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NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee
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Subject:	Proposal for a Decision of the European Parliament and of the Council amending Council Directive 96/53/EC as regards the time limit for the implementation of the special rules regarding maximum length in case of cabs delivering improved aerodynamic performance, energy efficiency and safety performance – Preparation of the first trilogue

1. On 17 May 2018, the Commission presented the above-mentioned proposal as a part of the so-called *Mobility Package III*. The objective of the proposal is to revise Council Directive 96/53/EC, which establishes the maximum weights and dimensions of certain road vehicles. The proposal would bring forward the date when the provisions allowing longer, aerodynamic cabs start to apply, that is **4 months** after the entry into force of the decision.
2. The European Parliament has assigned this proposal to the TRAN committee, and nominated the chair of the committee, Ms Karima Delli (Greens/EFA, FR) as the rapporteur. TRAN adopted the draft report on 22 January 2019. Only one compromise amendment was carried, changing the delay for application to **6 months**. TRAN also proposed opening interinstitutional negotiations on the draft decision.

3. The European Economic and Social Committee adopted its opinion on the proposal at its plenary on 17 October 2018. The European Committee of the Regions decided not to issue an opinion on the proposal.
4. The Council started the examination of the proposal by a general presentation on 12 June 2018. It should be noted that the Commission presented no impact assessment on this proposal, but referred to its proposal of 2013, also amending the directive on weights and dimensions.
5. The Working Party on Land Transport examined the proposal on 14 and 21 January 2019 and the Presidency developed the draft for a Council negotiation position based on that work.
6. There are two main issues regarding the proposal. Firstly, the opinions of the delegations on the appropriate delay vary from 4 months to two years. The Presidency believes that its compromise proposal, **15 months**, provides the best balance.
7. Secondly, certain delegations wished to link, in a binding way, the application of the draft decision to the adoption of the technical provisions relating to type approval of aerodynamic cabs. The Presidency considers that the best solution is to add a recital on this issue. An operative text is not necessary and it may be legally dubious. As the Commission comitology group has already scheduled a vote on this matter in February 2019, the technical provisions ought to be available before the Council and the Parliament would conclude the negotiations. Furthermore, the Presidency considers that the start of application of Union legislation is an essential policy choice, which cannot be *de facto* empowered to the Commission.
8. In conclusion, Coreper is invited to agree on a mandate for the Presidency in view the trilogue tentatively scheduled for 12 February 2019, on the basis of the text annexed to this note.

Proposal for a
DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
amending Council Directive 96/53/EC as regards the time limit for the implementation of the
special rules regarding maximum length in case of cabs delivering improved aerodynamic
performance, energy efficiency and safety performance

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(1) 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 Committee¹,

Having regard to the opinion of the Committee of the Regions²,

Acting in accordance with the ordinary legislative procedure,

Whereas:

¹ OJ C [...], [...], p. [...].

² OJ C [...], [...], p. [...].

- (1) Council 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 for certain road vehicles circulating within the Community and the maximum authorised weights in international traffic³ was amended by Directive (EU) 2015/719 of the European Parliament and of the Council⁴ with the aim of reducing energy consumption and greenhouse gas emissions, and to adapt the legislation to technological developments and changing market needs and to facilitate intermodal transport.
- (2) The improved aerodynamics of the cabs of motor vehicles would allow significant gains on the energy performance of vehicles. However, this improvement was impossible under the maximum length restrictions set out by Directive 96/53/EC without reducing the vehicle load capacity. Therefore, a derogation from maximum length restrictions was introduced by Directive (EU) 2015/719.
- (3) Directive (EU) 2015/719 also included a moratorium of three years for the introduction of aerodynamic cabs after the date of transposition or application of the necessary amendments as regards technical type-approval requirements.
- (4) With a view for the benefits of aerodynamic cabs, in terms of energy performance of heavy goods vehicles, but also in terms of better visibility for drivers, safety to other road users as well as safety and comfort for drivers, to materialise as early as possible, it is necessary to ensure that such aerodynamic cabs can be introduced without unnecessary delay, as soon as the necessary type-approval requirements are in place.

³ OJ L 235, 17.9.1996, p. 59.

⁴ 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 (OJ L 115, 6.5.2015, p. 1)

(4a) The transport sector and equipment manufacturers need sufficient time to develop new services and products. In order to reap the benefits of more flexible design rules for cabins, it is important that the Commission ensures that the necessary technical provisions are adopted as soon as possible to allow a smooth and swift entry into the markets of a new generation of cabins.

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

HAVE ADOPTED THIS DECISION:

Article 1

In Article 9a of Council Directive (EU) 96/53/EC, paragraph 3 is replaced by the following:

‘(3) Paragraph 1 shall apply from [XXX] [OP please insert date: **[15]** months from the entry into force of the present decision]’

Article 2

This Decision shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels,

For the European Parliament

The President

For the Council

The President
