



EUROPEAN PARLIAMENT

2009 - 2014

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*Committee on Transport and Tourism*

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24.7.2013

## **WORKING DOCUMENT**

on the 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 (COM(2013)0195)

Committee on Transport and Tourism

Rapporteur: Jörg Leichtfried

## **Existing legislation**

Council Directive 96/53/EC of 25 July 1996 laying down for certain road vehicles circulating within the Community the maximum authorized dimensions in national and international traffic and the maximum authorized weights in international traffic sets the limits for maximum dimensions and weight for vehicles circulating in the European Union and indicates the conditions under which derogations to those limits may be granted.

It does not, however, take into consideration recent developments as far as the market and technology are concerned.

## **The Commission proposal (COM(2013)0195)**

With the aim of allowing more energy-efficient, aerodynamic vehicles to be placed on the market without compromising their commercial load capacity, the Commission is proposing to amend Council Directive 96/53/EC by addressing the following issues:

- increase in total weight of a vehicle to accommodate for a possibility of using generally heavier hybrid and electric engines. This measure also takes into account the average passenger weight in commercial buses, which has increased since Council Directive 96/53/EC entered into force;
- increase in total length of a vehicle to accommodate for a possibility of fitting more aerodynamic tractor cabs and/or streamlined flaps at the back. This measure will also make it possible for 45-foot containers – which are becoming standard in other modes of transport – to be carried, thus improving the integration of road transport into intermodal networks;
- introduction of provisions on control and penalties in order to make roadside inspections more targeted and efficient and to establish a common framework for penalties applicable in all Member States;
- explicitly allowing the cross-border use of longer vehicles for journeys that only cross one border, provided certain conditions are met.

## **Points to discuss**

### **1. Cross-border circulation of longer trucks (Article 4(4) of Council Directive 96/53/EC)**

It is proposed to make it explicitly lawful to allow the circulation of longer vehicles in cross-border transport if the two Member States concerned already allow it and if the conditions for derogations under Article 4(3), (4) or (5) of Directive 96/53/EC are met. The Commission argues that this measure does not have a significant impact on international competition if the cross-border use remains limited to two Member States where the existing infrastructure and road safety requirements allow it. Furthermore, according to the proposal, the Member States' right under the principle of subsidiarity to decide on transport solutions suited to their specific circumstances is in balance with the need to prevent such policies from distorting the internal market.

*Rapporteur's comments:*

The Commission originally stated that it would initiate proceedings against Member States for infringing Directive 96/53/EC if the cross-border use of longer and heavier trucks was confirmed. However, the Commission completely changed its interpretation of the directive in relation to this point after being approached by a number of stakeholders. The rapporteur would like to point out in this respect that democratic procedures need to be followed, and that any changes as regards what is allowed in cross-border traffic should be made by the co-legislators, rather than at the request of stakeholders.

The rapporteur wishes to point out that some national parliaments and legislative bodies (such as both chambers of the Austrian Parliament, and the German *Bundesrat*) have voiced concern about explicitly allowing 'gigaliners' to cross the borders between Member States. Furthermore, the rapporteur does not agree with the argument that such traffic would not affect competition within the Union. In fact, he believes that allowing such cross-border traffic between some Member States and forbidding it between others would not only put those Member States that forbid it at an economic disadvantage, but also result in them being subjected to considerable pressure from manufacturers, hauliers and neighbouring states to change their legislation. This, in turn, could lead to dangerous trade-offs between a Member State's need to protect the economic interests of its domestic companies, on the one hand, and its need to ensure safety and environmental protection, on the other.

The rapporteur would like to point out that the Commission has not carried out an impact assessment on the cross-border circulation of longer and heavier vehicles (LHVs). However, independent studies show that rail freight and combined transport would suffer a significant decrease in transport volume if gigaliners were allowed to operate across borders.<sup>1</sup> The rapporteur therefore considers that allowing longer trucks to circulate freely between different Member States would be counter-productive with regard to one of the Union's main objectives listed in the Commission's White Paper on Transport Policy<sup>2</sup>, i.e. that of bringing about a modal shift from road to rail across the European Union. Moreover, longer and heavier trucks could have a negative impact on road safety, causing more serious accidents owing to their weight and dimensions.

In order to ensure a level playing field across the European Union, to further facilitate the modal shift from road to rail and to preserve Member States' rights as regards subsidiarity, it should be explicitly forbidden for gigaliners to cross borders between Member States. It should be for each Member State to decide whether to allow their circulation, on a non-discriminatory basis, within their respective territories. However, as longer trucks are also much heavier and therefore may cause the road infrastructure to deteriorate more quickly, their circulation should be subject to higher tolls, wherever applicable.

