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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

- Recitals and Articles

Delegations will find in the Annex to this document the recitals and the articles of the above mentioned proposal, as included in documents 11070/14 and 10761/14.

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)

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 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 Committee¹,

Having regard to the opinion of the Committee of the Regions²,

Acting in accordance with the ordinary legislative procedure,

Whereas:

(1) [...] **Emphasising** the need to reduce greenhouse gas emissions, particularly carbon dioxide (CO₂) emissions, [...] **to improve road safety and to adapt the legislation to technological developments and changing market needs and to facilitate intermodal transport, while ensuring undistorted competition and protecting road infrastructure.**

(2) [...]

¹ OJ C , , p. .

² OJ C , , p. .

- (3) Technological developments include the possibility of attaching retractable or foldable aerodynamic devices to the rear of vehicles, [...] but **this would** [...] exceed the maximum lengths allowed under Directive 96/53/EC. **Therefore a derogation from this maximum length is required.** This equipment may be installed as soon as [...] **the necessary amendments to the technical requirements for the type approval of the aerodynamic devices are transposed or applied and after the adoption of the implementing acts laying down the operational rules for the use of these devices.**
- (4) The improved aerodynamics of the cabs of motor vehicles would also allow significant gains on the energy performance of vehicles, **possibly** in conjunction with the devices mentioned in recital 3 above. However, this improvement is impossible under the current maximum lengths set by Directive 96/53/EC without reducing the vehicle load capacity and threatening the economic equilibrium of the sector. Therefore a derogation from this maximum length is required.
- (4a)** Aerodynamic devices **exceeding 500 mm** and **vehicles equipped with cabs that improve their aerodynamic performance,** [...] **where they exceed the limits in the Annex of this Directive, should** be **type approved** [...], **according to Directive 2007/46,** before being put on the market. [...]
- (5) [...] **Enabling vehicles to have a** new cab profile will also contribute to improving road safety by reducing the blind spots in the drivers' vision, including under the windscreen, which should help save the lives of many vulnerable road users such as pedestrians or cyclists. This new profile could also incorporate energy absorption structures in the event of a collision. The potential gain in the volume of the cab **could** also improve the driver's comfort and safety.
- (6) [...]
- (7) [...]

(8) Using alternative [...] **powertrains which** [...] are [...] less polluting, [...] for heavy-duty vehicles or buses [...] 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. **These would include** [...] hybrid [...] **powertrains, being those that, for the purpose of mechanical propulsion, draw energy from both consumable fuel or/and battery or other electrical or mechanical energy/power storage device.**

(8a) Whereas future alternatively fuelled vehicles (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 alternative fuel technologies may be included in the list referred to in article 2, if their use requires an additional weight allowance.

(8b) 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.

(9) [...] **I**n the area of containerisation, [...] **the** 45-foot containers are increasingly used. They are transported by **all modes of transport** [...]. But the road components of intermodal journeys can only be undertaken today if both the Member States and the transporters follow cumbersome administrative procedures or if these containers have patented chamfered corners, the cost of which is prohibitive. Increasing **by 15 cm** the **authorised** length of the vehicles transporting them [...] could eliminate these administrative procedures for transporters and facilitate intermodal transport, without risk or prejudice to the infrastructure or other road users. [...]

- (10) To further promote intermodal transport **operations** and **to** take into account the unladen weight of **containers or swap bodies up to** 45-foot [...] the circulation of **three-axle motor vehicles with two or three-axle semi-trailers** [...] **should be allowed for a total authorised weight of 44 tonnes.** [...] **Two-axle motor vehicles with three-axle semi-trailers** transporting [...] containers **or swap bodies up to** 45-foot **should be allowed** in intermodal transport **operations** [...] **and for a total authorised weight of 42 tonnes.**
- (11) Since the adoption of Directive 96/53/EC, the average weight of bus passengers, and their luggage has increased substantially, leading to a gradual reduction in the number of passengers carried, given the weight limits imposed by the Directive. **Moreover, the necessary equipment to meet the current technical requirements, such as EURO VI, added to the weight of these vehicles.** The need to promote public transport over private transport in the interests of better energy efficiency means that the previous number of bus passengers must be re-established, taking into account this increase in their weight and that of their luggage. This can be done by increasing the authorised weight for buses with two axles, within limits that nonetheless ensure that the infrastructure is not damaged through faster erosion.
- (12) [...]
- (12a) In order to ensure undistorted competition between operators and to improve the detection of infringements, six years after the entry into force of the directive, Member States should take specific measures to identify vehicles or combinations of vehicles in circulation that are likely to have exceeded the weight limit and should therefore be checked. This identification may be carried out by means of weighing mechanisms built into the road infrastructure or through on-board sensors in vehicles that communicate data remotely to the authorities. Every year each member state should perform an appropriate number of vehicle weight checks. The number of such checks should be proportionate to the total number of vehicles inspected in the member state's territory annually.**

- (13) [...]
- (14) [...] **In order to ensure compliance with the rules set out in this Directive, Member States should lay down rules on penalties to infringements of the provisions of this Directive and ensure their implementation.** These [...] penalties should be effective, **non-discriminatory**, proportionate and dissuasive.
- (15) **It is important that** the [...] **competent** authorities in the Member States [...] exchange information to make checking the weight of vehicles or vehicle combinations more effective at international level, and to facilitate the smooth operation of these checks [...]. The contact point designated in accordance with Article 18(1) of Regulation 1071/2009/EC of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC³ [...] **should** serve as a relay for this exchange of information.
- (16) The European Parliament and the Council should be regularly informed of the checks on road traffic carried out by the Member States. This information, provided by the Member States, will enable the Commission to ensure compliance with this Directive by hauliers and to define whether or not additional coercive measures should be developed.
- (16a) In order to ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council.**

³ OJ L 300, 14.11.2009, p. 51.

- (16b) The Commission should not adopt implementing acts relating to the operational requirements regarding the use of aerodynamic devices nor detailed specifications on onboard weighing equipment, where the committee established pursuant to this Directive delivers no opinion on the draft implementing act presented by the Commission.**
- (17) The Commission should be empowered to adopt delegated acts, in accordance with Article 290 of the Treaty on the Functioning of the European Union, to [...] **update the list of alternative fuels included in this Directive in light of the latest technological developments.** It is particularly important that the Commission carry out appropriate consultations during its preparatory work, including [...], **consultations with Member States' experts, before adopting the delegated acts.** The Commission, when preparing and drawing-up delegated acts, shall ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.
- (18) Since the objectives of this Directive cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale and effects of this Directive, be better achieved at Union level, the Union may take the necessary measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in the same Article, this Directive does not exceed what is necessary in order to achieve that objective.
- (19) Directive 96/53/EC should therefore be amended accordingly.

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:**
 - **electricity consumed in all types of electric vehicles,**
 - **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.**

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/EC⁴.
- 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.**
 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 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.

- (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.

- 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.

[...]

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

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