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Subject: Proposal for a Directive of the European Parliament and of the Council amending 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

- Political agreement

At its meeting on 5 June 2014, the **Transport, Telecommunications and Energy Council** reached a political agreement on the above proposal, as it appears in the Annex. The recitals to the proposal will be examined at a later stage, in light of the agreement on the substantive provisions.

2013/0105 (COD)

Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending 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

(Text with EEA relevance)

Article 1

Directive 96/53/EC is hereby amended as follows:

1) The following definitions are added to the first subparagraph of Article 2:

- [...]
- [...]
- **‘Alternative fuels’ means fuels or power sources which serve, at least partly, as a substitute for fossil oil sources in the energy supply to transport and which have a potential to contribute to its decarbonisation and enhance the environmental performance of the transport sector. For the purposes of this Directive, they consist of:**¹

¹ New recital to be inserted: "Whereas future alternative fuels (with heavier powertrains than conventionally fuelled vehicles) may also benefit from the extra weight allowance (as set out in Annex 1, points 2.3.1 and 2.3.2) these may be included in the list referred to in article 2, if the use of these alternative fuel technologies requires the use of the additional weight allowance."

- electricity consumed in all types of electric vehicles,²
- hydrogen,
- natural gas, including biomethane, in gaseous form (Compressed Natural Gas – CNG) and liquefied form (Liquefied Natural Gas - LNG),
- Liquefied Petroleum Gas (LPG),
- mechanical energy from on-board storage/on-board source.

- ‘alternatively fuelled vehicle’ means a motor vehicle powered wholly or in part by an alternative fuel and which has approval under Directive 2007/46/EC.

- [...]

- An intermodal transport operation shall consist of:
 - a) the combined transport operations defined in Article 1 of Council Directive 92/106/EEC, or
 - b) transport operations using waterborne transport provided that the length of the initial or the final road leg is up to 150 km in the territory of the European Union.-The distance referred above, may be exceeded in order to reach the nearest suitable transport terminal for the envisaged service, in the case of:
 - i) vehicles complying with the provisions of Annex I, points 2.2.2 (a) or (b), or,
 - ii) other vehicles, if the Member State concerned allows.

² Recital (8) as included in the Commission proposal will be amended as follows: "Using alternative engines that no longer rely only on fossil fuels and are therefore non-polluting or less polluting, such as electric or hybrid engines, **being those that, for the purpose of mechanical propulsion, draws energy from both consumable fuel or/and battery or other electrical energy/power storage device,** for heavy-duty vehicles or buses (mainly in urban or suburban environments) generates extra weight which should not be counted at the expense of the effective load of the vehicle so that the road transport sector is not penalised in economic terms."

For intermodal transport operations, the nearest suitable transport terminal providing service may be located in another Member State than the Member State in which the shipment was loaded or unloaded.

- **"Shipper" means a legal entity or person named on the bill of lading or equivalent transport document (for example "through" bill of lading) as shipper and/or who (or in whose name or on whose behalf) a contract of carriage has been concluded with the transport company.**

2) Article 4 is amended as follows:

- (a) [...]
- (b) [...]

2a) The two last subparagraphs of Article 4(4) are deleted.

3) Article 4(6), Article 5(b) and Article 8a are deleted.

4) Article 5 is amended as follows: the words ‘Without prejudice to Article 4 (6):’ are deleted.

5) The references to Council Directive 70/156/EEC are replaced by a reference to Directive 2007/46/EC³.

³ Directive 2007/46/EC of the European Parliament and of the Council establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles.

6) Article 8 is replaced by the following:

1. With the aim of improving their energy efficiency, [...] vehicles or combinations of vehicles [...] equipped with aerodynamic devices [...] which meet the [...] requirements laid down in paragraphs 3 and 4 [...], and which comply [...] with the provisions of Directive 2007/46/EC, may exceed the maximum lengths provided for in point 1.1 of Annex I, [...] to allow the addition of such devices to the rear of vehicles or [...] combinations of vehicles [...]. Vehicles or combinations of vehicles equipped with these devices shall comply with point 1.5 in Annex I and the exceedances of maximum lengths shall not lead to an increase in the loading length of those vehicles or combinations of vehicles.⁴
2. [...]
3. Before being put on the market, the [...] aerodynamic devices as referred to in paragraph 1 [...] that exceed 500mm shall be [...] type approved in accordance with Directive 2007/46/EC. Within two years from the entry into force of the Directive, the Commission shall assess the necessity to amend the technical requirements for the type approval of the aerodynamic devices in that Directive, including its implementing measures, taking into account the need to ensure road safety and the safety of intermodal transport operations, and in particular:

⁴ New recital to be inserted: "5a. Whereas the Directive allows for derogations from the maximum weights and dimensions, Member States may restrict, for reasons related to road safety or infrastructure characteristics, the circulation of certain vehicles in specific parts of their road network."

- (i) secure attachment of the devices in such a way as to reduce the risk of their detachment over time, including in an intermodal operation;
- (ii) the safety of other road users, especially vulnerable road users, by ensuring, inter alia, the visibility of contour markings when aerodynamic devices are fitted, by adapting the indirect vision requirements and, in the event of a collision with the rear of a vehicle or a combination of vehicles, by not compromising rear under run protection.

