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*Committee on Transport and Tourism*

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**2013/0105(COD)**

16.10.2013

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# **DRAFT REPORT**

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 – C7-0102/2013 – 2013/0105(COD))

Committee on Transport and Tourism

Rapporteur: Jörg Leichtfried

### ***Symbols for procedures***

- \* Consultation procedure
- \*\*\* Consent procedure
- \*\*\*I Ordinary legislative procedure (first reading)
- \*\*\*II Ordinary legislative procedure (second reading)
- \*\*\*III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

### ***Amendments to a draft act***

#### **Amendments by Parliament set out in two columns**

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

#### **Amendments by Parliament in the form of a consolidated text**

New text is highlighted in ***bold italics***. Deletions are indicated using either the ■ symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

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 – C7-0102/2013 – 2013/0105(COD))**

### **(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2013)0195),
  - having regard to Article 294(2) and Article 91 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0102/2013),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to the opinion of the European Economic and Social Committee of 11 July 2013<sup>1</sup>,
  - after consulting the Committee of the Regions,
  - having regard to Rule 55 of its Rules of Procedure,
  - having regard to the report of the Committee on Transport and Tourism (A7-0000/2013),
1. Adopts its position at first reading hereinafter set out;
  2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
  3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

### **Amendment 1**

#### **Proposal for a directive**

#### **Recital 2**

*Text proposed by the Commission*

(2) In this context, the White Paper proposed to adapt Council Directive 96/53/EC of 25 July 1996 laying down for

*Amendment*

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<sup>1</sup> OJ C ... /Not yet published in the Official Journal.

certain road vehicles circulating within the Community the maximum authorised dimensions in national and international traffic and the maximum authorised weights in international traffic in the aim of reducing energy consumption and greenhouse gas emissions, so as to adapt the legislation to technological developments and changing market needs and to facilitate *intermodal* transport.

certain road vehicles circulating within the Community the maximum authorised dimensions in national and international traffic and the maximum authorised weights in international traffic in the aim of reducing energy consumption and greenhouse gas emissions, so as to adapt the legislation to technological developments and changing market needs and to facilitate *combined* transport.

Or. en

## Amendment 2

### Proposal for a directive Recital 3

#### *Text proposed by the Commission*

(3) Technological developments include the possibility of attaching retractable or foldable aerodynamic devices to the rear of vehicles, mainly trailers or semi-trailers, but which then exceed the maximum lengths allowed under Directive 96/53/EC. This equipment may be installed as soon as this Directive enters into force, as the products are available on the market and already used in other continents.

#### *Amendment*

(3) Technological developments include the possibility of attaching retractable or foldable aerodynamic devices to the rear of vehicles, mainly trailers or semi-trailers, but which then exceed the maximum lengths allowed under Directive 96/53/EC. This equipment may be installed as soon as this Directive enters into force, as the products are available on the market and already used in other continents.  
***Compatibility of the aerodynamic devices with combined transport must be ensured.***

Or. en

## Amendment 3

### Proposal for a directive Recital 5

#### *Text proposed by the Commission*

(5) In its policy orientations on road safety 2011-2020<sup>7</sup>, the Commission set out

#### *Amendment*

(5) In its policy orientations on road safety 2011-2020<sup>7</sup>, the Commission set out

measures to make vehicles safer and better protect vulnerable road users. The importance of visibility for vehicle drivers was also underlined in the Commission's report to the European Parliament and the Council on the implementation of Directive 2007/38/EC on the retrofitting of mirrors to heavy goods vehicles registered in the Community<sup>8</sup>. A new cab profile will also contribute to improving road safety by reducing the blind spot 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 would also improve the driver's comfort and safety.

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<sup>7</sup> COM(2010) 389

<sup>8</sup> COM (2012) 258

measures to make vehicles safer and better protect vulnerable road users. The importance of visibility for vehicle drivers was also underlined in the Commission's report to the European Parliament and the Council on the implementation of Directive 2007/38/EC on the retrofitting of mirrors to heavy goods vehicles registered in the Community<sup>8</sup>. A new cab profile will also contribute to improving road safety by reducing the blind spot in the drivers' vision, including under the windscreen, which should help save the lives of many vulnerable road users such as pedestrians or cyclists. ***The new cab profile should therefore, after appropriate transitional period, become mandatory.*** This new profile could also incorporate energy absorption structures in the event of a collision. The potential gain in the volume of the cab would also improve the driver's comfort and safety.

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<sup>7</sup> COM(2010) 389

<sup>8</sup> COM (2012) 258

Or. en

#### Amendment 4

##### Proposal for a directive Recital 6 a (new)

*Text proposed by the Commission*

*Amendment*

***(6a) The White Paper provides that 30 % of road freight over 300 km should shift to other modes such as rail or waterborne transport by 2030, and more than 50 % by 2050, facilitated by efficient and green freight corridors. In order to meet this goal, appropriate infrastructure will also need to be developed. This goal was approved by the European Parliament in its resolution of 15 December 2011 on the***

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<sup>1</sup> OJ C 168 E, 14.6.2013, p. 72.

