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►B DIRECTIVE 97/27/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 22 July 1997 relating to the masses and dimensions of certain categories of motor vehicles and their trailers and amending Directive 70/156/EEC

(OJ L 233, 25.8.1997, p. 1)

Amended by:

		Official Journal		
		No	page	date
►M1	Directive 2001/85/EC of the European Parliament and of the Council of 20 November 2001	L 42	1	13.2.2002
►M2	Commission Directive 2003/19/EC of 21 March 2003	L 79	6	26.3.2003

Corrected by:

►C1 Corrigendum, OJ L 125, 21.5.2003, p. 14 (2001/85/EC)

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DIRECTIVE 97/27/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 22 July 1997

relating to the masses and dimensions of certain categories of motor vehicles and their trailers and amending Directive 70/156/EEC

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 100a thereof,

Having regard to the proposal from the Commission ([1]),

Having regard to the opinion of the Economic and Social Committee ([2]),

Acting in accordance with the procedure laid down in Article 189b of the Treaty ([3]),

(1) Whereas the total harmonization of technical requirements for motor vehicles is necessary in order to achieve the smooth functioning of the internal market, while ensuring a high level of safety for the public;

(2) Whereas the technical requirements which certain vehicle categories must satisfy pursuant to national laws relate, *inter alia*, to their masses and dimensions;

(3) Whereas these requirements differ from one Member State to another; whereas it is therefore necessary that all Member States adopt the same requirements either in addition to or in place of their existing rules in order to allow, in particular, the EC type-approval procedure which was the subject of Council Directive 70/156/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers ([4]), to be applied in respect of each type of vehicle;

(4) Whereas it is desirable to harmonize the maximum masses and dimensions of motor vehicles and their trailers to be registered in the Member States in accordance with Directive 96/53/EC of 25 July 1996 laying down, for certain road vehicles circulating within the Community, the maximum authorized dimensions in national and international traffic and the maximum authorized weights in international traffic ([5]); whereas the aforementioned Directive applies only to the traffic on the territories of the Member States and not to technical requirements as laid down in Directive 70/156/EEC;

(5) Whereas Directive 96/53/EC lays down certain maximum authorized dimensions for both national and international traffic in the Member States with a certain lead time for their entry into force; whereas some other maximum authorized dimensions, as well as maximum authorized masses, remain applicable only to international traffic;

(6) Whereas, as a consequence, the harmonization of the maximum authorized masses of motor vehicles and their trailers to be registered in the Member States does not appear to be feasible in the short term; whereas on the other hand it does now appear

([1]) OJ No C 230, 4. 9. 1991, p. 46.
([2]) OJ No C 49, 24. 2. 1992, p. 5.
([3]) Opinion of the European Parliament of 12 February 1992 (OJ No C 67, 16. 3. 1992, p. 81), Council common position of 28 November 1996 (OJ No C 41, 10. 2. 1997, p. 5), Decision of the European Parliament of 9 April 1997 (OJ No C 132, 28. 4. 1997) and Council Decision of 21 May 1997.
([4]) OJ No L 42, 23. 2. 1970, p. 1. Directive as last amended by Directive 96/79/EC (OJ No L 18, 21. 1. 1997, p. 7).
([5]) OJ No L 235, 17. 9. 1996, p. 59.

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feasible to achieve, as far as possible, the harmonization of their maximum dimensions, to deal with the question of masses by providing for the possibility of a uniform procedure to determine the registration/in-service maximum permissible masses of vehicles in each Member State, and to pursue the constant improvement of safety, in particular with regard to certain categories of trailers;

(7) Whereas, according to Article 4 (3) and (4) of Directive 96/53/EC, Member States may allow the circulation on their territory of category N vehicles with dimensions exceeding the limits laid down in that Directive, either for the carriage of indivisible loads or for the purpose of certain national transport operations that do not significantly affect international competition in the transport sector; whereas, as far as category M_2 and M_3 vehicles are concerned, Directive 96/53/EC applies only to international traffic; whereas it is therefore necessary by way of derogation to allow approvals for vehicles of dimensions exceeding the maximum dimensions authorized by this Directive and for certain other characteristics, together with the possibility for Member States to refuse vehicles approved under those derogating provisions;

(8) Whereas this Directive is one of the separate directives which must be complied with in order to ensure the conformity of vehicles with the requirements of the EC type-approval procedure established by Directive 70/156/EEC; whereas, consequently, the provisions laid down in Directive 70/156/EEC relating to vehicle systems, components and separate technical units apply to this Directive;

(9) Whereas, in particular, pursuant to Articles 3 (4) and 4 (3) of Directive 70/156/EEC, each separate directive must have attached to it an information document incorporating the relevant items of Annex I to that Directive and also a type-approval certificate based on Annex VI thereto so that type-approval can be computerized;

(10) Whereas special provisions have been incorporated as regards incomplete vehicles in order to facilitate second-stage approval of completed vehicles;

