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**2018/0130(COD)**

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#### INFORMATION NOTE

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From: General Secretariat of the Council  
To: Permanent Representatives Committee/Council

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Subject: Proposal for a DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Council Directive 96/53/EC as regards the time limit for the implementation of the special rules regarding maximum length in case of cabs delivering improved aerodynamic performance, energy efficiency and safety performance  
- Outcome of the European Parliament's first reading  
(Strasbourg, 25 to 28 March 2019)

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#### I. INTRODUCTION

In accordance with the provisions of Article 294 of the TFEU and the joint declaration on practical arrangements for the codecision procedure <sup>1</sup>, a number of informal contacts have taken place between the Council, the European Parliament and the Commission with a view to reaching an agreement on this dossier at first reading, thereby avoiding the need for second reading and conciliation.

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<sup>1</sup> OJ C 145, 30.6.2007, p.5

In this context, the rapporteur, Karima DELLI (Greens/EFA, FR), presented one compromise amendment (amendment 2) to the proposal for a Decision on behalf of the Committee on Transport and Tourism. This amendment had been agreed during the informal contacts referred to above. No other amendments were tabled.

## II. VOTE

When it voted on 26 March 2018, the plenary adopted the compromise amendment (amendment 2) to the proposal for a Decision. The Commission's proposal as thus amended constitutes the Parliament's first-reading position which is contained in its legislative resolution as set out in the Annex hereto<sup>2</sup>.

The Parliament's position reflects what had been previously agreed between the institutions. The Council should therefore be in a position to approve the Parliament's position.

The act would then be adopted in the wording which corresponds to the Parliament's position.

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<sup>2</sup> The version of the Parliament's position in the legislative resolution has been marked up to indicate the changes made by the amendments to the Commission's proposal. Additions to the Commission's text are highlighted in *bold and italics*. The symbol "■" indicates deleted text.

## **Special rules regarding maximum length in case of cabs \*\*\*I**

**European Parliament legislative resolution of 26 March 2019 on the proposal for a decision of the European Parliament and of the Council amending Council Directive 96/53/EC as regards the time limit for the implementation of the special rules regarding maximum length in case of cabs delivering improved aerodynamic performance, energy efficiency and safety performance (COM(2018)0275 – C8-0195/2018 – 2018/0130(COD))**

### **(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2018)0275),
  - having regard to Article 294(2) and Article 91(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0195/2018),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to the opinion of the European Economic and Social Committee of 17 October 2018<sup>3</sup>,
  - after consulting the Committee of the Regions,
  - having regard to the provisional agreement approved by the committee responsible under Rule 69f(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 15 February 2019 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
  - having regard to Rule 59 of its Rules of Procedure,
  - having regard to the report of the Committee on Transport and Tourism (A8-0042/2019),
1. Adopts its position at first reading hereinafter set out;
  2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
  3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

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<sup>3</sup> OJ C 62, 15.2.2019, p. 286.

**Position of the European Parliament adopted at first reading on 26 March 2019 with a view to the adoption of Decision (EU) 2019/... of the European Parliament and of the Council amending Council Directive 96/53/EC as regards the time limit for the implementation of the special rules regarding maximum length for cabs delivering improved aerodynamic performance, energy efficiency and safety performance**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91(1) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee<sup>4</sup>,

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure<sup>5</sup>,

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<sup>4</sup> OJ C 62, 15.2.2019, p. 286.

<sup>5</sup> Position of the European Parliament of 26 March 2019.

Whereas:

- (1) Council Directive 96/53/EC<sup>6</sup> was amended by Directive (EU) 2015/719 of the European Parliament and of the Council<sup>7</sup> with the aim of reducing energy consumption and greenhouse gas emissions, to adapt the legislation to technological developments and changing market needs and to facilitate intermodal transport.
- (2) The improved aerodynamics of the cabs of motor vehicles would allow significant gains in the energy performance of vehicles. However, this improvement was impossible under the maximum length restrictions set out by Directive 96/53/EC without reducing the vehicle load capacity. Therefore, a derogation from maximum length restrictions was introduced by Directive (EU) 2015/719.

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<sup>6</sup> Council Directive 96/53/EC of 25 July 1996 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 (OJ L 235, 17.9.1996, p. 59).

<sup>7</sup> Directive (EU) 2015/719 of the European Parliament and of the Council of 29 April 2015 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 (OJ L 115, 6.5.2015, p. 1).

- (3) The derogation from maximum length restrictions introduced by Directive (EU) 2015/719 is to apply from the date three years after the date of transposition or application of the necessary amendments as regards technical type-approval requirements.
- (4) In order for the benefits of aerodynamic cabs, in terms of energy performance of heavy goods vehicles, but also in terms of better visibility for drivers, safety for other road users as well as safety and comfort for drivers, to materialise as early as possible, it is necessary to ensure that such aerodynamic cabs can be introduced without unnecessary delay, as soon as the necessary type-approval requirements are in place.

- (5) *The transport sector and equipment manufacturers need sufficient time to develop new services and products. In order to reap the benefits of more flexible design rules for cabs, it is important that the Commission takes action to ensure that the necessary technical provisions can be adopted as soon as possible, to allow for a smooth and swift entry into the markets of a new generation of cabs. Moreover, the Commission and the Member States, acting in their respective roles in the Technical Committee on Motor Vehicles, established by Directive 2007/46/EC<sup>8</sup>, should make all efforts to ensure that an opinion is delivered swiftly. If the measures envisaged by the Commission are not in accordance with the opinion of that committee, or if no opinion is delivered, the Commission will act without delay in accordance with Article 5a(4) of Council Decision 1999/468/EC<sup>9</sup>.*
- (6) Directive 96/53/EC should therefore be amended accordingly,

HAVE ADOPTED THIS DECISION:

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<sup>8</sup> Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (Framework Directive) (OJ L 263, 9.10.2007, p. 1).

<sup>9</sup> Council Decision of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (1999/468/EC) (OJ L 184, 17.7.1999, p. 23).

## Article 1

Article 9a of Directive 96/53/EC is amended as follows:

(1) *in paragraph 2, the second subparagraph, after point (d), is replaced by the following:*

*'To that end, the Commission shall take the measures necessary, within the framework of Directive 2007/46/EC, to provide for the type-approval of vehicles or vehicle combinations referred to in paragraph 1 of this Article by 1 November 2019.'*

(2) paragraph 3 is replaced by the following:

'3. Paragraph 1 shall apply from *1 September 2020*.'



Article 2

This Decision shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Done at ...,

*For the European Parliament*  
*The President*

*For the Council*  
*The President*

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