



EUROPEAN
COMMISSION

Brussels, **XXX**
[...] (2021) **XXX** draft

COMMISSION DELEGATED DIRECTIVE (EU) .../...

of XXX

amending Directive 2014/45/EU of the European Parliament and of the Council as regards the updating of certain vehicle category designations and the addition of eCall to the list of test items, methods, reasons for failure and assessment of deficiencies in Annex I and Annex III to that Directive

(Text with EEA relevance)

This draft has not been adopted or endorsed by the European Commission. Any views expressed are the preliminary views of the Commission services and may not in any circumstances be regarded as stating an official position of the Commission.

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

Directive 2014/45/EU of the European Parliament and of the Council on periodic roadworthiness tests for motor vehicles and their trailers repealing Directive 2009/40/EC¹ establishes minimum requirements for a regime of periodic roadworthiness tests of vehicles and their trailers used on public roads. Roadworthiness testing is a part of a wider regime designed to ensure that vehicles are kept in a safe and environmentally acceptable condition during their use, and that regime covers periodic roadworthiness testing of vehicles and technical roadside inspection of vehicles used for commercial road transport activities.

Directive 2014/45/EU shall apply to vehicles with a design speed exceeding 25km/h of the categories set out in Article 2(1), as referred to in Directive 2002/24/EC², Directive 2003/37/EC³ and Directive 2007/46/EC⁴ of the European Parliament and of the Council. Given the changes to the vehicle category designations stemming from the repeal of Directive 2002/24/EC by Regulation (EU) No 168/2013⁵, this delegated act aims to update the references to vehicle categories made in these roadworthiness Directives, in order to align them with the changes to the type-approval legislation.

Furthermore, following a positive assessment of the costs and benefits involved, and following the adoption of Regulation (EU) No 2015/758⁶, which established the general requirements for the EC type-approval of vehicles in respect of the 112-based eCall in-vehicle systems, and of 112-based eCall in-vehicle systems, components and separate technical units, point 3 of Annex I of Directive 2014/45/EU also needs to be adapted accordingly. The 112-based eCall in-vehicle system needs to remain functional through the whole life cycle of the vehicle, as its mandatory introduction is expected to contribute to the reduction of fatalities and severe injuries, and of costs relating to healthcare.

In accordance with point 14 of section I of Annex III of Directive 2014/45/EU, the minimum requirements concerning roadworthiness facilities and test equipment, applicable as from 20 May 2023, include a device to connect to the electronic vehicle interface, such as an on-board diagnostics systems (OBD) scan tool. On the basis of the cost-benefit analysis⁷ for the different eCall test scenarios, the testing via electronic vehicle interface including function and performance of the system gives the best cost-benefit ratio. However, taking into account

¹ OJ L 127, 29.4.2014, p. 51

² Directive 2002/24/EC of the European Parliament and of the Council of 18 March 2002 relating to the type-approval of two or three-wheel motor vehicles and repealing Council Directive 92/61/EEC (OJ L 124, 9.5.2002, p. 1).

³ Directive 2003/37/EC of the European Parliament and of the Council of 26 May 2003 on type-approval of agricultural or forestry tractors, their trailers and interchangeable towed machinery, together with their systems, components and separate technical units and repealing Directive 74/150/EEC (OJ L 171, 9.7.2003, p. 1).

⁴ Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (OJ L 263, 9.10.2007, p. 1).

⁵ Regulation (EU) No 167/2013 of the European Parliament and of the Council of 5 February 2013 on the approval and market surveillance of agricultural and forestry vehicles (OJ L 60, 2.3.2013, p. 1).

⁶ Regulation (EU) 2015/758 of the European Parliament and of the Council of 29 April 2015 concerning type-approval requirements for the deployment of the eCall in-vehicle system based on the 112 service and amending Directive 2007/46/EC (OJ L 123, 19.5.2015, p. 77).

⁷ <https://op.europa.eu/en/publication-detail/-/publication/c6524bd7-2b54-11e9-8d04-01aa75ed71a1>

the possibility that not all vehicles might be equipped with an OBD connector, the testing via electronic vehicle interface seems not to be feasible in these cases.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

In January 2019 a study on the inclusion of eCall in the periodic roadworthiness testing of motor vehicles was finalized. The aim of the study was to assess whether it is cost-effective to include eCall within the frame of Directive 2014/45/EU and, in case of a positive answer, to assess the possible testing scenarios. For the purposes of the study, the opinion of stakeholders has been considered by means of a survey sent to 537 recipients and a workshop was organized in Brussels on 8 June 2018. Furthermore, the views of the members of the Roadworthiness Committee were taken into consideration during the meeting of 20 September 2018. The final report of the study was presented at the Roadworthiness Committee meeting of 24 June 2019.

