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WORKING DOCUMENT

From:	General Secretariat of the Council
To:	Working Party on Land Transport
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Subject:	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 2014/45/EU on periodic roadworthiness tests for motor vehicles and their trailers and Directive 2014/47/EU on the technical roadside inspection of the roadworthiness of commercial vehicles circulating in the Union - Comments from Spain

Delegations will find attached comments from **Spain** on the above-mentioned document.

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SPAIN COMMENTS ON ROAD WORTHINESS PACKAGE

Spain welcomes the compromise proposals submitted by the Presidency.

This document is a summary of the Spain´s position which has its reflection on the detailed comments sent on May 24th and Sept. 10th, and it particularly refers to directives on registration documents and on roadside inspections.

I RSI DIRECTIVE (2014/47/EU)

I.1 ARTICLE 4A (RELATED RECITALS, DEFINITIONS AND ANNEX) AND ARTICLE 9

(1) Spain has strong concerns on the inclusion of remote sensing control (either mandatory or not) and setting specific thresholds, as it might conflict the principle of subsidiarity and proportionality. This point fundamentally relates to implementation and deployment actions, and the lack of clear and sound justifications for the introduction of this measurement system and proposed thresholds, particularly considering more than likely conflicting issues and disparities with the PTI emissions control technology and its related regulations.

(2) The compromise proposal tabled by the Presidency even overcomplicates the implementation and deployment activities. Furthermore, the text still provides for the obligation to carry out remote sensing checks. **Spain will not support such a mandatory approach**.

(3) Consequently, **article 4a, related recitals, definitions and points in the Annexes should completely be deleted from the text**.

(4) If MS consider this to be a promising technology that may help them identifying vehicles prior to a more detailed roadside technical inspection, proposed article 9 would suffice for the purpose, not imposing any specific obligation, either directly or indirectly.

Besides, MS should have the right to use other technologies for selecting vehicles, for instance, check of insurance or valid PTI via cameras and LPR or dynamic weight, etc. Therefore, Spain proposes to enlarge the scope of article 9 as follows:

"Article 9
Selection of vehicles for initial technical roadside inspection

When identifying vehicles to be subject to an initial technical roadside inspection, inspectors may select, as a priority, vehicles operated by undertakings with a high-risk profile in accordance with the criteria set out in Annex I to this Directive or as referred to in Directive 2006/22/EC. Vehicles may also be selected randomly for inspection, or where there is a reasonable suspicion that the vehicle presents a risk to road safety or to the environment, including on the basis of remote sensing **or other available technologies**."

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I.2 ARTICLE 18A

(5) See section III of this document.

I.3 FINAL REMARK ON OTHER ARTICLES

(6) As a final remark, Spain supports the obligation to include N1 vehicles within the scope of the directive and prefers cargo securing to be set out as a voluntary approach rather than as an obligation.

II REGISTRATION-DOCUMENTS DIRECTIVE

II.1 ARTICLE 5 (2)

(7) In regard to **sub-subparagraphs (a) and (b)**, there might be legal issues with GDPR regulation since data to be consulted by MS authorities might likely be subject to data protection rules as these data will include personal data (names of holder/owner, address, VIN or license plate). It would be ideal to legally check and avoid any possible issue on this matter beforehand.

II.2 ARTICLE 6 (1)

(8) **Sub-subparagraph (a)**: Spain considers essential to keep the text. Besides, as electronic Certificates of Conformity (e-CoC) will have a long list of data in their digital format (xml archive) it would be easier to store and include in national vehicle register the complete e-CoC rather than determining the so-called "relevant data" as suggested in the text. Proceeding to define the relevant data via an implementing act will enormously and meaningless increase the work and administrative burdens for national registration authorities. Therefore, Spain proposes the following text:

> "(a) ~~relevant~~ data from the certificate of conformity in electronic format as provided for in Article 37 of Regulation (EU) 2018/858;"

Accordingly, paragraph of this article will not be needed:

> "~~2. The Commission may adopt implementing acts specifying the relevant data referred to in paragraph 1, second subparagraph, point (a). Those implementing acts shall be adopted in accordance with the examination procedure laid down in Article 14(2).~~"

(9) **Sub-subparagraph (c)**: the current proposed text is in line with Regulation (EU) 2019/2144 including "safety systems". Vehicles are becoming more complex systems that heavily rely on software and digital technologies which allow them to perform more driving tasks and to remotely update or modify some of their features or functionalities. This particularly refers to Automated Driving Systems (ADS) covered by Implementing Regulation (EU) 2022/1426.

