COMMON POSITION (EC) No 49/2002
adopted by the Council on 25 June 2002


(2002/C 228 E/02)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 71 thereof,

Having regard to the proposal from the Commission (1),

Having regard to the opinion of the Economic and Social Committee (2),

Following consultation of the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty (3),

Whereas:

(1) Transport safety and environmental issues connected with transport are vital in ensuring sustainable mobility.

(2) The use of speed limitation devices for heaviest motor vehicle categories has had a positive effect on the improvement of road safety. It has also contributed to environmental protection.

(3) Council Directive 92/6/EEC (4) provides that, depending on technical possibilities and experiences in Member States, the requirements on installation and use of speed limitation devices could subsequently be extended to light goods vehicles.

(4) The extension of the scope of Directive 92/6/EEC to vehicles of more than 3,5 tonnes designed for transporting goods or passengers was one of the measures advocated by the Council in its resolution of 26 June 2000 on the improvement of road safety (5), in accordance with the Commission communication of 20 March 2000 on priorities in EU road safety.

(5) The scope of Directive 92/6/EEC should be extended to motor vehicles of category M2, to vehicles of category M3 having a maximum mass of more than 5 tonnes but not exceeding 10 tonnes and to vehicles of category N2.

(6) Since the objectives of the proposed action, namely the introduction of modifications to the Community-wide arrangements for the installation and use of speed limitation devices on certain heavy vehicle categories, cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale or effects of the action, be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary to achieve those objectives.

(7) Directive 92/6/EEC should therefore be amended accordingly,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Directive 92/6/EEC is hereby amended as follows:

1. Articles 1 to 5 shall be replaced by the following:

‘Article 1

For the purposes of this Directive, “motor vehicle” means any power-driven vehicle falling within category M2, M3, N2 or N3, intended for use on the road and having at least four wheels and a maximum design speed exceeding 25 km/h.

Categories M2, M3, N2 and N3 shall be understood to be those defined in Annex II to Directive 70/156/EEC (6).

Article 2

Member States shall take the necessary measures to ensure that motor vehicles of categories M2 and M3 referred to in Article 1 may be used on the road only if equipped with a speed limitation device set in such a way that their speed cannot exceed 100 kilometres per hour.

(4) OJ L 57, 2.3.1992, p. 27.
Category M3 vehicles registered before ... (*) with a maximum mass exceeding 10 tonnes may continue to be equipped with devices on which the maximum speed is set at 100 kilometres per hour.

Article 3

1. Member States shall take the necessary measures to ensure that motor vehicles of categories N2 and N3 may be used on the road only if equipped with a speed limitation device set in such a way that their speed cannot exceed 90 kilometres per hour.

2. Member States shall be authorised to require that the speed limitation device in vehicles registered in their territory and used exclusively for the transport of dangerous goods is set in such a way that those vehicles cannot exceed a maximum speed of less than 90 kilometres per hour.

Article 4

1. For motor vehicles of category M3 having a maximum mass of more than 10 tonnes and motor vehicles of category N3, Articles 2 and 3 shall be applied:

(a) to vehicles registered as from 1 January 1994, from ... (*)

(b) to vehicles registered between 1 January 1988 and 1 January 1994:

(i) from 1 January 1995, in the case of vehicles used for both national and international transport;

(ii) from 1 January 1996, in the case of vehicles used exclusively for national transport.

2. For motor vehicles of category M2, vehicles of category M3 having a maximum mass of more than 5 tonnes but not exceeding 10 tonnes and vehicles of category N2, Articles 2 and 3 shall apply at the latest:

(a) to vehicles registered as from ... (*)

(b) to vehicles complying with the limit values set out in Directive 88/77/EEC (**) registered between 1 October 2001 and ... (*)

(i) from ... (**) in the case of vehicles used for both national and international transport operations;

(ii) from ... (**) in the case of vehicles used solely for national transport operations.

3. For a period of no more than three years from ... (*), any Member State may exempt from the provisions of Articles 2 and 3 category M2 vehicles and category N2 vehicles with a maximum mass of more than 3.5 tonnes but not exceeding 7.5 tonnes, registered in the national register and not travelling on the territory of another Member State.

Article 5

1. The speed limitation devices referred to in Articles 2 and 3 must satisfy the technical requirements laid down in the Annex to Directive 92/24/EEC (**). However, all vehicles covered by this Directive and registered before ... (*) may continue to be equipped with speed limitation devices which satisfy the technical requirements laid down by the competent national authorities.

2. Speed limitation devices shall be installed by workshops or bodies approved by the Member States.


The following Article shall be inserted:

‘Article 6a

As part of the road safety action programme for the period 2002 to 2010, the Commission shall assess the road safety and road traffic implications of adjusting the speed limitation devices used by category M2 vehicles and by category N2 vehicles with a maximum mass of 7.5 tonnes or less to the speeds laid down by this Directive.

If necessary, the Commission shall submit appropriate proposals.’

**) The first day of the month following the end of the third year after Directive 2002/.../EC enters into force.
Article 2

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

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

Article 3

This Directive shall enter into force on the day of its publication in the Official Journal of the European Communities.

