

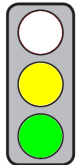
DIMENSIONS AND WEIGHTS OF COMMERCIAL VEHICLES

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KEY ISSUES

Objective of the Directive: The Commission wants to reduce the fuel consumption of heavy goods vehicles and thereby reduce greenhouse gas emissions, increase traffic safety and improve the development of intermodal transport between road, rail, inland waterways and maritime transport.

Affected parties: Manufacturers and users of trucks and buses, transport companies.



Pro: (1) Extending the exemptions applicable to the maximum size and weight of commercial vehicles offers the possibility of reducing greenhouse gas emissions and transport costs.

(2) It is the market rather than policy that determines the most efficient measures for reducing fuel consumption and greenhouse gas emissions.

(3) The ability to exceed the permitted vehicle lengths for containers by 15 cm, without a special permit, reduces transport costs.

Contra: Not only should two-axle commercial vehicles with electric and hybrid-engines be allowed to be heavier, but also those with three or more axles; this will reduce greenhouse gas emissions.

CONTENT

Title

Proposal COM(2013) 195 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.

Brief Summary

► Context and objectives

- Directive 96/53/EC, which is to be amended, governs
 - the maximum authorised limits applicable to buses, trucks and their trailers ("commercial vehicles") as regards
 - dimensions in national and international traffic (Annex 1, No. 1),
 - weights in international traffic (Annex I No. 2) and
 - other characteristics such as axle weight in international traffic (Annex I No. 3 and 4),
 - the requirements under which the Member States may grant exemptions from these maximum limits.
- Under the Amendment Directive additional exemptions to the maximum limits are to be authorised so that
 - more aerodynamic tractor cabs and aerodynamic devices on the rear of vehicles (flaps) are able to reduce the fuel consumption (by approx. 5-10%) and thus the greenhouse gas emissions;
 - redesigned tractor cabs are able to increase the driver's field of vision ("blind spot") and the danger of injury can be reduced by way of a larger "crumple zone";
 - large containers, currently used in "intermodal traffic" between the railway, inland waterways and maritime traffic, may also be transported by road without the need for a special permit because their excess length is negligible.
- The Amendment Directive will also increase the maximum weight of commercial vehicles with electric and hybrid-engines because these are heavier than conventional trucks and this reduces their permitted load.
- It is estimated that a third of commercial vehicles are overloaded. Due to a lack of EU regulations on the inspection of vehicles and a lack of sanctions, breaches often go unpunished which increases the risk of accident, damages road infrastructure and distorts competition between transport companies. Therefore
 - automated vehicle controls during circulation, and
 - EU-wide harmonised sanctions, are to be introduced

► Scope

- The Directive applies (Art. 1 in conjunction with Directive 2007/46/EC, Annex II)
- to commercial vehicles for the carriage of goods with a total mass exceeding 3.5 tonnes (t) and their trailers,
 - to commercial vehicles for the carriage of passengers with more than eight seats in addition to the driver's seat and their trailers,
 - but not to articulated buses with more than one articulated section.

► **Permitted use of commercial vehicles which conform to the maximum limits**

- Member States may not prohibit the use of commercial vehicles (Art 2, Art. 3 (1)) that are authorised or put into circulation in another Member State and
 - that comply with the maximum authorised weights and dimensions in international traffic or
 - comply with the maximum authorised dimensions in national traffic.

► **National exemptions to maximum authorised limits**

- Member States may generally permit, for national transport, commercial vehicles that exceed the maximum height, weight or axle weight limits (Art. 4 (2) in conjunction with Annex I).
- Member States may, by way of a special permit, allow commercial vehicles, that exceed the maximum limits on length or width, if such vehicles are transporting "indivisible loads" which cannot be divided into several individual loads without "undue expense" or risk of damage (Art. 2, Art. 4 Abs. 3).
- Member States may permit commercial vehicles that exceed the maximum limits on length or width ("Gigaliners") provided this does not "significantly affect" international competition (Art. 4 (4)). Such effect does not exist where
 - the transport operations only take place in one Member State or between two bordering states with a Gigaliner permit, and
 - the transport operations
 - are carried out using specialised vehicles – e.g. for logging – and are not therefore "normally" carried out by commercial vehicles from other Member States, or
 - in the permitting Member State may be executed by a combination of commercial vehicle and trailer so as to achieve at least the authorised loading length of a Gigaliner.