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In order to be more precise and aligned with the wording in both regulations, covering critical changes to driving systems should also be addressed in the text. Spain proposes the following text:

> "(c)information on any significant modification of the safety**, driving** or environmental systems and components of the vehicle;"

II.3 ARTICLES 12 AND 13

(10) Spain is of the opinion that empowerments to the Commission should only be granted **via implementing acts**. Therefore, **these two articles and related recitals should be accordingly rephrased**.

II.4 OTHER REMARKS

(11) New annex 1 provides for the insertion of vehicle owner related data (C.2 and subsequent codes). This new mandatory data will be repetitive if the owner of the vehicle and the holder of the registration certificate are the same (legal or natural) person therefore, this annex should set out a clause not imposing to include codes C1 and C2 in part 1 in such cases, which will help reduce administrative burdens and facilitate reading or exchanging of data. **Spain proposes to add a new subparagraph to paragraph 2 of Annex 1 as follows**:

> "**(e bis) C2 codes may not be included in case the owner of the vehicle and the holder of the registration certificate are the same (legal o natural) person**."

III HORIZONTAL COMMENT FOR THE RWP: MOVE-HUB & EUCARIS (OR OTHER 3RD PARTY APPLICATIONS)

(12) In regard to the obligation of using the **MOVE-HUB platform** for exchanging on vehicles registered in the Union, Spain apart from having doubts on duplicating existing platforms, would have needed more detailed information and costs in the Impact Assessment, and more importantly the reason why no other option is considered and assessed.

(13) As Spain does not see the need of duplicating systems, but rather, as public entities dealing with public budget coming from taxes, should therefore make an efficient use of resources especially leveraging existing solutions operating decades ago and that have proven to be reliable and trustable. As a general comment, a sound approach to the convergence between MOVE-HUB and EUCARIS platforms should be defined, so as to rationalize operating and implementing costs by MS.

(14) **Spain is of the opinion that EUCARIS should continue to be the platform for exchanging information** since: (i) it is currently used for similar purposes by MS; (ii) MS have in place systems





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and platforms for connecting via EUCARIS and accordingly, investments are made; and (iii) it will be used for exchanging eCoC (electronic Certificate of Conformity).

(15) On this point, everything turns around a political decision that should remain under the power of the legislator, as implementing actions that should be under the MS remit. Setting out such an obligation disregarding other existing and running solutions currently used by MS should carefully have been assessed by the EC on one side (which is not the case) and on the other, obviously, is an essential political choice that once again remains with the legislator. The EC should have provided the legislator with all data and information in a comprehensive assessment for them to make a legal sound decision, considering all viable solutions, especially when such provisions may affect the principle of subsidiarity. No other solutions are presented in the IA, nor their impact in terms of benefits and costs, all in all a solid comparison of options is more than needed.

(16) Spain welcomes and supports the Presidency proposal to modify recital (20) in the text of the registration directive and recital (25) in case of directives 2014/45/EU and 2014/47/EU. Nevertheless, Spain is of the opinion that in order to have a sound legal basis in the text, a related provision should be included in the articles related to data exchange so that the intention of the co-legislator is clearly established, and thus avoiding mis- or contradictory interpretations.

Therefore, Spain proposes the **following texts to articles:**

(i) new subparagraph (c) in para 1 of article 16 in directive 2014/45/EU;

(ii) new subparagraph (c) in para 1 of article 18a in directive 2014/47/EU; and,

(iii) new paragraph (2bis) of article 15 in registration directive.

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"*Article 16*

Exchange of data between Member States' authorities

1. Member States shall assist one another in the implementation of this Directive. They shall exchange information and data in particular with the aim of checking, at the time of roadworthiness testing, the vehicle's legal and technical status, where necessary in the Member State in which it is registered.

a. Member States shall provide access to vehicle registration data, data regarding the content of the certificates of conformity, ~~the~~ **regarding the test result in the** last roadworthiness certificate **or, in the case referred to in Article 4(4 ~~3~~), the EU temporary roadworthiness certificate issued during the last [three] years**, ~~any~~ technical roadside inspection report**s of at least the last [three years]**, and the odometer history of the vehicle stored in national databases, to the competent authorities of and testing centres authorised by other Member States.

b. Member States shall interconnect their electronic systems on **data contained in** roadworthiness certificates**, EU temporary roadworthiness certificates** and on odometer history through the MOVE-HUB electronic system developed by the Commission in such a way that the competent authorities and authorised testing centres of any Member State are able to consult the relevant database or the national vehicle register of any other Member State in real time.