(11) Whereas special provisions are introduced in this Directive to take account of retractable or loadable axles; whereas it is acknowledged that such axles should also be taken into account in Council Directive 71/320/EEC of 26 July 1971 on the approximation of the laws of the Member States relating to the braking devices of certain categories of motor vehicles and of their trailers ([1]) and in Council Directive 70/311/EEC of 8 June 1970 on the approximation of the laws of the Member States relating to steering equipment for motor vehicles and their trailers ([2]);

(12) Whereas special provisions should also be incorporated into Directive 71/320/EEC in order to take better account of the technical conditions under which vehicles of categories M_2, M_3 and N may tow trailers;

(13) Whereas special provisions should also be incorporated into Council Directive 76/114/EEC of 18 December 1975 on the approximation of the laws of the Member States relating to statutory plates and inscriptions for motor vehicles and their trailers, and their location and method of attachment ([3]) to take account of the fact that vehicles may be registered at different masses in the Member States,

([1]) OJ No L 202, 6. 9. 1971, p. 37. Directive as last amended by Directive 91/422/EEC (OJ No L 233, 22. 8. 1991, p. 21).

([2]) OJ No L 133, 18. 6. 1970, p. 10. Directive as last amended by Directive 92/62/EEC (OJ No L 199, 18. 7. 1992, p. 33).

([3]) OJ No L 24, 30. 1. 1976, p. 1. Directive as last amended by Directive 78/507/EEC (OJ No L 155, 13. 6. 1978, p. 31).

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HAVE ADOPTED THIS DIRECTIVE:

Article 1

For the purposes of this Directive, 'vehicle' means any motor vehicle or trailer as defined in Article 2 of and Annex II to Directive 70/156/EEC, with the exception of vehicles of category M_1.

Article 2

No Member State may refuse to grant EC type-approval or national type-approval of a vehicle type, or refuse or prohibit the sale, registration, entry into service or use of a vehicle on grounds relating to its masses and dimensions if these satisfy the requirements set out in Annex I hereto.

Article 3

However, a Member State may refuse to grant national type-approval of a vehicle type, or refuse or prohibit the sale, registration, entry into service or use of a vehicle, or consider its certificate of conformity as not valid within the meaning of Article 7 (1) of Directive 70/156/EEC, or authorize it only for the carriage of indivisible loads if, having been granted approval under this Directive, it benefits from the derogation provided for in Article 7 thereof and that derogation conflicts with the national requirements in force in that Member State.

Article 4

When Member States grant national type-approval of vehicles approved under this Directive or permit the registration, entry into service or use of such vehicles, they assign to them national registration/in-service maximum permissible masses according to their relevant national maximum authorized masses. For the determination of these registration/in-service maximum permissible masses, no Member State may refuse to apply the procedure provided for in Annex IV, should the manufacturer request its application.

Article 5

By way of derogation from Article 2, Member States may submit loadable and retractable axles to national technical requirements. However, no Member State may refuse to apply the technical requirements laid down in section 3 of Annex IV should the manufacturer request their application.

Article 6

By way of derogation from Article 2 and section 7.3.2.1 of Annex I, Member States may refuse to grant national type-approval of, or refuse or prohibit the sale, registration or entry into service or use of buses or coaches the width of which exceeds 2,50 m until 31 December 1999, as provided by Article 9 of Directive 96/53/EC.

Article 7

By way of derogation from Article 2 and section 7.3 of Annex I, and without the requirements of section 7.6 of Annex I having to be fulfilled, Member States may approve vehicles with dimensions exceeding those laid down in those sections. Details of the derogation shall be included in the type-approval certificate in Annex III to this Directive and the provisions of Article 3 shall apply.

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Article 8

Directive 70/156/EEC is amended as follows:

(a) Annex I is supplemented as follows:

1. Footnote (j) shall be supplemented as follows: ‘for vehicles other than those of category M_1, Directive 97/27/EC, Annex I, section 2.4.1’.
2. Footnote (k) shall be supplemented as follows: ‘for vehicles other than those of category M_1, Directive 97/27/EC, Annex I, section 2.4.2’.
3. Footnote (l) shall be supplemented as follows: ‘for vehicles other than those of category M_1, Directive 97/27/EC, Annex I, section 2.4.3’.

(b) Item 48 of Annex IV is replaced by the following text:

	‘Subject	Directive	OJ No	Applicability									
				M_1	M_2	M_3	N_1	N_2	N_3	O_1	O_2	O_3	O_4
48	Masses and dimensions (other than vehicles referred to in item 44)	97/27/EC	L 233 25. 8. 1997		X	X	X	X	X	X	X	X	X’

Article 9

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 22 July 1999 at the latest. They shall forthwith inform the Commission thereof.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such a reference shall be laid down by the Member States.

2. Member States shall communicate to the Commission the texts of the main provisions of national law which they adopt in the field governed by this Directive.

Article 10

This Directive shall enter into force on the 20th day following its publication in the *Official Journal of the European Communities*.

Article 11

This Directive is addressed to the Member States.