Or. en

## Amendment 5

### Proposal for a directive Recital 7

*Text proposed by the Commission*

*(7) Longer vehicles may be used in cross-border transport if the two Member States concerned already allow it and if the conditions for derogation under Article 4(3), (4) or (5) of the Directive are met. The European Commission has already provided guidance on the application of Article 4 of the Directive. The transport operations referred to in Article 4(4) do not have a 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. The provisions of Article 4 (4) are clarified in this respect.***

*Amendment*

*(7) In order to ensure fair competition in international transport, it is necessary to have common standards on the dimensions of vehicles for international transport operations. Any exemptions from those common standards should be exceptional and limited to national transport operations. This balances the Member States' right under the principle of subsidiarity to decide on transport solutions suited to their specific circumstances with objectives pursued in the White Paper. Member States' rights enshrined in the Acts of Accession to the European Union should be respected.*

Or. en

## Amendment 6

### Proposal for a directive Recital 8



*Text proposed by the Commission*

(8) 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 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.

*Amendment*

(8) 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 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. ***The principle of technological neutrality should be maintained.***

Or. en

**Amendment 7**

**Proposal for a directive  
Recital 9**

*Text proposed by the Commission*

(9) The White Paper on Transport also stresses the need to monitor developments in intermodal transport, particularly in the area of containerisation, where 45-foot containers are increasingly used. They are transported by rail or inland waterways. 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 the length of the vehicles transporting them by 15 cm could eliminate these administrative procedures for transporters and facilitate intermodal transport, without risk or prejudice to the infrastructure or other road users. The small increase that this 15 cm represents in relation to the length of an articulated truck

*Amendment*

(9) The White Paper on Transport also stresses the need to monitor developments in intermodal transport, particularly in the area of containerisation, where 45-foot containers are increasingly used. They are transported by rail or inland waterways. 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 the length of the vehicles transporting them by 15 cm could eliminate these administrative procedures for transporters and facilitate intermodal transport, without risk or prejudice to the infrastructure or other road users. The small increase that this 15 cm represents in relation to the length of an articulated truck

(16.50 m) does not constitute an additional risk to road safety. ***In the policy orientation of the White Paper on Transport***, this increase ***is*** however authorised only for ***intermodal*** transport, ***for*** which the road component does not exceed ***300 km*** for operations involving a rail, river or sea component. ***This distance appeared sufficient to link an industrial or commercial site with a freight terminal or a river port. To link a seaport and support the development of motorways of the sea, a longer distance is possible for a short intra-European maritime transport operation.***

(16.50 m) does not constitute an additional risk to road safety. This increase ***should*** however ***be*** authorised only for ***combined*** transport, ***in*** which the road component does not exceed ***150 km at each end*** for operations involving a rail, river or sea component.

Or. en

## Amendment 8

### Proposal for a directive Recital 10

*Text proposed by the Commission*

(10) To further promote ***intermodal*** transport and take into account the unladen weight of 45-foot containers, the provision authorising the circulation of 44-tonne combinations of vehicles with 5 or 6 axles transporting 40-foot containers in ***intermodal*** transport should be extended to those carrying 45-foot containers.

*Amendment*

(10) To further promote ***combined*** transport and take into account the unladen weight of 45-foot containers, the provision authorising the circulation of 44-tonne combinations of vehicles with 5 or 6 axles transporting 40-foot containers in ***combined*** transport should be extended to those carrying 45-foot containers.

Or. en

## Amendment 9

### Proposal for a directive Recital 13

*Text proposed by the Commission*

(13) Simple technological solutions, fixed

*Amendment*

(13) Simple technological solutions, fixed

or mobile, are now available that allow inspectors to preselect vehicles suspected of infringements without stopping the vehicles in question, which is less disadvantageous in terms of traffic flow, less onerous and allows optimal safety conditions. *Some* devices *may* be installed onboard heavy goods vehicles and give the driver a way of checking whether his or her vehicle is compliant with the law. These onboard devices may also use a microwave communication interface to communicate their data to officials or to roadside automatic inspection systems without stopping the vehicle. The pre-selection should have a minimum threshold of one weighing per 2 000 vehicle kilometres to ensure the effectiveness of the roadside checks on the territory of the Union, because this would allow every vehicle to be checked on a statistical average of every three days.

or mobile, are now available that allow inspectors to preselect vehicles suspected of infringements without stopping the vehicles in question, which is less disadvantageous in terms of traffic flow, less onerous and allows optimal safety conditions. *Such* devices *should* be installed onboard heavy goods vehicles and give the driver a way of checking whether his or her vehicle is compliant with the law. These onboard devices may also use a microwave communication interface to communicate their data to officials or to roadside automatic inspection systems without stopping the vehicle. The pre-selection should have a minimum threshold of one weighing per 2 000 vehicle kilometres to ensure the effectiveness of the roadside checks on the territory of the Union, because this would allow every vehicle to be checked on a statistical average of every three days.

