

EUROPEAN PARLIAMENT

1999



2004

Session document

FINAL
A5-0231/2000

14 September 2000

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REPORT

on the proposal for a European Parliament and Council directive on amending Council Directive 96/53/EC 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(2000) 137 – C5-0164/2000 – 2000/0060(COD))

Committee on Regional Policy, Transport and Tourism

Rapporteur: Konstantinos Hatzidakis

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend the common position
- *** Assent procedure
majority of Parliament's component Members except in cases covered by Articles 105, 107, 161 and 300 of the EC Treaty and Article 7 of the EU Treaty
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend the common position
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission)

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PROCEDURAL PAGE

By letter of 23 March 2000 the Commission submitted to Parliament, pursuant to Article 251(2) and Article 71 of the EC Treaty, the proposal for a European Parliament and Council directive on amending Council Directive 96/53/EC 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(2000) 137 - 2000/60 (COD)).

At the sitting of 10 April 2000 the President of Parliament announced that she had referred the proposal to the Committee on Regional Policy, Transport and Tourism as the committee responsible and the Committee on Legal Affairs and the Internal Market and the Committee on Committee on Industry, External Trade, Research and Energy for their opinions (C5-0164/2000).

The Committee on Regional Policy, Transport and Tourism appointed Konstantinos Hatzidakis rapporteur at its meeting of 19 April 2000.

It considered the Commission proposal and draft report at its meetings of 20 June 2000 and 12 September 2000.

At the last meeting it adopted the draft legislative resolution unanimously.

The following were present for the vote: Hatzidakis, chairman and rapporteur; Rijk van Dam, Helmuth Markov, and Emmanouil Mastorakis, vice-chairmen; Sir Robert Atkins, Emmanouil Bakopoulos, Rolf Berend, Theodorus J.J. Bouwman, Philip Charles Bradbourn, Felipe Camisón Asensio, Carmen Cerdeira Morterero, Luigi Cesaro, Luigi Cocilovo (for Mathieu J.H. Grosch), Gerard Collins, Carlos Costa Neves, Francis F.M. Decourrière, Proinsias De Rossa, (for Wilhelm Ernst Piecyk), Alain Esclopé, Giovanni Claudio Fava, Jacqueline Foster (for Martin Callanan), Jean-Claude Fruteau (for Gilles Savary), Mary Honeyball, Juan de Dios Izquierdo Collado, Georg Jarzembowski, Dieter-Lebrecht Koch, Constanze Angela Krehl, (for Ulrich Stockmann), Linda McAvan (for John Hume), Giorgio Lisi, Sérgio Marques, Erik Meijer, Reinhold Messner, Rosa Miguélez Ramos, Francesco Musotto, Camilo Nogueira Román, Juan Ojeda Sanz, Karla M.H. Peijs, Samuli Pohjamo, Alonso José Puerta, Reinhard Rack, Carlos Ripoll i Martínez Bedoya, Isidoro Sánchez García, Marieke Sanders-ten Holte (for Elspeth Attwooll), Dana Rosemary Scallon, Ingo Schmitt, Elisabeth Schroedter (for Josu Ortuondo Larrea), Brian Simpson, Renate Sommer, Dirk Sterckx, Margie Sudre, Maurizio Turco, Joaquim Vairinhos, Ari Vatanen, Demetrio Volcic, Mark Francis Watts, and Jan Marinus Wiersma (for Ewa Hedkvist Petersen).

The Committee on Legal Affairs and the Internal Market decided on 18 April 2000 and the Committee on Industry, External Trade, Research and Energy decided on 25 May not to deliver an opinion

The report was tabled on 14 September 2000.

The deadline for tabling amendments will be indicated in the draft agenda for the relevant part-session.

LEGISLATIVE PROPOSAL

Proposal for a European Parliament and Council directive on amending Council Directive 96/53/EC 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(2000) 137 – C5-0164/2000 – 2000/0060(COD))

The proposal is amended as follows:

Text proposed by the Commission ¹

Amendments

(Amendment 1)
ARTICLE 1(2)(b)
Article 4(7), Directive 96/53/EC

The following paragraph 7 is added:

"7. Member States may allow buses that are registered or put into circulation before the implementation of this Directive to circulate in their territory until 31 December **2009** with dimensions exceeding those laid down in points 1.1, 1.2, 1.5 and 1.5a of Annex I."

The following paragraph 7 is added:

"7. Member States may allow buses that are registered or put into circulation before the implementation of this Directive to circulate in their territory until 31 December **2015** with dimensions exceeding those laid down in points 1.1, 1.2, 1.5 and 1.5a of Annex I."

