Road transport: maximum authorised dimensions and weights for certain road vehicles

2013/0105(COD) - 11/12/2014 - Council position

The Council adopted its **position at first reading** on the proposed Directive of the European Parliament and of the Council amending Council Directive 96/53/EC laying down for certain road vehicles circulating within the Community the maximum authorised dimensions in national and international traffic and the maximum authorised weights in international traffic. The objective of this legislative initiative is to improve the aerodynamics of vehicles and their energy efficiency while continuing to improve road safety and remaining within the limits imposed by the geometry of road infrastructures.

The Council’s approach has been to introduce several amendments to the original proposal. **The main provisions of the Directive have been significantly amended**. The Council's position at first reading, therefore, amends the original Commission proposal by redrafting it and adding and deleting several provisions of the text. This means that the Council cannot accept the amendments introduced by the European Parliament’s opinion at first reading in relation to those provisions.

The key policy issues are as follows:

Clarification on the cross-border traffic of longer vehicles: although the Commission proposes to modify the Directive 96/53/EC, the Council takes the view that **Directive 96/53/EC provides the appropriate balance** between the right of Member States to explore and determine transport solutions appropriate to their local circumstances, and the need to avoid distortions to the internal market and significant impact on international competition. Council and Parliament have similar views on this issue.

Alternative fuels: in the same spirit of the Commission's proposal, the Council decided on an approach **promoting the use of alternatively fuelled vehicles**. The list of alternative fuels that can already benefit from the additional weight required for the use of alternative fuels (maximum of 1 tonne) may be updated by the Commission taking account of technological progress.

The European Parliament's approach is similar to the Council's approach on low-carbon technologies. Parliament’s amendments were taken on board partially or in spirit.

Combined vs. intermodal transport: the Council shares the view that the use of **intermodal transport** as proposed in the context of the revision of Directive 96/53/EC will favour transport by short sea shipping, by inland waterways as well as by rail, compared to the use of combined transport as defined in Directive 92/106/EEC. Therefore, the Council included a definition of intermodal transport operation in the text for the purposes of this Directive.

Moreover, the text provides for a derogation of 15 cm to the maximum length and the maximum distance between the axis of the fifth wheel and the rear of a semi-trailer for vehicles transporting 45-foot containers in the context of an intermodal transport operation.

The Council did not follow the European Parliament who proposed to keep the definition of combined transport throughout the text and called upon the Commission to submit a legislative proposal to amend Directive 92/106/EEC.

Aerodynamic devices at the rear of the vehicle and new cab design: in order to improve the aerodynamics of vehicles and, consequently, save fuel, the Council's text allows for **derogations to the maximum authorised lengths for vehicles or combinations of vehicles**, if:

- the vehicle or vehicle combination is equipped with aerodynamic devices at the rear;
- the vehicle or vehicle combination is equipped with a cab that provides improved aerodynamic performance, energy efficiency and improved safety.

The Council clarifies that **aerodynamic devices** must:

- meet certain requirements to ensure safety in general and safety of intermodal transport operations;
- be used in accordance with certain operational requirements that will be adopted by the Commission (implementing acts), and must comply with the provisions of the type-approval Directive (Directive 2007/46/EC).

The Council decided to invite the Commission to **develop the necessary technical requirements for the type-approval of vehicles equipped with new cabs**, under the type-approval Directive (2007/46/EC). Before being put on the market, those vehicles must be approved in accordance with that Directive.

In the Council's text, the requirements for vehicles equipped with new cabs are **not mandatory**. The European Parliament envisages mandatory requirements seven years after the entry into force of this Directive.

The Council’s position provides that vehicles equipped with aerodynamic devices or with new cabs must be able to turn within a **swept circle having an outer radius of 12.50 m and an inner radius of 5.30 m**.

Moreover, the possibility given to exceed the maximum lengths for vehicles must not lead to an increase in the load capacity of those vehicles. Parliament’s amendment was taken on board in spirit.

The European Parliament maintains the delegation of power to the Commission as envisaged in the Commission's proposal. Since the Council decided on another approach, the Parliament’s amendments were not taken into consideration.

Enforcement: according to the Council's position on enforcement:

- Member States must take specific measures to identify vehicles exceeding the authorised maximum weight six years from the date of entry into force of this Directive;
- checks on vehicle weight may be performed with the aid of automatic systems set up on the infrastructure or by means of onboard weighing equipment;
- Member States must not impose the installation of onboard weighing systems in vehicles registered in another Member State;
- detailed technical specifications shall be established by implementing acts to ensure that onboard weighing systems are accurate, reliable and fully interoperable.

The Council could not follow the Commission's approach in terms of categorisation of the infringements. The text was replaced by **the obligation for Member States to lay down rules on penalties applicable to the infringements envisaged in the Directive**.

Reporting obligations: the Council streamlined the reporting obligations initially proposed by the Commission on the number of checks carried out in the previous two calendar years and the number of overloaded vehicles detected.

Transposition date: the Council provides for a transitional regime of **36 months**; the one initially envisaged by the Commission was 18 months.

Delegated acts/implementing acts: the Commission shall be empowered to adopt delegated acts to update, for the purposes of this Directive, the list of alternative fuels referred to in the Directive that require additional weight. However, the Council decided to modify the delegation of power to the Commission (replacing delegated acts with implementing acts) for rear flaps, new cabin design and establishment of the technical specifications for interoperability.