► **Exemptions to maximum limits for the improvement of energy efficiency**

- For the purpose of achieving a more aerodynamic shape for tractor cabs, commercial vehicles can exceed the maximum length if, as a result, in particular (Art. 9 (1) and (2))
 - the aerodynamics of the commercial vehicle is improved,
 - road traffic safety is increased (e.g. blind spot is reduced) and
 - the loading capacity is not increased.
- With respect to the attachment of streamlining devices on the rear (flaps), commercial vehicles may exceed the maximum length by up to two metres if, as a result, in particular (Art. 8 (1), (2) and (5))
 - the aerodynamics of the commercial vehicle is "significantly" improved,
 - road traffic safety is not compromised and
 - the loading capacity is not increased.
- Two-axle commercial vehicles with electric or hybrid propulsion may exceed the maximum weight levels by one tonne (Art. 10a in conjunction with Annex I).

► **Exemptions for large containers in "intermodal transport"**

- Commercial vehicles transporting 45-foot containers (13.72 m) may exceed the maximum length by 15 cm if (Art. 11)
 - the transport forms part of an "intermodal transport operation" also involving, at least, the railway, internal waterways or marine transport and
 - each road section of the transport operation comprises less than 300 km in the EU.

► **Weight checks for commercial vehicles in circulation**

- The Member States must (Art. 12 (1) to (4))
 - check the weight of vehicles in circulation with the aid of automatic systems set up on the infrastructure, or on-board systems installed in vehicles ("pre-selection"),
 - carry out one weighing per 2 000 vehicle kilometres per year on average and
 - ensure that the competent authorities in the Member States exchange information, e.g. about the identity of offenders, offences committed, sanctions.
- Where, following the pre-selection procedure, a vehicle is suspected of being overweight (Art. 12 (5)),
 - a road-side inspection will take place and/or
 - the transport company will be notified of the suspected overloading of the vehicle and/or
 - the transport company's premises will be inspected.

► **Infringements and sanctions**

- Infringements are categorised according to their severity and result in follow-up measures (Art. 13 (1)).
- An overload of the vehicle (Art. 13 (2) to (5))
 - of less than 5%, gives rise to a written warning which could lead to a penalty,
 - of between 5 and 10%, gives rise to a financial penalty and may lead to immobilisation of the vehicle for unloading,
 - of between 10 and 20%, gives rise to a financial penalty and immobilisation of the vehicle for unloading,
 - of more than 20%, gives rise to a financial penalty, immediate immobilisation of the vehicle for unloading and a procedure leading to the loss of good repute of the transport company [Art. 6 Regulation (EC) No. 107/2009].

- An excess length or width of the vehicle (Art. 13 (6) to (8))
 - of less than 2%, gives rise to a written warning, which could lead to a penalty,
 - of between 2 and 20%, gives rise to a financial penalty and immobilisation of the vehicle for unloading or until the transport company obtains a special permit,
 - of more than 20% gives rise to a financial penalty, immediate immobilisation of the vehicle for unloading, or until the transport company obtains a special permit, and a procedure leading to the loss of good repute of the transport company [Art. 6 Regulation (EC) No. 107/2009].

Main changes to the status quo

- ▶ Until now, Member States could only permit Gigaliners for domestic transport. Now Gigaliners can also drive across the border between two bordering Member States insofar as both Member States permit Gigaliners.
- ▶ Until now, commercial vehicles had to obtain a special permit to transport large containers. Now, commercial vehicles may be 15 cm longer for this purpose.
- ▶ The exemptions to the maximum limits in order to improve energy efficiency are new (tractor cabs, flaps).
- ▶ The weight checks for vehicles in circulation are new.
- ▶ The EU-wide provisions on infringements and sanctions are new.

Statement on subsidiarity by the Commission

According to the Commission, the EU-wide harmonisation of the permitted maximum dimensions and weights as well as their enforcement, is required, particularly due to the increasing amount of cross-border road haulage, in order to ensure a level playing field for transport companies.

Policy Context

To reduce greenhouse gas emissions in the road transport sector, the EU initially passed binding CO₂ targets for new passenger cars in 2009 (Regulation No.443/2009; s. [cepPolicyBrief](#)); the Commission proposed amendments to this in 2012 [COM(2012)393, see [cepPolicyBrief](#)]. CO₂ targets for light-duty vehicles were passed in 2011 (Regulation No. 510/2011, see [cepPolicyBrief](#)); the Commission proposed amendments to this in 2012 [COM(2012) 394]. In the "White Paper Transport" [COM(2011) 144; see [cepPolicyBrief](#)] the Commission formulated targets to reduce the greenhouse gas emissions of the EU transport sector by 60% by 2050 and, for distances over 300km, to transfer road haulage to other methods of transport - e.g. rail or marine transport - by 30% by 2030 and by 50% by 2050 .

