



EUROPEAN COMMISSION

Brussels, 23.10.2013
C(2013) 6991 final

Dear President,

The Commission thanks the Bundesrat for its Opinion concerning the proposal to amend Directive 96/53/EC 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 {COM(2013) 195 final}.

The Commission highly appreciates that the Bundesrat supports the main objective of the proposal, which is to improve the energy efficiency and the safety of road transport and to decrease its greenhouse gas emissions (CO₂).

A further important objective of the proposed amendment is the establishment of a level playing field inside the Single Market which is currently distorted by unwarranted abuses related to overweight transport operations. This puts hauliers which comply with the rules at a competitive disadvantage in relation to those who do not.

In this respect it is important to note that the existing maximum weight (40 tonnes) and dimension (18,75 metres) for EU wide transport operations will be maintained. The proposed increases and dimensions would be granted as exemptions to conventional lorries and buses for the sole purpose of installing fuel-saving technologies.

With regard to vehicles or vehicle combinations exceeding the maximum dimensions set out by Directive 96/53/EEC, the proposed amendment clarifies the current Article 4 of this Directive. While the Commission considers this should always have been interpreted as allowing longer trucks to cross a single border between adjacent Member States which both allow longer trucks internally, its interpretation has been disputed.

The clarification makes clear that where (and only where) two adjacent Member States both allow the use of longer trucks internally, then, provided they comply with the conditions in both Member States concerned, such vehicles can cross the border between them. It should be noted however that, to prevent significant distortion of competition, only a single inter-state border may be crossed. Further, the provision would leave unchanged a Member State's discretion as to whether or not to allow such longer vehicles internally: this is a political decision for individual Member States, allowing them to take account of their particular circumstances. Finally, it should be noted that this provision would apply only as

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regards the length of vehicles – it would not permit vehicles exceeding the usual weight limits to travel between Member States.

German carriers driving in Germany do so on equal terms with carriers from other Member States. Similarly, German carriers driving in a Member State, or between two Member States, where vehicles or vehicle combinations exceeding the usual dimensions are allowed to circulate, would be authorised to transport an additional unit, and thus also to take advantage of the increased vehicle dimensions (this is why the derogations in the Directive related only to modular longer trucks). Therefore, there should be no cause for concern about a competitive disadvantage based on the type of trucks.

At present, the circulation of vehicles or vehicle combinations exceeding the maximum dimensions is authorised in Finland, Sweden and the Netherlands. Apart from Germany, trials are taking place in Denmark. Reports on the above-mentioned trials point to fewer kilometres driven, reduced emissions, no detrimental impact on road safety or infrastructure wear and tear.

Articles 12 and 13 of the proposal aim at ensuring a level playing field in the road transport sector by fighting overloading, which is both a major source of unfair competition and a significant safety issue. They are based on similar principles and complement the provisions of Regulation 561/2006 on driving time.

The principles of categorization of infringements are based on article 6.2(b) of Regulation 1071/2009, which provides that "the Commission shall draw up a list of categories, types and degrees of seriousness of serious infringements of Community rules which, in addition to those set out in Annex IV, may lead to the loss of good repute."

The proposal to develop targeted checks aims at reducing the number of unnecessary stops of non-infringing hauliers. Member States would remain free to choose from at least three options. Two of these options (on board weighing devices and inspection in the premises of the transport company) do not put any additional investment cost on national administrations. Targeted checks would improve the efficiency of the checks, by reducing the number of unnecessary stops of non-fraudulent vehicles, thus saving time and money for authorities as well as for compliant hauliers. If a suspected vehicle is stopped, manual checks would not be limited to overweight but will also cover driving times and other safety rules, further reducing the number of checks per vehicle.

The Commission hopes that these clarifications address the concerns raised by the Bundesrat and looks forward to continuing the political dialogue in the future.

Yours faithfully,

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Vice-President*