EUROPEAN
COMMISSION

Brussels, 11.11.2020
COM(2020) 699 final

REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL

on the implementation of Directive 2014/45/EU on periodic roadworthiness tests for motor vehicles and their trailers repealing Directive 2009/40/EC

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1. INTRODUCTION

1.1.Background

Vehicle inspections are fundamental to road safety and to ensure environmental performance of vehicles. The EU rules setting minimum standards for vehicle checks dated back to 1977, with only minor updates. However, vehicles, driver behaviour and technology have developed a lot since then. The first substantial change in the roadworthiness inspection framework was introduced with the adoption of the Roadworthiness Package[1] in 2014. It had three parts, the periodic roadworthiness tests, the technical roadside inspections of commercial vehicles, and the vehicle registration documents.

The proposal of the Roadworthiness Package in 2012 was prompted by the Commission's 2010 policy orientations on road safety[2]. Under *"objective n^{o} 4: Safer vehicles"* of the policy orientations the Commission defined the action to *"make proposals in view of the progressive harmonisation and strengthening of roadworthiness tests and technical roadside inspections"*.

Directive 2014/45/EU[3] on the periodic roadworthiness tests (hereinafter 'the Directive') has applied from 20 May 2018 and it introduced substantial novelties compared to Directive 2009/40/EC[4].

The novelties include:

- Improving the quality of vehicle tests by setting common minimum standards for equipment, training of inspectors and assessment of deficiencies.
- Making electronic safety components (such as ABS, ESC and air-bag) subject to mandatory testing.
- First European measures to combat odometer fraud.
- Compulsory EU wide testing for heavy motorbikes unless a Member State achieves equivalent road safety enhancement by other measures.
- Compulsory EU wide testing of high-speed tractors used for commercial road haulage purposes.
- Mutual recognition of the roadworthiness certificate during the re-registration procedure, where the frequency of testing is the same in the Member State of origin and in the Member State of destination.

1.2. The purpose and scope of this report

Pursuant to Article 20(1) of the Directive the Commission should draw up a report by 30 April 2020 and pursuant to Article 20(2) a report by 30 April 2019. The Commission fully acknowledges and deeply regrets the late submission of these reports.

[1] https://ec.europa.eu/transport/road_safety/events-archive/2014_04_30_rwp_en

[2] Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, *Towards a European road safety area: policy orientations on road safety* 2011-2020, COM(2010) 389 final.

[3] Directive 2014/45/EU of the European Parliament and of the Council of 3 April 2014 on periodic roadworthiness tests for motor vehicles and their trailers and repealing Directive 2009/40/EC, *OJ L 127, 29.4.2014, p. 51–128*

[4] Directive 2009/40/EC of the European Parliament and of the Council of 6 May 2009 on roadworthiness tests for motor vehicles and their trailers, *OJ L 141, 6.6.2009, p. 12–28*

The report according to Article 20(1) should

- provide information on the implementation and effects of the Directive, in particular as regards the level of harmonisation of periodic roadworthiness tests, the effectiveness of the provisions on its scope, the frequency of testing, and the mutual recognition of roadworthiness certificates in cases of re-registration of vehicles originating from another Member State;
- cover the results of the examination concerning the feasibility of introducing an electronic vehicle information platform[5];
- analyse whether there is a need to update the Annexes, particularly in the light of technical progress and practices.

The report should be consulted by the respective committee and it should be accompanied by legislative proposals if appropriate.

The report according to Article 20(2) should

- provide information on the effectiveness of the inclusion of light trailers and two- or three- wheel vehicles in the scope of the Directive, based on independent studies;
- assess the evolution of the road safety situation in the Union and, for each subcategory of the two- or three- wheel vehicles compare the results of national road safety measures, taking into account the average distance travelled by those vehicels;
- assess the standards and costs of periodic roadworthiness testing of each category of vehicle is proportionate to the road safety objectives set;
- be accompanied a detailed impact assessment analysing the costs and benefits throughout the Union, including the specificities of the Member States.

As mentioned above, the Directive has applied from 20 May 2018. In order to generate data to draw meaningful conclusions, on average an uninterrupted period of application of three years is required. Therefore the data collection that will enable drawing conclusions concerning the effects of the Directive may start in the second half of 2021 the earliest.

