

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 (Text with EEA relevance)

CHAPTER III

MINIMUM REQUIREMENTS CONCERNING ROADWORTHINESS TESTS

Article 5

Date and frequency of testing

1 Vehicles shall be subject to a roadworthiness test at least within the following intervals, without prejudice to the period of flexibility applied in Member States under paragraph 3:

- a vehicles of category M₁ and N₁: four years after the date on which the vehicle was first registered, and thereafter every two years;
- b vehicles of category M₁ used as taxis or ambulances, vehicles of categories M₂, M₃, N₂, N₃, O₃ and O₄: one year after the date on which the vehicle was first registered, and thereafter annually;
- c vehicles of category T5 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.

2 Member States shall establish appropriate intervals within which vehicles of categories L3e, L4e, L5e and L7e, with an engine displacement of more than 125 cm³, are to be subject to a roadworthiness test.

3 Member States or competent authorities may establish a reasonable period during which the roadworthiness test is to be carried out, not exceeding the intervals laid down in paragraph 1.

4 Notwithstanding the date of a vehicle's last roadworthiness test, the Member State or competent authority concerned may require it to undergo a roadworthiness test before the dates referred to in paragraphs 1 and 2 in the following cases:

- after an accident affecting the main safety-related components of the vehicle, such as wheels, suspension, deformation zones, airbag systems, steering or brakes;
- when the safety and environmental systems and components of the vehicle have been altered or modified;
- where the holder of the registration certificate of a vehicle has changed;
- when the vehicle has reached a mileage of 160 000 km;
- in cases where road safety is seriously affected.

Article 6

Contents and methods of testing

1 For vehicle categories falling within the scope of this Directive, with the exception of categories L3e, L4e, L5e and L7e with an engine displacement of more than 125 cm³, Member

States shall ensure that roadworthiness tests cover at least the areas referred to in point 2 of Annex I.

2 For each area referred to in paragraph 1, the competent authorities of the Member State or the testing centre shall carry out a roadworthiness test covering at least the items referred to in point 3 of Annex I, using the recommended or an equivalent method approved by a competent authority applicable to the testing of those items, as set out in point 3 of Annex I. The test may also include a verification as to whether the respective parts and components of the vehicle correspond to the required safety and environmental characteristics that were in force at the time of approval or, if applicable, at the time of retrofitting.

The tests shall be carried out using techniques and equipment currently available without the use of tools to dismantle or remove any part of the vehicle.

3 For vehicle categories L3e, L4e, L5e and L7e, with an engine displacement of more than 125 cm³, Member States shall determine the areas, items and appropriate methods of testing.

Article 7

Assessment of deficiencies

1 For each item to be tested, Annex I provides a minimum list of possible deficiencies and their level of severity.

2 Deficiencies that are found during periodic testings of vehicles shall be categorised in one of the following groups:

- a minor deficiencies having no significant effect on the safety of the vehicle or impact on the environment, and other minor non-compliances;
- b major deficiencies that may prejudice the safety of the vehicle or have an impact on the environment or put other road users at risk, or other more significant non-compliances;
- c dangerous deficiencies constituting a direct and immediate risk to road safety or having an impact on the environment which justify that a Member State or its competent authorities may prohibit the use of the vehicle on public roads.

3 A vehicle having deficiencies falling into more than one of the deficiency groups referred to in paragraph 2 shall be classified in the group corresponding to the more serious deficiency. A vehicle showing several deficiencies within the same inspection area as identified in the scope of the test referred to in point 2 of Annex I, may be classified in the next most serious deficiency group if it can be demonstrated that the combined effect of those deficiencies results in a higher risk to road safety.

Article 8

Roadworthiness certificate

1 Member States shall ensure that testing centres or, if relevant, the competent authorities, which have carried out a roadworthiness test on a vehicle issue a roadworthiness certificate for that vehicle indicating at least the standardised elements of the corresponding harmonised Union codes as laid down in Annex II.

2 Member States shall ensure that testing centres or, if relevant, the competent authorities make the roadworthiness certificate or, in the case of an electronically produced

roadworthiness certificate, a certified printout of such certificate available to the person presenting the vehicle for testing.

3 Without prejudice to Article 5, in the case of re-registration of a vehicle already registered in another Member State, each Member State shall recognise the roadworthiness certificate issued by that other Member State, as if it had itself issued that certificate, provided that the roadworthiness certificate is still valid in terms of the frequency intervals established for periodic roadworthiness tests by the re-registering Member State. In cases of doubt, the re-registering Member State may verify the validity of the roadworthiness certificate before recognising it. Member States shall communicate to the Commission a description of the roadworthiness certificate before 20 May 2018. The Commission shall inform the Committee referred to in Article 19. This paragraph shall not apply to vehicle categories L3e, L4e, L5e and L7e.

4 Without prejudice to Article 5(4) and paragraph 3 of this Article, Member States shall recognise, as a matter of principle, the validity of the roadworthiness certificate in the event that the ownership of a vehicle — having a valid proof of periodic roadworthiness test — changes.

5 As from 20 May 2018 and at the latest by 20 May 2021, testing centres shall communicate electronically, to the competent authority of the Member State concerned, the information mentioned in the roadworthiness certificates which they issue. Such communication shall take place within a reasonable time after each roadworthiness certificate is issued. Until the latter date, testing centres may communicate the relevant information to the competent authority by any other means. Member States shall determine the period during which the competent authority is to retain that information. The duration of that period shall not be less than 36 months, without prejudice to the national tax systems of the Member States.

6 Member States shall ensure that, for the purposes of checking the odometer, where an odometer is normally fitted, the information included in the previous roadworthiness test is made available to the inspectors as soon as it is available electronically. In cases where an odometer is found to have been manipulated with the aim of reducing or misrepresenting the distance record of a vehicle, such manipulation shall be punishable by effective, proportionate, dissuasive and non-discriminatory penalties.

7 Member States shall ensure that the results of the roadworthiness test are notified, or made available electronically, as soon as possible to the authority responsible for registration of the vehicle. That notification shall contain the information mentioned in the roadworthiness certificate.

Article 9

Follow-up of deficiencies

1 In the case of minor deficiencies only, the test shall be deemed to have been passed, the deficiencies shall be rectified, and the vehicle shall not be re-tested.

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. The subsequent test shall take place during a period defined by the Member State or competent authority but not later than two months following the initial test.

3 In the case of dangerous deficiencies, the test shall be deemed to have been failed. The Member State or the competent authority may decide that the vehicle in question is not to be used on public roads and that the authorisation for its use in road traffic is to be suspended

for a limited period of time, without requiring a new process of registration, until such time as the deficiencies are rectified and a new roadworthiness certificate is issued testifying that the vehicle is in a roadworthy condition.

Article 10

Proof of test

1 The testing centre or, if relevant, the competent authority of the Member State that has carried out a roadworthiness test on a vehicle registered in its territory shall provide a proof, such as an indication on the vehicle registration document, a sticker, a certificate or any other easily accessible information, for each vehicle which has passed such a test. The proof shall indicate the date by which the next roadworthiness test is to take place.

Member States shall communicate to the Commission a description of that proof before 20 May 2018. The Commission shall in turn inform the Committee referred to in Article 19.

2 Where the tested vehicle belongs to a vehicle category which is not subject to registration in the Member State where it has been put into service, that Member State may require the proof of test to be displayed in a visible manner on that vehicle.

3 For the purpose of free circulation, each Member State shall recognise the proof provided by a testing centre or competent authority of another Member State in accordance with paragraph 1.