

**Напря́м № 10**  
**Міжнародний досвід і перспективи розвитку**  
**судово-експертної діяльності**

***Andriy Odarchenko***

*Deputy Director of the Kirovohrad Scientific and Research Expert-Criminalistic  
Center of the Ministry of Internal Affairs of Ukraine, Kropyvnytskyi, Ukraine*

***Serhiy Oleksienko***

*teacher of the Department of tactical and special training of faculty №2 of Donetsk  
State University of Internal Affairs, Kropyvnytskyi, Ukraine*

**REGARDING THE ISSUE OF IMPLEMENTING THE EXPERIENCE OF  
ORGANIZING TECHNICAL INSPECTION OF VEHICLES**

The issue of resuming mandatory technical inspection of personal vehicles in Ukraine from time to time becomes issue №1 in the mass media and social networks, prompting opponents and supporters to "break spears" when proving the correctness of their statements.

We would like to remind you that mandatory technical inspection for certain categories of vehicles was canceled in accordance with the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine Regarding the Elimination of Excessive State Regulation in the Field of Road Transport" [1], and the main reason for the adoption of this law, according to its authors, the fact was that "the current system of technical inspection does not allow to ensure real control over the technical condition of vehicles", and this is due to the fact that "... in most cases (according to experts, about 90%) the owners of vehicles receive a ticket for passing a technical inspection without carrying out an inspection, with the help of established corruption schemes. According to experts, the volume of such unofficial payments is about one billion hryvnias every year" [2]. Subsequent sociological surveys proved the potential veracity of the suspicions, and the authors of the law and their followers made up the first, most numerous group of the discussion we mentioned, who considered the corruption component as the main reason for canceling technical inspection.

Analyzing the point of view of their opponents, it should be noted that it basically boils down to the thesis that the inability of the authorities to fight corruption in a particular field forces them to recognize it at the state level and act in such a drastic and almost illegal way. At the same time, they predicted an increase in the number of road accidents due to the malfunction of vehicles and also referred to the experience of many developed countries of the world, where such a problem has been solved and the system of passing technical inspection of all vehicles functions at the proper level without any problems.

That is why, in our opinion, it is urgent to carry out an analysis of the legislation regulating the field of technical inspection of motor vehicles in some developed countries of the world.

Turning, first of all, to the experience of the member states of the European Union, it should be noted that the European Union Directive 2014/45 of April 3, 2014 [3] obliges all member states to conduct periodic safety and emission inspections (operational inspections) of most types motor vehicles, including passenger cars, trucks, trailers, tractors with an estimated speed of more than 40 km/h and from January 1, 2022 - motorcycles with an engine volume of more than 125 cm<sup>3</sup>. It also defines the minimum requirements for these inspections and their intervals. For vehicles up to 3.5 t and tractors, the first inspection must take place no later than 4 years after the first registration and with a frequency of up to 2 years thereafter. Vehicles weighing more than 3.5 tons must be inspected no later than 1 year after first registration and every year thereafter.

Analyzing the procedure for passing a technical inspection of cars in Germany, it should be noted that the technical inspection itself was introduced in Germany back in 1951 to "check the safety of the operation of vehicles. In 2010, conducting studies of exhaust gases that affect the environment was added to the mandatory parameters of the inspection - the technical inspection was supplemented by the Abgasuntersuchung (AU) exhaust gas emission control, which was previously carried out separately [4].

You can contact any authorized service center (Werkstatt) for technical inspection service in Germany. If the vehicle does not pass the technical inspection, its owner receives a list of defects that must be corrected in a month. After that, the car is inspected again by specialists" [5].

The peculiarities of the national legislation of Germany are that "new cars pass for the first time only after four years of operation, and then every two years. The date of the next mandatory inspection can be checked on a special token attached to the rear license plate of the car. Its color means the year, and the number indicates the month of the next review [5]. During the technical inspection, the service worker checks the car in its entirety - the inspection of the vehicle takes place according to the principle of the conveyor, when the vehicles are checked on test stands one by one. Particular attention is paid to whether the vehicle is ready for safe participation in road traffic - safety belts, light devices are in good working order, tires, steering and braking mechanisms are checked, etc. The acquisition of actual vehicle data and comparison with target values is partially automated, while lighting equipment tests at a number of technical control stations are performed by a robot.

Revealing the issue of corruption, which is relevant for our country, such risks are excluded in Germany, since violations in the field of motor vehicles are severely punished with fines, and if the car has not been inspected by the scheduled date, its driver cannot participate in traffic.

In Poland, technical inspection is mandatory for all cars, with the exception of light trailers. The observation stations are private, it is not difficult to find them, because anyone who wants to can use the online map and choose the most advantageous location for themselves. All stations are also inspected and certified accordingly.