In this respect, this report aims at providing an overview of the implementation actions of the Member States based on the preliminary findings of the transposition control as well as of the results of the feasibility study on the electronic vehicle information platform[6].

However as regards the inclusion of two- or three- wheel vehicles, it should be noted that their periodic roadworthiness testing will only start from 1 January 2022, which may allow for meaningful conclusions in 2025 the earliest. As far as the effectiveness of the inclusion of light trailers is concerned, it should be noted that light trailers have not yet been included in the scope of the Directive, thus the effects of their inclusion cannot be analysed.

Finally, it should be noted that contrary to what was initially proposed by the Commission, light trailers were ultimately not included in the scope of the Directive. Nevertheless, the majority of the Member States have introduced this additional vehicle category to the periodic roadworthiness testing regime. However, as mentioned above, in order to be able to draw meaningful conclusions, on average an uninterrupted period of application of three years is required.

[5] as referred to in Article 16

[6] https://op.europa.eu/en/publication-detail/-/publication/9d809050-2e78-40a4-be65-16ce40a8e8b8/language-en

2. THE DIRECTIVE

2.1 The scope of the Directive and responsibilities

The Directive kept the principle of Directive 2009/40/EC that the roadworthiness tests have to be carried out by the Member State of registration of the vehicle.

The Directive also kept the mandatory testing for both safety and environmental performance for all vehicles which have already been tested regularly according to Directive 2009/40/EC, i.e. for passenger cars, light and heavy duty vehicles carrying persons or goods as well as heavy trailers.

However there are two new groups of vehicles:

- the testing of tractors with a maximum design speed exceeding 40 km/h (speed-tractors), if they are mainly used on public roads for commercial road haulage purposes, and
- the testing of some two- or three-wheel vehicles with an engine displacement of more than 125 cm^3 as of 1 January 2022.

In some cases the Directive provides Member States the option to exclude certain vehicles, registered in their territory, from the testing regime, such as vehicles of historical interest, vehicles covered by diplomatic immunity or vehicles used exclusively on small islands or sparsely populated areas.

In the case of the newly added two- or three-wheel vehicles, the Directive allows Member States to exclude them from the roadworthiness testing, if they have put in place alternative road safety measures, taking into account in particular relevant road safety statistics covering at least five years.

Member States have to notify the exemptions to the Commission.

2.2 The frequency of testing; Contents and methods for testing

There was no change in how often vehicles, already tested according to Directive 2009/40/EC, need to undergo testing. The Directive also kept the testing frequency flexible, allowing Member States to apply shorter periods between two inspections.

A new element is related to the vehicle categories newly added to the testing regime. Speed-tractors have to be tested the first time four years after their first registration and thereafter every two years.

The testing frequency for the two- or three-wheel vehicles is not defined by the Directive but is left to the Member States, the same as the areas to test and the contents and methods for testing.

For all other vehicle categories harmonised minimum requirements are set out in detail by Annex I to the Directive. It defines the items to be tested, the content, the methods, the reasons for failure and their classification.

The Directive introduced a solution if the vehicle would need an inspection before the due date of the next periodic test. Member States may require the vehicle to undergo an inspection for example after an accident, if some systems of the vehicle have been altered or they may check the vehicle more frequently when the vehicle has reached 160 000 km.

2.3 Assessment of deficiencies

In 2010 the Commission adopted a recommendation[7] in order to provide guidance to inspectors and to ensure harmonised assessment of the defects listed in Annex II to Directive 2009/40/EC. The recommendation introduced three defect categories (minor, major and dangerous) and defined the category for each defect as guidance.

Based on the recommendation the Directive introduced the assessment of deficiencies as a harmonised measure. Depending on their severity defects can be minor, major or dangerous and refer to the safety or the environmental performance of the vehicle. Where several defects, falling in different severity categories, are found during a roadworthiness test, the vehicle has to be classified according to the more serious deficiency. Additionally, if a vehicle shows several defects of the same inspection area (such as braking or steering) the vehicle may be classified in the next most serious deficiency group if the combined effects of the defects result in a higher risk to road safety.

2.4 The follow-up of deficiencies

One of the most important novelties of the Directive was the harmonisation of the follow-up measures depending on the severity of the defect(s) identified during a periodic roadworthiness test.

