Implementation of technical roadside inspections in Austria

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Directive 2014/47/EU

Directive 2014/47/EU:

of 3rd April 2014

on the technical roadside inspection of the roadworthiness of commercial vehicles circulating in the Union and repealing Directive 2000/30/EC

Directive 2014/47/EU

Implementation into national law before (at the latest): 20/05/2017

Implementation in Austria with the 34th KFG amendment on: 13/01/2017

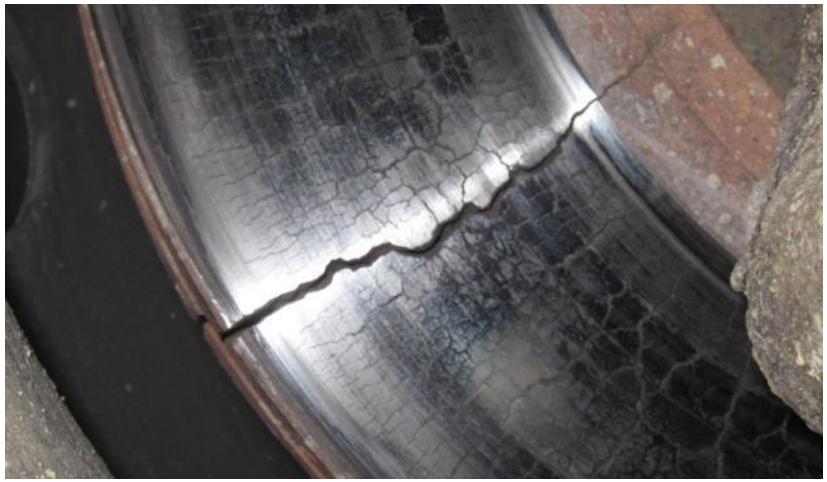
- **Implementation enshrined in § 58a KFG**

The directive comes into force on: 20/05/2018

Directive 2014/47/EU

Scope of regulation:

Technical roadside inspection



Cargo securing

Directive 2014/47/EU

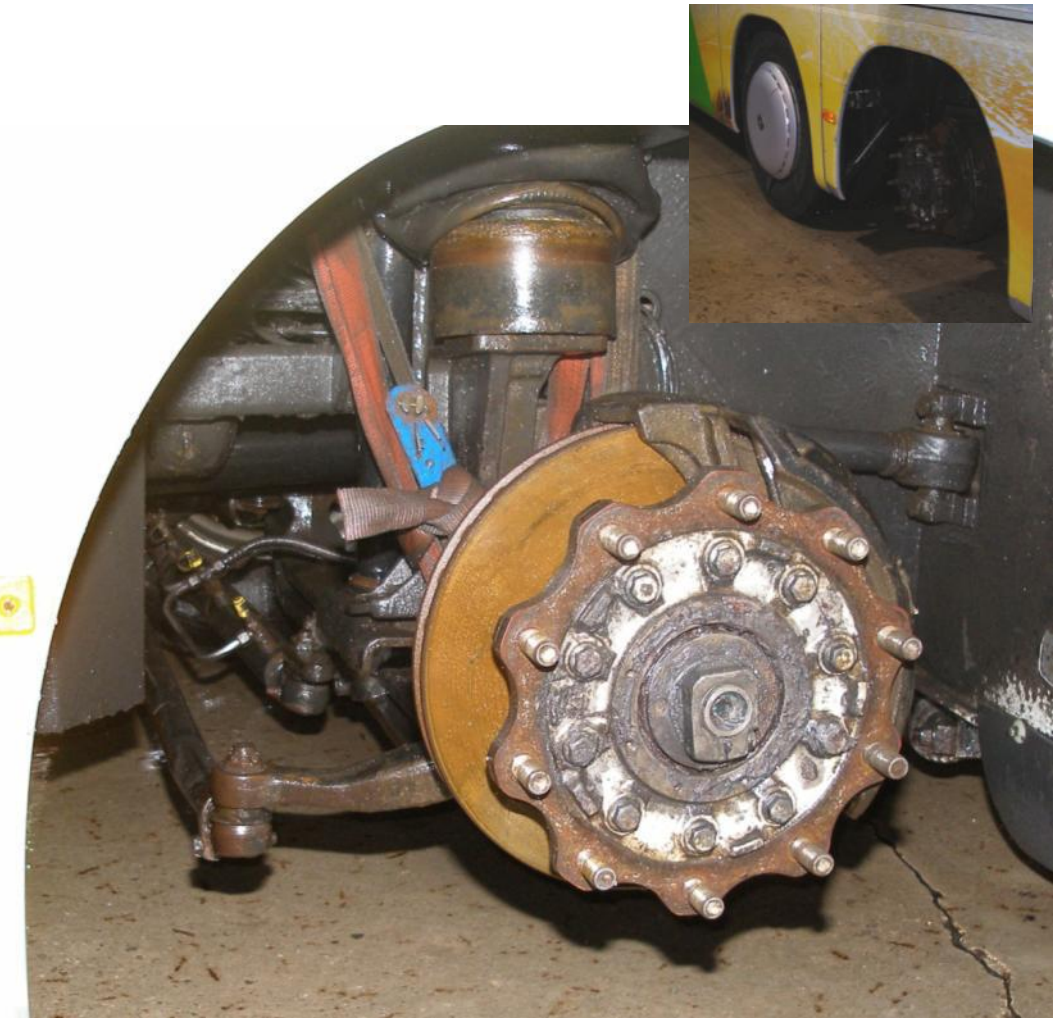
Technical roadside inspections, as well as the inspection of cargo securing, are not a new thing in Austria.

