

**Opinion of the Economic and Social Committee on the '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'**

(2002/C 48/09)

On 11 July 2001 the Council decided to consult the Economic and Social Committee, under Article 71 of the Treaty establishing the European Community, on the above-mentioned proposal.

The Section for Transport, Energy, Infrastructure and the Information Society, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 6 November 2001. The rapporteur was Mr Colombo.

At its 386th plenary session of 28 and 29 November 2001 (meeting of 28 November) the Committee adopted the following opinion by 113 votes to four, with two abstentions.

## 1. Gist of the Commission proposal

Council Directive 92/6/EEC on the installation and use of speed limitation devices for certain categories of motor vehicles in the Community<sup>(1)</sup> requires speed limitation devices to be used for category M3<sup>(2)</sup> vehicles having a maximum weight exceeding 10 metric tonnes and for category N3 vehicles.

1.1. The proposed amendment to Directive 92/6/EEC also aims to introduce speed limitation devices for vehicles of category M2 having a maximum weight of less than 5 tonnes (buses and coaches) and category N2 (lorries with a maximum weight in excess of 3,5 tonnes).

1.2. The following table provides a clear outline of the current situation and of the Commission's proposal:

## Speed limitation devices — extension of scope

(Proposed Directive COM(2001) 318 final of 14.6.2001)

Categories		Max speed	Timescales	
Current situation	M3	100 km/h	New	1/1/94
	N3	90 km/h	Registered since 1/1/88	1/1/94 <sup>(1)</sup> 1/1/94
Proposal	M2/M3	100 km/h	New	1/1/04
	N2/N3	90 km/h	Registered since 1/1/01	1/1/04 1/1/05 1/1/06 <sup>(2)</sup>

<sup>(1)</sup> International transport

<sup>(2)</sup> Domestic transport only

## 2. General comments

2.1. The Committee is glad that the Commission proposal is moving in the direction of higher safety standards in transport, and thus improved safety for users. The reduction in exhaust fumes which will result from the speed limit being applied to these types of vehicle is also welcome from the point of view of environmental protection policy, which the Committee has consistently championed. The proposal also responds to the need to standardise practice in crucial sectors of the EU economy such as the carriage of passengers and goods. In principle the Committee therefore welcomes — subject to the amendments requested in point 3 — the Commission proposal, as indeed it did in a previous opinion<sup>(3)</sup> on the proposal which eventually became Directive 92/6/EEC.

2.2. The direct economic impact would not appear to constitute a financial burden for transport companies and users of the vehicles in question. The average cost of retrofitting a speed limiter is approx. EUR 500. This does not apply to

<sup>(1)</sup> OJ L 57, 2.3.1992, p. 27.

<sup>(2)</sup> Categories M and N consist of the following vehicles:

M = Carriage of passengers	M1 = 8+1 seats
	M2 = > 8 + 1 max weight < T 5
	M3 = > 8 + 1 max weight > T 5
N = Carriage of goods	N1 = max weight ≤ T 3,5
	N2 = max weight > T 3,5 ≤ T 12
	N3 = max weight > T 12

<sup>(3)</sup> ESC Opinion, OJ C 40, 17.2.1991.

new vehicles as an electronic system in factory-fitted. There are, however, real concerns that it could lead indirectly to increased costs for society, as described in greater detail in the Specific Comments below.

2.3. An extremely important feature of the proposal is that it would also be mandatory in Eastern European countries — and in the applicant countries in particular — with no derogation possible. Any other legislative approach would have repercussions for all the issues mentioned above, and would also lead to further serious distortions of competition.

2.3.1. Indeed, it is not difficult to imagine a massive shift towards vehicles registered outside the European Union, in order to promote the use of transport carried out at higher speeds yet in complete safety, in accordance with Community regulations on active and passive road safety.

### 3. Specific comments

3.1. According to the Commission proposal, speed limiters should be set to the same speed for vehicles with a maximum weight of T4 and T 40/44. The Committee has reservations about this.

