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**Accession to the United Nations Economic Commission for Europe (UNECE) Agreement concerning the Adoption of Uniform Conditions for Periodic Technical Inspections of Wheeled Vehicles and the Reciprocal Recognition of Such Inspections.**

**Summary**

The following presents the UN-ECE 1997 Agreement on Vehicle Inspection (The Vehicle Inspection Agreement) and the arguments for the Community's accession provided the current agreement can be clarified and amended to align with Community objectives on roadworthiness testing (Directive 96/96/EC).

Vehicle technological development is at an unprecedented level and will continue to grow in sophistication for the future. All those associated with the practicalities of roadworthiness inspection and control realise that effective roadworthiness testing standards must directly relate to the way vehicles are developed and type approved.

The overriding advantage of the Agreement is that its development, as with vehicle type approval regulations, is through the UN-ECE Working Party on Vehicle Regulations (WP.29) and its groups of rapporteurs. Consequently, WP29's work should ensure the necessary synergy between the development of vehicle construction and roadworthiness testing standards and techniques. This advantage is worthy of Community accession to the Agreement.

However, the Vehicle Inspection Agreement needs adaptation before the Commission can recommend to the Council that the Community should accede to it. Of particular interest is the Agreement's concept of reciprocal recognition. Although reciprocal recognition of roadworthiness certification could be seen as a Community objective, the Agreement needs adaptation to ensure that, at the outset, it would not enable a vehicle to be granted with a roadworthiness certificate in any other Contracting Party (i.e. a common market in certification) unless there were bilateral agreements between the Contracting Party where the vehicle is registered and where it is to be tested. Before

there can be reciprocal recognition of roadworthiness certification there would need to be acceptable roadworthiness testing performance and quality standards operating within all Contracting Parties testing organisations. There are also detailed technical points in the Agreement's Rule 1 that would need to be changed.

## **1. The 1997 Agreement on Vehicle Inspection**

The Vehicle Inspection Agreement provides the legal framework and procedures for the adoption of uniform Rules for carrying out technical inspections of vehicles in use and for reciprocal recognition of the certificates of such inspections. WP.29 is responsible for developing these Rules.

Rule No.1 entered into force on 4 December 2001, and was annexed to the Agreement. The Rule addresses the environmental performance of passenger vehicles carrying more than eight passengers and goods vehicles, both with a maximum mass exceeding 3.5 tonnes and used in international transport.

A draft proposal for Rule No. 2 addressing the safety performance of the same categories of vehicles is under consideration by WP.29's Groups of Rapporteurs.

Those associated with WP.29 foresee that in the future the Agreement will be extended to address all categories of vehicles in international as well as in domestic transport. However, today the Agreement only affects heavy commercial vehicles in international traffic.

### Contracting Parties

Six States have so far acceded to the Vehicle Inspection Agreement: Estonia, the Netherlands, Finland, Hungary, Romania and Russia. These Contracting Parties have thus committed themselves to conduct the inspections in accordance with Rule No 1 attached to the Agreement and to grant drivers an international inspection certificate.

## **2. EU Roadworthiness legislation**

The Community's Roadworthiness testing policy was framed over twenty-five years ago (framework Directive 77/143/EEC) and originally only included trucks, buses, taxis and ambulances within its scope. Subsequent modifications expanded the Directive's scope to include the inspection of cars and light vans and also detailed technical provisions were adopted, in particular concerning the testing of vehicle brakes and exhaust emissions. The framework Directive and all its amendments were consolidated within Directive 96/96/EC, which has been adapted four times. The last adaptation was Directive 2003/27/EU to require more stringent emission testing for 'Euro3' petrol and 'Euro 4' diesel driven vehicles.

Also, the recently introduced Directive 2000/30/EC stipulates that heavy commercial vehicles shall be subject to 'targeted' roadside inspections. This has been adapted by Directive 2003/26/EU to bring its technical inspection standard in line with the subsequent amendments of Directive 96/96/EC. A further consolidation exercise is underway to include all modifications in a final text.

