith inform the Commission thereof.  
When Member States adopt those provisions, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. Member States shall determine how such reference is to be made.
2. Member States shall communicate to the Commission the text of the provisions of national law which they adopt in the field covered by this Directive.

#### *Article 3*

This Directive shall enter into force on the twentieth day following its publication in the *Official Journal of the European Union*.

Done at Brussels,

*For the Commission*

*The President*