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REPORT

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| From: | General Secretariat of the Council |
| To: | Delegations |
| No. prev. doc.: | 11779/14 TRANS 359 CODEC 1613 |
| No. Cion doc.: | 8953/1/13 TRANS 191 CODEC 933 REV 1 |
| Subject: | Proposal 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 - Preparation for the informal trilogue |

I. Introduction

1. The Commission's proposal to amend 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, the "Weights and dimensions" Directive, was presented by the Commission in April 2013.
2. The European Parliament's Committee on Transport and Tourism (TRAN) appointed Mr Jörg Leichtfried (S&D, AT) as rapporteur. The TRAN Committee voted its report on 18 March 2014, followed by the adoption by the European Parliament of its first reading position at its plenary session of 15 April 2014.

3. In Council, a political agreement was reached on 5 June 2014. The Council's position at first reading was adopted on 16 October 2014.
4. The first informal trilogue took place in Strasbourg, on 22 October 2014. On the basis of the results of the first trilogue and in view of the second trilogue, the Presidency submitted to the Working Party on Land Transport, on 28 October, drafting suggestions on various issues. The result of the discussions at Working Party level is included in the fourth column of the table in the Annex to this report. The second trilogue will take place in Brussels, on 3 November 2014.

II. Preparation of the second trilogue (3rd November 2014)

Taking into consideration the discussions within the Council bodies, as well as with and within the European Parliament, the Presidency considers that the major outstanding issues of the weights and dimensions file are the following:

- Cross-border traffic of longer vehicles (Article 1 - point 2 - points (a) and (b) - Article 4(1) and (4) - Amendments 21, 22 and 63)
- Alternative fuels (Article 1 - point 2(a); Article 1 - point 8; Article 10b; Article 1 points 9(e) and (f) - Amendments 18, 19, 42, 43 and 69)
- Combined vs. intermodal transport ((Article 1 - point 1 - Article 2 - subparagraph 1 - indent 16) and (Article 1 - point 10 - Article 11) - Amendments 20, 44 and 45)
- Aerodynamic devices at the rear of the vehicle (Article 1 - point 6 - Articles 8b - Amendments 30 and 31)
- New cab design (Article 1 - point 7 - Article 9a - Amendments 33 to 41)
- Enforcement (Article 1 - points 11 and 12 - (Articles 12 and 13) - Amendments 46 to 52)
- Reporting obligations (Article 1 - point 14 - Article 15 - Amendments 62 and 64)
- Certain limits in Annex I (Amendments 65 and 66 and Amendment 70)
- Transposition date (Article 2)

III. Conclusion

The Permanent Representatives Committee is therefore invited to examine the proposals presented by the Presidency on the above issues, as set out in the four table document in the Annex, and to give the Presidency a mandate for the second informal trilogue on 3rd November 2014.

| Commission proposal 8953/1/13 REV 1 | EP amendments 8310/14 | Council position 11296/14 | Presidency suggestions |
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| Article 1 | | | |
| Directive 96/53/EC is hereby amended as follows: | | Directive 96/53/EC is amended as follows: | |
| | | <u>(1) in point (a) of Article 1(1), the reference "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" is replaced by the reference "Directive 2007/46/EC of the European Parliament and of the Council.</u> | |
| 1) The following definitions are added to the first subparagraph of Article 2: | | <u>(2) Article 2 is amended as follows:</u> <u>(a) in the first paragraph, the following definitions are added:</u> | |

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| Amendment 18 | | | |
| Article 1 – point 1 - (Article 2 – subparagraph 1 – indent 15) | | | |
| - ‘hybrid propulsion vehicle’ means a vehicle within the meaning of Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, equipped with one or more traction motor(s) operated by electric power and not permanently connected to the grid and one or more traction motor(s) operated by internal combustion; | – ‘ <i>low carbon technology</i> ’ means <i>technology which does not fully rely on fossil oil sources in the energy supply to transport and which significantly contribute to the decarbonisation of transport. The sources include:</i> | <u>"– '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. They consist of:</u> | Same objective as the EP. Keep Council's text. |
| | – <i>electricity</i> | <u>– electricity consumed in all types of electric vehicles,</u> | Same objective as the EP. Keep Council's text. |
| | – <i>hydrogen</i> | <u>– hydrogen,</u> | |
| | – <i>synthetic fuels</i> | | These fuels do not need extra weight. |
| | – <i>advanced Biofuels,</i> | | These fuels do not need extra weight. |
| | – <i>natural gas, including biomethane, in gaseous form (compressed natural gas – CNG) and liquefied form (liquefied natural gas – LNG), and</i> | <u>– natural gas, including biomethane, in gaseous form (Compressed Natural Gas – CNG) and liquefied form (Liquefied Natural Gas – LNG),</u> | |

