



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MOBILITY AND TRANSPORT

Directorate C - Innovative & sustainable mobility
C.4 - Road safety
Head of Unit

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MOVE C4./SzS/EV/

Permanent Representation of the Czech
Republic to the European Union

Mr Roman Diatka
Head of Unit / Sectorial Policies Unit A

Rue Caroly 15,
1050 Brussels

Subject: your letter of 27 June 2016 with the reference number No.: 1834/2016 – SZEU/SEA – compatibility of the current dual system of roadworthiness testing with Directive 2014/45/EU

Dear Mr Diatka,

Thank you for your letter requesting clarification concerning the compatibility of the current Czech system of roadworthiness tests with the new Directive 2014/45/EU on periodic roadworthiness tests for motor vehicles and their trailers and repealing Directive 2009/40/EC (further referred to as the Directive).

In your letter you explain that in the Czech Republic roadworthiness tests are divided and currently carried out by 2 types of private bodies authorised by Czech authorities, notably emission measurement centres and technical testing centres. A vehicle becomes roadworthy once it successfully undergoes a measurement of exhaust emissions and a technical testing. Further in your letter you express your concerns that maintaining this dual system might not be possible according to the rules introduced by Directive 2014/45/EU.

First I would like to stress that the Commission has no powers to interpret the EU law however I can provide you our assessment of the legal circumstances.

You pointed out that the Directive does not explicitly stipulate whether the roadworthiness tests should be carried out by one authority, public or private body as one complete procedure.

While the Directive indeed often uses the indefinite articles in definitions and rules, there are a number of points where it uses the definite article indicating a clearer meaning. E.g. Article 10 when defining the requirements of the "proof of test" speaks about "*the testing centre or, if relevant, the competent authority of the Member State...*" which has to

provide a proof of test. According to this Article this proof can be an indication on the vehicle registration document, a sticker, a certificate or any other **easily accessible information**. *"The proof shall indicate the date by which the next roadworthiness test is to take place"*. It seems that the European Parliament and the Council as co-legislators considered the issuance of one proof and defining one date for the next roadworthiness test.

Furthermore Annex II of the Directive sets out the mandatory minimum content of the roadworthiness certificate. Point (7) contains the *"result of the roadworthiness test"*, point (8) contains the *"date of the next roadworthiness test or date of expiry of the current certificate, ..."* and point (9) contains as you also mentioned the *"name of testing organisation or centre and signature or identification of the inspector responsible for the test"*. I would like to point out that point (9) uses the same wording for the responsible inspector as it is in the current roadworthiness certificate which was introduced by Directive 2010/48/EU as of 31. December 2013.

I would like to draw your attention also to Recital (21) of the Directive which stipulates that *"testing during the life cycle of a vehicle should be relatively simple, quick and inexpensive, while at the same time effective..."*

In points 3 and 4 of your letter you refer to the minimum technical requirements for testing facilities and equipment laid down in Annex III and to the minimum competence and training requirements for inspectors stipulated in Annex IV explaining that some of the requirements are irrelevant depending on the tasks of the testing facilities in your dual system. I would like to point out that since the Directive does not define any exemptions, every testing facility and every inspector has to comply with the minimum requirements.

It appears indeed questionable whether the described "dual system" of roadworthiness testing would comply with the requirements of the Directive especially those mentioned above while ensuring relatively simple, quick, inexpensive and effective testing that the legislator explicitly envisaged.

Please note that this answer cannot be considered a formal opinion of the Commission and can in particular not prejudice the Commission's assessment of the compliance of transposition legislation with the Directive. The Commission will form its point of view on the basis of the complete transposition legislation once it has been notified.

Yours sincerely,



Szabolcs SCHMIDT