To that end, the Commission shall submit, as appropriate, a legislative proposal to amend Directive 2007/46/EC.

4. The Commission shall [...] by means of implementing acts adopt detailed operational requirements regarding the use of the devices referred to in paragraph 1, covering in particular:

- the circumstances under which these devices need to be folded, retracted or removed by the driver;
- their use on urban and inter-urban road infrastructures; [...]
- their compatibility with intermodal transport operations.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 16a.

5. [...]

7) Article 9 is replaced by the following:

Article 9

1. **With** [...] the aim of improving [...] **energy efficiency, in particular through** aerodynamic performance of cabs, **as well as** road safety, [...] vehicles or combinations of vehicles [...] **which meet the requirements laid down in paragraph 3 and which comply with the provisions of Directive 2007/46/EC,** may exceed the maximum lengths provided for in point 1.1 of Annex I **if their cab provides improved aerodynamic performance and energy efficiency, as well as safety performance.** [...] **Vehicles or combinations of vehicles equipped with such cabs shall comply with point 1.5 in Annex I and the exceedances of maximum lengths shall not lead to an increase in the load capacity of those vehicles.**
2. [...]
3. Before [...] **being** put on the market, [...] **the vehicles referred to in paragraph 1 shall be approved in accordance with Directive 2007/46/EC. Within two years from the entry into force of the Directive, the Commission shall assess the necessity to develop technical requirements for the type approval of vehicles equipped with such cabs in that Directive, including its implementing acts, taking into account the following:**
 - a) **improved aerodynamic performance of vehicles or combinations of vehicles;**
 - b) **vulnerable road users and making these more visible to the driver, in particular by reducing blind spots;**
 - c) **reduction in damage or injury of other road users in the event of a collision;**
 - d) **the comfort and safety of the drivers.**

To that end, the Commission shall submit, as appropriate, a legislative proposal to amend Directive 2007/46/EC.

4. [...]

9) Article 10a is replaced by the following:

Article 10a

The maximum weight of **alternatively fuelled** vehicles [...] shall be those set out in Annex I, point 2.3.1 **and point 2.3.2.**

The **alternatively fuelled** vehicles [...] must however comply with the limits set out in Annex I point 3: maximum authorized axle weight.

The additional weight required by the alternatively fuelled vehicles shall be defined on the basis of the documentation provided by the manufacturer when the vehicle is approved. That additional weight shall be indicated in the official proof required by Article 6 of this Directive.

The Commission shall be empowered to adopt delegated acts in accordance with Article 16, to update, for the purposes of this Directive, the list of alternative fuels referred to in Article 2 that require additional weight. It is of particular importance that the Commission follows its usual practice and carry out consultations with experts, including Member States' experts, before adopting those delegated acts.

10) Article 11 is replaced by the following:

Article 11

The maximum dimensions laid down in Annex I points 1.1, **where applicable subject to Article 9(1)**, and 1.6 may be exceeded by 15 cm for vehicles or combinations of vehicles engaged in the transport of 45-foot containers or **45-foot** swap bodies, **empty or loaded**, if the road transport of the container or swap body is part of an intermodal transport operation.

[...]

11) Article 12 is replaced by the following:

Article 12

1. [...]

2. After the expiry of a period of [...] **six** years from the date of entry into force of this Directive, Member States shall **take specific measures to identify** vehicles or combinations of vehicles in circulation **that are likely to have exceeded the maximum authorised weight and that should therefore** be checked [...] **by competent authorities in order to ensure compliance with the requirements of this Directive.** These measures may be taken with the aid of automatic systems set up on the infrastructure, or **by means of** onboard **weighing equipment** [...] installed in vehicles in line with paragraph **7** below.

Member States shall not impose the installation of onboard weighing equipment to vehicles or combinations of vehicles, which are registered in other Member States.

[...] Without prejudice to national and European legislation, when automatic systems are used to establish offences and impose penalties, they shall be certified. Where they are only used for identification purposes, they do not require certification.

3. **Each** Member State shall **carry out in every calendar year an appropriate** number of [...] **checks on the weight of vehicles or combination of vehicles in circulation, proportionate to the total number of vehicles yearly inspected in its territory.**
4. Member States shall ensure that the competent authorities exchange the information [...] **about infringements and penalties related to this Article,** in accordance with Article **18** [...] of Regulation 1071/2009/EC.
5. [...]
6. [...]
7. The Commission shall, [...] **by means of implementing [...]** acts, **adopt detailed technical specifications in order to ensure that the onboard weighing equipment mentioned in paragraph 2 is accurate and reliable, fully interoperable and compatible with all vehicle types.** [...]

To ensure interoperability, the detailed technical specifications shall, in particular, enable the weight data to be communicated at any time from a moving vehicle to the competent authorities. This communication shall be through the interface defined by the CEN DSRC standards EN 12253, EN 12795, EN 12834, EN 13372 and ISO14906, complemented by an additional standard ensuring that the competent authorities of Member States can communicate and exchange information in the same way with vehicles and vehicles combinations registered in any Member State and using on-board weighing equipment.