### How Directive 96/96/EC is applied

The Directive is not specific regarding the type of organisation that should carry out roadworthiness inspection other than it shall: "be carried out by the State, or by a public body entrusted with the task by the State or by bodies or establishments designated and directly supervised by the State, including authorised private bodies" (Article 2). Once a Member State has carried out the inspection and issued a vehicle inspection certificate each other Member State shall recognise the certificate as proof that the vehicle has been the subject of a valid roadworthiness test (Article 3).

Article 3(2) of the Directive relates to the *reciprocal recognition* of roadworthiness certificates and ensures, on the basis of the applicable market access rules for road transport, free circulation within the EU, provided the vehicle has a valid certificate. Member States do not allow their registered vehicles to be issued with a vehicle inspection certificate in another Member State unless there is prior bilateral agreement to do so. This practice is rare and mainly applies to vehicles (chiefly trailers and semi-trailers) leased from one Member State to the other over extended periods.

Directive 96/96/EC establishes minimum vehicle testing frequencies. The technical content of the inspections are detailed to a degree as far as the testing of brakes and emissions are concerned but for the rest (lights, steering, chassis, tyres, wheels, etc) there is no detail. Whereas, Member States use similar testing methods there are divergences regarding both the severity and frequency of testing. Indeed, by way of example, the accuracy of testing for truck braking ability depends on whether the vehicle is tested in a laden, part-laden or unladen condition. The Directive specifies the performance that the Authorities should aspire to but it does not specify how testing should be done. For some Member States, truck testing includes detailed checking of the vehicle against its original type approval specification and a lengthy test representing the vehicle in the fully laden condition. For other Member States, some form of load simulation is used where practical but invariably many vehicles are tested, at best in a part laden condition.

While the standards of Directive 96/96/EC are judged to suffice for free circulation within the Community, they are not seen to be sufficiently standardised (or robust) to permit the reciprocal recognition of roadworthiness certification that would enable an operator to gain a roadworthiness certificate from any Member State. Also some Member States use the roadworthiness test as a mechanism for policing registration, vehicle taxation and insurance documentation. This control would be lost if operators were allowed to gain roadworthiness certification elsewhere.

Consequently, Member States insist that their registered vehicles are roadworthiness tested in their country of registration and there is no *reciprocal recognition* within the community whereby a vehicle, at the will of its operator, can gain a roadworthiness test from another Member State. This line is supported in a recent judgement of the European Court of Justice (dated 21 March 2002 in Case C451/99).

### **3. Opportunities of Accession**

New telecommunications and electronic applications in vehicles can bring a substantial contribution to road safety and environmental protection be it through advanced accident avoidance and alert systems (primary safety) or technologies that reduce accident

consequences through adequate structural measures and smart restraints (secondary safety) or engine management and exhaust after-treatment systems. The reliability of all these systems, particularly once the vehicle has been in service for some time needs consideration. Although inherently more reliable than the mechanical systems they replace, electronic systems, in particular their mechanical interfaces, do deteriorate. Vehicle inspection techniques need to be able to identify where system failure or deterioration renders the vehicle unsafe or needlessly environmentally polluting. The forum for such considerations would be WP.29 where type approval procedures for those systems will also be discussed.

#### **4. Main points of divergence between the Agreement and the application of Directive 96/96/EC**

##### Reciprocal recognition

Member States are concerned that the Community's Accession to the Agreement as it is presently worded could lead to *reciprocal recognition* of Roadworthiness testing certification that would enable a vehicle from one Contracting Party to gain certification from another without the express permission of the Authorities where the vehicle is registered and the Authorities where the vehicle is to be inspected. Member States, will not endorse *reciprocal recognition* at least until there are acceptable common roadworthiness testing standards and compatible databases that enable the roadworthiness status and type approval specification of vehicles from other Contracting Parties to be checked. Even for those Member States who are signatories (Fin and NL) or are strongly inclined to the Agreement there is the recognition that more harmonisation is necessary before full reciprocity is accepted.