In May 2020, the Commission set up an Expert Group on Roadworthiness and Vehicle Registration Documents (RWEG). The mission of the RWEG is to assist DG MOVE in the preparation of non-legislative acts in the fields of roadworthiness and vehicle registration documents, including the preparation of delegated and implementing acts, to assist the Commission in the preparation of relevant guidance in relation to the relevant Directives, and to bring about an exchange of experience and good practice in those fields. The Expert Group has examined the draft text of the delegated act during its meetings on 17 September 2020 and 25 November 2020. The draft of this Directive has been subject to a public consultation through the Better Regulation Portal from [...] to [...], receiving [...] responses.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

The Delegated Act is based on the first and third indents of Article 17 of Directive 2014/45/EU.

According to the first indent of Article 17 of Directive 2014/45/EU, the Commission shall be empowered to adopt delegated acts in accordance with Article 18 in order to update the vehicle category designations referred to in Article 2(1) and Article 5(1) and (2) as appropriate in the event of changes to the vehicle categories stemming from amendments to the type-approval legislation referred to in Article 2(1), without affecting the scope and frequency of testing.

The vehicle category designations referred to in Article 2(1) and in Article 5(1) and (2) of Directive 2014/45/EU are also referred in other provisions of that same Directive. In order to ensure the coherency and legal certainty of Directive 2014/45/EU, those designations, even though they are not expressly mentioned in the first indent of Article 17, need to be updated in accordance with the changes that resulted from the repeal of Directive 2002/24/EC by Regulation (EU) No 168/2013, and from the repeal of Directive 2003/37/EC by Regulation (EU) No 167/2013. Otherwise, this could lead to inconsistencies and legal uncertainty. This is notably the case for Article 6 of and Annex III to the Directive. Such an updated will not affect the scope and frequency of the testing.

According to the third indent of Article 17 of Directive 2014/45/EU, the Commission shall also be empowered to adopt delegated acts in accordance with Article 18 in order to adapt point 3 of Annex I, following a positive assessment of the costs and benefits involved, in respect of the list of test items, methods, reasons for failure and assessment of deficiencies in the event of a modification of mandatory requirements relevant for type-approval in Union safety or environmental legislation.

Regulation (EU) No 2015/758 concerning type-approval requirements for the deployment of the eCall in-vehicle system based on the 112 service lays down, in its Article 4, that manufacturers shall demonstrate that all new types of vehicles referred to in Article 2 are equipped with a permanently installed 112-based eCall in-vehicle system, in accordance with that Regulation and with the delegated and implementing acts adopted pursuant to that Regulation. According to these new mandatory requirements, Directive 2014/45/EU should therefore be adapted accordingly.

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amending Directive 2014/45/EU of the European Parliament and of the Council as regards the updating of certain vehicle category designations and the addition of eCall to the list of test items, methods, reasons for failure and assessment of deficiencies in Annex I and Annex III to that Directive

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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/EC¹ and in particular Article 17 thereof,

Whereas:

- (1) Directive 2014/45/EU applies to vehicles with a design speed exceeding 25km/h of the categories listed in Article 2(1) of that Directive. Those categories are determined by reference to Directives 2002/24/EC², 2003/37/EC³ and 2007/46/EC⁴ of the European Parliament and of the Council.
- (2) Directives 2002/24/EC, 2003/37/EC and 2007/46/EC were repealed, respectively, by Regulations (EU) No 168/2013, (EU) No 167/2013 and (EU) 2018/858 of the European Parliament and of the Council.
- (3) Given the changes to the vehicle category designations that stemmed from the repeal of Directives 2002/24/EC and 2003/37/EC, certain vehicle category designations referred to in Directive 2014/45/EC should be adapted. Those changes do not affect the scope and frequency of the testing.

¹ 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).

² Directive 2002/24/EC of the European Parliament and of the Council of 18 March 2002 relating to the type-approval of two or three-wheel motor vehicles and repealing Council Directive 92/61/EEC (OJ L 124, 9.5.2002, p. 1).

