Directive (EU) 2015/719 of the European Parliament and of the Council of 29 April 2015 amending Council Directive 96/53/EC 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 (Text with EEA relevance)

DIRECTIVE (EU) 2015/719 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 29 April 2015

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(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee[(1)],

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure[(2)],

Whereas:

(1) The need to reduce greenhouse gas emissions, particularly carbon dioxide (CO_2) emissions, to improve road safety, to adapt the relevant legislation to technological developments and changing market needs and to facilitate intermodal transport operations, while ensuring undistorted competition and protecting the road infrastructure, must be emphasised.

(2) Technological developments make it possible to attach retractable or foldable aerodynamic devices to the rear of vehicles. However, to do so would result in the maximum lengths permitted under Council Directive 96/53/EC[(3)] being exceeded. A derogation from the maximum lengths is therefore necessary. This Directive aims to allow the installation of such devices as soon as the necessary amendments to the technical requirements for type approval of the aerodynamic devices are transposed or applied and the Commission has adopted implementing acts laying down the operational rules for the use of such devices.

(3) Improved aerodynamics of the cabs of motor vehicles would allow significant gains in respect of the energy performance of vehicles, possibly in conjunction with retractable

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or foldable aerodynamic devices attached to the rear of vehicles. However, under the current maximum lengths set by Directive 96/53/EC, such an improvement is not possible without reducing the vehicle load capacity and threatening the economic equilibrium of the road transport sector. For that reason, a derogation from the maximum lengths is also necessary. That derogation should not be used to increase the load capacity of the vehicle.

(4) Pursuant to the framework of Directive 2007/46/EC of the European Parliament and of the Council[(4)], aerodynamic devices exceeding 500 mm in length and motor vehicles equipped with cabs that improve their aerodynamic performance, where such vehicles exceed the limits set by Directive 96/53/EC, are to be type approved before being placed on the market.

(5) Enabling vehicles to have a new cab profile would contribute to improving road safety by reducing blind spots in the driver's vision, including those under the windscreen, and ought to help to save the lives of many vulnerable road users such as pedestrians or cyclists. A new cab profile could also incorporate energy absorption structures in the event of a collision. Furthermore, the potential gain in the volume of the cab should improve the driver's safety and comfort. Once improved safety requirements for longer cabs have been developed, consideration can be given to whether it is appropriate to apply them to vehicles which do not benefit from the length extension.

(6) Alternative powertrains, which include hybrid powertrains, are those which, for the purpose of mechanical propulsion, draw energy from consumable fuel and/or a battery or other electrical or mechanical power storage device. Their use for heavy duty vehicles or buses may generate extra weight, but reduces pollution. That extra weight should not be counted as part of the effective load of the vehicle, since this would penalise the road transport sector in economic terms. However, the extra weight should not result in the load capacity of the vehicle being increased either.

(7) Future alternatively fuelled vehicles (with heavier powertrains than those used in conventionally fuelled vehicles) might also benefit from an extra weight allowance. Therefore, such alternative fuels may be included in the list of alternative fuels provided for by this Directive, if their use requires an additional weight allowance.

(8) This Directive provides for derogations from the maximum authorised weights and dimensions of vehicles and vehicle combinations laid down in Directive 96/53/EC. However, Member States should be able to restrict, for reasons related to road safety or infrastructure characteristics, the circulation of certain vehicles in specific parts of their road network.

(9) In the area of containerisation, 45-foot containers are increasingly being used. Such containers are transported by all modes of transport. However, the road components of intermodal transport operations can currently only be undertaken if both the Member States and the transporters follow cumbersome administrative procedures, or if those containers have patented chamfered corners, the cost of which is prohibitive. Increasing the authorised length of the vehicles transporting such containers by 15 cm could eliminate those administrative procedures for transporters and facilitate intermodal transport operations, without risk or prejudice to the road infrastructure or other road

users. The definition of intermodal transport operation in this Directive is without prejudice to work on the revision of Council Directive 92/106/EEC[(5)].

(10) To further promote intermodal transport operations and to take account of the unladen weight of containers or swap bodies of a length of up to 45 feet, the circulation of three-axle motor vehicles with two- or three-axle semi-trailers should be allowed up to a total authorised weight of 44 tonnes. Two-axle motor vehicles with three-axle semi-trailers transporting containers or swap bodies of a length of up to 45 feet should be allowed in intermodal transport operations up to a total authorised weight of 42 tonnes.

(11) Since the adoption of Directive 96/53/EC, the average weight of bus passengers and their luggage has increased substantially. Given the weight limits imposed by that Directive, this has resulted in a gradual reduction in the number of passengers carried. Moreover, the equipment needed to meet the current technical requirements, such as Euro VI, adds to the weight of the vehicles carrying them. The need to promote public transport over private transport in the interests of better energy efficiency means that the previous number of bus passengers must be re-established, taking into account the increase in their weight and that of their luggage. That can be done by increasing the authorised weight for buses with two axles, within limits that none the less ensure that road infrastructure is not damaged as a result of faster erosion.

