

COMMISSION RECOMMENDATION**of 5 July 2010****on the risk assessment of deficiencies detected during technical roadside inspections (of commercial vehicles) in accordance with Directive 2000/30/EC of the European Parliament and of the Council**

(2010/379/EU)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 292, thereof,

Whereas:

- (1) In the interests of road safety, environmental protection and fair competition it is important to ensure that commercial vehicles in operation are properly maintained and inspected, so that they maintain their safe traffic performance when circulating within the Union.
- (2) In addition to the standards and methods referred to in Directive 2000/30/EC of the European Parliament and of the Council of 6 June 2000 on the technical roadside inspection of the roadworthiness of commercial vehicles circulating in the Community ⁽¹⁾, in order to achieve a more harmonised system and to avoid unequal treatment at technical roadside inspections, guidelines should be introduced for the assessment of the deficiencies listed in Annex II to that Directive.

- (3) To reflect the seriousness of failures, three categories should be introduced.

- (4) Each category of failure should describe the consequences for the use of the vehicle in that condition,

HAS ADOPTED THIS RECOMMENDATION:

Member States should assess deficiencies detected at roadside inspections of the roadworthiness of a vehicle in accordance with the guidelines set out in the Annex to this recommendation.

Done at Brussels, 5 July 2010.

For the Commission

Siim KALLAS

Vice-President

⁽¹⁾ OJ L 203, 10.8.2000, p. 1.

ANNEX

Guidelines for the assessment of defects and deficiencies

In the framework of implementing Directive 2000/30/EC, this document lists guidelines which Member States are recommended to apply for assessing defects (defined as both technical defects and other non-compliances) that are found during technical roadside inspections of vehicles.

The defects are classified as follows:

MINOR DEFECTS (MiD)

MAJOR DEFECTS (MaD)

DANGEROUS DEFECTS (DD)

Each defect category should be defined by reference to the condition of the vehicle as follows:

MINOR DEFECTS

Technical defects that have no significant effect on the safety of the vehicle and other minor non-compliances. The vehicle does not have to be re-examined as it can reasonably be expected that the detected defects will be rectified without delay.

MAJOR DEFECTS

Defects that may prejudice the safety of the vehicle and/or put other road users at risk and other more significant non-compliances. The vehicle must be repaired as soon as possible and further use may be subject to restrictions and conditions, for example, submitting the vehicle to a further roadworthiness inspection.

DANGEROUS DEFECTS

Defects that constitute a direct and immediate risk to road safety. Further use of the vehicle on the road is not permitted, although in some instances it may be permitted to be driven under specified conditions directly to a specified location, for example for immediate repair or impounding of the vehicle.

A vehicle having defects falling into more than one defect group should be classified according to the most serious defect. A vehicle showing several defects of the same group can be classified in the next more serious group if their combined effect makes the vehicle more dangerous.

For defects which can be classified in more than one category, it should be the responsibility of the inspector carrying out the test to categorise the defects according to their severity in accordance with national legislation.

Requirements for type-approval at the time of first registration or first entry into service should be taken into consideration during the defect assessment. Nevertheless some items will be covered by retrofitting requirements.

Assessment requirements

Deficiencies are examples of technical defects or other non-compliances that can be detected.

Item	Deficiencies	Guidelines for defect assessment		
		MiD	MaD	DD
1. BRAKING EQUIPMENT				
1.1. Mechanical condition and operation				
1.1.1. Service brake pedal/hand lever pivot	(a) Pivot too tight.		X	
	(b) Excessive wear or play.		X	
1.1.2. Pedal/hand lever condition and travel of the brake operating device	(a) Excessive or insufficient reserve travel.		X	