In case the vehicle has only minor defects, they have to be rectified but the vehicle passes the roadworthiness test and will not be retested after the repair.

If major or dangerous defect(s) has been found, the roadworthiness test is failed and the vehicle has to be submitted to a new test once the defect(s) has been rectified. In case of major deficiencies, the vehicle has to be retested not later than two months after the initial test and the vehicle may be used during this period. However in case of dangerous deficiencies, the authorities may suspend the registration of the vehicle by that forbidding the use of the vehicle in road traffic until the defects are rectified and a roadworthiness certificate is issued.

2.5 The roadworthiness certificate and the proof of test; Administrative cooperation between Member States

The roadworthiness certificate with a harmonised minimum content was introduced by Commission Directive 2010/48/EU[8] as of 31 December 2013.

One of the novelties added by the Directive is, that all mandatory elements have to be now preceded by a harmonised Union code, which facilitates the identification and understanding of the most relevant information displayed on the otherwise not harmonised document.

Building on the harmonised elements of the roadworthiness certificate, one of the most important novelty of the Directive is the mutual recognition of roadworthiness certificates for the purpose of re-registration. By this, the Directive set halt to the systematic testing of vehicles before re-registration regardless if they have a valid roadworthiness certificate. The only limit to the mutual recognition is, that at the time of the re-registration, the

[7] Commission recommendation on the assessment of defects during roadworthiness testing in accordance with Directive 2009/40/EC of the European Parliament and of the Council on roadworthiness tests for motor vehicles and their trailers (2010/378/EU)

[8] Commission Directive 2010/48/EU of 5 July 2010 adapting to technical progress Directive 2009/40/EC of the European Parliament and of the Council on roadworthiness tests for motor vehicles and their trailers; *OJ L 173; 8.7.2010; p. 47*

roadworthiness certificate has to be valid in terms of the frequency intervals established for periodic roadworthiness tests by the re-registering Member State. This can be the case for example if a passenger car has been imported from a Member State with a testing frequency of 4-2-2 and is being re-registered in a Member State with a testing frequency of 3-1-1.

Another important measure of the Directive is, that where the re-registering Member State has doubts about the validity of the roadworthiness certificate, it may verify its validity before recognising it. For this purpose Member States' authorities can use the national contact points appointed and notified to the Commission. The Commission has drawn up a list of the notified national contact points, has updated it based on the subsequent notifications and has regularly distributed to the Member States.

Member States were obliged to communicate to the Commission a description of the roadworthiness certificate before 20 May 2018.

The Directive introduced significant measures concerning the communication between the testing centres and the competent authorities. Testing centres have to communicate the information mentioned in the roadworthiness certificate electronically and in a reasonable time after they issued the roadworthiness certificate. However in order to have enough time to carry out the necessary developments, Member States have time until 20 May 2021 to ensure that the electronic communication is up and running. Finally, to connect the periodic roadworthiness testing with the electronic vehicle register introduced by Directive 2014/46/EU[9], Member States have to notify the results of the roadworthiness test to the registration authority.

2.6 Odometer fraud

The Directive is the first European legislation that introduced harmonised measures to fight odometer fraud. It addresses odometer fraud from the perspective of the periodic roadworthiness testing by obliging Member States to ensure that the odometer data recorded at the previous roadworthiness test is made available to the inspector carrying out the next inspection. The information needs to be made available electronically as soon as possible.

Additionally, Member States have to introduce effective, proportionate, dissuasive and non-discriminatory penalties for the case where an odometer is found to have been manipulated.

2.7 Testing centres, testing facilities and equipment, supervision of the testing centres, inspectors

The Directive introduced a number of harmonised requirements for the testing centres.

- Testing centres have to be authorised by a Member State or by its competent authority.
- Annex III lays down minimum technical requirements for testing facilities and equipment and Member States are obliged to ensure the compliance.
- Member States have time until 20 May 2023 to ensure that all testing centres comply with the minimum technical requirements.

