The Community competition policy will be a success if it accommodates these two forces for change, which are the true challenges of our time.

Done at Brussels, 23 October 1986.

The Chairman
of the Economic and Social Committee
Alfons MARGOT

Opinion on the proposal for a Council Directive amending Directive 77/143/EEC on the approximation of the laws of the Member States relating to roadworthiness tests for motor vehicles and their trailers

(86/C 333/02)

On 20 May 1986 the Council decided to consult the Economic and Social Committee, under Article 75 of the Treaty establishing the European Economic Community, on the abovementioned proposal.

The Section for Transport and Communications, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 10 September 1986, in the light of the oral report by Mr Corell Ayora.

At its 240th plenary session (meeting of 23 October 1986) (rapporteur-general: Mr Corell Ayora, Article 18 of RP) the Economic and Social Committee adopted the following opinion unanimously.

1. General comments

1.1. The Committee welcomes the objectives of the proposed Directive, which is aimed primarily at increasing road safety and could also have an impact on:

— the protection of the environment by limiting noise and reducing CO, HC and NO_x emissions from exhausts,

— fuel savings, new jobs, improved vehicle availability, and the provision of better information for vehicle owners and manufacturers.

1.2. By approximating legislation, the proposal will also help to eliminate differences between Member States and eventually to bring the Community together in such a sensitive area as road safety.

1.3. It must be pointed out in this context that some Member States have considerable ground to make up and gaps to fill in their vehicle testing legislation: this has serious consequences on road safety. The sharp rise in the number of vehicles on the roads in recent years has further aggravated the situation. In this respect the Committee regrets that the Community institutions and, first and foremost, the Council have been very slow to do anything about introducing Community legislation for the testing of light vehicles.

1.4. However, it must not be forgotten that the extension of roadworthiness testing to private cars and vans concerns only one aspect of road safety. Only if measures are taken as soon as possible in other fields —as the Committee has already suggested in its opinion on European Road Safety Year (1986) [2]—will a considerable improvement in road safety be possible. The Commission's proposals on these matters are eagerly awaited.

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[1] OJ No C 133, 31. 5. 1986, p. 3.

[2] OJ No C 101, 28. 4. 1986, p. 8.

1.5. The Committee also points out that it has on several occasions in the past stressed the need for mandatory roadworthiness tests on vehicles travelling on the Community's roads, e.g. in its opinions on the roadworthiness testing of heavy vehicles and other categories of vehicles, the Directives on the lead content of petrol and motor vehicle emissions and European Road Safety Year [1].

1.6. While accepting the Commission's proposal in principle, the Committee thinks that its application will pose problems and that some aspects should be improved. Accordingly, it would make the following comments.

2. Specific comments

2.1. The Committee deduces from the explanatory memorandum to the Commission proposal that adequate data were available to justify an extension of Directive 77/143/EEC to the categories of vehicle in question (cf. point 1.4.). In order to better assess the full implications of the proposal the Committee would, however, have liked to have detailed information on the following:

— the tests currently carried out on private cars and light goods vehicles in Member States (e.g. test procedures and content, advantages and disadvantages),

— the special circumstances in each country, e.g. the number of vehicles on the roads, their classification according to category and age, existence of test centres and spare parts,

— the application to date in the Member States of Directive 77/143/EEC, i.e. whether and to what extent the Directive has been applied and with what results.

In this connection the Committee urges the Commission to take account of these points in the studies and research which it intends to promote in the field of road safety, including the creation of a Community data bank for road safety to which all the Member States would have access. Furthermore, the Committee considers that it would be useful to have reliable documented data on the costs and benefits of the proposed measures. (The experiences gained with the testing of private cars in some countries are a valuable asset here.) Conclusions can be drawn about whether such measures ought to be applied once the costs and benefits are compared. On the cost side a distinction must be drawn between (a) the direct cost of building and maintaining test centres and verifying that the measures have been applied and (b) the indirect cost for vehicle owners.

2.2. It must not be concluded from the foregoing, however, that the reduction of the number of road deaths and injuries is a 'negotiable' social objective.

2.3. The Committee regrets that the Directive does not cover motorcycles, and that there are no special provisions for other categories of vehicles (cf. 2.7.). It also wonders how the roadworthiness of agricultural machinery and tractors could be ensured. This should not, however, hinder the rapid adoption of the Directive by the Council.

2.4. The list of items to be tested (Annex III) is, on the whole, adequate and sensible. Of course, certain items might still have to be reconsidered, or elucidated (e.g. nuisance of old vehicles, steering). Furthermore, the Committee thinks that the content of the list must be reviewed from time to time to make allowance for changes in vehicle design and equipment (e.g. introduction of microelectronics in recent years).

2.5. It is also vital that most of the tests are carried out on the basis of objective criteria. Subjective tests (e.g. checking the suspension's or the steering's wear and tear), an obvious source of controversy, should be reduced to a minimum.

2.6. On the subject of testing procedures and the content and frequency of tests, it should be considered whether a distinction ought to be made between tests relating to the mechanical condition of the vehicle (and hence linked directly to road safety) and environmentally-related tests. Such distinctions are already made within the Community.

2.7. Furthermore, the Committee would like to see consideration given to a special roadworthiness test in the following cases:

— private, commercial and hired vehicles (e.g. more frequent tests for the latter),

[1] OJ No C 60, 26. 7. 1986, p. 1; OJ No C 25, 28. 1. 1985, p. 46; OJ No C 101, 28. 4. 1986, p. 8.

— vehicles not type-approved prior to registration, vehicles undergoing a periodic test and vehicles undergoing a special test following a change of owner or an accident.

2.8. The Committee further considers that application of the Directive by the Member States is in itself not enough: it must also be applied uniformly. This applies particularly to the content of the tests. A vehicle which passes the test in one Member State should also pass the test in any other Member State.

2.9. The Committee thinks that the roadworthiness tests are the responsibility of the authorities. It is also up to the Member State authorities to lay down the procedures and to verify the application of the roadworthiness test. However, the Committee agrees with the Commission (Article 1 (3) of the proposal) that the tests could be delegated to approved workshops which have the necessary equipment, as is the case in some countries. These workshops should come under permanent State supervision.

2.10. There are no provisions in the proposal about vehicles which fail roadworthiness tests. The Committee thinks that the repair or demolition of such vehicles should be made mandatory. For this purpose there ought to be 'automatic checks', as there are in some countries where a roadworthiness certificate is required to obtain the documents necessary for putting a vehicle on the road.

2.11. As far as the implementation of the Directive is concerned (Article 2), the Committee thinks that the Commission and the Council should review the timetable of derogations in Article 2 (3) of the proposal which, in its view, lays down overly short deadlines for those Member States which do not have adequate testing facilities at the moment.

2.12. Finally, the Committee considers that the information to be supplied to the Commission by the Member States with regard to the adopted measures (Article 2 (2) of the proposal) must be supplied annually on the basis of documents common to all Member States. This will make it possible to improve the accuracy, clarity and regularity of the information given and check the application of the measures more effectively. The Commission, in turn, should publish periodic reports on the information supplied by the Member States with regard to the Directive's application, and should submit these reports to the Committee.

Done at Brussels, 23 October 1986.

The Chairman
of the Economic and Social Committee
Alfons MARGOT