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REPORT

on the proposal for a European Parliament and Council directive amending Council Directive 92/6/EEC on the installation and use of speed limitation devices for certain categories of motor vehicles in the Community (COM(2001) 318 – C5-0267/2001 – 2001/0135(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)

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

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PROCEDURAL PAGE

By letter of 14 June 2001 the Commission submitted to Parliament, pursuant to Article 251(2) and Article 71 (1) of the EC Treaty, the proposal for a European Parliament and Council directive amending Council Directive 92/6/EEC on the installation and use of speed limitation devices for certain categories of motor vehicles in the Community (COM(2001) 318 - 2001/0135 (COD)).

At the sitting of 2 July 2001 the President of Parliament announced that she had referred this proposal to the Committee on Regional Policy, Transport and Tourism as the committee responsible and the Committee on the Environment, Public Health and Consumer Policy and the Committee on Industry, External Trade, Research and Energy for their opinions (C5-0267/2001).

The Committee on Regional Policy, Transport and Tourism appointed Konstantinos Hatzidakis rapporteur at its meeting of 10 July 2001.

It considered the Commission proposal and draft report at its meetings of 6 December 2001 and 22 January 2002.

At the last meeting it adopted the draft legislative resolution by 29 votes to 5, with 4 abstentions.

The following were present for the vote: , Luciano Caveri chairman; Rijk van Dam, Gilles Savary and Helmuth Markov, vice-chairmen; Konstantinos Hatzidakis, rapporteur; Emmanouil Bakopoulos, Carlos Bautista Ojeda (for Camilo Nogueira Román), Rolf Berend, Philip Charles Bradbourn, Felipe Camisón Asensio, Luigi Cocilovo, Nirj Deva (for James Nicholson), Garrelt Duin, Alain Esclopé, Giovanni Claudio Fava, Jacqueline Foster, Ewa Hedkvist Petersen, Roger Helmer (for Ingo Schmitt), Juan de Dios Izquierdo Collado, Georg Jarzembowski, Elisabeth Jeggle (for Renate Sommer), Karsten Knolle (for Mathieu J.H. Grosch), Dieter-Lebrecht Koch, Giorgio Lisi, Caroline Lucas (for Daniel Marc Cohn-Bendit), Emmanouil Mastorakis, Erik Meijer, Rosa Miguélez Ramos, Francesco Musotto, Josu Ortuondo Larrea, Karla M.H. Peijs, Giovanni Pittella (for Danielle Darras), Samuli Pohjamo, Reinhard Rack, Carlos Ripoll i Martínez Bedoya, Brian Simpson, Dirk Sterckx, Ulrich Stockmann, Margie Sudre, Geoffrey Van Orden (for Ari Vatanen), Adriaan Vermeer, Mark Francis Watts.

The Committee on the Environment, Public Health and Consumer Policy and the Committee on Industry, External Trade, Research and Energy decided on 11 July 2001 not to deliver an opinion.

The report was tabled on 22 January 2002.

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 amending Council Directive 92/6/EEC on the installation and use of speed limitation devices for certain categories of motor vehicles in the Community (COM(2001) 318 – C5-0267/2001 – 2001/0135(COD))

The proposal is amended as follows:

Text proposed by the Commission ¹

Amendments by Parliament

Amendment 1 Recital 3

(3) Research results show that further improvement in these areas will be achieved if the installation and use of speed limitation devices is made mandatory as well for *lighter motor vehicle categories*.

(3) Research results show that further improvement in these areas will be achieved if the installation and use of speed limitation devices is made mandatory as well for *categories of lighter commercial motor vehicles*.

Justification

This amendment seeks to make clear that the provisions of the directive concern categories of commercial motor vehicle. This is also shown by the fact that categories M2, M3, N2 and N3 which are covered by the Directive include only commercial vehicles.

Amendment 2 Recital 4

(4) In Council Directive 92/6/EEC it was foreseen that depending on technical possibilities and experiences in Member States, the requirements on installation and use of speed limitation devices could be extended to *lighter motor vehicle categories*.

(4) In Council Directive 92/6/EEC it was foreseen that depending on technical possibilities and experiences in Member States, the requirements on installation and use of speed limitation devices could be extended to *categories of lighter commercial motor vehicles*.

¹ OJ C 270, 25.9.2001, p.77.

Justification

Identical to justification for Amendment 1.

Amendment 3
Recital 5

(5) In the Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions on priorities in EU road safety the extension of the scope of Directive 92/6/EEC towards **lighter categories of** motor vehicles was stated as one of the priorities.