Item	Deficiencies	Guidelines for defect assessment		
		MiD	MaD	DD
	(b) Brake control not releasing correctly.	X	X	
	(c) Anti-slip provision on brake pedal missing, loose or worn smooth.	X		
1.1.3. Vacuum pump or compressor and reservoirs	(a) Insufficient pressure/vacuum to give assistance for at least two brake applications after the warning device has operated (or gauge shows an unsafe reading).		X	X
	(b) Time taken to build up air pressure/vacuum to safe working value not in accordance with the requirements ⁽⁴⁾ .		X	
	(c) Multi-circuit protection valve or pressure relief valve not working.		X	
	(d) Air leak causing a noticeable drop in pressure or audible air leaks.		X	
	(e) External damage likely to affect the function of the braking system.		X	X
1.1.4. Low pressure warning gauge or indicator	Malfunctioning or defective gauge or indicator.	X	X	
1.1.5. Hand-operated brake control valve	(a) Control cracked, damaged or excessively worn.		X	
	(b) Control insecure on valve or valve insecure.		X	
	(c) Loose connections or leaks in system.		X	
	(d) Unsatisfactory operation.		X	
1.1.6. Parking brake activator, lever control, parking brake ratchet, electronic parking brake	(a) Ratchet not holding correctly.		X	
	(b) Excessive wear at lever pivot or in ratchet mechanism.	X	X	
	(c) Excessive movement of lever indicating incorrect adjustment.		X	
	(d) Activator missing, damaged or inoperative.		X	
	(e) Incorrect functioning, warning indicator shows malfunction.		X	
1.1.7. Braking valves (foot valves, unloaders, governors)	(a) Valve damaged or excessive air leak.		X	X
	(b) Excessive oil discharge from compressor.	X		
	(c) Valve insecure or inadequately mounted.		X	
	(d) Hydraulic fluid discharge or leak.		X	X

Item	Deficiencies	Guidelines for defect assessment		
		MiD	MaD	DD
1.1.8. Couplings for trailer brakes (electrical and pneumatic)	(a) Tap or self-sealing valve defective.	X	X	
	(b) Tap or valve insecure or inadequately mounted.	X	X	
	(c) Excessive leaks.		X	X
	(d) Not functioning correctly.		X	X
1.1.9. Energy storage reservoir pressure tank	(a) Tank damaged, corroded or leaking.	X	X	
	(b) Drain device inoperative.	X	X	
	(c) Tank insecure or inadequately mounted.		X	
1.1.10. Brake servo units, master cylinder (hydraulic systems)	(a) Defective or ineffective servo unit.		X	
	(b) Master cylinder defective or leaking.		X	X
	(c) Master cylinder insecure.		X	X
	(d) Insufficient brake fluid.	X	X	
	(e) Master cylinder reservoir cap missing.	X		
	(f) Brake fluid warning light illuminated or defective.	X		
	(g) Incorrect functioning of brake fluid level warning device.	X		
1.1.11. Rigid brake pipes	(a) Imminent risk of failure or fracture.		X	X
	(b) Pipes or connections leaking.		X	X
	(c) Pipes damaged or excessively corroded.		X	X
	(d) Pipes misplaced.	X	X	
1.1.12. Flexible brake hoses	(a) Imminent risk of failure or fracture.		X	X
	(b) Hoses damaged, chafing, twisted or too short.	X	X	
	(c) Hoses or connections leaking.		X	X
	(d) Hoses bulging under pressure.		X	X
	(e) Hoses porous.		X	
1.1.13. Brake linings and pads	(a) Lining or pad excessively worn.		X	X
	(b) Lining or pad contaminated (oil, grease etc.).		X	X
	(c) Lining or pad missing.			X

Item	Deficiencies	Guidelines for defect assessment		
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1.1.14. Brake drums, brake discs	(a) Drum or disc excessively worn, excessively scored, cracked, insecure or fractured.		X	X
	(b) Drum or disc contaminated (oil, grease, etc.).		X	X
	(c) Drum or disc missing.			X
	(d) Back plate insecure.		X	
1.1.15. Brake cables, rods, levers, linkages	(a) Cable damaged or knotted.		X	X
	(b) Component excessively worn or corroded.		X	X
	(c) Cable, rod or joint insecure.		X	
	(d) Cable guide defective.		X	
	(e) Restriction to free movement of the braking system.		X	
	(f) Abnormal movement of the levers/linkage indicating maladjustment or excessive wear.		X	
1.1.16. Brake actuators (including spring brakes or hydraulic cylinders)	(a) Actuator cracked or damaged.		X	X
	(b) Actuator leaking.		X	X
	(c) Actuator insecure or inadequately mounted.		X	X
	(d) Actuator excessively corroded.		X	X
	(e) Insufficient or excessive travel of operating piston or diaphragm mechanism.		X	X
	(f) Dust cover missing or excessively damaged.	X	X	
1.1.17. Load sensing valve	(a) Defective linkage.		X	
	(b) Linkage incorrectly adjusted.		X	
	(c) Valve seized or inoperative.		X	X
	(d) Valve missing.			X
	(e) Missing data plate.	X		
	(f) Data illegible or not in accordance with requirements ⁽⁴⁾ .	X		
1.1.18. Slack adjusters and indicators	(a) Adjuster damaged, seized or having abnormal movement, excessive wear or incorrect adjustment.		X	
	(b) Adjuster defective.		X	

