Opinion of the European Economic and Social Committee on the 'Proposal for a Directive of the European Parliament and of the Council amending Directive 96/53/EC of 25 July 1996 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(2013) 195 final/2 — 2013/0105 (COD)

(2013/C 327/22)

Rapporteur-General: **Mr RANOCCHIARI**

On 13 May 2013 the Council, and on 18 April 2013 the European Parliament decided to consult the European Economic and Social Committee, under Article 91 of the Treaty on the Functioning of the European Union, on the

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On 21 May 2013 the Committee Bureau instructed the Section for Transport, Energy, Infrastructure and the Information Society to prepare the Committee's work on the subject.

Given the urgent nature of the work, the European Economic and Social Committee appointed Mr Ranocchiari as rapporteur-general at its 491st plenary session, held on 10 and 11 July 2013 (meeting of 11 July), and adopted the following opinion by 87 votes with 1 abstention.

1. **Conclusions and recommendations**

1.1 The EESC welcomes the Commission proposal to revise – after 17 years – the current Directive on weights and dimensions of certain vehicles. The proposal intends to keep pace with technological progress in order to have cleaner and safer vehicles.

1.2 At the same time the EESC notes that some critical issues need to be clarified so that the revision can be coherent with the already existing legislation, avoiding any unnecessarily complexity and/or discrimination.

1.3 To this end the EESC is confident that the Expert Committee set up with the view of adopting delegated acts will help to remove any inconsistency.

1.4 In what concerns the rear flaps the EESC warmly recommends their installation to be included in the current scheme of European Type Approval, avoiding the National Type Approval that would constitute a step back respect the WVTA (Whole Vehicle Type Approval).

1.5 The weight exemption granted only to vehicles with two axles and electric or hybrid propulsion should be extended to vehicles with three axles or more and to other vehicles utilising alternative tractions and fuels when the relevant technical solutions imply extra weight thereby reducing the payload capacity.

1.6 The on board weight devices are not mandatory but only recommended. The EESC recalls that a technical solution does not exist for all vehicle types and their installation can be very problematic on vehicles with mechanical suspension and/or with high number of axles.

At the end of the day it will be very difficult to get a system accurate enough to be used as enforcement tool. On the contrary, the same result could be obtained redoubling the WIM (the weight in motion system integrated in the road surface) already utilised in the Member States.

1.7 Finally, on the modular concept, or Longer Heavier Vehicles (LHVs), the EESC believes that the EC proposal is, for the time being, the right one as explained further in para. 4.6 of this opinion.

1.8 Nevertheless the possibility exists – with more Member States eventually allowing cross border use of LHVs – to see a domino effect, gradually admitting such vehicles right across Europe. In this case these derogations could lead what is now an exceptional practice to become a norm, contravening the driving principle of the proposal which reiterates that the modular concept does not significantly affect international competition, penalising Member States not admitting the LHVs in their territory.

1.9 If that happens the EC could not but take note, leaving the market forces decide the path to be followed. If the LHVs earn a market share in Member States with suitable infrastructure and safety requirements, it will be not the role of the EC to limit them without breaking the subsidiarity principle.

2. **Introduction**

2.1 The current Directive establishing the maximum authorised dimensions in national and international traffic and the maximum authorised weights in international traffic for certain road vehicles circulating within the Community ([1]) dates back to July 1996.

2.2 Given the more stringent necessity to reduce greenhouse gas emissions and the consumption of petroleum products and taking into account that road transport accounts for 82 % of energy consumption of the transport sector, it was time to update this legislation, making use of more recent technical evolution to reduce fuel consumption and facilitate intermodal transport operations.

2.3 As a matter of fact the 2011 White Paper on Transport ([2]) was already announcing the revision of the current Directive with the aim of putting on the market more energy efficient vehicles.

2.4 In view of the above the EESC warmly welcomes the Commission proposal to revise the current Directive, considering that such a revision takes into account not only the reduction of fuel consumption but also the needs of intermodal transport and containerisation and, last but not least, the road safety.

3. **Gist of the European Commission proposal**

3.1 To grant a derogation from the maximum dimensions of vehicles:

— For the addition of aerodynamic devices (rear flaps) to improve energy efficiency;

— For the modification of the cabin to improve aerodynamic performance and road safety as well as driver comfort.