To ensure that testing centres continuously comply with the requirements, Member States have to ensure that they are supervised. By 1 January 2023 the supervising bodies have to fulfil the requirements and carry out the tasks set out in Annex V to the Directive, such as

- requirements concerning the supervising body;

[9] Directive 2014/46/EU of the European Parliament and of the Council of 3 April 2014 amending Council Directive 1999/37/EC on the registration documents for vehicles, *OJ L 127, 29.4.2014, p. 129*- 133

- contents of the rules and procedures;
- verifying training and examination of inspectors;
- checking whether the minimum requirements for premises and test equipment are met;
- validation of measurement results of roadworthiness tests;
- proposing the withdrawal or suspension of authorisation of testing centres and/or of inspectors;

An important, newly introduced requirement is, that the results of a roadworthiness test may only be modified if the findings are manifestly incorrect. The modification has to be in line with the procedure set up by the competent authority or carried out by the supervising body.

In order to ensure that the inspectors performing roadworthiness tests have a certain level of knowledge and skills and that they receive regular training, the Directive introduced a number of measures. In its Annex IV, the Directive sets out harmonised minimum competences and experience, which are the prerequisite to be authorised as an inspector. Additionally, Annex IV also sets out the minimum content of the initial and refresher training inspectors have to follow. Only inspectors employed or authorised by competent authorities of the Member States or by a testing centre at 20 May 2018 are exempted from the newly defined requirements.

Inspectors who fulfil the minimum competence and training requirements have to receive a certificate from the competent authorities or approved training centres. Annex IV also defines the minimum content of the certificate that has to be issued.

2.8 The electronic vehicle information platform

The Directive set out for the Commission to carry out a feasibility study of establishing an electronic vehicle information platform. The requirements to be taken into account during carrying out the study were,

- To consider existing and already implemented international data exchange solutions;
- to consider the most appropriate way to link the existing national systems in order to facilitate the data exchange on roadworthiness testing and odometer readings between the competent authorities of Member States responsible for testing, registration and vehicle approval, testing centres, test equipment manufacturers and vehicle manufacturers;

Additionally the Directive required the Commission to carry out a feasibility study on

- how available information concerning the main safety-related components of vehicles which have been involved in serious accidents could be stored and collected,
- how information on accident history and odometer readings could be made available in an anonymised form to inspectors, holders of registration certificates and accident researchers.

3. NATIONAL TRANSPOSITION MEASURES NOTIFIED BY THE MEMBER STATES AND THE PRELIMINARY FINDINGS OF THEIR ASSESSMENT

3.1 National transposition measures notified by the Member States

Member States had to adopt and publish the national measures required to comply with the Directive by 20 May 2017 and subsequently notify them to the Commission. The measures have applied from 20 May 2018.

By 20 May 2017 only 6 of the 28 Member States informed the Commission that the transposition of the Directive had been completed. In line with the procedural rules, the Commission launched infringement procedures urging the other 22 Member States to adopt the required national transposition measures. The launch of the infringement procedures was the basis of intensive exchanges with the Member States and in the majority of the cases it led to the notification of the missing national transposition measures. There are two Member States, the Netherlands and Poland, which have declared that the transposition of the Directive is only partial. The necessary actions, to force these Member States to comply with their obligation to ensure the transposition of the Directive, are under way.

3.2 Preliminary findings

In order to gain a preliminary assessment of the national transposition measures on their compliance with the Directive's requirements, the Commission has contracted an external contractor. The findings of the contractor are being further analysed by the Commission, the work is expected to be finalised in the coming months.

3.2.1 The scope of the Directive and responsibilities

According to the preliminary analysis of the national transposition measures, the inclusion of speed-tractors and the two- and three wheel vehicles was challenging for some Member States, while only minor issues could be detected in relation to the vehicle categories having already been part of the testing regime.

It seems that agricultural vehicles are in general not registered in some Member States[10], which made the introduction of periodic testing for these vehicles challenging.

Only two Member States, Ireland and the Netherlands, have notified alternative road safety measures and consequently excluded the testing of two- and three wheelers. Considering that the periodic testing of these vehicles will be only due from 1 January 2022, many Member States were late with the adoption and notification of the transposing national measures, noting that the actual application date would allow for some additional time for the transposition.

Other exclusion categories of the Directive which the majority of Member States (18) made use of concern

- vehicles never or hardly ever used on public roads, such as vehicles of historical interest or competition vehicles;
- vehicles used by armed forces, fire services, civil protection service and emergency or rescue services.

Additionally, some Member States benefited from the opportunity to exclude vehicles used for agricultural, horticultural, forestry, farming or fishery purposes and vehicles used exclusively in small islands or sparsely populated areas.