³ Directive 2003/37/EC of the European Parliament and of the Council of 26 May 2003 on type-approval of agricultural or forestry tractors, their trailers and interchangeable towed machinery, together with their systems, components and separate technical units and repealing Directive 74/150/EEC (OJ L 171, 9.7.2003, p. 1).

⁴ Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (OJ L 263, 9.10.2007, p. 1).

- (4) Regulation (EU) 2015/758⁵ of the European Parliament and of the Council lays down an obligation for certain new types of vehicles to be equipped with a permanently installed 112-based eCall in-vehicle system, with effect from 31 March 2018.
- (5) The 112-based eCall in-vehicle system, as an emergency system, requires the highest possible level of reliability. The accuracy of the minimum set of data and of the voice transmission, and quality, should be ensured, and a uniform testing regime should be developed to ensure the longevity and durability of the 112-based eCall in-vehicle system. Periodic roadworthiness tests for eCall should therefore be carried out regularly in accordance with Directive 2014/45/EU. A new point relating to such a test should be added in Table 3 of Annex I to that Directive.
- (6) Directive 2014/45/EU should therefore be amended accordingly,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 2014/45/EU is amended as follows:

- (1) Article 2 is amended as follows:
 - (a) paragraph 1 is amended as follows:
 - (i) the introductory wording is replaced by the following:

“1. This Directive shall apply to vehicles with a design speed exceeding 25km/h of the following categories, as referred to in Regulations (EU) 167/2013*, (EU) 168/2013**, and (EU) 2018/858*** of the European Parliament and of the Council:

* Regulation (EU) No 167/2013 of the European Parliament and of the Council of 5 February 2013 on the approval and market surveillance of agricultural and forestry vehicles (OJ L 60, 2.3.2013, p. 1).

** Regulation (EU) No 168/2013 of the European Parliament and of the Council of 15 January 2013 on the approval and market surveillance of two- or three-wheel vehicles and quadricycles (OJ L 60, 2.3.2013, p. 52).

*** Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) No 595/2009 and repealing Directive 2007/46/EC (OJ L 151, 14.6.2018, p. 1)”;
 - (ii) the sixth and seventh indents are replaced by the following:

“— from 1 January 2022, two- or three-wheel vehicles – vehicle categories L3e, L4e, L5e and L7e equipped with a combustion engine with a displacement of more than 125 cm³;

⁵ Regulation (EU) 2015/758 of the European Parliament and of the Council of 29 April 2015 concerning type-approval requirements for the deployment of the eCall in-vehicle system based on the 112 service and amending Directive 2007/46/EC (OJ L 123, 19.5.2015, p. 77)

“— wheeled tractors of categories T1b, T2b, T3b, T4.1b, T4.2b and T4.3b the use of which mainly takes place on public roads with a maximum design speed exceeding 40km/h.”;

(b) in paragraph 2, the seventh indent is replaced by the following

“— vehicles in categories L3e, L4e, L5e and L7e equipped with a combustion engine with a displacement of more than 125 cm³ where the Member State has put in place effective alternative road safety measures for two or three-wheel vehicles, taking into account in particular relevant road safety statistics covering the last five years. Member States shall notify such exemptions to the Commission.”;

(2) Article 5 is amended as follows:

(a) in paragraph 1, point (c) is replaced by the following:

“(c) wheeled tractors of categories T1b, T2b, T3b, T4.1b, T4.2b and T4.3b the use of which mainly takes place on public roads for commercial road haulage purposes: four years after the date on which the vehicle was first registered, and thereafter every two years.”;

(b) paragraph 2 is replaced by the following:

“2. Member States shall establish appropriate intervals within which vehicles of categories L3e, L4e, L5e and L7e equipped with a combustion engine with a displacement of more than 125 cm³, are to be subject to a roadworthiness test.”;(3) Annexes I and III are amended in accordance with the Annex to this Directive.

Article 2

Transposition

1. Member States shall adopt and publish, by [one year of its publication], the laws, regulations and administrative measures necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

They shall apply the measures necessary to comply with Article 1(1), Article 1(2) and point (2) of the Annex of this Directive from [same as transposition deadline above].

They shall apply the measures necessary to comply with point 1 of the Annex to this Directive from 20 May 2023 at the latest.

When Member States adopt those measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by the Member States.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive. Article [...]

Article 3

Entry into force

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Article 4

Addressees

This Directive is addressed to the Member States.

Done at Brussels,

For the Commission

The President

[...]