(5) In the Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions on priorities in EU road safety the extension of the scope of Directive 92/6/EEC towards **categories of lighter commercial** motor vehicles was stated as one of the priorities.

Justification

Identical to the justification of the previous amendment.

Amendment 4
ARTICLE 13A (new)
Article 3(2) (Directive 92/6/EEC)

(3a) Paragraph 2 of Article 3 is replaced by the following:

"2. The Member States shall be authorised to require that the speed limitation device fitted in vehicles registered on their territory and used exclusively for the transport of hazardous goods shall be set in such a way that these vehicles cannot exceed a maximum speed which may even be below 90 km/h."

Justification

In this way Member States will be able to impose or maintain stricter speed restrictions in the interests of transport safety in the case of national transport operations involving hazardous goods.

Amendment 5

ARTICLE 1.4

Article 4 (Directive 92/6/EEC)

1. Articles 2 and 3 shall be applicable to motor vehicles of category M3 having a maximum weight exceeding 10 metric tonnes and to motor vehicles of category N3 registered as from 1 January 1994.

2. Articles 2 and 3 shall be applicable to other motor vehicles registered as from 1 January 2004.

1. As regards motor vehicles of category M3 having a maximum weight exceeding 10 metric tonnes and motor vehicles of category N3, Articles 2 and 3 shall apply to:

motor vehicles registered as from 1 January 1994

- from 1 January 1994,

motor vehicles registered between 1 January 1988 and 1 January 1994

- from 1 January 1995 in the case of vehicles used both for national and international transport operations

- from 1 January 1996 in the case of vehicles used exclusively for national transport operations.

2. As regards motor vehicles of category M2, motor vehicles of category M3 having a maximum weight exceeding 5 metric tonnes but less than or equal to 10 metric tonnes and vehicles of category N2, Articles 2 and 3 shall apply to:

vehicles registered as from 1 January 2004

- from 1 January 2004,

vehicles registered between 1 October 2001 and 1 January 2004,

- from 1 January 2005 at the latest in the case of vehicles used for both national and international transport operations,

- from 1 January 2006 at the latest in the case of vehicles used exclusively for national transport operations".

3. Articles 2 and 3 shall be applicable at the latest from 1 January 1995, to motor vehicles of category M3 having a maximum weight exceeding 10 metric tonnes and to motor vehicles of category N3 registered between 1 January 1988 and 1 January 1994.

4. Articles 2 and 3 shall be applicable at the latest from 1 January 2005 to other motor vehicles registered between 1 January 2001 and 1 January 2004.

5. However, where vehicles are used exclusively for national transport operations, Articles 2 and 3 may be applied at the latest from 1 January 1996 as regards motor vehicles of category M3 having a maximum weight exceeding 10 metric tonnes and motor vehicles of category N3, and from 1 January 2006 as regards other motor vehicles."

Justification

This amendment does not amend the timetable proposed by the Commission. It merely distinguishes for the sake of clarity between the categories of vehicle which are subject to the existing Directive and the vehicles which are covered by the amending proposal. In the interests of technical feasibility and in order to avoid the risks of non-approved interventions the date of retroactive application of Articles 2 and 3 of the proposal for a directive to vehicles already in circulation should be harmonised with the date of entry into force of the new EURO 3 standard for emissions of motor vehicle pollutants. 1 October 2001 is therefore proposed as the date in question.

Amendment 6

ARTICLE 1, POINT 4, PARAGRAPH 5a (new)

5a. During a period of five years from the date of entry into force of the Directive Member States may exempt vehicles of categories M2 and N2 with a permissible overall weight exceeding 3.5 tonnes but less than or equal to 7.5 tonnes which are

registered on their territory from the application of Article 2 and Article 3.

Justification

A long transitional period is needed to ensure non-discriminatory conversion.

Amendment 7
ARTICLE 1.4a (new)
Article 5(1) (Directive 92/6/EEC)

(4a) Paragraph 1 of Article 5 is replaced by the following:

"(1) The speed limitation devices referred to in Articles 2 and 3 must meet the technical specifications set out in the annex of Directive 92/24/EEC. However, all the vehicles covered by this Directive which are registered before 1 January 2004 may continue to be equipped with speed limitation devices meeting the technical standards set by the competent national authorities."

Justification

Special reference should be made to the fact that each Member State retains the ability to implement national standards until Directive 92/24/EEC is amended.

Amendment 8
ARTICLE 1a (new)
Article 2a (new) (directive 92/6/CEE)

1a) A new article shall be added to the directive 92/6/CEE:

2a. "To enhance road security further, the Commission is to review the desirability, as well as the technical possibilities, of revising Directive 92/24/EEC in order to

allow exceeding the maximum speed on a strictly time-limited basis in situations of overtaking slow vehicles."

