

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Council of 6 May 2009 on roadworthiness tests for motor vehicles and their trailers (Recast) (Text with EEA relevance) (repealed)

CHAPTER I

**GENERAL PROVISIONS**

*Article 1*

1 In each Member State, motor vehicles registered in that State and their trailers and semi-trailers shall undergo periodic roadworthiness tests in accordance with this Directive.

2 The categories of vehicles to be tested, the frequency of the roadworthiness tests and the items which must be tested are listed in Annexes I and II.

*Article 2*

The roadworthiness tests provided for in this Directive shall be carried out by the Member State, or by a public body entrusted with the task by the State or by bodies or establishments designated and directly supervised by the State, including duly authorised private bodies. In particular, where establishments designated as vehicle testing centres also perform motor vehicle repairs, Member States shall make every effort to ensure the objectivity and high quality of the vehicle testing.

*Article 3*

1 Member States shall take such measures as they deem necessary to make it possible to prove that a vehicle has passed a roadworthiness test complying with at least the provisions of this Directive.

These measures shall be notified to the other Member States and to the Commission.

2 Each Member State shall, on the same basis as if it had itself issued the proof, recognise the proof issued in another Member State showing that a motor vehicle registered on the territory of that other State, together with its trailer or semi-trailer, has passed a roadworthiness test complying with at least the provisions of this Directive.

3 Member States shall apply suitable procedures to establish, as far as practicable, that the brake performance of the vehicles registered in their territory meets the requirements specified in this Directive.

CHAPTER II

**EXCEPTIONS**

*Article 4*

1 Member States shall have the right to exclude from the scope of this Directive vehicles belonging to the armed forces, the forces of law and order and the fire service.

2 Member States may, after consulting the Commission, exclude from the scope of this Directive, or subject to special provisions, certain vehicles operated or used in exceptional conditions and vehicles which are never, or hardly ever, used on public highways, including

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vehicles of historic interest which were manufactured before 1 January 1960 or which are temporarily withdrawn from circulation.

3 Member States may, after consulting the Commission, set their own testing standards for vehicles considered to be of historic interest.

#### *Article 5*

Notwithstanding the provisions of Annexes I and II, Member States may:

- (a) bring forward the date for the first compulsory roadworthiness test and, where appropriate, require the vehicle to be submitted for testing prior to registration;
- (b) shorten the interval between two successive compulsory tests;
- (c) make the testing of optional equipment compulsory;
- (d) increase the number of items to be tested;
- (e) extend the periodic test requirement to other categories of vehicles;
- (f) prescribe special additional tests;
- (g) require for vehicles registered on their territory higher minimum standards for braking efficiency than those specified in Annex II and include a test on vehicles with heavier loads, provided such requirements do not exceed those of the vehicle's original type-approval.

### CHAPTER III

#### FINAL PROVISIONS

#### *Article 6*

1 The Commission shall adopt the separate Directives necessary to define the minimum standards and methods for testing the items listed in Annex II, as well as any amendments necessary to adapt those standards and methods to technical progress.

2 Those measures, designed to amend non-essential elements of this Directive by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 7(2).

#### *Article 7*

1 The Commission shall be assisted by a committee on the adaptation to technical progress of the Directive on roadworthiness tests for motor vehicles and their trailers.

2 Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

#### *Article 8*

No later than three years after the introduction of regular testing of speed limitation devices, the Commission shall examine whether, on the basis of the experience gained, the tests laid down are sufficient to detect defective or manipulated speed limitation devices or whether the rules need to be amended.

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*Article 9*

Member States shall communicate to the Commission the texts of the main provisions of national law which they adopt in the field governed by this Directive.

*Article 10*

Directive 96/96/EC, as amended by the acts listed in Annex III, Part A, is repealed, without prejudice to the obligations of the Member States relating to the time limits for transposition into national law of the Directives set out in Annex III, Part B.

References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex IV.

*Article 11*

This Directive shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

*Article 12*

This Directive is addressed to the Member States.

Done at Strasbourg, 6 May 2009.

*For the European Parliament*

*The President*

H.-G. PÖTTERING

*For the Council*

*The President*

J. KOHOUT