Technical roadside inspections have been conducted since 1978.

Cargo securing has been enshrined in the KFG since 2003

The provisions – § 101 par. 1e, KFG – will not be changed by this.

Richtlinie 2014/47/EU



Directive 2014/47/EU

Inspected vehicles		2015	2016
Total		26,155	21,379
Of these:			
	Dangerous deficiencies	21.44%	22.35%
	Major deficiencies	35.73%	36.32%
	Minor deficiencies	28.78%	28.74%
	Regulation defeciencies	01.05%	01.09%
	NO DEFICIENCIES	13.00%	11.50%

Directive 2014/47/EU

		Austria		EU without AT		Third countries	
Inspected vehicles		**2015**	**2016**	**2015**	**2016**	**2015**	**2016**
Total		11,330	9,009	13,816	11,394	1,009	976
Of these:							
	Dangerous deficiencies	16.53%	16.95%	25.23%	26.05%	30.36%	29.00%
	Major deficiencies	39.06%	39.82%	33.08%	33.42%	30.90%	37.91%
	Minor deficiencies	29.92%	29.26%	27.72%	28.57%	29.40%	26.02%
	Regulation deficiencies	02.04%	02.30%	00.23%	00.19%	00.14%	00.41%
	NO DEFICIENCIES	12.45%	11.68%	13.74%	11.77%	09.20%	06.66%

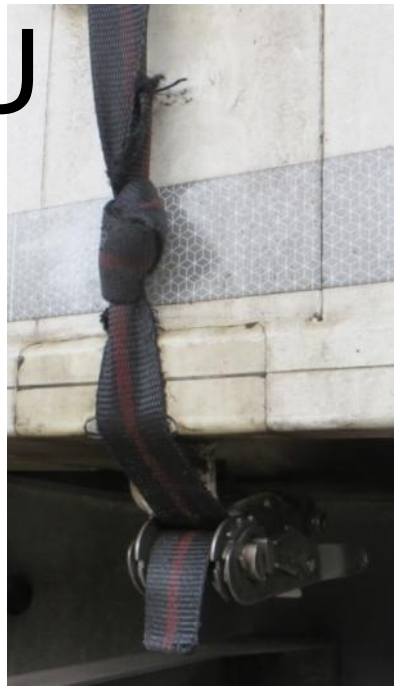
Directive 2014/47/EU

Technical roadside inspection / cargo securing

Excerpt "Reasons" for the enactment of the Directive

(16) Securing of cargo is crucial for road safety. Cargo should therefore be secured in such a way as to cope with accelerations occurring during the use of the vehicle on road. For the sake of practicality, the mass-forces resulting from such accelerations should be used as limit values based on European standards. Personnel involved in checking whether cargo is adequately secured should be appropriately trained.

