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WORKING DOCUMENT

From:	General Secretariat of the Council
To:	Working Party on Land Transport
N° prev. doc.:	ST 12271/3/25 REV 3 ST 12452/2/25 REV 2
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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 Proposal for a Directive of the European Parliament and of the Council on the registration documents for vehicles and vehicle registration data recorded in national vehicle registers and repealing Council Directive 1999/37/EC - Comments from Spain

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

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SPAIN COMMENTS ON ROAD WORTHINESS PACKAGE

Spain welcomes the compromise proposals submitted by the Presidency and thanks the efforts towards finding sound texts.

This document is a summary of the Spain´s position which has its reflection on the detailed comments sent on May 24th, Sept. 10th and Sept. 21st, and it particularly refers to compromise texts on directives on registration documents and on roadside inspections (docs. 12271/3/25 and 12452/2/25).

Suggested changes to improve the texts are **bold-underlined** or ~~strike-through~~ (**additions**-~~deletions~~ in blue)

I RSI DIRECTIVE (2014/47/EU)

I.1 REMOTE SENSING RELATED ARTICLES AND RECITALS

(1) Spain supports the compromise text proposed by the Presidency on remote sensing, concretely, the deletion of articles 4 and 4a, and modification of articles 9 and 21, and accordingly, the amendments made to related recitals.

(2) However, Spain would like to highlight the importance of ensuring that the technological neutrality principle is observed in the text, particularly with respect to the terms “remote sensing” and “plume chasing” in article 3. Spain therefore proposes to amend recitals (28) and (28a) as follows. Besides, some other changes are proposed so as to keep flexible statements in the text:

> (28) For roadside inspections, the screening of the exhaust emissions of large numbers of vehicles by using remote sensing equipment ~~is~~ **might be** an effective measure for identifying high-emitting vehicles. It **might** increase~~s~~ detection rates significantly compared to mandatory test methods. ~~Member States should therefore use r~~**R**emote sensing equipment **can be used** systematically to screen large shares of the vehicle fleet in real on-road conditions. One single remote sensing measurement indicating high emissions above the legal limits could be related to various factors, such as temporary acceleration or a cold engine. However, multiple measurements systematically indicating significantly higher-than-average emissions could indicate a faulty emission control system or unauthorised modifications, such as tampering. Since such defects and modifications generate excessive emissions that pose risks to human health and the environment, they should be repaired, and any tampering should be sanctioned.
>
> (~~29a~~**28a**) Remote sensing cannot substitute a roadside inspection, but can be used to select vehicles for further roadside inspection **taking into account that Member States may decide to use it, which technology they use and how much equipment they wish to use**. ~~On the basis of a sufficient amount of that remote sensing data, Member States should check the exhaust emissions and the noise level of any vehicle that is a high emitter suspected to emit more than double the average level of similar vehicles, or more than 3 dB above the average level. That check could~~**A roadside inspection can** be carried out in a roadside inspection immediately after a remote sensing measurement or in a roadworthiness testing centre in the Member State of registration. ~~For vehicles registered in another Member State, the competent authority where the remote sensing measurement took place should notify the measurement result and the result of any subsequent roadside inspection to the competent authority of the Member State of registration.~~

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~~In the case of plume chasing, immediate verification should take place at the roadside if the vehicle is suspected to be a high emitter.~~

I.2 ARTICLE 18A

(3) See section III of this document.

I.3 FINAL REMARK ON OTHER ARTICLES

(4) As a final remark, Spain supports the obligation to include N1 vehicles within the scope of the directive and the approach on cargo securing as proposed in article 13.

II REGISTRATION-DOCUMENTS DIRECTIVE

II.1 ARTICLE 5 (2)

(5) 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)

(6) **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.

Additionally, new proposed text to recital (23) of directives 2014/45/EU and 2014/45/EU provides for that the exchange of data in vehicle registers and roadworthiness databases should cover as well the certificate of conformity issued under Regulation (EU) 2018/858. This might imply that the (e)-CoC should be store in full in vehicle register, thus leading to a contradiction between texts.

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 (2) of this article will not be needed:

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"~~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).~~"

(7) **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.

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

(8) 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

(9) Annex I sets out the insertion of code X in paragraph (e), registration certificate in paper format, as *proof of having passed the roadworthiness test, date of next roadworthiness test or expiry of current certificate on physical registration certificates*. The introduction of such information would imply that every time a vehicle passes a technical inspection a new certificate with updated data should be issued. This would clearly mean a significant burden on citizens and also from an administrative perspective. Therefore, in order to alleviate this fact, **Spain proposes to delete code X for paper format.**

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

(10) Regarding 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.

(11) 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

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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.

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

(13) 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.

(14) 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.

(15) Furthermore, from a legal point of view the suggested additions will not affect the consistency of the European regulatory frame, particularly with respect to the text of the ELV regulation resulting from the general orientation of the Council, since it will only clarify what is stated in the recital. No contradiction between various legal texts is brought in, thus preserving the principle of consistency in the legal framework.

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, ~~regarding~~ the result in the last roadworthiness certificate or, in the case referred to in Article 4(4), the 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, 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 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, 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

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 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.

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 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)."