[10] Note: In the absence of European legislation, it is a national competence to decide, which vehicles are registered and consequently issued a vehicle registration document and licence plate(s).

The majority of the Member States (18) have introduced additional vehicle categories to the periodic roadworthiness testing regime, mainly smaller trailer categories (O1, O2), further two- and three wheeler categories and agricultural vehicles.

3.2.2 The frequency of testing; Contents and methods for testing

It seems that most Member States kept the frequency of testing they already have established in line with Directive 2009/40/EC, which means that in some cases Member States have shorter frequencies, than those set out by the Directive as minimum requirements, mainly for passenger cars, such as Austria (3-2-1), Croatia (1-1-1) or Germany (3-2-2).

The preliminary analysis indicated that Member States did not have problems with introducing the testing frequency for the new category of speed-tractors (4-2-2).

As mentioned above, the Directive required Member States to define the testing frequency, thee items to be tested, the methods and the reasons for failures as regards the two- or three-wheel vehicles, thus providing a lot of flexibility to the Member States. Some examples are Germany introduced a test frequency of 2-2-2, Spain 4-2-2, Croatia 2-1-1.

Based on the preliminary assessment it seems that some Member States chose the literal transposition of Annex I to the Directive concerning the items to be tested, the content, the methods, the reasons for failure and their classification. Some Member States however transposed the measures of Annex I in several different national acts making the identification and assessment of the national transposition measures of this highly technical Annex more challenging.

The optional measures allowing Member States to require the vehicle to undergo an inspection before the due date of the next periodic test (see point 2.2 above), were not introduced in their entirety. It seems that the two cases introduced by most Member States are:

- where the vehicle was subject to an accident and it affected its main safety-related components, such as wheels, suspension, deformation zones, airbag systems, steering or brakes (about 19 Member States), and
- where the safety and environmental systems and components of the vehicle have been altered or modified (about 12 Member States).

It seem that about 10 Member States introduced testing for all other cases where road safety is seriously affected. However, it seems that only three Member States intend to require the vehicle to pass a periodic test where the holder of the registration certificate of a vehicle has changed and only one would like to submit vehicles with higher mileage (160 000 km) to more frequent testing.

3.2.3 Assessment of deficiencies

Possibly owing to the recommendation of 2010, the preliminary assessment of the national transposition measures has not identified potential substantial non-compliance issues concerning the now mandatory defect categories (minor, major and dangerous).

Possible issues that might require clarifications in upcoming exchanges with the Member States concern the case, where several defects, falling in different severity categories, are found during a roadworthiness test, and the vehicle has to be classified according to the more serious deficiency.

3.2.4 The follow-up of deficiencies

The preliminary assessment of the national measures did not raise any particular concerns in relation to the follow-up measures of defects found during the inspection.

3.2.5 The roadworthiness certificate and the proof of test; Administrative cooperation between Member States

A number of problems emerged in relation to the requirements of the Directive:

- Several Member States did not communicate the description of the roadworthiness certificate on time despite several reminders and requests sent by the Commission.
- In many cases Member States did not notice that the Directive introduced the mandatory use of the harmonised Union codes, which required changes of the national legislation, causing further delays.
- The use of harmonised Union codes proved to be misleading for many Member States and instead of using the codes of Annex II to the Directive, they introduced other codes. In exchanges between the Commission and the Member States concerned, these mistakes were clarfied. The rectification of these errors required amendment of the national legislation, causing further delays.

In 2016, conscious of the obligation related to the roadworthiness certificates due in 2018, the Commission asked the opinion of the Committee about a possible future Commission tool that would display the roadworthiness certificates, proof of tests and the vehicle registration documents. Based on the support of the Committee, the Commission launched the procedure and created the new tool where the specimen of the vehicle registration[11] and roadworthiness documents[12] can be checked.

Member States notified their national contact points by 20 May 2015 and have sent regular updates since then, as set out by the Directive.

Concerning the measures related to the mutual recognition of roadworthiness certificates, the preliminary analysis found that in the majority of the Member States the transposition has been satisfactory and further clarification will be required in only a handful cases. Most Member States made use of the optional measure to verify, in cases of doubt, the validity of the roadworthiness certificate.