Richtlinie 2014/47/EU



Directive 2014/47/EU

Technical roadside inspection

This is divided into

the initial technical roadside inspection

- Article 10, par. 1, DIR 2014/47/EU

the more detailed roadside inspection

- Article 10, par. 2, DIR 2014/47/EU

Richtlinie 2014/47/EU

Directive 2014/47/EU

Technical roadside inspection

Responsibility of the police

The responsibility of the police lies in the "initial technical roadside inspection" as described in Article 10, paragraph 1 of the Directive.

On this topic, § 58a par. 3 of the KFG – valid from 20/05/2018 – states the following:

Directive 2014/47/EU

Initial technical roadside inspection - § 58 par. 3 KFG

(3) At the beginning of a technical roadside inspection, the selected vehicles are subjected to an initial technical roadside inspection. For each initial technical roadside inspection of a vehicle, the agent of the public security office (inspector) must proceed in the following way:

Directive 2014/47/EU

Initial technical roadside inspection - § 58 par. 3 KFG

1. they will inspect the most recent certificate concerning the regular technical inspection (§ 57a-Gutachten) and, if present, the most recent report about a technical roadside inspection; this can also be done by accessing the certificates stored in the MOT certificate database;

2. they will conduct a visual inspection of the technical state of the vehicle;

3. they can conduct a visual inspection of the securing of the cargo of the vehicle in accordance with § 101 par. 1e;

Directive 2014/47/EU

Initial technical roadside inspection - § 58 par. 3 KFG

4. they can conduct technical inspections according to any method considered appropriate; these technical inspections can be conducted to justify a decision to subject the vehicle to a more detailed technical roadside inspection or to demand that already determined defects be rectified immediately;

5. they check whether defects that were identified in a previous report about the technical roadside inspection have been rectified, if this is possible.

Directive 2014/47/EU

Initial technical roadside inspection - § 58 par. 3 KFG

Based on the result of the initial roadside inspection, they decide whether the vehicle or its trailer is to be subjected to a more detailed roadside inspection.

Directive 2014/47/EU

Directive 2014/47/EU

Inspection of cargo securing – Article 13

(1) During a roadside inspection a vehicle may be subject to an inspection of its cargo securing in accordance with Annex III, in order to ensure that the cargo is **secured in such a way** that it **does not interfere with safe driving,** or **pose a threat to life, health, property or the environment**. Checks may be carried out to verify that during **all kinds of operation of the vehicle**, **including emergency situations** or **uphill starting manoeuvres**:

— loads can **only minimally change** their position relative to each other, against walls or surfaces of the vehicle, and

— loads **cannot leave the cargo space** or move outside the loading surface.

Directive 2014/47/EU <> KFG

As a comparison, the text from the KFG - § 101 par. 1e

Loading is only permitted, if

the cargo and individual parts thereof are stored or secured by appropriate means on the vehicle in such a way that they withstand the forces occurring in normal traffic and do not interfere with the safe operation of the vehicle or pose a risk to anyone.

The individual parts of the cargo must be stored and secured by appropriate means in such a way that they can only minimally change their position relative to each other as well as against the walls of the vehicle;

however, this does not apply if the cargo cannot leave the cargo space and does not interfere with the safe operation of the vehicle or pose a risk to anyone.