Or. en

## **Amendment 10**

### **Proposal for a directive**

#### **Article 1 – – point 1**

Directive 96/53/EC

Article 2 – paragraph 1 – indent 13

*Text proposed by the Commission*

*– ‘hybrid propulsion vehicle’ means a vehicle within the meaning of Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles<sup>10</sup>, equipped with one or more traction motor(s) operated by electric power and not permanently connected to the grid and one or more traction motor(s)*

*Amendment*

*deleted*

*operated by internal combustion;*

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<sup>10</sup> OJ L 263, 9.10.2007, p. 1.

Or. en

*Justification*

*In order to ensure technological neutrality the broader term of "alternative fuelled vehicle" is introduced instead of the term "hybrid propulsion vehicle", which seemed too narrow.*

**Amendment 11**

**Proposal for a directive**

**Article 1 – point 1**

Directive 96/53/EC

Article 2 – paragraph 1 – indent 14

*Text proposed by the Commission*

*Amendment*

*– ‘electric vehicle’ means a vehicle within the meaning of Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles<sup>11</sup>, equipped with one or more traction motor(s) operated by electric power and not permanently connected to the grid;*

*deleted*

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<sup>11</sup> OJ L 263, 9.10.2007, p. 1.

Or. en

*Justification*

*Already included in the broader definition of "alternative fuelled vehicle".*

**Amendment 12**

**Proposal for a directive**

**Article 1 – – point 1**

*Text proposed by the Commission*

*Amendment*

- 'alternative fuels' means fuels which provide a substitute for fossil oil sources in the energy supply to transport and which have the potential to contribute to the decarbonisation of transport. They include:**
- electricity,**
- hydrogen,**
- biofuels as defined in Directive 2009/28/EC of the European Parliament and of the Council<sup>1</sup>,**
- synthetic fuels,**
- natural gas, including biomethane, in gaseous form (compressed natural gas – CNG) and liquefied form (liquefied natural gas – LNG),**
- liquefied petroleum gas (LPG), and**
- waste heat.**

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<sup>1</sup> **Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC (OJ L 140, 5.6.2009, p. 16).**

Or. en

*Justification*

*In order to define "alternative motor vehicle" in a technologically neutral way, it is useful to define "alternative fuel" first. It may be based on a definition used in COM Proposal on alternative fuels infrastructure (COM (2013)0012).*

## Amendment 13

### Proposal for a directive

#### Article 1 – point 1

Directive 96/53/EC

Article 2 – paragraph 1 – indent 12 b (new)

*Text proposed by the Commission*

*Amendment*

– '**alternatively fuelled vehicle**' means a motor vehicle powered wholly or in part by an alternative fuel.

Or. en

*Justification*

*The definition of "alternative motor vehicle" should respect technological neutrality.*

## Amendment 14

### Proposal for a directive

#### Article 1 – point 1

Directive 96/53/EC

Article 2 – paragraph 1 – indent 15

*Text proposed by the Commission*

*Amendment*

– ‘intermodal **transport** unit’ means a unit belonging to one of the following categories: container, swap body, semi-trailer;

– ‘intermodal **loading** unit’ means a unit belonging to one of the following categories: container, swap body, semi-trailer;

Or. en

*Justification*

*The term "intermodal loading unit" is more commonly used in the sector.*

## Amendment 15

### Proposal for a directive

#### Article 1 – point 1

Directive 96/53/EC

Article 2 – paragraph 1 – indent 12 c (new)

- *'combined transport' means the transport of goods where the lorry, trailer, semi-trailer, with or without tractor unit, swap body or container uses the road on the initial or final leg of the journey and, on the other leg, rail or inland waterway or maritime services where this section exceeds 100 km and makes the initial or final road transport leg of the journey:*
- *between the point where the goods are loaded and the nearest suitable rail loading station for the initial leg, and between the nearest suitable rail unloading station and the point where the goods are unloaded for the final leg, or*
- *within a radius not exceeding 150 km from the inland waterway port or seaport of loading or unloading.*

Or. en

*Justification*

*The existing definition of "combined transport" according to Directive 1992/106 should be used throughout the text instead of introducing the new term of "intermodal transport".*

**Amendment 16**

**Proposal for a directive**

**Article 1 – point 2 – introductory part**

Directive 96/53/EC

Article 4 – paragraph 4 – subparagraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

2) Article 4 *is amended as follows:*

2) *In Article 4(4), the following subparagraph is inserted after the second subparagraph:*

*'Without prejudice to Member States' rights laid down in Acts on Accession to the Union, international transport operations carried out by vehicles or vehicle combinations with dimensions*





***States who have both adopted measures taken in application of this paragraph, and if one of the conditions under (a) and (b) is fulfilled:’***