Justification:

A transitional period is provided for, during which the use within national territory of buses which are currently permitted but do not comply with the new requirements of the directive will be allowed. If the period were to end on 31 December 2009 it would be rather short, severely limiting the service life of buses longer than 12 metres which have previously been permitted. The effect would be to impose financial penalties on businesses which had registered or introduced vehicles in good faith before the entry into force of the directive.

(Amendment 2,)
ARTICLE 1(3)(a)
Annex Ia), point 1.1 (ii), Directive 96/53/EC

(ii) The following indents are added
as the sixth, seventh and eighth indents:
- bus with 2 axles **12.00 m**

(ii) The following indents are added
as the sixth, seventh and eighth indents:
- **rigid** bus with 2 axles **13.50 m**

¹ OJ C not published yet.

- bus with >2 axles 15.00 m
 - bus + trailer 18.75 m

- **rigid** bus with >2 axles 15.00 m
 - **rigid** bus + trailer 18.75 m

Justification:

It ought to be made clear that these provisions apply to rigid buses, not articulated buses. Increasing the maximum length for buses with two axles is intended to make it possible to use removable attachments such as skiboxes on 12 m buses. Moreover, this increase will challenge bus manufacturers to use alternative materials and variations in bus design to reduce weight so that buses which are longer than 12 m but well under 15 m can also be manufactured and registered as two-axle vehicles.

(Amendment 3,)

ARTICLE 1(3)(b)

Annex I b), points 1.4a and 1.5a, Directive 96/53/EC

b)

The following points 1.4a and 1.5a are inserted:

"1.4a If any removable attachments such as skiboxes are fitted to a bus ***its maximum length, including the attachments, shall not exceed 15.00 m.***

"1.5a Additional requirements for ***buses***

When the bus is stationary and has its steered wheels so directed that if the vehicle moved, its outermost forward point would describe a circle of 12.50 m radius, a vertical plane tangential to the side of the vehicle which faces outward from the circle must be established by marking a line on the ground. In the case of an articulated bus the two rigid portions must be aligned with the plane.

When the bus moves forward on either side following the circle of 12.50 m radius, no part of it may move outside the vertical plane by more than 0.80 m in the case of a rigid bus of up to 12 m length or by 1.20 m in the case of either a rigid bus of over 12 m length or an articulated bus."

b)

The following points 1.4a and 1.5a are inserted:

"1.4a ***Even*** if any removable attachments such as skiboxes are fitted to a bus ***the values referred to at 1.1, 1.2 and 1.3 must be complied with.***

"1.5a Additional requirements for ***vehicles of categories M², M³ and N***

When the vehicle is stationary a vertical plane must be established which is tangential to the side of the vehicle which faces outward in relation to the circle, in which a corresponding straight line must be drawn on the ground. In the case of an articulated bus the two rigid portions must be aligned along this plane.

When a rigid vehicle, coming from a straight, enters a circle with a radius of 12.5 m, no part of the vehicle may move more than 0.6 m outside the vertical line."

Justification:

Where attachments such as skiboxes are fitted, not only the length limits provided for in point 1.1 must be complied with: so, of course, must the width and height limits. These are laid down in points 1.2 and 1.3.

The additional requirements for buses with regard to the cornering test should be amended.

The testing procedure described there admittedly corresponds to that laid down in Directive 97/27/EC on masses and dimensions, which was borrowed from an earlier version of ECE Regulation 36.03.

However, as the procedure had not proved satisfactory in practice, the ECE Regulation was amended in August 1996; regrettably, this amendment was not taken into account in Directive 97/27/EC. Accordingly, the Commission's standing working group (DG Enterprise) is currently discussing a proposal to bring Directive 97/27/EC into line with the current version of ECE Regulation 36.03. The reduction of the outswing from 0.8 to 0.6 m would be a major challenge to industry and is in the interests of many Member States.

The present proposal to amend Directive 96/53/EC should likewise be aligned with the current version of ECE Regulation 36.03 as regards the cornering test.

Application of the proposal submitted by the DG for Transport to amend Directive 69/53/EC with regard to the measuring method and limit values for outswing would result in the maximum length of buses being limited to 14.6 m. This is contrary to the limit of 15 m for buses with at least three axles laid down in Article 1(3)(a)(ii) of the proposal .

DRAFT LEGISLATIVE RESOLUTION

European Parliament legislative resolution on the proposal for a European Parliament and Council directive on amending Council Directive 96/53/EC 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(2000) 137 – C5-0164/2000 – 2000/0060(COD))

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2000) 137¹),
 - having regard to Article 251(2) and Articles 71 of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C5-0164/2000),
 - having regard to Rule 67 of its Rules of Procedure,
 - having regard to the report of the Committee on Regional Policy, Transport and Tourism (A5-0231/2000),
1. Approves the Commission proposal as amended;
 2. Asks to be consulted again should the Commission intend to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council and Commission.

