

WRITTEN QUESTION P-2230/03  
by Ole Sørensen (ELDR)  
to the Commission

Subject: Approval of multi-purpose utility vehicle in Denmark

HWH, a company in the town of Hadsund, has had its application for approval of a new 'LADOG' multi-purpose utility vehicle rejected by the Danish Road Safety and Transport Agency. The vehicle is made in Germany and is a multi-purpose utility vehicle specially designed for the local government sector.

The Commissioner of Police granted road contractors acting on behalf of Århus County a three-month exemption running from 11 November 2002 to use a similar vehicle.

The Road Safety and Transport Agency's rejection of the application was the result of the following complications:

- Vehicles weighing more than 3500 kg must be fitted with ABS brakes. The weight of the vehicle in question itself is 2400 kg with a total maximum weight of 5000 kg.
- Since the vehicle is a new design with hydrostatic drive - i.e. it has no gear box - it is not technically possible to equip the vehicle with ABS brakes.
- The Road Safety and Transport Agency has classified the LADOG vehicle as category N2 - i.e. as a lorry. However, it is not immediately obvious that the vehicle should fall into that category since, firstly, the vehicle itself weighs only 2400 kg and the weight of the equipment it carries may vary from 0-2600 kg. Secondly, there is no reference in the implementing order for the Road Traffic Act to a requirement for brakes in conjunction with a hydrostatic drive system. In other words, the LADOG vehicle is difficult to classify within the usual categories.

The vehicle is, however, already approved and in use in the following countries: Germany, France, Switzerland, Austria, Belgium, Finland, Italy and Slovenia.

Will the Commission therefore say:

1. whether the Danish Road Safety and Transport Agency's strict interpretation of the rules concerning ABS brakes is consistent with EU competition law, and
2. whether the Danish Road Safety and Transport Agency's strict interpretation of the rules concerning ABS brakes is consistent with the EU principle of mutual recognition?