Or. en

## **Amendment 19**

### **Proposal for a directive**

#### **Article 1 – point 6**

Directive 96/53/EC

Article 8 – paragraph 2 – indent 2 – introductory part

*Text proposed by the Commission*

– in terms of road safety and safety of ***intermodal*** transport, in particular:

*Amendment*

– in terms of road safety and safety of ***combined*** transport, in particular:

Or. en

## **Amendment 20**

### **Proposal for a directive**

#### **Article 1 – point 6**

Directive 96/53/EC

Article 8 – paragraph 2 – indent 2 – point iv a (new)

*Text proposed by the Commission*

*Amendment*

***(iva) the device does not exceed the length laid down in point 1.1 of Annex I by more than 500 millimetres.***

Or. en

### *Justification*

*In order to provide regulatory certainty, we should rely on what has already been agreed within the framework of Commission Regulation 1230/2012 (500mm) and as only recently entered into force.*

## Amendment 21

### Proposal for a directive

#### Article 1 – point 6

Directive 96/53/EC

Article 8 – paragraph 2 – indent 3 – point (ii)

#### *Text proposed by the Commission*

(ii) the inclusion of the trailers and semi-trailers concerned in the rail, river and sea units during *intermodal* transport operations,

#### *Amendment*

(ii) the inclusion of the trailers and semi-trailers concerned in the rail, river and sea units during *combined* transport operations,

Or. en

## Amendment 22

### Proposal for a directive

#### Article 1 – point 6

Directive 95/53/EC

Article 8 – paragraph 2 – indent 3 – subparagraph 2

#### *Text proposed by the Commission*

The exceedances of maximum lengths do not increase the capacity of vehicles or combinations of vehicles.

#### *Amendment*

The exceedances of maximum lengths do not increase the *load* capacity of vehicles or combinations of vehicles.

Or. en

## Amendment 23

### Proposal for a directive

#### Article 1 – point 6

Directive 96/53/EC

Article 8 – paragraph 3

#### *Text proposed by the Commission*

3. Before being put on the market, the additional aerodynamic devices and their installation on vehicles shall be authorised by the Member States, *which* shall issue a certificate to this effect, attesting

#### *Amendment*

3. Before being put on the market, the additional aerodynamic devices and their installation on vehicles shall be authorised by the Member States *within the framework of Directive 2007/46/EC*.

compliance with the requirements mentioned in paragraph 2 above and indicating that the device contributes significantly to improving aerodynamic performance. The certificates of authorisation issued in one Member State shall be recognised by the other Member States.

**Member States** shall issue a certificate to this effect, attesting compliance with the requirements mentioned in paragraph 2 above and indicating that the device contributes significantly to improving aerodynamic performance. The certificates of authorisation issued in one Member State shall be recognised by the other Member States.

Or. en

#### *Justification*

*Clarification that no new/additional certification procedures will be required but that this can be done within the framework of the existing procedures for type approval (2007/46/EC).*

#### **Amendment 24**

##### **Proposal for a directive**

##### **Article 1 – point 6**

Directive 96/53/EC

Article 8 – paragraph 4

##### *Text proposed by the Commission*

4. The Commission shall be empowered to adopt delegated acts in accordance with Article 16, to complement the requirements referred to in paragraph 2. These shall take the form of technical characteristics, minimum levels of performance, design constraints, and procedures for the establishment of the test certificate referred to in paragraph 3.

##### *Amendment*

4. The Commission shall be empowered to adopt delegated acts in accordance with Article 16, to complement the requirements referred to in paragraph 2. These shall take the form of technical characteristics, minimum levels of performance, design constraints, and procedures for the establishment of the test certificate referred to in paragraph 3. ***When exercising its power, the Commission shall ensure coherence with the Union's legal acts on type approval.***

Or. en

#### **Amendment 25**

##### **Proposal for a directive**

##### **Article 1 – point 6**

*Text proposed by the Commission*

*Amendment*

**5. Pending the adoption of the delegated acts, the vehicles or combinations of vehicles equipped with aerodynamic devices to the rear, which meet the requirements referred to in paragraph 2 and were tested in accordance with paragraph 3 may circulate if their length exceeds the length laid down in Annex I, point 1.1 by no more than two metres. This transitional measure shall apply from the date of entry into force of this Directive.**

**deleted**

Or. en

*Justification*

*As the limit of 500 millimetres was introduced in Article 8(2), no transitional measures are needed.*

**Amendment 26**

**Proposal for a directive**

**Article 1 – point 7**

Directive 95/53/EC

Article 9 – paragraph 1

*Text proposed by the Commission*

*Amendment*

1. In the aim of improving the aerodynamic performance and road safety of vehicles or combinations of vehicles, vehicles or combinations of vehicles that meet the criteria set out in paragraph 2 below may exceed the maximum lengths provided for in point 1.1 of Annex I. The main purpose of these exceedances is to allow the construction of tractor cabs improving the aerodynamic *characteristics* of vehicles or combinations of vehicles, **and improving road safety**.