¹ OJ C not published yet.

EXPLANATORY STATEMENT

I. Introduction

1. In the current situation the legal limits for the maximum length of passenger vehicles are very different in the EU-member states: in 7 countries (UK, IRL, FR, E, I, P, EL,) the limit is 12 m. In one country (DK) it is 13,7m. In two other countries (S and Fin) 14,5 is the limit and in 5 other (L, NL and A: restricted use only and in B and G: unrestricted use) 15m.
2. This legal limit has not explicitly been harmonised at a European level since it was not included in Directive 96/53/EC. Up to now only 12m-buses can circulate freely in the whole EU-territory.
3. On the request of the Council of Ministers, the Commission worked on a proposal to include passenger vehicles in Directive 96/53/EC in order to harmonise not only the length of rigid buses but also to create a clearer situation regarding to removable attachments on buses and trailers. This work resulted in the present proposal.

II. Comments

4. Key criteria to ensure manoeuvrability of buses are the turning circle and the outswing. Those criteria are set out in Directive 97/27/EC¹ relating to the masses and dimensions of certain categories of motor vehicles and their trailers. Although this directive allows derogation by the member states, it is important to stick at the European level to these criteria, which should apply also to the longer rigid buses as proposed in this directive. The reason is that buses both inner-city buses and coaches often have to operate in narrow street in city centres during rush hours, with many other vehicles, motorbikes, bikes, and pedestrians on the road. Manoeuvrability is essential in these circumstances. Bus and coach makers have made remarkable progress in this field so that the legal outswing –requirements from years ago, nowadays might even appear redundant.
5. Even in countries where formally 15.00m buses are not allowed, in practice they are not refused or sent back at the border. In that sense one can say that this proposal formalises an existing situation.
Turning circle requirements could be a technical challenge for a bus of up to 15.00 metres but it creates the possibility for bus producers to develop a new product with the same good safety standards as shorter buses.
Another consideration is that the turning circle requirements (which is a circle of 360°) seem to be “on the way out”. In the future new legislation will focus on 90° curves instead and there will be absolutely no problem for fully stretched buses of up to 15.00 metres.
If there are problems for 15.00m buses to circulate in some places (historical centres, narrow streets etc...) local or national authorities should indicate the restrictions, which

¹ OJ L 233, 25.8.1997, p.

have to be observed.

6. There are commercial reasons to increase the length of buses. A bus of 15.00m can take ± 67 passengers, i.e. 16 more than a 12.00m bus. Obviously competition considerations push some operators into the direction of longer buses. However, it should be noted that another way of increasing the number of seats is the use of dubbeldeck buses and coaches.
7. From a legislative point of view it is advisable for the EP to stick to the turning circle and manoeuvrability requirements set out in a directive, which was the result of a legislative procedure in which the European Parliament has played his role. In both national and EU-wide transport Directive 97/27/EC should be the norm.
8. Cabotage and free circulation of long buses will be possible and with the length of to 15.00m considerable market opportunities for the transport of passengers by bus are created.
9. In cases where a full loaded bus can circulate, there are environmental reasons pleading in favour of longer buses. It is clear that with a full loaded bus, using the extra seats a long rigid bus offers, the energy consumption per passenger will be better than compared to a 12.00m bus using virtually the same energy. If a long bus has to circulate half empty, obviously, from an environment point of view the result is the opposite.
10. Finally, this proposal creates a clearer situation as to the removable attachments on buses (mostly ski boxes) which has to be included in the total allowed length.
11. The rapporteur agrees with the compulsory three axles on buses longer than 12.00m because they are very likely to exceed the maximum allowed weight per axle.
12. Other proposed measures like considering the maximum length of a bus + trailer as the same as a truck + trailer (= maximum 18.75m.) are satisfactory.
13. It should be noted that from 1.1.2000 that the maximum width of buses has been increased from 2.50m to 2.55m.
Adaptations of the maximum length of rigid buses will very probably bring about a demand for a similar change in legislation for rigid trucks designed to transport goods, although there might be not an overwhelming demand for such vehicles.
14. The rapporteur is aware that technical discussions are going on between bus producers and the Commission and between bus producers, national transport authorities and the Economic Commission for Europe (ECE) of the United Nations in Geneva, especially concerning turning circle requirements and other technical aspects (see point 5). The European Parliament asks the Commission to be informed on the development of these negotiations.

III. Conclusion

15. The rapporteur considers that the Commission proposal strikes a reasonable balance between commercial and competition considerations and constraints of infrastructural legislative and safety nature. It creates a level playing field for all competitors in the EU and creates scope for technical progress, without disregarding safety considerations.