Those implementing acts shall be adopted by ...⁵ in accordance with the examination procedure referred to in Article 16a.

⁵ Date to be inserted: one year from the date of application of this Directive.

12) Article 13 is replaced by the following:

Article 13

Member States shall lay down rules on [...] penalties applicable to infringements of the provisions of this Directive and shall take all measures necessary to ensure that they are implemented. Those penalties shall be effective, non-discriminatory, proportionate and dissuasive. Member States shall notify those provisions to the Commission.

[...]

Article 14

1. For the transport of containers [...] **and swap bodies, Member States shall lay down rules that require:**
 - a) the shipper [...] **to** give the road haulier to whom it entrusts the transport of a container **or swap body** [...] a statement indicating the weight of the **container or swap body** [...] moved, **and**
 - b) **the road haulier to provide access to all relevant documentation from the shipper.**
2. **Member States shall lay down rules on liability for both** the shipper **and the road haulier** **[...]as appropriate in cases where** the information referred to in paragraph 1, is missing or incorrect **and the vehicle or combination of vehicles is overloaded.**

14) The following Article 15 is added:

Article 15

Every two years [...], **not later than 30 September of the year following the end of the two-year period concerned**, the Member States shall send the Commission [...] **the necessary information** on:

- the **number of** checks carried out in the previous two calendar years, **and**
- **the number of the overloaded vehicles or combinations of vehicles detected.**

[...]

This information may be part of the information submitted under Article 17 of Regulation 561/2006/EC. The Commission shall produce an analysis of **the information received** [...] and **include it in the report to be sent** to the European Parliament and the Council in **the framework of Regulation 561/2006/EC.** [...]

15) The following Article 16 is added:

Article 16

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Article **10a [...]** shall be conferred on the Commission **for a period of five years** [...] from the [date of entry into force of this Directive]. **The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.**

3. The delegation of power referred to in Articles **10a [...]** may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
5. A delegated act adopted pursuant to Article **10a [...]** shall enter into force only if the European Parliament or the Council did not express an objection within a period of two months of notification of that act to these two institutions, or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission of their intention not to raise objections. That period can be extended by two months at the initiative of the European Parliament or the Council.

Article 16a

- 1. The Commission shall be assisted by the Road Transport Committee referred to in Article 42 of Regulation (EU) No 165/2014. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.**
- 2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.**
- 3. Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.**

16) Annex I is amended as follows:

(a) **Point 1.2(a) is replaced by the following provision:**

‘all vehicles **except the vehicles referred to in point 1.2(b)**’

(aa) Point 1.2(b) is replaced by the following provision:

‘superstructures of conditioned vehicles [...] or conditioned [...] **containers or swap bodies transported by vehicles: 2.60 m**’

(b) Point 2.2.2 (c) is replaced by the following:

‘two-axle motor vehicle with three-axle semi-trailer carrying, in intermodal transport operations, one or more containers or swap bodies, for a total maximum length of up to 45 foot: 42 tonnes.’

(bb) In point 2.2.2, a new point (d) is inserted:

‘three-axle motor vehicle with two or three-axle semi-trailer carrying, in intermodal transport operations, one or more containers or swap bodies, for a total maximum length of up to 45 foot: 44 tonnes.’

(c) Point 2.3.1 is replaced by the following:

‘two-axle motor vehicles other than buses: 18 tonnes’

‘two-axle **alternatively fuelled** motor vehicles other than buses, [...]: **the maximum weight of 18 tonnes is increased by the additional weight required for the alternative fuel technology with a maximum of 1 tonne** [...]

‘two-axle buses: 19,5 tonnes’

(d) Point 2.3.2 is replaced by the following:

'three-axle motor vehicles: 25 tonnes or 26 tonnes where the driving axle is fitted with twin tyres and air suspension or suspension recognized as being equivalent within the Community as defined in Annex II, or where each driving axle is fitted with twin tyres and the maximum weight of each axle does not exceed 9.5 tonnes
'three-axle alternatively fuelled motor vehicles: the maximum weight of 25 or 26 tonnes (where the driving axle is fitted with twin tyres and air suspension or suspension recognized as being equivalent within the Community as defined in Annex II, or where each driving axle is fitted with twin tyres and the maximum weight of each axle does not exceed 9.5 tonnes) is increased by the additional weight required for the alternative fuel technology with a maximum of 1 tonne

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to conform to this Directive not later than **36** [...] months from the date of its publication in the *Official Journal of the European Union*. They shall immediately communicate to the Commission the text of those provisions.

However, Article 8(1) shall start to apply from the date of transposition or application of the necessary amendments to the instruments referred to in Article 8(3) and after the adoption of the implementing acts referred to in Article 8(4), as appropriate, and Article 9(1) shall start to apply only 5 years from the date of transposition or application of the necessary amendments to the instruments referred to in Article 9(3), as appropriate.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

This Directive shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

Article 4

This Directive is addressed to the Member States.

Done at Brussels,

For the European Parliament

For the Council

The President

The President