1. In the aim of improving the aerodynamic performance and road safety of vehicles or combinations of vehicles, vehicles or combinations of vehicles that meet the criteria set out in paragraph 2 below may exceed the maximum lengths provided for in point 1.1 of Annex I. The main purpose of these exceedances is to allow the construction of tractor cabs improving **road safety as well as** the aerodynamic **performance** of vehicles or combinations of vehicles.

## Amendment 27

### Proposal for a directive

#### Article 1 – point 7

Directive 95/53/EC

Article 9 – paragraph 2 – subparagraph 1 – indent 2 – introductory part

*Text proposed by the Commission*

– enhanced road safety and **security in intermodal** transport, in particular to ensure that the front of the cab

*Amendment*

– enhanced road safety and **safety of combined** transport, in particular to ensure that the front of the cab

Or. en

#### *Justification*

*The term "security" does not seem appropriate as it normally refers to protection from crimes, such as theft, terrorism etc. It is not clear how changes to the cab design will make freight transport safer in that respect.*

## Amendment 28

### Proposal for a directive

#### Article 1 – point 7

Directive 95/53/EC

Article 9 – paragraph 2 – subparagraph 1 – indent 2 – point i

*Text proposed by the Commission*

(i) **makes** vulnerable road users more visible to the driver, in particular by reducing the blind **spot** under the front windscreen

*Amendment*

(i) **improves direct vision so as to make** vulnerable road users more visible to the driver, in particular by reducing the blind **spots** under the front windscreen **and the side of the cab;**

Or. en

#### *Justification*

*The proposal does not provide sufficient clarity as to what exactly needs to be done to improve cab safety, especially with regards to pedestrian safety. This legislation should provide clear guidelines and the expert working group shall assist the Commission in preparing the implementation of these guidelines.*

## Amendment 29

### Proposal for a directive

#### Article 1 – point 7

Directive 95/53/EC

Article 9 – paragraph 2 – subparagraph 1 – indent 2 – point ii

*Text proposed by the Commission*

(ii) reduces the damage in the event of a collision,

*Amendment*

(ii) reduces the damage in the event of a collision ***with other vehicles and improves the energy absorption performance of cabs by the fitting of an energy-absorbing crash management system;***

Or. en

#### *Justification*

*The proposal does not provide sufficient clarity as to what exactly needs to be done to improve cab safety, especially with regards to pedestrian safety. This legislation should provide clear guidelines and the expert working group shall assist the Commission in preparing the implementation of these guidelines.*

## Amendment 30

### Proposal for a directive

#### Article 1 – point 7

Directive 95/53/EC

Article 9 – paragraph 2 – subparagraph 1 – indent 2 – point ii a (new)

*Text proposed by the Commission*

*Amendment*

***(iia) improves pedestrian protection by means of adjustment of the frontal design to minimise the risk of overruns in the event of collisions with vulnerable road users,***

Or. en

#### *Justification*

*The proposal does not provide sufficient clarity as to what exactly needs to be done to improve cab safety, especially with regards to pedestrian safety. This legislation should provide clear guidelines and the expert working group shall assist the Commission in*

*preparing the implementation of this guidelines.*

## **Amendment 31**

### **Proposal for a directive**

#### **Article 1 – point 7**

Directive 95/53/EC

Article 9 – paragraph 2 – subparagraph 1 indent 3

#### *Text proposed by the Commission*

the manoeuvrability of vehicles or vehicle combinations in infrastructure and without imposing restrictions on the use of vehicles in *intermodal terminals*,

#### *Amendment*

the manoeuvrability of vehicles or vehicle combinations in infrastructure and without imposing restrictions on the use of vehicles in *combined transport*,

Or. en

## **Amendment 32**

### **Proposal for a directive**

#### **Article 1 – point 7**

Directive 95/53/EC

Article 9 – paragraph 3

#### *Text proposed by the Commission*

3. Before they are put on the market, the aerodynamic performance of new motor vehicle designs shall be tested by Member States, who will issue a certificate to this end. This will certify compliance with the requirements of paragraph 2 above. The test certificates issued in one Member State shall be recognised by the other Member States.

#### *Amendment*

3. Before they are put on the market, the aerodynamic *and safety* performance of new motor vehicle designs shall be tested *within the framework of Directive 2007/46/EC* by Member States, who will issue a certificate to this end. This will certify compliance with the requirements of paragraph 2 above. The test certificates issued in one Member State shall be recognised by the other Member States.