Justification

The starting point must be that maximum speeds have to be respected. However, as the Commission itself admits in its communication COM (2001) 318, the speed limitation devices make overtaking slower and therefore more dangerous. Therefore, the Commission should look into the possibilities of allowing at least a somewhat (such as 10-15 %) higher speed for a short period of time, such as 30 seconds. In order not to encourage constant overtaking, the limiter could be set to allow these abnormally high speeds e.g. once in five minutes.

Amendment 9

Article 2b (new) (directive 92/6/CEE)

1b) A new article shall be added to the directive 92/6/CEE:

2b. "18 months after the entry into force of this Directive, the Commission shall publish a study on the possibilities of introducing intelligent speed adaptation (ISA) as a way to allow situation specific optimal speeds on European roads. The maximum speeds would change in accordance with the circumstances and permit speed limitation on urban roads.

Compatibility with other safety concepts such as advanced driver assistance systems are also to be considered in the study in order to assure compatibility.

On the basis of the study the Commission is to judge whether and when incorporating intelligent speed adaptation devices into new vehicles should be compulsory."

Justification

Intelligent speed adaptation - ISA - could reduce crashes by around 35 % as a compulsory and intervening system (Intelligent Transportation Systems and Safety, ETSC 1999 page 62). This type of device also would lower speeds in urban areas unlike conventional speed limiters. By using information on the road, speed limits, as well as car characteristics the system gives either a recommendation of the optimal speed or, more usefully, transmits to the

car a binding limit from the road-side. This means that there would not have to be a rigid one-speed-fits-all-situations approach but permissible speeds would be set according to situation specific criteria. The technical solutions already exist, but naturally the subject still needs much consideration especially as to the methodology of introducing such a system. It may also be best to proceed by first taking a simple system, based only on (variable) speed limits. Furthermore, ISA cannot be seen separately from advanced driver assistance systems (ADAS e.g. lane-keeping, obstacle recognition and intelligent tyres), which need to be compatible with - and complementary to - ISA. Even if ISA devices were eventually made compulsory in new vehicles, the decision if, when and where to actually make use of such a system must be left to the discretion of the Member States.

Amendment 10
Article 2(1)

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by **1 January 2003** at the latest. They shall forthwith inform the Commission thereof.

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by **1 January 2004** at the latest. They shall forthwith inform the Commission thereof.

Justification

Extending the deadline for transposition into national law allows the Member States more time to take the necessary preparatory measures. Furthermore, this deadline is brought in line with the beginning of implementation of the provisions of Article 4, which is also 1 January 2004.

DRAFT LEGISLATIVE RESOLUTION

European Parliament legislative resolution on the proposal for a European Parliament and Council directive amending Council Directive 92/6/EEC on the installation and use of speed limitation devices for certain categories of motor vehicles in the Community (COM(2001) 318 – C5-0267/2001 – 2001/0135(COD))

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2001) 318¹),
 - having regard to Article 251(2) and 71 (1) of the EC Treaty , pursuant to which the Commission submitted the proposal to Parliament (C5-0267/2001),
 - having regard to Rule 67 of its Rules of Procedure,
 - having regard to the report of the Committee on Regional Policy, Transport and Tourism (A5-0012/2002),
1. Approves the Commission proposal as amended;
 2. Asks to be consulted again should the Commission intend to amend the proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council and Commission.

¹ OJ C 270, 25.9.2001, p.77.

EXPLANATORY STATEMENT

I. General background

Council Directive 92/6/EEC on the installation and use of speed limitation devices for certain categories of motor vehicles in the Community¹ was adopted on 10 February 1992. This Directive laid down rules requiring speed limitation devices for category M3 vehicles having a maximum weight exceeding 10 metric tonnes, i.e. vehicles used for the carriage of passengers, comprising more than eight seats in addition to the driver's seat (buses); and for category N3 vehicles, i.e. vehicles used for the carriage of goods and having a maximum mass exceeding 12 tonnes.²

In the preamble to Directive 92/6/EEC it was specified that, as a first step, requirements should be introduced in the case only of the heaviest categories of motor vehicles which are most involved in international transport. Thereafter, depending on technical possibilities and experiences in Member States, these requirements could be extended to lighter categories of motor vehicles.