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| | | – Liquefied Petroleum Gas (LPG), | Keep Council's text. |
| | <i>– waste heat</i> | | See proposal below: |
| | | – <u>mechanical energy from on-board storage/on-board sources,</u> | – mechanical energy from on-board storage/on-board sources, <u>including waste heat;</u> |
| Amendment 19 Article 1 - point 1 - (Article 2– paragraph 1 – indent 14) | | | |
| - ‘electric vehicle’ means a vehicle within the meaning of Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, equipped with one or more traction motor(s) operated by electric power and not permanently connected to the grid; | <i>deleted</i> | <u>- 'alternatively fuelled vehicle' shall mean a motor vehicle powered wholly or in part by an alternative fuel and which has been approved under Directive 2007/46/EC,</u> | Keep Council's text. |

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| Amendment 20 | | | |
| Article 1 - point 1 - (Article 2 – subparagraph 1 – indent 16) | | | |
| - ‘intermodal transport unit’ means a unit belonging to one of the following categories: container, swap body, semi-trailer; | – ‘intermodal <i>loading</i> unit’ means a unit belonging to one of the following categories: container, swap body, semi-trailer; <i>(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout)</i> | - <u>‘intermodal transport operation’ shall mean:</u> <u>(a) the combined transport operations defined in Article 1 of Council Directive 92/106/EEC*, or</u> | Keep Council's text. |
| | | <u>(b) transport operations 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:</u> | <u>[Council explanation:</u> The definition of intermodal transport unit was deleted since the Council replaced it consistently throughout the text by "containers or swap bodies". See Articles 10c and 10f and points 1.2 and 2.2.2 c) and d) of Annex I. The Council adds a definition on intermodal transport operation, using elements from Article 11 of the COM proposal.] |

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| | | <u>(i) vehicles complying with points 2.2.2 (a) or (b) of Annex I, or</u> | |
| | | <u>(ii) other vehicles, if permitted in the relevant Member State.</u> | |
| | | <u>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.</u> | |
| | | <u>– 'shipper' shall mean a legal entity or person named on the bill of lading or equivalent transport document, such as a 'through' bill of lading, as shipper, and/or in whose name or on whose behalf a contract of carriage has been concluded with the transport company.</u> | Definition on shipper: keep Council's text. |
| | | <u>(b) in the second paragraph, the reference "Directive 70/156/EEC" is replaced by the reference "Directive 2007/46/EC".</u> | [Drafting change after the jurist/linguistic revision] |
| 2. Article 4 is amended as follows: | | <u>(3) Article 4 is amended as follows:</u> | |
| Amendment 21 | | | |
| Article 1 - point 2 - point a - (Article 4 – paragraph 1 – points (a) and (b)) | | | |
| a) The word 'national' is deleted from points (a) and (b) of paragraph 1. | <i>deleted</i> | Deleted | |

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| Amendment 22 | | | |
| Article 1 - point 2 - point b - (Article 4 – paragraph 4 – subparagraph 2 – first sentence) | | | |
| b) The first phrase of the second subparagraph of Article 4(4) is replaced by the following phrase: | <i>deleted</i> | Deleted | Cross-border circulation of longer vehicles: EP and Council have the same position. The EP insists on a review clause on this issue. |
| ‘Transport operations shall be considered to not significantly affect international competition in the transport sector if they take place on the territory of a Member State or, for a cross-border operation, between only two neighbouring Member States who have both adopted measures taken in application of this paragraph, and if one of the conditions under (a) and (b) is fulfilled:’ | | | |
| Article 1 - point 3 - points a) and b) - (Article 4 – paragraphs 4 and 6) | | | |
| | | <u>(a) the third and fourth subparagraphs of paragraph 4 are deleted;</u> <u>(b) paragraph 6 is deleted.</u> | [Drafting change after the jurist/linguistic revision] |
| 3. Article 4(6), Article 5(b) and Article 8a are deleted. | | Deleted | |

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| Article 1 - point 4 - (Article 5) | | | |
| 4. Article 5 is amended as follows: the words ‘Without prejudice to Article 4 (6):’ are deleted. | | <u>(4) Article 5 is replaced by the following:</u> <u>"Article 5</u> <u>Articulated vehicles put into circulation before 1 January 1991 which do not comply with the specifications contained in points 1.6 and 4.4 of Annex I shall be deemed to comply with such specifications for the purposes of Article 3 if they do not exceed a total length of 15,50 m."</u> | [Drafting change after the jurist/linluigtic revision] |
| 5. The references to Council Directive 70/156/EEC are replaced by a reference to Directive 2007/46/EC. | | Deleted (see point b), page 28) | |
| Article 1 - point 5 - (Articles 8, 8a and 9) | | | |
| | | <u>(5) Articles 8, 8a and 9 are deleted.</u> | [Drafting change after the jurist/linluigtic revision] |
| Article 1 - point 6 | | | |
| 6. Article 8 is replaced by the following: | | <u>(6) The following Articles are inserted:</u> | [Drafting change after the jurist/linluigtic revision] |

