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"I/A" ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
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 (first reading) - Adoption a) of the Council's position at first reading b) of the statement of the Council's reasons = Statements

Statements by the Commission

1. "The European Commission has already provided guidance on the application of Article 4 of the Directive; transport operations do not have significant impact on international competition if the cross-border use remains limited to two Member States where the existing infrastructure and the road safety requirements allow it. This balances the Member States' right under the principle of subsidiarity to decide on transport solutions suited to their specific circumstances with the need to prevent such policies from distorting the internal market."

2. "The Commission underlines that it is contrary to the letter and to the spirit of Regulation 182/2011 to invoke Article 5, paragraph 4, second subparagraph, point (b) in a systematic manner. Recourse to this provision must respond to a specific need to depart from the rule of principle which is that the Commission may adopt a draft implementing act when no opinion is delivered. Given that it is an exception to the general rule established by Article 5, paragraph 4, recourse to second subparagraph, point (b) cannot be simply seen as a "discretionary power" of the Legislator, but must be interpreted in a restrictive manner and thus must be justified."

Joint Statement by Finland and Sweden

"In accordance with Directive 96/53/EC Member States may authorise on their territories vehicles or vehicle combinations with deviating weights and/or dimensions than the ones listed in Annex I of the Directive. Such vehicles or vehicle combinations should also be allowed to circulate in cross-border operations between Member States. It follows from the economic and internal market objectives that such a transport operation across the border should not be prohibited between two Member States if both authorise it.

The current situation concerning cross-border operations should be safeguarded also in the future. Without legal certainty in this matter, the result may be non-proportional internal market barriers for vehicles circulating between Member States."
