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## PRESS RELEASE

[Judicial decision]

# Roadworthiness tests for motorcycles to be implemented by 1 October 2022

Several associations appealed to the Conseil d'État to contest the timetable for implementing roadworthiness tests for two-wheeled motor vehicles. The French Government had announced their coming into force as of 1 January 2023 but opponents argued that this date must be brought forward. The urgent applications judge noted that European legislation requiring this test came into force on 1 January 2022, and the Government has neither abandoned testing, as they said they would, nor implemented alternative safety measures that could, under European regulations, justify overriding the regulation. It had merely announced plans for such measures, which were more or less directly effective. The judge was of the opinion that, considering the time period required to implement testing equipment, there was no justification for postponing the legislation's commencement for older vehicles beyond 1 October 2022. For these reasons, it today suspended the Government's timetable.

The European regulation<sup>1</sup> requires periodic roadworthiness testing to be carried out on two- and three-wheeled vehicles and quadricycles with engines greater than 125 cc (categories L3e, L4e, L5e, L7e), from 1 January 2022. However, it allows an exception for States who have implemented and notified the European Commission of alternative road safety measures based on relevant road safety statistics.

A decree of 9 August 2021 set 1 January 2023 as the date for the coming into force of this obligation for vehicles registered before 1 January 2016, and between 2024 and 2026 for vehicles registered more recently<sup>2</sup>. The French Government then announced that it would not introduce any road worthiness tests, even at the given dates, but it did not amend the decree. This therefore remains the most recent legislation upon which the judge could base his findings.

Several associations contested this timetable for implementation, claiming that it went against the public interest in terms of road safety and protecting people from vehicular air and noise pollution.

The applicants shared information<sup>3</sup> which showed that a two-wheeled motor vehicle user in France is 22 times more likely to be the victim of a fatal accident than users of light vehicles. This risk is lower in States that already have roadworthiness testing in place (16 times more in Germany and 17 times more in Spain). The requirement for roadworthiness testing would also reduce noise pollution (partly caused by unclamped engines) and air pollution.

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<sup>1</sup> [European Directive 2014/45 of 3 April 2014](#)

<sup>2</sup> [Decree No. 2021-1062 of 9 August 2021](#)

<sup>3</sup> [CNSR Report of 17 /11 /20](#)

On 3 December 2021, the French Government notified the European Commission of its intention to implement alternative road safety measures, in line with European law. However, the urgent applications judge pointed out that neither the written statement nor the discussions during the hearing enabled the exact content of these planned measures to be determined. Information in the public domain on the subject made reference to numerous measures, which were more or less directly effective. In any case, whatever the content of the notified measures, they had not been implemented.

Finally, to justify postponement of commencement until 1 January 2023, the administration asserted the need to have the measures accepted by relevant parties and also the tangible conditions that had to be fulfilled to physically implement them. The judge pointed out that the decree provides for progressive commencement depending on the age of the vehicle. Only vehicles registered before 1 January 2016 were involved in the first instance. Thus, taking account of the practical measures required for implementation, he deemed that postponement beyond 1 October 2022 was not justified.

For these reasons, the urgent applications judge ruled that there was serious doubt as to the legality of the decree introducing roadworthiness testing for two-wheeled motor vehicles as of 1 January 2023 and he suspended the decree, bringing the obligation forward to 1 October 2022.

*Decision No. 462679 of 17 May 2022*