Legislative Procedure

15 April 2013	Adoption by the Commission
Open	Adoption by the European Parliament and the Council, publication in the Official Journal of the European Union, entry into force

Options for Influencing the Political Process

Leading Directorate General:	DG Mobility and Transport
Committees of the European Parliament:	Transport and Tourism (leading), Rapporteur Jörg Leichtfried (S&D Group, A);
Federal Ministries:	Transport (leading)
Committees of the German Bundestag:	Transport (leading), EU-Affairs, Environment
Decision-making mode in the Council:	Unanimity: the Federal Government has a right of veto Qualified majority (Adoption by a majority of the Member States and with 260 of 352 votes; Germany: 29 votes)

Formalities

Competence:	Art. 91 TFEU (Transport)
Form of legislative competence:	Shared competence (Art. 4 (2) TFEU)
Legislative procedure:	Art. 294 TFEU (ordinary legislative procedure)

ASSESSMENT

Economic Impact Assessment

Ordoliberal Assessment

The exemptions to the maximum permitted dimensions, in order to improve energy efficiency, offer the possibility, of reducing fuel consumption and thus **greenhouse gas emissions**. Thanks to the granting of exemptions, aerodynamic improvements do not reduce the loading capacity of commercial vehicles, **and** since fuel consumption is one of the main cost factors for transport companies, they now have a much stronger

incentive to ask vehicle manufacturers to provide energy efficient solutions. These in turn allow scope for **cost-savings for transport companies** in the medium term and thus lead to lower transport prices.

Remarkably therefore, by contrast with the recent proposals on CO₂ reduction for light-duty and passenger vehicles [COM(2012) 393; see [cepPolicyBrief](#)], the Commission is proposing measures which do not impose high mandatory costs on manufacturers and thus do not result in substantially higher prices for vehicles. Although aerodynamic measures may lead to higher vehicle prices, these are likely to be amortised by way of lower fuel consumption. On the other hand: **it is the market rather than policy that determines the most efficient measures for reducing fuel consumption and greenhouse gas emissions.**

The ability of vehicle manufacturers to construct aerodynamic tractor cabs with a larger field of vision and reduced blind spot, increases road traffic safety.

Not only should two-axle commercial vehicles with electric and hybrid-engines be permitted to be heavier, but also those with three or more axles. That will also increase the incentive of the users of larger commercial vehicles to enquire about alternative propulsion technologies **which will save** both fuel and **greenhouse gas emissions.**

Categorising infringements of the rules according to their severity, as well as the related conditions for continued use of the vehicle, increase road traffic safety because it ensures that infringements of maximum limits on size and weight have to be remedied and that vehicles with loads which jeopardise safety can be taken off the road immediately across the whole of the EU. At the same time it contributes to providing a level playing field for the transport companies because they thus have the same incentive EU-wide to comply with the regulations on the size and weight of commercial vehicles.

Impact on Efficiency and Individual Freedom of Choice.

The ability of transport companies, **to exceed the permitted vehicle lengths for containers by 15 cm without a special permit** in every single Member State, **reduces** their administration costs and thus **the cost of freight transport.** However, the rule should also apply to intermodal transport involving a road traffic component of more than 300 km. The decision on the mode of transport used, should not be determined by political considerations but by the market operators themselves and thus left up to the competitive process because only the market operators know which modes of transport in which combination provide the most efficient transport solution in each case. The requirement for very large-container transport to be transferred from road to an alternative form of transport after a maximum of 300 km is therefore inappropriate.

Weight checks on vehicles in circulation may reduce the administration costs of the monitoring authorities and companies as vehicles no longer need to be stopped in order to be checked. However, it must be guaranteed that the technology used is precise and reliable as otherwise vehicles which comply with the rules will be stopped to be checked unnecessarily, as a result of which the costs of the authorities and companies will go up again.

Impact on Growth and Employment

Negligible.

Impact on Europe as a Business Location

Negligible.

Legal Assessment

Legislative Competency

Unproblematic. In order to realise a single transport policy, the EU is empowered, in particular, to issue common rules on international transport from or to the sovereign territory of a Member State to improve traffic safety and any other "appropriate provisions" (Art. 91 (1) TFEU). In addition, the planned legislation aims to improve the energy efficiency of commercial vehicles and thus also to protect the climate (Art. 192 TFEU). Finally, the legislation will also prevent competitive distortions and ensure the functioning of the internal market (Art. 114 TFEU).

Subsidiarity.

Unproblematic.

Conclusion

The exemptions to the maximum permitted dimensions, in order to improve energy efficiency, offer the possibility of reducing greenhouse gas emissions and the costs of transport companies. In this regard, it is the market rather than policy that determines the most efficient measures for reducing fuel consumption and greenhouse gas emissions. Not only should two-axle commercial vehicles with electric and hybrid-engines be allowed to be heavier, but also those with three or more axles, in order thereby to reduce greenhouse gas emissions. The ability to exceed the permitted vehicle lengths for containers by 15 cm, without a special permit, reduces the cost of freight transport.