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#### "I/A" ITEM NOTE

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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 <b>(second reading)</b> - Approval of the European Parliament's amendments <b>(LA + S)</b>

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#### 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 derogation on the maximum length for aerodynamic cabs and rear aerodynamic devices for heavy goods vehicles, as foreseen by the new Directive on maximum weights and dimensions of heavy goods vehicles (amendment of Directive 96/53/EC), requires amendments to the type approval legal framework (namely Regulation 661/2009 and Regulation 1230/2012).

The Commission is currently reviewing Regulation 661/2009 of the European Parliament and of the Council, to improve the general safety of vehicles. As requested by Article 17 of this Regulation 661/2009, the Commission will report in 2015 to the European Parliament and to the Council, including, where appropriate, proposals for amendment to this Regulation or other relevant Union legislation regarding the inclusion of further new safety features in particular for trucks. The Commission intends to propose the necessary amendments, following a stakeholders consultation and, where appropriate impact assessment, at the latest by 2016."

3. "The Commission underlines that it is contrary to the letter and to the spirit of Regulation 182/2011 (OJ L 55 of 28.2.2011, p. 13) to invoke Article 5(4), 2), 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(4) recourse to subparagraph 2, 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.

While the Commission notes the agreement reached by the European Parliament and the Council on the recourse to this provision it regrets that such justification is not reflected in a recital."

### **Joint statement by Sweden and Finland**

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.