3.2. This position appears untenable, both from a purely technical point of view, and when seen against the broader picture of transport policy.

a) With regard to the technical aspect, an identical speed limit would put vehicles of different weight on the same footing, whereas they are treated separately by other Community regulations, owing to their different technical specifications. The Committee notes, for example, that Directive 98/12<sup>(1)</sup> on the standardisation of vehicle braking devices stipulates a test speed of 100 km/h with a braking distance of 112 metres for N2 (T 12) vehicles. Road tests carried out by the manufacturers, including in the pre-standardisation phase, with vehicles weighing less than T 7,5 put braking distances well below 112 metres at 110 km/h. A T 4,5 vehicle travelling at 110 km/h requires approx. 92 metres braking distance. It should be noted that vehicles of such low maximum weight are fitted with appropriate propulsion devices, braking systems and kinematic chains which are regulated for much higher speeds than those under discussion.

b) With regard to transport policy, it should be remembered that the vehicles in question are designed and used for distribution, linking warehouses and retail outlets, transport of perishable goods and for rapid supply of large markets (e.g. fish, fruit and vegetables). Furthermore, none of these services can be supplied by any other means of transport.

In addition e-commerce — which is literally transforming certain economic sectors — requires rapid, flexible transport solutions, otherwise it will lose its attraction and the system will crash unless more vehicles are used.

It is sufficiently clear then, that it is unwarranted to treat a small vehicle in the same way as a large one; it would lead to endless tailbacks and encourage risky driving<sup>(2)</sup>. Overtaking in particular would presumably take place in the parts of the road network with the steepest inclines, where heavier vehicles slow down even further owing to passive resistance. This would cause even more tailbacks — particularly since the road network is mixed-use (cars, coaches, lorries) — and hence traffic congestion, generating pollution from exhaust fumes.

3.3. In the final analysis, this would all lead to a considerable increase in costs for society, and consequently for the economy as a whole.

3.4. Similar comments apply to the carriage of passengers (Cat. M). Consider for example the shuttle buses which are used by airports, and large hotels, or to transport executives, etc.

3.5. The Committee therefore proposes that the Commission re-examine the proposal, providing for devices to be set to a higher speed for the light vehicle categories (M2 and N2).

3.5.1. It should be noted that the T 7,5 threshold, which is already used for speed restriction purposes in many Member States (UK/D/F/B), is also the reference tonnage for the use of ecopoints to transit through Austria, as well as for the

<sup>(1)</sup> OJ L 81, 18.3.1998, p. 27.

<sup>(2)</sup> The Commission also recognises this is a possible risk (c.f. COM(2001) 318 final, Volume I, p. 4.)

proposed Directive on harmonised driving bans at weekends/public holidays <sup>(1)</sup>.

<sup>(1)</sup> COM(2000) 759 final — OJ C 120 E, 24.4.2001.

3.6. Clearly it will also be necessary to amend Directive 92/24 in order to permit EC standardisation of speed limiters. The Commission intends to submit a proposal to this effect as soon as possible.

Brussels, 28 November 2001.

*The President*  
*of the Economic and Social Committee*  
Göke FRERICHS

### **Opinion of the Economic and Social Committee on the 'Proposal for a Council Regulation on State aid to the coal industry'**

(2002/C 48/10)

On 19 September 2001 the Council decided to consult the Economic and Social Committee, under Article 262 of the Treaty establishing the European Community, on the above-mentioned proposal.

The Section for Transport, Energy, Infrastructure and the Information Society, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 6 November 2001. The rapporteur was Mr Gafo Fernández.

At its 386th plenary session of 28 and 29 November 2001 (meeting of 28 November), the Economic and Social Committee adopted the following opinion by 107 votes to one with eight abstentions.

#### **1. Introduction**

1.1. This is the first time the ESC has been consulted on this subject, which traditionally fell to the ECSC Consultative Committee. The expiry of the ECSC Treaty in July 2002 requires both Community bodies to be consulted on this matter. The ESC therefore wishes to base itself on the opinion of the ECSC Consultative Committee, which is naturally more experienced in this area, while making comments to ensure that the present opinion is in keeping with earlier ESC opinions on energy policy and individual sources of energy.

1.2. This would also allow foundations to be laid for harnessing the rich experience of the ECSC Consultative Committee for the purposes of the ESC's future work. Consideration of how to do this is at an advanced stage in both committees, and a formal proposal will subsequently be made to the Commission, the European Parliament and the Council of Ministers.

#### **2. Comments**

2.1. The Committee welcomes the draft regulation, which sets out to extend until 2010 the conditions under which, subject to mandatory authorisation by the European Commission, any state aid which the Member States may grant to their coal industries will remain compatible with the common market.

2.2. The ESC believes that, as clearly illustrated by current events, security of energy supply is a long-term concern which must be taken into due and proportionate account when formulating other policies such as free movement of goods, or competition.

2.3. The ESC supports the existence of three separate categories of aid to the coal industry, covering (i) exceptional aid arising from 'inherited liabilities' (ii) aid to safeguard resources and (iii) aid for the ordered reduction of activity.