The price policy is also indicated on the sites. Therefore, before going to the station, customers are already informed in advance about the cost of the service. For

passenger cars, the first technical inspection must be performed within three years from the date of first registration, the second - within two years, each subsequent inspection of the technical condition of the car is carried out at least once a year.

The technical procedure of passing is almost identical to that carried out in Germany - first of all, the emission of exhaust gases is checked. If everything is fine, then the car goes to the second round - a direct check of the technical condition of the car itself. An important part of the technical inspection is checking the mechanical condition and functioning of the brake system, all pads, cables and discs, etc. Based on this, the steering system is evaluated, including the angles of installation of the wheels. The inspector will definitely pay attention to the field of view of the car, the condition of the glass, mirrors, lights and electrical equipment. Next - axles, wheels, tires and suspension, chassis, engine operation, as well as the condition of the cabin and body. Finally, safety belts and airbags and, traditionally, the presence of an emergency triangle, a first-aid kit. If malfunctions are detected, 14 days are given for their elimination. Until the defects are eliminated, driving such a car is prohibited [6].

In the case of defects that do not pose a significant threat to safety (in simple words - the technical inspection has not been passed, but operation is not prohibited) - the driver will receive a conclusion about the negative result of passing the maintenance and a list of detected defects that must be eliminated within 14 days. Then - again to the control station, where during diagnosis, only the malfunctions recorded in the prescription will be checked [7].

Information about malfunctions and general results of technical inspection is immediately sent to the Central Registry (Polish: Centralna Ewidencja Pojazdów). This will allow other companies, if the driver decides to change the station, to learn about the reasons why this car did not pass the technical inspection [6].

The owner of the car will also be able to undergo a full technical inspection again after the end of 14 days, but already at another station and will have to pay for it in full. Even if someone "disagrees" with the conclusion of the controller and wants to use the services of another, then all subsequent stations will see the data of the preliminary review by entering this database.

Under such a mechanism, there is no possibility to eliminate the malfunction during the technical inspection - if the specialist detects any defect in the operation of the car that caused the refusal to pass the technical inspection, he will be obliged to report it to the central register, indicating the malfunction code. There is also no possibility to interrupt the inspection if a serious malfunction is detected, therefore, the driver will not be able to demand a refund of the money spent.

According to the public, the stimulation of fines for the passing of technical inspection of cars is an effective mechanism, because drivers are expected to be fined for delaying the technical inspection.

Analyzing Japan's experience in the researched field, it should be noted that after a certain period of time in Japan, a vehicle serviceability check (the so-called "Shaken" check) is mandatory for any vehicle, new or used. The inspection is carried out to identify any defects and illegal modifications of the TK. The competent body in this system is the Ministry of Land, Infrastructure, Transport and Tourism of Japan [8].

The said Ministry conducts a vehicle inspection to check whether all vehicles used on the road are in good condition and safe to drive. Also, during such an inspection, any illegal modification of the TK is checked. If a violation is detected, the movement of such vehicles is prohibited. Vehicle inspection must be carried out at an authorized service garage or at the Transport Bureau. Shaken must be carried out at least one month before the expiration of the preliminary inspection.

The inspection of the vehicle includes an inspection of: Appearance - checking whether too many modifications have been made to the vehicle. The appearance must comply with the Japanese Transport Law; speedometer; headlights; brakes; wheel alignment - checking whether the wheels are correctly aligned; chassis; exhausts - checking for proper emission of carbon monoxide and hydrocarbons; the interior of the vehicle must also comply with the Japanese Transport Law; the passenger and driver side must be in good condition [8].

After a successful inspection, a new Shaken certificate is issued to the vehicle owner. The sticker is placed on the windshield of the vehicle. The vehicle is sent for repair and re-inspection if it does not pass one of the component parts of the inspection.

So, after considering only a few examples of the procedure for passing a technical inspection of a car in the developed countries of the world, it is necessary to conclude that:

1. Vehicle inspection is a necessary element of public safety and is mandatory in the vast majority of the world's leading countries.

2. It is necessary to analyze the experience of the leading countries of the European Union and the world in the researched field, adapt it to Ukrainian realities by developing a domestic legislative act that would comprehensively cover the problem, as well as the implementation of individual norms of international legislation into current and prospective legislation.

3. For this, a number of measures must be implemented at the national level, including anti-corruption examination of current and prospective legislation in the researched area; introduction of a two-level system of technical service stations; involvement of experts (conducting expert research) in all cases, without exception, provided for by the norms of current legislation, during traffic accidents; involvement of the widest spectrum of society in the discussion of prospective legislation.

It should be noted that almost each of the proposals we have given requires its own comprehensive research, which we plan to do in the future.

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