Or. en

#### *Justification*

*Clarification that no new/additonal certification procedures will be required but that this can be done within the framework of the existing procedures for type approval (2007/46/EC).*

## Amendment 33

### Proposal for a directive

#### Article 1 – point 7

Directive 96/53/EC

Article 9 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

**3a. New N2 and N3 vehicles shall use tractor cabs that comply with the safety requirements referred to in Article 9(2) from [seven years from the entry into force of this Directive].**

Or. en

#### *Justification*

*The commission proposal links safety to aerodynamic performance and will thus limit safety improvements to long haul lorries that are less likely to enter urban areas. Since 66 % of fatal crashes with pedestrians and 55 % of fatal crashes with cyclists take place in urban areas, it is, however, crucial to improve the safety of all lorries. This can only be achieved by mandating the safety improvements for all lorries, including those circulating in urban areas. A transitional period of 7 years will provide the industry with sufficient time to adjust to the regulatory changes.*

## Amendment 34

### Proposal for a directive

#### Article 1 – point 9

Directive 95/53/EC

Article 10a – paragraph 1

*Text proposed by the Commission*

*Amendment*

The maximum weights of vehicles **with hybrid propulsion or fully electric propulsion** shall be those set out in Annex I, **point 2.3.1.**

The maximum weights of **alternatively fuelled** vehicles shall be those set out in **point 2.3.4 of Annex I.**

Or. en



## Amendment 35

### Proposal for a directive

#### Article 1 – point 9

Directive 95/53/EC

Article 10a – paragraph 2

*Text proposed by the Commission*

***The vehicles with hybrid or electric propulsion*** must however comply with the limits set out in Annex I ***point 3***: maximum ***authorized*** axle weight.

*Amendment*

***Alternatively fuelled vehicles*** must however comply with the limits set out in ***point 3 of*** Annex I: maximum ***authorised*** axle weight.

Or. en

## Amendment 36

### Proposal for a directive

#### Article 1 – point 10

Directive 95/53/EC

Article 11 – paragraph 1

*Text proposed by the Commission*

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

*Amendment*

The maximum dimensions laid down in Annex I points 1.1 and 1.6 may be exceeded by 15 cm for vehicles or combinations of vehicles engaged in the transport of 45-foot containers or swap bodies, if the road transport of the container or swap body is part of ***a combined*** transport operation ***as defined in Article 2***.

Or. en

## Amendment 37

### Proposal for a directive

#### Article 1 – point 10

Directive 95/53/EC

Article 11 – paragraph 2

*For the purposes of this Article, and of point 2.2.2(c) of Annex I, an intermodal transport operation shall include at least rail, river or sea transport at least. It shall also include a road section for its initial and/or terminal journey. Each of these road sections shall be less than 300 km in the territory of the European Union or just as far as the closest terminals between which there is a regular service. A transport operation shall also be regarded as intermodal transport if it uses intra-European short sea shipping, regardless of the lengths of the initial and terminal road journeys. The initial road journey and the terminal road journey for an operation using intra-European short sea shipping takes place from the point where the goods are loaded to the nearest appropriate seaport for the initial leg, and/or where appropriate between the nearest appropriate seaport and the point where the goods are unloaded for the final leg.*

*deleted*

Or. en

#### *Justification*

*The existing definition of "combined transport" according to Directive 1992/106 should be used throughout the text instead of introducing the new term of "intermodal transport". This definition already clearly sets the limits for the road transport leg of the journey and this distance appears sufficient to link an industrial or commercial site with a freight terminal or a river port. Deep sea ports should be connected to sustainable modes of transport rather than long haul road freight.*

#### **Amendment 38**

##### **Proposal for a directive**

##### **Article 1 – point 11**

Directive 95/53/EC

Article 12 – paragraph 2

*Text proposed by the Commission*

2. After the expiry of a period of **two** years from the date of entry into force of this Directive, Member States shall measure the weight of vehicles or combination of vehicles in circulation. The purpose of these pre-selection measures is to identify vehicles that are likely to have committed an offence and that should be checked manually. These measures **may** be taken with **the aid of automatic systems set up on the infrastructure, or** onboard systems installed in vehicles in line with paragraph 6 below. The automatic systems must enable the identification of the vehicles suspected of exceeding the maximum authorised weights. As these automatic systems are only to be used for pre-selection purposes, and not to define an offence, they do not have to be certified by the Member States.

*Amendment*

2. After the expiry of a period of **five** years from the date of entry into force of this Directive, Member States shall measure the weight of vehicles or combination of vehicles in circulation. The purpose of these pre-selection measures is to identify vehicles that are likely to have committed an offence and that should be checked manually. These measures **shall** be taken with onboard systems installed in vehicles in line with paragraph 6 below. The automatic systems must enable the identification of the vehicles suspected of exceeding the maximum authorised weights. As these automatic systems are only to be used for pre-selection purposes, and not to define an offence, they do not have to be certified by the Member States.