The Agreement's Article 1 states:

*"The Contracting Parties shall establish Rules for periodic technical inspections of wheeled vehicles registered or taken into service in their territory and shall reciprocally recognise the inspections carried out in accordance with those Rules. "*

and Article 12 states:

*"Bodies or establishments designated and directly supervised by the Contracting Party may carry out periodical technical inspections in accordance with this Agreement on behalf of another Contracting Party."*

Whereas, Article 1 relates to the free movement of vehicles that possess a valid inspection certificate and is therefore similar in purpose to Article 3(2) of Directive 96/96/EC, Article 12 implies that a Contracting Party may inspect another Contracting Party's vehicles without the prior authorisation of the Contracting Party where the vehicle is registered. This difference in wordings was discussed in the 114th session of WP.29, in March 1998. The Forum recommended that:

*"specific authorisation shall be required to carry out periodical technical inspections on behalf of another Contracting Party to the Agreement. WP.29 recommended that after the Agreement's entry into force the necessity for such authorisation be also endorsed by the Administrative Committee of the Agreement at its first session."*

This endorsement is still pending. However, at the June 2003 session of WP29-AC4, all signatory countries and those country representatives who had yet to sign supported the view that a valid technical inspection of a vehicle in a Contracting Party other than the one where the vehicle is registered can only be possible if there is bilateral agreement between the countries concerned. The Commission supports this line.

#### Environmental requirements of Rule 1

The environmental requirements in Rule 1 differ from those in Directive 96/96/EC, both in the extent that inspection methods are specified (more detail in the Directive) and in the content of the test. Rule 1 includes testing for refrigerant and air conditioning coolant leaks (without indicating how this can be done) and these requirements are not included in the Directive,

#### Scope of the Agreement

The ECE Agreements only cover lorries and coaches while the Directive also covers cars, vans and trailers. This is because the European Agreement's focus was on heavy commercial vehicles in international transport. However, extending the scope of the vehicle inspection Agreement to include the range of vehicles covered by Directive 96/96/EC should be a goal given that the major synergies to be gained between vehicle type approval and vehicle inspection will concern passenger cars.

#### Road safety requirements and draft Rule 2

The Agreement currently only contains requirements linked to the environment. However, draft Rule 2 will extend the scope to include vehicle safety and hence, the Commission is hopeful that the Rule can be adopted in such a way that its technical requirements are consistent with those of Directive 96/96/EC.

### **5. Conclusion**

The Commission recognises the benefits that Community accession to the Vehicle Inspection Agreement can bring, especially with regard to synergy between type approval and roadworthiness testing standards. However, the Vehicle Inspection Agreement needs adaptation before the Commission can recommend to the Council that the Community should accede to it.

Adaptation is necessary to clarify the concept of reciprocal recognition so as to limit its scope to providing free movement to vehicles that have been roadworthiness tested and issued with the appropriate certification. The Agreement should not enable a vehicle to be granted with a roadworthiness certificate in any other Contracting Party unless there is a bilateral agreement between the Contracting Party where the vehicle is registered and where it is to be tested. Before there can be full reciprocal recognition of roadworthiness certification there would need to be acceptable roadworthiness testing performance and quality standards operating within all Contracting Parties testing organisations.

Consequently, the current Article 12:

*“Bodies or establishments designated and directly supervised by the Contracting Party may carry out periodical technical inspections in accordance with this Agreement on behalf of another Contracting Party.”*

Would need adapting on the lines of:

*“Bodies or establishments designated and directly supervised by the Contracting Party may carry out periodical technical inspections in accordance with this Agreement on behalf of another Contracting Party **provided both the Contracting Party where the vehicle is registered and where the inspections are to take place are in agreement.**”*

There are also detailed technical points in the Agreement's Rule 1 that would need to be changed, i.e. deletion of the test requirements concerning air conditioning and refrigeration systems, at least until such time that acceptable testing methods can be developed and approved.

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