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<sup>1</sup> TIM Consult (2006): <http://www.uirr.com/en/media-centre/press-releases-and-position-papers/2006/mediacentre/17-study-on-longer-and-heavier-road-vehicles-gigaliner.html>

UIC (2008): <http://www.uirr.com/en/media-centre/leaflet-and-studies/mediacentre/63-the-effects-of-the-introduction-of-mega-trucks-in-europe.html>

Kessel & Partner/Fraunhofer (2012): <http://www.uirr.com/en/media-centre/press-releases-and-position-papers/2012/mediacentre/492-tangible-risks-of-lhvs-in-eu-wide-circulation.html>

<sup>2</sup> COM(2011)0144

## **2. Improving the aerodynamic performance and road safety of vehicles (Articles 8 and 9)**

The Commission is proposing allowing devices that improve aerodynamic performance to be attached to the rear of vehicles or combinations of vehicles (Article 8). In order to ensure that these additional devices are also road safety compliant, they should be securely attached, day and night marked, should not increase the risk for other vehicles in the event of collision and should not increase the risk of being overturned by crosswinds.

In addition, the proposal allows changes to be made to tractor cabs in order to make them more aerodynamically efficient, to improve visibility, and to improve driver safety and the safety of vulnerable road users by eliminating the blind spot (Article 9).

### *Rapporteur's comments:*

While the rapporteur supports the changes to the aerodynamics of vehicles proposed in Article 8, and agrees with their main characteristics, he would like to point out that after additional flaps or other aerodynamic devices have been fitted to the bodywork of a vehicle, it should still be possible for that vehicle to be loaded and transported by rail, as part of combined transport operations. The legislator should ensure that aerodynamic improvements to trucks neither prevent nor discourage combined transport.

The rapporteur is disappointed that the proposal totally neglects the issue of the height of vehicles. He also takes the view that it is a shame that hardly any scientific studies have been carried out as regards the impact of the proposed aerodynamic adjustments. He would like to emphasise that combined transport has much greater potential than making trucks more aerodynamic does in terms of helping to cut CO<sub>2</sub> emissions.

Last but not least, the rapporteur would like to draw attention to the fact that rules governing aerodynamic equipment in relation to vehicles' dimensions are already laid down in EU type-approval legislation. Commission Regulation (EU) No 1230/2012 provides for exemptions relating to aerodynamic improvements attached to the rear of vehicles (500 mm compared to, transitionally, 2 000 mm as proposed in COM(2013)0195) and devices attached to the sides of vehicles. There is a need to clarify whether a new directive addressing the same issue is really necessary. If it is, there must be consistency between the two pieces of legislation.

As far as road safety is concerned, the rapporteur welcomes the fact that the proposal aims to improve vehicle manoeuvrability and drivers' visibility and safety (Article 9) and would like to strengthen these provisions by making the changes to tractor cab design obligatory rather than optional. It is estimated that changing the cab design could save 300 to 500 lives per year, i.e. a 10 % reduction (compared with the current situation) in the number of fatalities in accidents involving trucks. Road safety has long been a key priority for the European Parliament, as confirmed by its resolution of 27 September 2011 on European road safety 2011-2020<sup>1</sup>. The rapporteur believes that it is important to make the cab design changes

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<sup>1</sup> OJ C 56 E, 26.2.2013, p. 54.

mandatory, in line with the road safety priorities that Parliament has set out. These measures would not require any breakthrough technology, as the technology required is known about and, if the political will is there, could be introduced soon. A transitional period could be envisaged in order to give manufacturers more time to comply with the new design specifications.

### **3. Pre-selecting and targeting checks (Article 12)**

It is proposed that the Member States establish a system for pre-selecting and targeting checks on vehicles or combinations of vehicles in circulation in order to make the inspections more targeted and more efficient. The purpose of this pre-selection is to identify vehicles that are likely to have committed an offence and that should therefore be checked manually. It is stated in the proposal that this could be done either by setting up automatic systems on the infrastructure (Article 12(2)) or by installing onboard weighing devices (Article 12(6)).

#### *Rapporteur's comments:*

The rapporteur agrees with the objective of establishing the pre-selection system, which could lead to more targeted and more efficient checks and reduce the burden on both complying hauliers and inspection authorities. In order to ensure a level playing field across the Union and to shift the responsibility for compliance with the safety rules from the inspection authorities onto hauliers and shippers, the rapporteur would like to make it compulsory for vehicles to be equipped with onboard weighing devices. The proposal focuses on weight checks (overloading), but it is also important to carry out dimension checks (on width, length and height). Finally, it is questionable as to whether accepted deviations (i.e. less than 5 % for weight and less than 2 % for length and width) from the set dimensions should be established in the proposal for the purpose of identifying infringements. The rapporteur would prefer a harmonised approach to be established for such limits, rather than each Member State being allowed to decide for itself whether to impose penalties for such infringements.

### **4. Delegated acts (Article 16)**

The proposal provides for the Commission to be empowered to define the requirements imposed on new aerodynamic devices attached to the rear of a vehicle (Article 8(4)), the design of new motor vehicles (Article 9(5)), technical specifications to ensure full interoperability of onboard weighing devices, and guidelines on the procedures for checking the weight of vehicles in circulation (Article 12(7)).

#### *Rapporteur's comments:*

While some degree of flexibility is needed in order to ensure that legislation can catch up with technological developments, careful consideration should nevertheless be given as to whether the proposed delegation of powers to the Commission is necessary in all areas. The legislator is ultimately responsible for legislative texts. The scope of the proposed delegation of powers seems to be inappropriately broad, and Parliament should reserve the right to amend crucial elements of the legislation via the ordinary legislative procedure.