Or. en

**Amendment 39**

**Proposal for a directive**

**Article 1 – point 11**

Directive 95/53/EC

Article 12 – paragraph 6

*Text proposed by the Commission*

6. In accordance with paragraph 1, **Member States shall encourage the equipment of vehicles and vehicle combinations** with onboard weighing devices (total weight and axle load) **to** enable the weight data to be communicated at any time from a moving vehicle to an authority carrying out roadside inspections or responsible for regulating the transport of goods. This communication shall be through the interface defined by the CEN

*Amendment*

6. In accordance with paragraph 1, **new N2 and N3** vehicles **shall be fitted** with onboard weighing devices (total weight and axle load) **that** enable the weight data to be communicated at any time from a moving vehicle to an authority carrying out roadside inspections or responsible for regulating the transport of goods. This communication shall be through the interface defined by the CEN DSRC<sup>13</sup> standards EN 12253, EN 12795, EN

DSRC<sup>13</sup> standards EN 12253, EN 12795, EN 12834, EN 13372 and ISO 14906.

12834, EN 13372 and ISO 14906. *The information shall also be accessible for the driver.*

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<sup>13</sup> DSRC: Dedicated Short-Range Communications

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<sup>13</sup> DSRC: Dedicated Short-Range Communications

Or. en

#### *Justification*

*The on-board weight sensor seems to be the most effective tool to prevent overloading and should thus become mandatory. Weight-in-motion stations fixed in the road infrastructure are less effective as their location may become known and they could be avoided. Moreover, on-board devices would give the driver a way of checking whether his or her vehicle is compliant with the law.*

#### **Amendment 40**

##### **Proposal for a directive**

##### **Article 1 – point 12**

Directive 96/53/EC

Article 13 – paragraph 2

##### *Text proposed by the Commission*

2. An overload of less than 5 % of the maximum authorised weight in points 2, 3, 4.1 and 4.3 of Annex 1 shall give rise to a written warning to the transport company, which could give rise to a penalty, if the national legislation provides for this type of penalty;

##### *Amendment*

2. An overload of less than 2 % of the maximum authorised weight in points 2, 3, 4.1 and 4.3 of Annex 1 shall give rise to a written warning to the transport company, which could give rise to a penalty, if the national legislation provides for this type of penalty.

Or. en

#### *Justification*

*For a 40t vehicle, an overload of 5% would be 2t, which is a significant overload. The rapporteur takes the view that less tolerance should be granted and proposes 2% as the maximum tolerance.*

#### **Amendment 41**

##### **Proposal for a directive**

##### **Article 1 – point 12**

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*Text proposed by the Commission*

3. An overload of between **5** and 10 % of the maximum authorised weight in points 2, 3, 4.1 and 4.3 of Annex 1 shall be considered as a minor offence within the meaning of this Directive, and shall give rise to a financial penalty. The inspection authorities may also immobilise the vehicle for unloading until it reaches the maximum authorised weight;

*Amendment*

3. An overload of between **2** % and 10 % of the maximum authorised weight in points 2, 3, 4.1 and 4.3 of Annex 1 shall be considered as a minor offence within the meaning of this Directive, and shall give rise to a financial penalty. The inspection authorities may also immobilise the vehicle for unloading until it reaches the maximum authorised weight.

Or. en

**Amendment 42**

**Proposal for a directive**

**Article 1 – point 12**

Directive 96/53/EC

Article 13 – paragraph 6

*Text proposed by the Commission*

6. An excess length or excess width of less than **2%** of the maximum dimensions indicated in point 1 of Annex 1 shall give rise to a written warning to the transport company, which could give rise to a penalty, if the national legislation provides for such a penalty.

*Amendment*

6. An excess length or excess width of less than **1** % of the maximum dimensions indicated in point 1 of Annex 1 shall give rise to a written warning to the transport company, which could give rise to a penalty, if the national legislation provides for such a penalty.

Or. en

*Justification*

*Exterior dimensions of trucks are engineered to the milimeter, hence the vehicle generally does not deviate from these dimensions. In case of loads that exceed the dimensions of the truck, a special permit needs to be obtained. Hence the tolerated deviations should be towards zero, but in any way as small as possible.*

## Amendment 43

### Proposal for a directive

#### Article 1 – point 12

Directive 96/53/EC

Article 13 – paragraph 7

#### *Text proposed by the Commission*

7. An excess length or excess width of between **2 and 20%** of the maximum dimensions indicated in point 1 of Annex 1, either of the load on board or of the vehicle itself, shall give rise a financial penalty. The inspection authorities shall immobilise the vehicle until its unloading if the excess length or excess width comes from the load or until the transport company obtains a special permit in accordance with Article 4(3);

#### *Amendment*

7. An excess length or excess width of between **1 % and 10 %** of the maximum dimensions indicated in point 1 of Annex 1, either of the load on board or of the vehicle itself, shall give rise a financial penalty. The inspection authorities shall immobilise the vehicle until its unloading if the excess length or excess width comes from the load or until the transport company obtains a special permit in accordance with Article 4(3).

