

Amended proposal for a Directive of the European Parliament and of the Council amending Council Directive 92/6/EEC on the installation and use of speed limitation devices for certain categories of motor vehicles in the Community ⁽¹⁾

(2002/C 227 E/32)

(Text with EEA relevance)

COM(2002) 351 final — 2001/0135(COD)

(Submitted by the Commission pursuant to Article 250(2) of the EC Treaty on 26 June 2002)

1. Background

Transmission of the proposal to the European Parliament and to the Council (COM(2001) 318 — 2001/0135(COD)) in accordance with Article 71 of the Treaty

14 June 2001

Opinion of the Economic and Social Committee

28 November 2001

Opinion of the European Parliament — first reading

7 February 2002

2. Objective of the proposal

Following its Communication on Road Safety of March 2000 (COM(2000) 125 final) and the positive reception by the European Parliament and the Council in their respective resolutions who underlined speed limitation devices as one of the most cost-effective measures for road safety, the Commission proposes to extend the scope of application of Directive 92/6/EEC and require speed limitation devices not allowing speeds higher than 90 km/h for lighter categories of trucks between 3,5 and 12 tonnes (category N2) and devices not allowing speeds higher than 100 km/h for small buses with more than eight seats in addition to the driver's seat and having a weight not more than 10 tonnes (category M2 and part of category M3). Goods vehicles of over 12 tonnes (category N3) and passenger vehicles of over 10 tonnes (the rest of category M3) are already covered by 92/6/EEC.

The Commission also proposes a limited retrofitting of these devices so as to extend the effects of the proposal and to avoid market distortion.

3. Commission opinion on the amendments adopted by the Parliament

Of the ten amendments adopted by the Parliament, the Commission has accepted 2 of them (Amendments 4 and 6), if necessary with some formal or editorial modifications; has accepted the principle of 3 amendments (5, 7 and 10), has accepted in part 1 amendment (9) and has rejected 4 amendments (1, 2, 3, 8).

3.1. Amendments accepted by the Commission

Amendment 4 gives the possibility for Member States to require a lower limit in the speed limitation device for vehicles in the transport of dangerous goods.

Amendment 6 gives the possibility to a flexible implementation concerning the very lightest vehicles (M2; N2 of less than or equal to 7.5 tonnes). The Commission accepts this as Article 4(3) of the modified Directive 92/6/EEC with the following editorial change making clearer the categories concerned and the limitation to national territory:

'During a period of five years from the date of entry into force of the Directive Member States may exempt from the application of Article 2 and Article 3 vehicles of category M2 and of category N2 with a maximum weight exceeding 3.5 tonnes but less than or equal to 7.5 tonnes, which are registered on their territory and do not circulate in the territory of another Member State.'

⁽¹⁾ OJ C 270 E, 25.9.2001, p. 77.

3.2. *Amendments accepted by the Commission in principle or in part*

Amendment 5 separates vehicles already covered under Article 4(1) of modified Directive 92/6/EEC and vehicles falling under the extension of the scope under Article 4(2). The Commission accepts this with the following changes in Article 4(2) which align the dates with the accepted amendment 6 and makes clearer the intention to limit the retrofitting to vehicles fulfilling the Euro 3 emission standards:

‘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 [the first day of the month following the end of the second year after the entry into force of this Directive]

— from [the first day of the month following the end of the second year after the entry into force of this Directive],

vehicles in conformity with the limiting values of Council Directive 88/77/EEC as modified ⁽¹⁾ and registered between 1 October 2001 and [the first day of the month following the end of the second year after the entry into force of this Directive],

— from [the first day of the month following the end of the third year after the entry into force of this Directive] at the latest in the case of vehicles used for both national and international transport operations,

— from [the first day of the month following the end of the fourth year after the entry into force of this Directive] at the latest in the case of vehicles used exclusively for national transport operations.’

Amendment 7 gives the possibility to continue to use national standards in the approval of speed limitation devices before the entry into force of the Directive. The Commission accepts this with the change of the date to be aligned with other dates:

‘The speed limitation devices referred to in Articles 2 and 3 must meet the technical specifications set out in the Annex of Council Directive 92/24/EEC ⁽²⁾. However, all the vehicles covered by this Directive which are registered before [the first day of the month following the end of the second year after the entry into force of this Directive] may continue to be equipped with speed limitation devices meeting the technical standards set by the competent national authorities.’

⁽¹⁾ Council Directive 88/77/EEC of 3 December 1987 on the approximation of the laws of the Member States relating to the measures to be taken against the emission of gaseous pollutants from diesel engines for use in vehicles (OJ L 36, 9.2.1988, p. 33) as lastly modified by Commission Directive 2001/27/EC of 10 April 2001 adapting to technical progress Council Directive 88/77/EEC on the approximation of the laws of the Member States relating to measures to be taken against the emission of gaseous and particulate pollutants from compression-ignition engines for use in vehicles, and the emission of gaseous pollutants from positive-ignition engines fuelled with natural gas or liquefied petroleum gas for use in vehicles (Text with EEA relevance) (OJ L 107, 18.4.2001, p. 10).

⁽²⁾ 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 (OJ L 129, 14.5.1992, p. 154).

Amendment 10 concerns the date of implementation of the Directive by Member States. The Commission accepts this with the alignment of this date with the other dates:

'Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [the first day of the month following the end of the second year after the entry into force of this Directive] at the latest. They shall forthwith inform the Commission thereof.'

Amendment 9 concerns a report from the Commission on Intelligent Speed Management (ISA) and speed limitation devices in 18 months time. The Commission would accept a study in the context of Road Safety towards 2010, but not as a separate report taking into account that in any case 18 months is much too short time for any meaningful evaluation. Therefore the Commission accepts a new Article 6 a as follows:

'As part of the Road Safety Action Programme for the period 2002-2010, 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 speed settings laid down by this Directive.

If necessary, the Commission shall submit appropriate proposals.'

3.3. *Amendments not accepted by the Commission*

The Commission cannot accept amendments 1, 2 and 3, because they are not making the text any clearer.

The Commission cannot accept amendment 8 on time-limited possibilities to overrule the speed limitation device. The Commission considers that a time-limited higher speed is unresolved technologically and would make enforcement more difficult.

4. **Amended proposal**

Having regard to Article 250, paragraph 2, of the EC Treaty, the Commission modifies its proposal as indicated above.