Directive 2014/47/EU <> KFG

Directive 2014/47/EU <> KFG

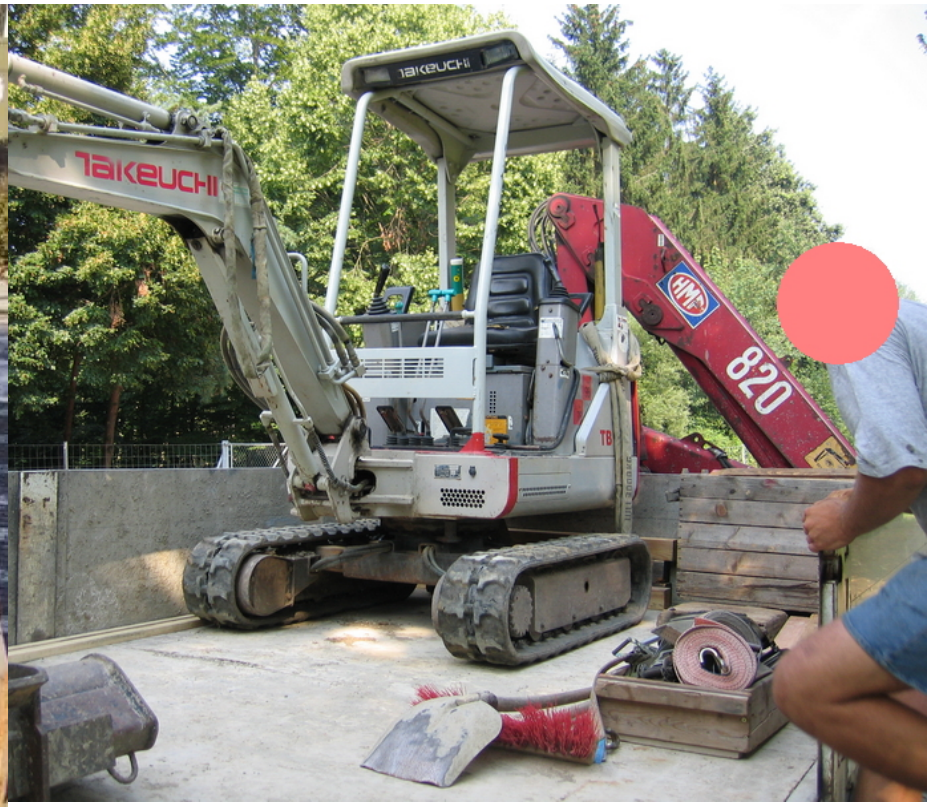
As a comparison, the text from the KFG - § 101 par. 1e

The cargo or individual parts are, if needed, to be secured e.g. by lashing straps, cargo bars, protection cushions, slip-resistant underlay or combinations of appropriate cargo securing measures.

A sufficient securing of the cargo is also present if the entire loading surface is completely filled up with cargo on each layer, if sufficiently sturdy dividers prevent the cargo from falling down or penetrating through the limits of the loading space.

The Federal Minister for Transport, Innovation and Technology can by decree determine more detailed provisions about which cases constitute an insufficiently secured load. In doing this, different deficiencies in the securing of the load can also be consolidated into deficiency groups, and a form sheet for the recording of evidence can be established.

Directive 2014/47/EU <> KFG



Directive 2014/47/EU

Inspection of cargo securing – Article 13

2) Without prejudice to the requirements applicable to transport of certain categories of goods, such as those covered by the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR), **cargo securing and inspection of the securing of cargo** may be carried out **in accordance with the principles** and, where appropriate, the **standards laid down in Section I of Annex III**. The latest version of the standards laid down in point 5 of Section I of Annex III may be used.

Directive 2014/47/EU

Inspection of cargo securing – Article 13

(3) The follow-up procedures referred to in Article 14 may also apply in the case of major or dangerous deficiencies related to cargo securing.

(4) Member States shall provide that personnel involved in cargo securing checks are to be appropriately trained for that purpose.

Directive 2014/47/EU

Annex III of the Directive contains

Principles of cargo securing

Inspection of the securing of cargo

Directive 2014/47/EU

DIR 2014/47/EU – § 58a KFG

Implementation of the DIR by the 34th amendment, KFG

§ 58a KFG – Technical roadside inspection:

Excerpt from the explanatory annotations of the government bill for the 34th amendment to the KFG

„Here, the Directive 2014/47/EU on the technical roadside inspection of the roadworthiness of commercial vehicles circulating in the Union is implemented.

Paragraph 1 adopts the field of application from the Directive 2014/47/EU“

DIR 2014/47/EU – § 58a KFG

Excerpt from the explanatory annotations of the government bill for the 34th amendment to the KFG (continued)

In paragraph 5, the provisions of Art. 10, par. 2 and 3 and Art. 11 of the Directive relating to contents and procedure of the more detailed technical roadside inspection are implemented. Art. 13 of the Directive 2014/47/EU is understood to mean that **Annex III can be used for an inspection of the securing of cargo, but the checking through of the entire list is not mandatory**. The inspection is to be conducted, as has been the case, in a manner that is practical and relevant to the respective inspected case.