Or. en

#### *Justification*

*Exterior dimensions of trucks are engineered to the millimeter, hence the vehicle generally does not deviate from these dimensions. In case of loads that exceed the dimensions of the truck, a special permit needs to be obtained. Hence the tolerated deviations should be towards zero, but in any way as small as possible.*

## Amendment 44

### Proposal for a directive

#### Article 1 – point 12

Directive 95/53/EC

Article 13 – paragraph 8

#### *Text proposed by the Commission*

8. An excess length or excess width of the load or of the vehicle of more than **20%** of the maximum dimensions indicated in point 1 of Annex 1 shall be considered as a very serious infringement within the meaning of this Directive, because of the increased risks incurred by other road users. It shall give rise to a financial

#### *Amendment*

8. An excess length or excess width of the load or of the vehicle of more than **10 %** of the maximum dimensions indicated in point 1 of Annex 1 shall be considered as a very serious infringement within the meaning of this Directive, because of the increased risks incurred by other road users. It shall give rise to a financial

penalty and to the immediate immobilisation of the vehicle by the inspection authorities, until its unloading or until the transport company obtains a special permit in accordance with Article 4(3), if the excess length or excess width comes from the load. The procedure leading to the loss of good repute of the transport company shall be implemented in accordance with Article 6 of Regulation (EC) No 1071/2009.

penalty and to the immediate immobilisation of the vehicle by the inspection authorities, until its unloading or until the transport company obtains a special permit in accordance with Article 4(3), if the excess length or excess width comes from the load. The procedure leading to the loss of good repute of the transport company shall be implemented in accordance with Article 6 of Regulation (EC) No 1071/2009.

Or. en

### *Justification*

*Exterior dimensions of trucks are engineered to the millimeter, hence the vehicle generally does not deviate from these dimensions. In case of loads that exceed the dimensions of the truck, a special permit needs to be obtained. Hence the tolerated deviations should be towards zero, but in any way as small as possible.*

## **Amendment 45**

### **Proposal for a directive**

#### **Article 1 – point 13**

Directive 95/53/EC

Article 14

#### *Text proposed by the Commission*

For the transport of containers, the shipper shall give the road haulier to whom it entrusts the transport of a container a statement indicating the weight of the container moved. ***If this*** information is missing or incorrect, the shipper shall incur liability in the same way as the haulier if the vehicle is overloaded.

#### *Amendment*

For the transport of containers, the shipper shall give the road haulier to whom it entrusts the transport of a container, ***in advance of loading, a written*** statement indicating the ***gross*** weight of the container moved. ***That statement can also be submitted by electronic means. Irrespective of its form, the document declaring the gross weight of the container shall be signed by a person duly authorised by the shipper. If the information on the gross weight of the container*** is missing or incorrect, the shipper shall incur liability in the same way as the haulier if the vehicle is overloaded.

***In combined transport operations, the information on the gross weight of a***

***packed container shall be provided to the next party taking custody of the container.***

Or. en

*Justification*

*On 20 September 2013, the IMO Sub-committee on Dangerous Goods, Solid Cargoes and Containers (DSC) agreed a revision to the SOLAS convention to mandate the verification of gross mass of containers prior to loading on board a ship. In order to establish a uniform approach across all transport modes and to avoid possible conflicting provisions we should take into account the developments at IMO when amending this directive.*

**Amendment 46**

**Proposal for a directive**

**Article 1 – point 15**

Directive 96/53/EC

Article 16 – paragraph 2

*Text proposed by the Commission*

2. The power to adopt delegated acts referred to in Article 8(4), Article 9(5) and Article 12(7) shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from the [date of entry into force of this Directive]

*Amendment*

2. The power to adopt delegated acts referred to in Article 8(4), Article 9(5) and Article 12(7) shall be conferred on the Commission for ***a*** period of ***five years*** from [the date of entry into force of this Directive]. ***The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. 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.***

Or. en

**Amendment 47**

**Proposal for a directive**

**Article 1 – point 16 – point c**



Directive 96/53/EC  
Annex I – point 2.3.1 – indent 2

*Text proposed by the Commission*

*Amendment*

**'two-axle motor vehicles other than buses,  
and with hybrid or electric propulsion: 19  
tonnes'**

**deleted**

Or. en

## **Amendment 48**

### **Proposal for a directive**

#### **Article 1 – point 16 – point c a (new)**

Directive 96/53/EC

Annex I – point 2.3.4 (new)

*Text proposed by the Commission*

*Amendment*

**(ca) The following point is added:**

**'2.3.4 Alternatively fuelled vehicles: the maximum weight is that mentioned in point 2.3.1, 2.3.2 or 2.3.3 increased by the additional weight required for the alternative propulsion mode, with a maximum of 1 tonne. That additional weight shall be indicated in the official registration documents of the motor vehicle issued by the Member State where the vehicle is registered. In cases where this information is missing, the values mentioned in points 2.3.1., 2.3.2 or 2.3.3 shall apply.'**

Or. en

### *Justification*

*Alternative engines should be treated in the same way regardless the technology used. However, the weight of different types of alternative engines differs, depending on the technology used. If there is only one weight limit for all types of alternative engines, vehicles combinations with lighter engines could use extra weight for load. Situations that one type of alternative engine gains competitive advantage against others should therefore be avoided.*