3.2 To grant a weight increase of one tonne for:

— Two axle vehicles with electric or hybrid propulsion in order to provide allowances for battery weights and dual propulsion, without prejudice to the load capacity of those vehicles;

— The same weight increase will be granted to the buses to take account of the increase of the average weight of passengers and their baggage, but also of the weight of the new on board safety devices. This will avoid reducing the number of passengers per coach.

3.3 To grant an extension of 15 cm in the length of trucks in order to make the use of 45 foot containers possible at EU level.

3.4 To better detect infringements related to overloading is recommended the introduction of "on board weight devices" which are able to communicate the weight data to the inspection authorities, assuring a level playing field among haulers.

3.5 To confirm the cross border use of the EMS or LHV when they cross only one border and provided that the two Member States concerned already allow it, respecting the limits of derogation foreseen by the Directive. This use should not have any significant impact on international competition.

3.6 The EC will draft technical characteristics, minimum performance level, manufacturing constrains and procedures concerning the above requirements.

3.7 To this end an Expert Committee was set up with the view to adopting delegated acts responding to the performance base standard principle, thus avoiding the imposition of disproportionate obligations which could penalise SMEs in particular. All the major stakeholders are involved in the Expert Committee.

4. **EESC comments**

4.1 *Rear flaps*

4.1.1 Maximum authorised length of vehicles can be exceeded up to two meters if aerodynamics (foldable/retractable) flaps are fitted at the rear.

4.1.2 The EESC supports the innovation but invites the EC to avoid any possible conflict of legislation between this proposal (2 m tolerance) and the type approval legislation (Reg. 1230/2012) which allows a rear increase of the vehicle length of 50 cm and has to be updated as soon as this proposal is adopted.

4.1.3 Furthermore the proposal states that the installation of such aerodynamic devices should be national type approved by Member State which will issue an appropriate certificate to be accepted by all the other Member States. On the contrary, the EESC with respect to the importance of those devices, also in terms of safety, strongly suggests their approval should be included in the current scheme of European Type Approval. The national approach would constitute a step back respect the WVTA.

([1]) For carriage of passengers: **M2** (from 8+1 seats with a max. mass ≤ 5 ton); **M3** (same as M2 seats but with a max. mass > 5 ton). For carriage of goods: **N2** (max. mass > 3.5 and ≤ 12 ton); **N3** (max. mass > 12 ton); **O2** (trailers with a max. mass > 0.75 and ≤ 3.5 ton); **O3** (trailers with a max. mass > 3.5 and ≤ 10 ton).

([2]) COM(2011) 144 final.

4.2 *Streamlining of the cab*

4.2.1 The EESC strongly suggests that both the Directive and the outcome of the Expert Committee contain specific provisions on the improvement of the driver's cabin comfort. An increasing number of drivers carrying out international journeys within the EU spend their rest time in the lorry, with the extreme case of non-resident drivers (drivers working from a country different than their country of residence) effectively live for months in their lorry. It is imperative that the driver's cabin is improved. These improvements will certainly have to be doubled by the enforcement of Regulation (EC) 561/2006 which forbids drivers to take their weekly rest time in the vehicle, as well as by measures to build new secured and affordable parking areas.

4.2.2 The EESC recalls that the design of a cabin is a costly and complex exercise which needs time to be developed. Consequently the manufacturers must dispose of an appropriate lead time before the implementation. That's why the EESC suggests a transitional period assuring a level playing field for all manufactures.

4.3 *Vehicles with electric or hybrid propulsion*

4.3.1 The EESC supports weight exemption granted to these vehicles, both trucks and buses, but strongly suggests that the derogation could be applied to vehicles with three axles or more.

4.3.2 Moreover the EESC believes that all the green vehicles should be treated in the same way, following the principle of technological neutrality even recently confirmed by the EC in the Action Plan for a competitive and sustainable automotive industry in Europe "CARS 2020" ([3]). For this reason the EESC recommends to grant the same exemption also for other tractions and alternative fuels, where the technical solutions imply extra weight that penalise the payload capacity, i.e. hydrogen, CNG and LNG (liquefied natural gas) vehicles.

4.4 *45 feet containers for intermodal transportation*

4.4.1 The proposal to extend of 15 cm the length of the vehicles engaged in the transport of 45 feet containers is fully backed up by the EESC.

