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WORKING DOCUMENT

From:	General Secretariat of the Council
To:	Working Party on Land Transport
N° prev. doc.:	ST 12271/4/25 REV 4
N° Cion doc.:	ST 8255/25 + ADD 1
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 - Further revised presidency compromise = Comments from Portugal

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

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Proposal for a Directive amending Directive 2014/45/EU on periodic roadworthiness tests and Directive 2014/47/EU on the technical roadside inspection

Revised Presidency compromise proposal (ST12271/4/24 REV4)

Comments from PT

Directive 2014/45/EU

'Recital 8

ST 12271/4/25 (REV4)	Comments / Questions
(8) ~~*Deleted.*~~**Testing the roadworthiness of motorcycles has clear benefits for road safety. This has also been demonstrated by the number of Member States that already include motorcycles in their roadworthiness testing systems. Member States may exclude motorcycles with an engine capacity above 125 cm³ from obligatory periodic testing if they have put in place effective alternative road safety measures such as roadside inspections.**	PT considers the solution proposed in recital 8 acceptable (in conjunction with the proposed / current wording of Article 2, paragraph 2, seventh indent).

'Article 4

Responsibilities

ST 12271/4/25 (REV4)	Comments / Questions
4. In the case of M_1 and N1 vehicles, roadworthiness tests may, in accordance with Article 8, also be carried out in a Member State other than the Member State of registration of the vehicle. The Member State of registration shall recognise the validity of an EU temporary roadworthiness certificate issued in that other Member State.	As mentioned in the comments sent on 16 May, PT considers this measure should be extended to all M and N vehicles.

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Article 8

Roadworthiness certificate and EU temporary roadworthiness certificate

ST 12271/4/25 (REV4)	Comments / Questions
3a. Member States shall communicate any new specimen of the roadworthiness certificate or EU temporary roadworthiness certificate, and the description of the set of data issued to roadworthiness certificates as electronic attestations of attributes to the Commission and to the other Member States without undue delay. The Commission shall publish those specimens and descriptions of the sets of data.	As indicated before, PT is in favour of the adoption of a standard EU template / format. A unique template would promote administrative efficiency, facilitate mutual recognition, simplify enforcement and reduce the possibility of forgery.

Article 9

Follow-up of deficiencies

ST 12271/4/25 (REV4)	Comments / Questions
2. In the case of major deficiencies, the test shall be deemed to have been failed. The Member State or the competent authority shall decide on the period during which the vehicle in question may be used before it is required to undergo another roadworthiness test, which shall take place not later than two months after the initial test. The result of the test and the time limit until the subsequent test shall be notified to the Member State of registration and recorded in the vehicle register in accordance with Article 3a(1) of Council Directive 1999/37/EC***. That subsequent test may take place in the Member State where the vehicle failed the initial test, or in the Member State of registration.	All Member States should have knowledge of the results of the tests, as vehicles may still be used and therefore cross several borders until reaching the Member State of registration. Once the detected deficiencies have been rectified, the vehicle should be allowed to undergo the subsequent roadworthiness test in any Member State. The requirement to have the vehicle tested either in the Member State where the vehicle failed the initial test or in the Member State of registration has a more significant impact on vehicles registered in peripheral countries.

'Article 16

Exchange of data between Member States' authorities

ST 12271/4/25 (REV4)	Comments / Questions
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.';	Portugal considers that the period foreseen in point 3. is too short to ensure the operational functionality of the interconnection of national electronic systems via Move-HUB. PT proposes extending this period to 3 years.

ANNEX I

Portugal considers the item 'tyres' of utmost importance. Ageing of tyres introduces risk factors to road safety, health and environment, as evidenced by several studies (it is reasonable to provide for an exception for historic vehicles).

In general, the mechanical properties of rubber change due to exposure to the environment (e.g. heat, UV, moisture), resulting in less strength, less flexibility, and in general less resistance to heat and mechanical damages. The major safety concern is the increase of the risk of tyre blowout failure, however ageing also reduces the tyre grip performance. Despite visual inspection, ageing is difficult to quantify as the extent of exposure is a mix of meteorological conditions, specific use of the vehicle (e.g. indoor parking) and tyre age. In this regard, it is also relevant to protect consumers from the potential effects of a second-hand market.

Examples:
Tyre Ageing: its effect on material properties and structural integrity study_tyres_2014.pdf (DG Move)

Given the above, PT suggests the inclusion of a new subparagraph:

Item	Method	Reasons for failure	Assessment of deficiencies		
			Minor	Major	Dangerous
5.2.3. Tyres	Visual inspection of the entire tyre by either rotating the road wheel with it off the ground and the vehicle over a pit or on a hoist, or by rolling the vehicle backwards and forwards over a pit.	(i) Tyres produced more than 10 years before year of inspection		x	

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Directive 2014/47/EU

Article 5

Percentage of vehicles to be inspected

ST 12271/4/25 (REV4)	Comments/ Questions
[in Article 5, paragraphs 1 and 2 are replaced by the following: '1. For vehicles referred to in Article 2(1), points (a), (b), (c) and (d), Member States shall carry out a total number of initial technical roadside inspections, per calendar year, corresponding to at least 5 % of the total number of those vehicles that are registered in their territory. 2. For vehicles referred to in ~~of~~ Article 2(1), point (aa), Member States shall carry out a total number of initial technical roadside inspections, per calendar year, corresponding to at least ~~1~~**0,5**% of the total number of those vehicles that are registered in their territory.';**]**	As previously communicated, Portugal considers the 5% target too ambitious and difficult to achieve. PT proposes lowering this target to 2.5%.

Article 18a

Exchange of data between Member States' authorities

ST 12271/4/25 (REV4)	Comments/ Questions
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.';	Portugal considers that the period foreseen in point 3. is too short to ensure the operational functionality of the interconnection of national electronic systems via Move-HUB. PT proposes extending this period to 3 years.