Item	Deficiencies	Guidelines for defect assessment		
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	(c) Incorrectly installed or replaced.		X	
1.1.19. Endurance braking system (where fitted or required)	(a) Insecure connectors or mountings. (b) System obviously defective or missing.	X	X X	
1.1.20. Automatic operation of trailer brakes	Trailer brake does not apply automatically when coupling disconnected.			X
1.1.21. Complete braking system	(a) Other system devices (e.g. anti-freeze pump, air dryer, etc.) damaged externally or excessively corroded in a way that adversely affects the braking system. (b) Leakage of air or anti-freeze. (c) Any component insecure or inadequately mounted. (d) Inappropriate repair or modification to any component ⁽¹⁾ .		X X X X	X X
1.1.22. Test connections (where fitted or required)	(a) Missing. (b) Damaged, unusable or leaking.		X X	
1.2. Service braking performance and efficiency				
1.2.1. Performance (E) ^(b)	(a) Inadequate braking effort on one or more wheels. (b) Braking effort from any wheel is less than 70 % of maximum effort recorded from the other wheel on the same axle. Or in the case of testing on the road, the vehicle deviates excessively from a straight line. (c) No gradual variation in brake effort (grabbing). (d) Abnormal lag in brake operation of any wheel. (e) Excessive fluctuation of brake force during each complete wheel revolution.		X X X X X	X X
1.2.2. Efficiency (E) ^(b)	Does not give at least the minimum figure as follows: Category N1: 45 % Category M1, M2 and M3: 50 % ⁽²⁾ Category N2 and N3: 43 % ⁽³⁾ Category O2, O3 and O4: 40 % ⁽⁴⁾		X	X

Item	Deficiencies	Guidelines for defect assessment		
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1.3. Secondary (emergency) braking performance and efficiency (if met by separate system)				
1.3.1. Performance (E) ^(b)	(a) Inadequate braking effort on one or more wheels.		X	X
	(b) Braking effort from any wheel is less than 70 % of maximum effort recorded from another wheel on the same axle specified. Or in the case of testing on the road, the vehicle deviates excessively from a straight line.		X	X
	(c) No gradual variation in brake effort (grabbing).		X	X
1.3.2. Efficiency	Braking effort less than 50 % ⁽⁵⁾ of the service brake performance defined in section 1.2.2 in relation to the maximum authorised mass or, in the case of semi-trailers, to the sum of the authorised axle loads (except L1e and L3e).		X	X
1.4. Parking braking performance and efficiency				
1.4.1. Performance (E) ^(b)	Brake inoperative on one side or in the case of testing on the road, the vehicle deviates excessively from a straight line.		X	X
1.4.2. Efficiency (E) ^(b)	Does not give at least for all vehicles a braking ratio of 16 % in relation to the maximum authorised mass, or, for motor vehicles, of 12 % in relation to the maximum authorised combination mass of the vehicle, whichever is the greater.		X	X
1.5. Endurance braking system performance	(a) No gradual variation of efficiency (not applicable to exhaust brake systems).		X	
	(b) System not functioning.		X	
1.6. Anti-lock braking system (ABS)	(a) Warning device malfunctioning.		X	
	(b) Warning device shows system malfunction.		X	
	(c) Wheel speed sensors missing or damaged.		X	
	(d) Wirings damaged.		X	
	(e) Other components missing or damaged.		X	
1.7. Electronic brake system (EBS)	(a) Warning device malfunctioning.		X	
	(b) Warning device shows system malfunction.		X	