DIR 2014/47/EU – § 58a KFG

Inspection of the securing of cargo to date, in numbers:

	2015	**2016**
Violations TOTAL	**6,231**	**6,745**
Complaints	5,074	5,557
Agency charges	1,157	1,188

Directive 2014/47/EU

Annex III

Principles of cargo securing

- Acceleration values
- Distribution of cargo
- Vehicle/container components
- Methods
- Applicable standards

Inspection of the securing of cargo

- Methods of inspection
- Classification of deficiencies
- Assessment of deficiencies

Directive 2014/47/EU

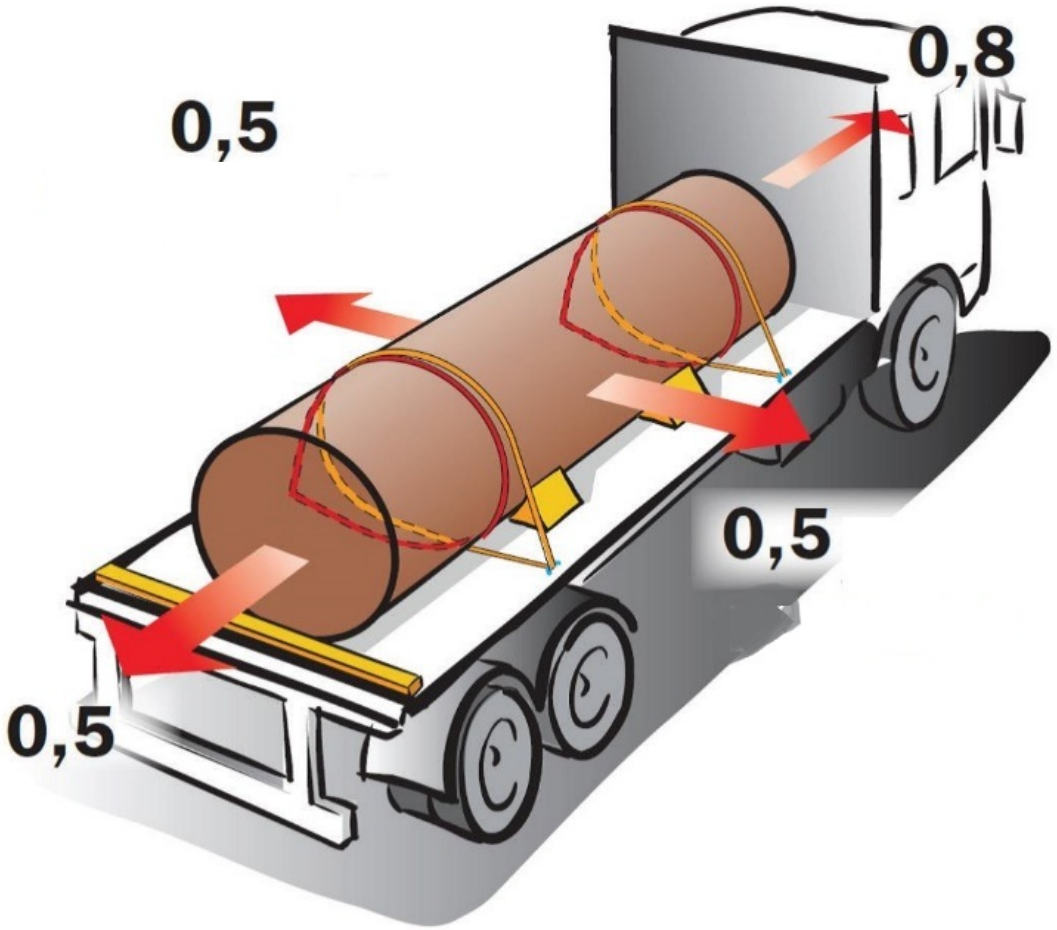
Annex III

Acceleration values

1. Cargo securing shall withstand the following forces resulting from accelerations/decelerations of the vehicle:

- in driving direction: 0.8 times the weight of the cargo,
- in lateral direction: 0.5 times the weight of the cargo,
- against driving direction: 0.5 times the weight of the cargo,
- and in general must prevent tilting or tipping of cargo.