Article 4

This Directive is addressed to the Member States.

Done at . . .

For the European Parliament

The President

For the Council

The President

(*) The first day of the month following the end of the second year after this Directive enters into force.
STATEMENT OF THE COUNCIL’S REASONS

INTRODUCTION


In taking its position, the Council took account of the opinion of the European Parliament in its first reading on 7 February 2002 (3).

The Economic and Social Committee delivered its opinion on 28 November 2001 (4). The Committee of the Regions decided not to deliver an opinion (5).

The proposal is a follow-up initiative by the Commission to its communication on road safety of March 2000 and the positive reception by the European Parliament and the Council in their respective resolutions who identified speed limitation devices as one of the most cost-effective measures for road safety. Against this background, the Commission submitted the aforementioned proposal for a Directive, together with a report on the implementation of Directive 92/6/EEC.

In its report, the Commission states that an analysis of the effects of using speed limitation devices was, generally speaking, very positive as regards improvement of road safety and protection of the environment.

The Commission therefore proposed extending the scope of Directive 92/6/EEC to category M2 motor vehicles, to category M3 vehicles with a maximum mass in excess of 5 tonnes but not exceeding 10 tonnes, and to category N2 vehicles.

ANALYSIS OF THE COMMON POSITION

In its resolution of 26 June 2000 on the improvement of road safety, the Council considered that it was essential to achieve progress, inter alia, on a series of legislative measures, including the extension of the scope of Directive 92/6/EEC on speed limitation devices to goods or passenger vehicles weighing over 3.5 tonnes taking into account the evaluation report by the Commission on the experience gained in implementing that directive. Against the background of this resolution, and in light of the findings of the Commission’s evaluation, the Council fully supports the overall thrust of the proposal, i.e. to extend the scope of application of Directive 92/6/EEC to category M2 motor vehicles, to category M3 vehicles with a maximum mass in excess of 5 tonnes but not exceeding 10 tonnes, and to category N2 vehicles.

Nevertheless, the Council in adopting its Common Position decided on a number of modifications towards the Commission proposal which can be summarised as follows:

— the setting of the speed limitation devices has been harmonised for all vehicles falling within the scope of the directive; hence, the speed limitation devices for all motor vehicles of categories M2, M3, N2 and N3 should be set in a way that the speed of the vehicle cannot exceed the maximum speeds of 100 km/h for the M2 and M3 categories and 90 km/h for N2 and N3 vehicles,

— the Directive should be applied two years after its entry into force, rather than on 1 January 2004.

(2) OJ L 57, 2.3.1992, p. 27.
(3) Not yet published in the Official Journal.
— the 'retrofitting' of vehicles is being limited to vehicles complying with the limit values set out in Directive 88/77/EEC (EURO 3 emission norms) registered as from 1 October 2001,

— Member States may, for a period of no more than three years following the deadline for transposing the Directive into national law, exempt vehicles of category M2 and N2 with a maximum mass of more than 3.5 tonnes but not exceeding 7.5 tonnes inasmuch as these vehicles are registered in their territory and do not travel on the territory of another Member State,

— the Commission has also been requested to assess, as part of the road safety action programme for the period 2002 to 2010, the road safety and road traffic implications of adjusting the limitation devices used by category M2 vehicles and by category N2 vehicles with a maximum mass of 7.5 tonnes or less to the speeds laid down by the Directive. According to its initiative rights, the Commission shall submit appropriate proposals,

— the Member States are also allowed to require that speed limitation devices in vehicles N2 and N3 registered in their territory and for the exclusive use of dangerous goods can be set in such a way that those vehicles cannot exceed a maximum speed of less than 90 km/h.

The Council's Common Position also includes, as to their substance, the large majority of amendments adopted by the European Parliament in its first reading of the proposal. In this context one should in particular mention the following amendments which the Council accepted:

— Amendment 4 on the possibility that Member States may require speed limitation devices to be set, in vehicles N2 and N3 registered in their territory, at maximum speeds of less than 90 km/h for the exclusive transport of dangerous goods,

— Amendment 5 on the dates of application of the Directive for the different categories of vehicles whilst making a distinction between national and international transport (accepted with changes in dates),

— Amendment 6 on the possibility for Member States to grant a temporary exemption, for a period of no longer than three years following the deadline for the transposition of the directive in national law, for vehicles M2 and N2 registered on their territory and having a weight of more than 3.5 tonnes but less than 7.5 tonnes. However, the Council added the condition that the transport in question can only occur in the territory of a Member State.

The Council rejected Amendments 1, 2 and 3: the editorial improvements sought by these amendments are no longer necessary in view of the thrust of the Council's Common Position. Furthermore, the Council could not accept Parliament's Amendment 8. The possibility of exceeding the maximum speed on a strictly time-limited basis for overtaking slow vehicles — the desirability and the technical feasibility of which the Commission is invited to review in virtue of this amendment — would pose problems in its practical application and is deemed to be incompatible with the overall principles and concepts underlying Council's Common Position.