(12) Infringements in relation to overloaded vehicles need to be addressed adequately by Member States in order to avoid any distortions of competition and to ensure road safety.

(13) In order to ensure undistorted competition between operators and to improve the detection of infringements, Member States should, by 27 May 2021, take specific measures to identify vehicles or vehicle combinations in circulation that are likely to have exceeded the relevant weight limits and that should therefore be checked. Such identification may be carried out by means of weighing mechanisms built into the road infrastructure, or by means of on-board sensors in vehicles that communicate data remotely to the relevant authorities. Such on-board data should be made available also to the driver. Every year, each Member State should perform an appropriate number of vehicle weight checks. The number of such checks should be proportionate to the total number of vehicles inspected each year in the Member State concerned.

(14) In order to ensure compliance with this Directive, Member States should lay down rules on penalties for infringements of this Directive and should ensure their implementation. Those penalties should be effective, non-discriminatory, proportionate and dissuasive.

(15) In order to make checks of the weight of vehicles or vehicle combinations more effective at international level, and to facilitate the smooth operation of those checks, it is important that the competent authorities of the Member States exchange information. The contact point designated in accordance with Regulation (EC) No 1071/2009 of the European Parliament and of the Council[(6)] should be used for such exchanges of information.

(16) The European Parliament and the Council should be regularly informed of the checks on road traffic carried out by the Member States' competent authorities. This information, provided by the Member States, will enable the Commission to ensure compliance by

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hauliers with the rules provided for by this Directive, as well as to determine whether or not additional coercive measures should be developed.

(17) In order to ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[(7)].

(18) The Commission should not adopt implementing acts relating to the operational requirements regarding the use of aerodynamic devices or detailed specifications concerning on-board weighing equipment where the committee established pursuant to this Directive delivers no opinion on the draft implementing act presented by the Commission.

(19) In order to update the list of alternative fuels included in this Directive in light of the latest technological developments, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including consultations with Member States' experts, before adopting the delegated acts. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

(20) Since the objectives of this Directive cannot be sufficiently achieved by the Member States but can rather, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.

(21) Directive 96/53/EC should therefore be amended accordingly,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Directive 96/53/EC is amended as follows:

(1) point (a) of Article 1(1) is replaced by the following:

(a) the dimensions of motor vehicles in categories M2 and M3 and their trailers in category 0 and motor vehicles in categories N2 and N3 and their trailers in categories 03 and 04, as defined in Annex II to Directive 2007/46/EC of the European Parliament and of the Council[(8)];;

(2) Article 2 is amended as follows:

(a) in the first paragraph, the following definitions are added:

— "alternative fuels" shall mean fuels or power sources which serve, at least partly, as a substitute for fossil oil sources in the energy supply to transport and which have the potential to contribute to its decarbonisation and enhance the environmental performance of the transport sector, consisting of:

(a) electricity consumed in all types of electric vehicles;

(b) hydrogen;

(c) natural gas, including biomethane, in gaseous form (Compressed Natural Gas — CNG) and liquefied form (Liquefied Natural Gas — LNG);

(d) Liquefied Petroleum Gas (LPG);

(e) mechanical energy from on-board storage/on-board sources, including waste heat;

— "alternatively fuelled vehicle" shall mean a motor vehicle powered wholly or in part by an alternative fuel and which has been approved under the framework of Directive 2007/46/EC,

— "intermodal transport operation" shall mean:

(a) the combined transport operations defined in Article 1 of Council Directive 92/106/EEC[9] engaged in the transport of one or more containers or swap bodies, up to a total maximum length of 45 feet; or

(b) transport operations engaged in the transport of one or more containers or swap bodies, up to a total maximum length of 45 feet, using waterborne transport, provided that the length of the initial or the final road leg does not exceed 150 km in the territory of the Union. The distance of 150 km referred to above may be exceeded in order to reach the nearest suitable transport terminal for the envisaged service in the case of:

(i) vehicles complying with point 2.2.2(a) or (b) of Annex I; or

(ii) vehicles complying with point 2.2.2(c) or (d) of Annex I, in cases where such distances are permitted in the relevant Member State.

For intermodal transport operations, the nearest suitable transport terminal providing a service may be located in a Member State other than the Member State in which the shipment was loaded or unloaded,

— "shipper" shall mean a legal entity or a natural or legal person who is named on the bill of lading or on an equivalent transport document, such as a "through" bill of lading, as the shipper and/or in whose name or on whose behalf a contract of carriage has been concluded with the transport company.;

(b) in the second paragraph, the reference 'Directive 70/156/EEC' is replaced by the following:

'Directive 2007/46/EC';

(3) Article 4 is amended as follows:

(a) the third and fourth subparagraphs of paragraph 4 are deleted;