As a result of the Directive the mandatory installation and use of speed limitation devices throughout the EU was introduced in three phases:

- * from 1 January 1994 for new vehicles,
- * from 1 January 1995 for vehicles registered between 1 January 1988 and 1 January 1994, performing international journeys, and
- * from 1 January 1996 for all vehicles registered on or after 1 January 1988.

Article 2 of the Directive lays an obligation to install speed limitation devices with a maximum speed set at 100 km/h for category M3 vehicles and Article 3 requires installation of speed limitation devices with a maximum set speed of 90 km/h for category N3 vehicles.

Article 6 of the Directive provides for a derogation, specifying that Articles 2 and 3 do not apply for motor vehicles used by armed forces, civil defence, fire and other emergency services and forces responsible for maintaining public order or for motor vehicles which:

- by their construction, cannot drive faster than the limits provided for in Articles 2 and 3,
- are used for scientific tests on roads
- are used only for public services in urban areas.

The technical requirements for type approval of speed limitation devices were laid down in Council Directive 92/24/EEC of 31 March 1992 relating to speed limitation devices or similar speed limitation on-board systems of certain categories of motor vehicles.

II. The Commission proposal

¹ OJ No L 057, 02.03.1992, p.27,

² As laid down in Council Directive No 92/53/EEC of 18 June 1992 amending Directive 70/156/EEC on the approximation of the laws of the Members States relating to the type-approval of motor vehicles and their trailers (OJ L 225, 10.8.1992, p.1).

The Commission proposal which is the subject of this report seeks to extend the scope of the existing Directive 92/6/EEC. In particular provision is made in Article 1, paragraphs 2 and 3, for:

- Speed limitation devices allowing a maximum speed of 100 km/h for vehicles used for the carriage of passengers, comprising more than eight seats in addition to the driver's seat and with a maximum weight of 5 metric tonnes (category M2).
- Speed limitation devices allowing a maximum speed of 100 km/h for vehicles used for the carriage of passengers comprising more than eight seats in addition to the driver's seat and having a maximum weight above 5 metric tonnes (category M3). It should be recalled that vehicles of this category exceeding 10 metric tonnes are already covered by the existing Directive 92/6/EEC.
- Speed limitation devices allowing a maximum speed of 90 km/h for vehicles used for the carriage of goods with a maximum weight in excess of 3.5 metric tonnes and up to 12 metric tonnes (category N2). For this category the maximum speed of the device shall be set at 85 km/h where the greatest permissible technical tolerance is 5 km/h.

Article 1, paragraph 4, of the proposal provides for the gradual fitting of speed limitation devices in the above vehicles on the basis of the following timetable:

- from 1 January 2004 for new vehicles;
- from 1 January 2005 for vehicles registered between 1 January 2001 and 1 January 2004;
- where these vehicles are used only for national transport operations, they shall be obliged to conform with the provisions of the Directive as from 1 January 2006.

III. Comments

As the Commission report on the implementation of the existing Directive stresses, speed limitation devices constitute an effective measure both to improve road safety and to reduce environment pollution; the present Commission proposal should therefore be welcomed. A cost-effectiveness study carried out in the Netherlands on the installation of speed limitation devices in lighter vehicles shows that in the transport sector this translates into savings of €40 million (for the Netherlands). The corresponding benefit for society as a whole would amount to €89 million. Bearing in mind that traffic in the Netherlands accounts for some 3% of total road traffic in the European Union, the Commission suggests that, on the basis of the above figures, the overall benefit of installing speed limitation devices in light vehicles (category N2) would amount to some €3 billion for the European Union as a whole. Moreover, this measure would undoubtedly have beneficial consequences in ensuring conditions of fair competition for all undertakings in this sector. The installation of speed limitation devices will mean that it will no longer be possible for some undertakings in this sector to oblige their drivers to drive at excessive speeds at the expense of others whose drivers observe the statutory speed limits.

It should also be pointed out for the sake of completeness that there have also been some reactions against this measure, mainly in the manufacturing sector. Car producers claim in particular that this measure will not contribute to greater transport safety, but will rather lead

to a lowering of speed on types of highway, such as motorways, which happen to be the safest anyway. The devices will also cause problems in overtaking, given that vehicles fitted with them will no longer be able to reach the speed temporarily needed to overtake safely. The obligation to fit speed limitation devices in vehicles already on the roads is another source of dispute. Apart from the cost amounting to some €500, it is claimed that devices subsequently fitted may be tampered with, rendering them inoperative. Finally it is claimed that the measure will harm small family businesses.

Despite these objections, your rapporteur believes that the measure should be supported. He has thus tabled a number of amendments of minor importance which help clarify the text without substantially changing the Commission's proposal.