c. **The obligation laid down in sub-paragraph (b) shall be met if Member States use the European Car and Driving Licence Information System (EUCARIS), or any other third-party applications, to exchange vehicle data and to connect to the MOVE-HUB electronic system.**

2. By [PLEASE INSERT DATE: 2 years after the entry into force of this directive], the Commission shall adopt implementing acts laying down the necessary arrangements for the implementation of the functionalities of the MOVE-HUB electronic system and specifying the minimum requirements for the format and content of the information and data to be exchanged by Member States regarding vehicles subject to roadworthiness testing. Those implementing acts shall ensure the protection of personal data and shall be adopted in accordance with the examination procedure referred to in Article 19(2).

3. The electronic systems interconnections provided for in paragraph 1 shall be operational within ~~one year~~**two years** after the adoption of the implementing acts referred to in paragraph 2."

"*Article 18a*

Exchange of data between Member States' authorities

1. Member States shall assist one another in the implementation of this Directive. They shall exchange information and data in particular with the aim of checking, at the time of roadside inspection of a vehicle, its legal and technical status, where necessary, in the Member State in which it is registered.

(a) Member States shall provide access to **vehicle registration data**, data regarding the content of the certificates of conformity, **regarding the test result in the** last roadworthiness certificate, **[any EU temporary roadworthiness certificate issued during the last [three] years],** ~~any~~ technical roadside inspection report **of at least the last [three] years**, and the odometer history of the vehicle, stored in national databases, to the competent authorities of**, and testing centres authorised by,** other Member States.

(b) Member States shall interconnect their electronic systems on **data contained in** roadworthiness certificates and on odometer history through the MOVE-HUB electronic system developed by the

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Commission, in such a way that the competent authorities of any Member State are able to consult the relevant database or national vehicle register of any other Member State in real time.

(c) **The obligation laid down in sub-paragraph (b) shall be met if Member States use the European Car and Driving Licence Information System (EUCARIS), or any other third-party applications, to exchange vehicle data and to connect to the MOVE-HUB electronic system.**

2. By [PLEASE INSERT DATE: 2 years after the entry into force of this directive], the Commission shall adopt implementing acts laying down the necessary arrangements for the implementation of the functionalities of the MOVE-HUB electronic system and specifying the minimum requirements for the format and content of the information and data to be exchanged by Member States regarding the vehicles subject to roadside inspections. Those implementing acts shall ensure the protection of personal data and shall be adopted in accordance with the examination procedure referred to in Article 23(2).

3. The electronic systems interconnections provided for in paragraph 1 shall be operational within ~~one year~~**two years** after the adoption of the implementing acts referred to in paragraph 2."

"Article 15

Exchange of data

1. Member States shall assist one another in the implementation of this Directive. They shall exchange information relating to vehicle registration data, **data contained** in the last roadworthiness certificate**, any EU temporary roadworthiness certificate issued during the last [three] years** technical roadside inspection reports **of at least the last [three years],** and the odometer history of the vehicle stored in national databases, in particular so as to check, before any registration of a vehicle, that vehicle's legal status, where necessary in the Member State in which it was previously registered.

~~In particular, Member States shall provide access to relevant registration data in accordance with Article 6, including the information contained in the latest roadworthiness certificate issued in accordance with Directive 2014/45/EU, suspensions under Article 8, and any available information on restrictions affecting re-registration, stored in national vehicle registers, to the registration authorities in other Member States.~~

2. Member States shall interconnect their national vehicle registers and electronic systems on roadworthiness certificates via the MOVE-HUB electronic system developed by the Commission in such a way that a competent authority of any Member State is able to consult the vehicle register of any other Member State in real time. That interconnection shall be operational within ~~one~~**two** years after the adoption of the implementing act referred to in paragraph 4.

2a. The obligation laid down in paragraph (2) shall be met if Member States use the European Car and Driving Licence Information System (EUCARIS), or any other third-party applications, to exchange vehicle data and to connect to the MOVE-HUB electronic system.

3. Access to the MOVE-HUB network shall be secured. Member States may connect only the authorities competent for the purposes referred to in paragraphs 1.

4. By [*date of entry into force + 2 years*], the Commission shall adopt implementing acts laying down the necessary arrangements for the implementation of the functionalities of the **MOVE-HUB** electronic system, and specifying the minimum requirements for the format and content of the message to be used by Member States. It shall specify which authority is responsible for access to data and further use. Those implementing acts shall **ensure the protection of personal data and** be adopted in accordance with the examination procedure referred to in Article 14(2)."