

U N A T A C
UNION D'ASSISTANCE TECHNIQUE
POUR L'AUTOMOBILE ET LA CIRCULATION ROUTIERE

Association established in accordance with the Swiss Civil Code with headquarters
in Geneva and on the list of Non-Governmental Organisations granted
consultative status by the Economic and Social Committee of the United Nations

NOTE

**Concerning the total implementation of the internal market
reducing barriers to the principle
of free provision of services and establishment**

This note is aimed to give the reasons why it is not possible to consider realising this internal market:

1. The harmonisation of national laws has not started and will require many years to reach perhaps a compromise that will have the consequence to realise an harmonisation with a very low level of the technical nature of this compulsory inspection of wheeled vehicles.
2. The Directive 96/96/CE of the Common Market foresees in the article 5:
“Notwithstanding the provisions of Annexes I and II, Members may:
bring forward the date for the first compulsory roadworthiness test and, where appropriate, submit the vehicle for testing prior to registration,
shorten the interval between 2 successive compulsory tests,
make the testing of optional equipment compulsory,
increase the number of items to be tested,
extend the periodic test requirement to other categories of vehicles (*such as damaged vehicles*)
prescribe special additional tests (*for used vehicles and isothermal vehicles*)
require for vehicles registered on their territory higher minimum standards for braking efficiency than those specified in Annex II and may include a test on vehicles with heavier loads provided such requirements do not exceed those of the vehicle's original type-approval”.

The Administration Services of a State are allowed to depart from the harmonised rules and to consider creating a different structure of the organisms in order to reach a level of superior quality. In that case, the legislation of this State will not allow the realisation of the internal market.

3. If we wish to realise this internal market, we have to take into account that from this ethical point of view, every compulsory technical inspections of wheeled vehicles have to be carried out by organisms that follow this principle of third party arbiter. In pursuance of this ethical point of view, the organisations disregarding this principle are not allowed to take part to this free provision of services in accordance with the ISO Guide 39 standard.
4. On the other hand, in pursuance of the article 5 of Directive 96/96/CE, every State may either have a stronger legislation by increasing the number of items to be inspected, or extend the inspection to other categories of vehicles, that means a more severe inspection of used or damaged vehicles, ... This State will then carry out the best compulsory technical inspection in Europe and the harmonisation foreseen by this directive will become more difficult.
5. It is right that we have to modernise the economy sectors in order to be better prepared for competition but in the case of the compulsory technical inspection, which is a service of general interest, we can not consider creating competition between the organisms entrusted to carry out the law on this subject. If free competition was applied, corruption would become easier. The tanker Erika is a good example. Many countries are developing an inspection system based on free competition - that means the complete decentralization and a great number of inspection centres that compete with each others - but if they keep on competing with each others, the centres are heading for disaster because competition can only appear in the reception. From this arises the problem: if the inspector cannot become repairer, he only has the possibility of evolution to open his own centre, creating the vicious circle that is choking the sector. As the number of centres is keeping on increasing in those States, the quality is worse and this is an important grievance.