Directive 2014/47/EU



Directive 2014/47/EU

Directive 2014/47/EU

Annex III

Distribution of cargo

2. The distribution of cargo shall take into account the maximum authorised axle loads as well as the necessary minimum axle loads within the limits of the maximum authorised mass of the vehicle, in line with the legal provisions on weights and dimensions of vehicles.

Components

3. During the securing of cargo, the applicable requirements regarding the strength of certain vehicle components, such as the headboard, sideboard, endboards, stanchions or lashing points, shall be taken into account when those components are used for the cargo securing.

Directive 2014/47/EU

Annex III

Methods

4. For the securing of cargo, one or more or a combination of the following restraining methods may be used:

- locking,
- blocking (local/overall),
- direct lashing,
- top-over lashing.

Directive 2014/47/EU

Annex III

5. **Applicable standards**

Standard	Subject
EN 12195-1	Calculation of lashing forces
EN 12640	Lashing points
EN 12642	Strength of vehicle body structure
EN 12195-2	Web lashings made from man-made fibres
EN 12195-3	Lashing chains
EN 12195-4	Lashing steel wire ropes
ISO 1161, ISO 1496	ISO container
EN 283	Swap bodies
EN 12641	Tarpaulins
EUMOS 40511	Poles — Stanchions
EUMOS 40509	Transport Packaging

Directive 2014/47/EU

Classification of deficiencies – according to Annex III – Cargo securing

a) **Minor deficiency**: a minor deficiency exists when the load has been properly secured but a safety advice might be appropriate.

b) **Major deficiency**: a major deficiency exists when the load has not been sufficiently secured and a significant shifting or overturning of the load or parts thereof is possible.

c) **Dangerous deficiency**: a dangerous deficiency exists when traffic safety is directly endangered due to a risk of loss of cargo or parts thereof or a hazard deriving directly from the cargo or an immediate endangering of persons.

Directive 2014/47/EU

Annex III

Classification of deficiencies:

Where several deficiencies are present, the transport is classified in the highest deficiency group. If, in the event that there are several deficiencies, as the effects based on the combination of those deficiencies are expected to reinforce one another, the transport shall be classified in the next higher deficiency level.

Directive 2014/47/EU

Annex III

Classification of deficiencies:

2. Methods of inspection

The method of inspection is a visual assessment of the proper use of appropriate measures in the amount necessary to secure cargo and/or measurement of tension forces, calculation of securing efficiency and checking of certificates where appropriate.

Directive 2014/47/EU

Annex III

Assessment of deficiencies

Table 1 sets out rules that may be applied during a cargo securing inspection to determine whether the condition of the transport is acceptable.

The categorisation of the deficiencies shall be determined on the basis of the classifications set out in Section 1 of this chapter, on a case-by-case basis.

Directive 2014/47/EU

Annex III

Assessment of deficiencies – Excerpt from Table 1:

Item	Deficiencies	Deficiencies assessment		
		Minor	Major	Dangerous
A	Transport packaging does not allow proper load securing.	At discretion of inspector		
B	One or more load units are not properly positioned.	At discretion of inspector		
C	The vehicle is not suitable for the loaded cargo (deficiency other than those listed under item 10).	At discretion of inspector		
D	Obvious defects of the vehicle superstructure (deficiency other than those listed under item 10).	At discretion of inspector		
10.	**Suitability of the vehicle**			
10.1	**Front wall (if used for the securing of cargo)**			
10.1.1	Part-weakening rust damage or deformations		X	
	Part cracked risking the integrity of the cargo compartment			X
10.1.2	Insufficient strength (certificate or label if applicable)		X	
	Insufficient height relevant to cargo carried			X

Directive 2014/47/EU

Annex III

Assessment of deficiencies – Excerpt from Table 1:

Item	Deficiencies	Deficiencies assessment		
		Minor	Major	Dangerous
20.	**Restraining methods**			
20.2	**Friction-lock securing**			
20.2.1	**Attainment of the required securing strengths**			
20.2.1.1.	The required securing strengths inadequate		X	
	Less than 2/3 of required strength			X
20.3	Load-restraint devices used			
20.3.2	Label (e.g. patch/test trailer) is missing/damaged but device still in good order	X		
	Label (e.g. patch/test trailer) is missing/damaged but device shows considerable deterioration		X	