Item	Deficiencies	Guidelines for defect assessment		
		MiD	MaD	DD
8. NUISANCE				
8.1. Noise				
8.1.1. Noise suppression system	(a) Noise levels in excess of those permitted in the requirements ⁽⁴⁾ .		X	
	(b) Any part of the noise suppression system loose, likely to fall off, damaged, incorrectly fitted, missing or obviously modified in a way that would adversely affect the noise levels.		X	X
8.2. Exhaust emissions				
8.2.1. Petrol engine emissions				
8.2.1.1. Exhaust emissions control equipment	(a) Emission control equipment fitted by the manufacturer absent, modified or obviously defective.	X	X	
	(b) Leaks which would affect emission measurements.		X	
8.2.1.2. Gaseous emissions (E) ^(b)	(a) Either, gaseous emissions exceed the specific levels given by the manufacturer.		X	
	(b) Or, if this information is not available, the CO emissions exceed:		X	
	(i) for vehicles not controlled by an advanced emission control system, — 4,5 %, or — 3,5 %, according to the date of first registration or use specified in requirements ⁽⁴⁾ ;			
	(ii) for vehicles controlled by an advanced emission control system, — at engine idle: 0,5 %, — at high idle: 0,3 %, or — at engine idle: 0,3 % ⁽⁶⁾ — at high idle: 0,2 %, according to the date of first registration or use specified in requirements ⁽⁴⁾ .			
	(c) Lambda outside the range $1 \pm 0,03$ or not in accordance with the manufacturer's specification.		X	
(d) OBD readout indicating significant malfunction.		X		
(e) Remote sensing measurement showing significant non-compliance.		X		

Item	Deficiencies	Guidelines for defect assessment		
		MiD	MaD	DD
8.2.2. Diesel engine emissions				
8.2.2.1. Exhaust emission control equipment	(a) Emission control equipment fitted by the manufacturer absent or obviously defective. (b) Leaks which would affect emission measurements.	X	X	
8.2.2.2. Opacity (E) ^(b) Vehicles registered or put into service before 1 January 1980 are exempted from this requirement	(a) For vehicles registered or put into service for the first time after the date specified in requirements ^(a) , opacity exceeds the level recorded on the manufacturer's plate on the vehicle; (b) Where this information is not available or requirements ^(a) do not allow the use of reference values, for naturally aspirated engines: 2,5 m ⁻¹ , for turbo-charged engines: 3,0 m ⁻¹ , or, for vehicles identified in requirements ^(a) or first registered or put into service for the first time after the date specified in requirements ^(a) , 1,5 m ⁻¹ (?). (c) Remote sensing measurement showing significant non-compliance.		X	
8.4. Other items related to the environment				
8.4.1. Fluid leaks	Any excessive fluid leak likely to harm the environment or to pose a safety risk to other road users.		X	X

⁽¹⁾ Inappropriate repair or modification means a repair or modification that adversely affects the road safety of the vehicle or has a negative effect on the environment.

⁽²⁾ 48 % for vehicles not fitted with ABS or type approved before 1 October 1991.

⁽³⁾ 45 % for vehicles registered after 1988 or from the date specified in requirements whichever is the later.

⁽⁴⁾ 43 % for semi-trailers and draw-bar trailers registered after 1988 or from the date in requirements whichever is the later.

⁽⁵⁾ 2,2 m/s² for N1, N2 and N3 vehicles.

⁽⁶⁾ Type-approved according to limits in row A or B section 5.3.1.4 of Annex I to Council Directive 70/220/EEC (OJ L 76, 6.4.1970, p. 1) or later or first registered or put into service after 1 July 2002.

⁽⁷⁾ Type approved according to limits in row B section 5.3.1.4 of Annex I to Directive 70/220/EEC or later; row B1, B2 or C section 6.2.1 of Annex I to Council Directive 88/77/EEC (OJ L 36, 9.2.1988, p. 33) or later or first registered or put into service after 1 July 2008.

Notes:

^(a) 'requirements' are laid down by type-approval requirements at the date of approval, first registration or first entry into service as well as retrofitting obligations or national legislation in the country of registration.

^(b) (E) For testing of this item equipment is required.