4.4.2 This type of containers, whose number increased worldwide by 86 % between 2000 and 2010, representing the 20 % of the global stock of containers, with a share market of some 3 % in Europe, will no more need a special permit, facilitating a better intermodal transport.

4.4.3 A questionable aspect of this proposal is the rationale behind the limitation of road part of transportation foreseen in Art. 11: *Less than 300 km or to the closest terminal between which there is a regular service*. Such a provision could be quite difficult to interpret and control. In addition to that it seems also questionable the different treatment of road journeys to/from European short sea shipping where no limits are fixed and, apparently, also a longer road distance is allowed, discriminating the other combinations of intermodal transport.

4.5 *On board weight devices*

4.5.1 It is known that checks on vehicles regarding overloading are often inefficient and insufficient in number compromising road safety, with a high number of infringements giving competitive advantage to the transporters that do not comply with the relevant rules.

4.5.2 To fit such devices on board in not an easy task, technical solutions do not exist for all vehicles types and it will be very complex and costly to get a system accurate enough to be used as an enforcement tool. Moreover this kind of devices can be fitted only on new vehicles and the risk exists that Member States could implement different systems with a fragmentation of the market.

4.5.3 The same measurements can be obtained redoubling or so the existing WIM and it seems to be a workable good solution also according to the impact assessment of this proposal where the benefits for the Member States are estimated much greater than the cost.

4.6 *European modular system / Modular concept*

4.6.1 This topic is more sensitive and controversial since the approval of the current Directive in 1996, when the derogation related to the modular concept was accepted following the accession to the EU of Finland and Sweden, where LHVs were already operating between the two countries.

4.6.2 In short, EMS consists of a combination of the longest semi-trailer with a maximum length of 13.60 m with the longest load-carrier with a maximum length of 7.82 m allowed in the EU. The result is a vehicle of maximum 25.25 m long with a gross weight of up to 60 tonnes, while in the EU countries not permitting the EMS the maximum length is 16.50 m for the articulated vehicles and 18.75 m for the road trains with a gross weight up to 40 tonnes (up to 44 tonnes when carrying containers of 40/45 feet in intermodal transport).

4.6.3 The pros and cons of EMS are well known and are somehow reflected in the various nicknames they receive, from "eco combi" and "euro combi" to "giga-liners", "mega trucks", "super lorries" and so forth.

4.6.4 Those in favour of the EMS underline that it will improve the logistic system of the European continent. Two LHVs can replace three current heavy goods vehicles; consequently the number of trips will be reduced by around 30 % and fuel consumption reduced by 15 % with a cost saving of more than 20 %. All this will allow further advantages concerning environment, congestion, road wear and road safety.

([3]) COM(2012) 636 final.

The opposite party uses more or less the same arguments but to express the contrary: EMS is a risk to road traffic safety, with a heavy impact on road infrastructure and a greater pressure on the environment. Its success could make road transport cheaper and increase road traffic, shifting goods off the rails onto the road.

4.6.5 These opposite views are not only among stakeholders but even among Member States. As already said, Finland and Sweden have permitted EMS since long time and the Netherlands did the same in 2008 after years of testing. Germany, Belgium and Denmark are still on trials while other Member States declared to be against the EMS in their territory.

4.6.6 What the EC is proposing now is no more than a clarification of the text of the current Directive which wording was considered quite ambiguous. The main points are:

— The use of EMS is a choice left to the Member States in line with the principle of subsidiarity, based on different local conditions, and in line with the transport mode neutrality of the EU;

— No Member State is obliged to the use of EMS, but they have the right to forbid the traffic of EMS in its own territory;

— The EMS can cross the border of two adjacent Member States authorising their use as long as the transport operations remain limited to those two Member States on appointed road networks.

4.6.7 The EESC believes that the EC proposal on EMS is the right one, both legally and politically.

4.6.8 The Commission could neither impose a ban nor a liberalisation on EMS without breaking the subsidiarity principle and the transport mode neutrality. In EESC's opinion is up to the Member States to decide after their own cost benefit analysis.

4.6.9 In a longer perspective, as already suggested in a previous EESC opinion [4], it needs to be assessed whether the use of longer road vehicles operating with new fuels could be linked to the development of multimodal corridors envisaged in the road map as part of the core TEN-T network.

Brussels, 11 July 2013.

The President
of the European Economic and Social Committee
Henri MALOSSE

[4] OJ C 24 – 28.1.2012, p. 146-153.