According to the preliminary analysis, it seems that most Member States have the necessary electronic communication between the testing centres and the competent authorities in place. However, clarifying if the electronic communication is also ensured between the roadworthiness and the registration authorities, will require further assessment and possible exchanges with the Member States.

3.2.6 Odometer fraud[13]

It appears from the preliminary analysis that the measures requiring Member States to ensure that the odometer data recorded at the previous roadworthiness test is made available during the next inspection, as soon as possible electronically, have been transposed without major problems.

[11] https://ec.europa.eu/transport/road_safety/topics/vehicles/vehicle-registration-certificate_en
[12] https://ec.europa.eu/transport/road_safety/topics/vehicles/roadworthiness-certificate_en
[13] With the use of the generous support of the European Parliament, the Commission has been working on a pilot project concerning the exchange of odometer data with volunteering Member States. The pilot project runs until the end of 2020.

However as regards the obligation to introduce effective, proportionate, dissuasive and non-discriminatory penalties for the case where an odometer is found to have been manipulated, it seems that the national measures are in many cases rather generic, not specifically aimed at odometer fraud. The deeper analysis of the national measures and future exchanges with the Member States concerned will be aimed at clarifying these points.

3.2.7 Testing centres, testing facilities and equipment, supervision of the testing centres, inspectors

According to the preliminary assessment, it seems that there are no transposition gaps in relation to the authorisation requirement of testing centres and in the general requirement to ensure the supervision of testing centres. Also, the general measures, requiring Member States to ensure that inspectors fulfil minimum competence and training requirements, seem to have been transposed without substantial problems.

However, it seems, that the Commission will have to launch exchanges with several Member States to clarify the national measures aiming to transpose Annex III on the minimum requirements concerning the roadworthiness facilities, Annex IV concerning the competence, training and certification of inspectors and Annex V concerning the detailed tasks of the supervising body.

2. FEASIBILITY STUDY ON THE ELECTRONIC VEHICLE INFORMATION PLATFORM[14]

In line with the requirements of the Directive, the Commission contracted Unisys to carry out the feasibility study in the course of 2014. The final report was published in April 2015.

The study identified three business cases or technical data flows:

1. Member States -> Commission: for Member States to submit their biannual national roadside inspection statistics
2. Testing centres/Member States, test equipment manufacturers <-> vehicle manufacturers: for providing specific vehicle technical information necessary to carry out the periodic roadworthiness tests
3. Member State -> Member State: for the notification procedure after a technical roadside inspection, for registration procedure and for periodic technical inspection

The study concluded that in order to maximise the re-use of existing systems and taking into account cost-effectiveness, it would be more beneficial if for each purpose a separate system would be used instead of developing one over-arching system. Also, independently of the vehicle information data flow, a common data format and structure is a pre-requisite for the implementation of the Vehicle Information Platform (VIP). This will benefit all stakeholders by facilitating data exchanges and increasing data quality at all levels of the vehicle life cycle.

Therefore if certain conditions for data protection, administrative cooperation, legal barriers and governance conditions can be ensured, the implementation of a Vehicle Information Platform may be feasible by extending existing systems. If these conditions cannot be met, the study found that implementing a new system would be possible but at additional costs and time.

5. SUMMARY – CONCLUSSIONS

[14] https://op.europa.eu/en/publication-detail/-/publication/9d809050-2e78-40a4-be65-16ce40a8e8b8/language-en/format-PDF/source-120996274

The Roadworthiness Package adopted in 2014 introduced a number of novelties in the field of periodic roadworthiness testing, the technical roadside inspection of commercial vehicles and the vehicle registration documents, while at the same time it kept the majority of existing and functioning requirements in place.

With the exception of two, Member States have successfully completed the transposition of the Directive's measures into their national legislation. As regards the compliance of the national measures with those of the Directive, the preliminary assessment indicates that the transposition appears to be overall satisfactory in the majority of Member States, however in some cases the Commission may consider launching exchanges with the Member States concerned in order to clarify potential non-compliance issues.

Concerning the effects of the Directive on the various aspects of periodic roadworthiness testing, meaningful conclusions could be drawn only based on data generated after three years' uninterrupted period of application. Nevertheless the Commission will closely monitor the situation and follow up with an ex-post evaluation when the time comes.