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| <p align="center">Amendment 23 Article 1 - point 6 - (Article 8 – paragraph 1)</p> | | | |
| <p>Article 8</p> <p>1. With the aim of improving the aerodynamic performance of vehicles or combinations of vehicles, vehicles or combinations of vehicles equipped with devices that meet the criteria set out below may exceed the maximum lengths provided for in point 1.1 of Annex I. The only purpose of these exceedances is to allow the addition to the rear of vehicles or vehicle combinations of devices increasing their aerodynamic characteristics.</p> | <p>1. With the aim of improving the aerodynamic performance of vehicles or combinations of vehicles, vehicles or combinations of vehicles equipped with devices that meet the criteria set out below may exceed the maximum lengths provided for in point 1.1 of Annex I <i>by up to 500 mm</i>. The only purpose of these exceedances is to allow the addition to the rear of vehicles or vehicle combinations of devices increasing their aerodynamic characteristics.</p> | <p><i>"Article 8b</i> 1. With the aim of improving [...] <u>their energy efficiency</u>, [...] vehicles or <u>vehicle combinations</u> equipped with <u>aerodynamic</u> devices <u>which</u> meet the <u>requirements laid down in paragraphs 2 and 3, and which</u> <u>comply with Directive 2007/46/EC</u>, may exceed the maximum lengths provided for in point 1.1 of Annex I, [...] to allow the addition <u>of such devices</u> to the rear of vehicles or vehicle combinations. <u>Vehicles or vehicle combinations equipped with such devices shall comply with point 1.5 of Annex I, and any exceeding of the maximum lengths shall not lead to an increase in the loading length of those vehicles or vehicle combinations.</u></p> | <p>The EP did a first move during the first trilogue deleting its limit at 500 mm and not objecting to Article 8b as drafted by the Council, if it is made clear in the text that the rear flaps, when folded, do not measure more than 20cm.</p> <p>The Presidency suggests to keep the Council's text with the drafting for Article 8b, paragraph 3 (AMD 30).</p> |
| <p>2. The performance and safety requirements to be met by the devices referred to in the first paragraph are as follows:</p> | | Deleted | |

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| - significant improvement in the aerodynamic performance of the vehicles, | | | |
| - in terms of road safety and safety of intermodal transport, in particular: | | | |
| Amendment 24 | | | |
| Article 1 - point 6 - (Article 8 – paragraph 2 – subparagraph 1 – indent 2 – point i) | | | |
| (i) secure attachment of the devices in such a way as to reduce their risk of their detachment over time | (i) secure attachment of the devices in such a way as to <i>ensure that there is no</i> risk of their detachment | Deleted | |
| Amendment 25 | | | |
| Article 1 - point 6 - (Article 8 – paragraph 2 – subparagraph 1 – indent 2 – point ii) | | | |
| (ii) day and night markings, effective even in poor weather conditions, that allows other road users to gauge the external bodywork of the vehicle, | (ii) day and night markings <i>in accordance with type-approval rules on the installation of lighting and light-signalling devices</i> , effective even in poor weather conditions, that <i>allow</i> other road users to gauge the external bodywork of the vehicle, | Deleted | |
| (iii) a design that limits the risks for other vehicles and their passengers in the event of collision, | | Deleted | |
| (iv) the device does not significantly increase the risk of being overturned by crosswinds; | | Deleted | |

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| Amendment 26 | | | |
| Article 1 - point 6 - (Article 8 – paragraph 2 – subparagraph 1 – indent 2 – point iv a (new)) | | | |
| | <i>(iva) a design which does not reduce the driver's visibility of the rear of the vehicle,</i> | | |
| - integration into existing networks, in particular | | Deleted | |
| (i) the maintenance of the manoeuvrability of vehicles or combinations of vehicles on urban and inter-urban road infrastructures, | | Deleted | |
| (ii) the inclusion of the trailers and semi-trailers concerned in the rail, river and sea units during intermodal transport operations, | | Deleted | |
| Amendment 27 | | | |
| Article 1 - point 6 - (Article 8 – paragraph 2 – subparagraph 1 – indent 3 – point iii) | | | |
| (iii) these devices can be easily folded, retracted or removed by the driver. | (iii) these devices can be easily folded, retracted or removed. | | |
| Amendment 28 | | | |
| Article 1 - point 6 - (Article 8 – paragraph 2 – subparagraph 2) | | | |
| The exceedances of maximum lengths do not increase the capacity of vehicles or combinations of vehicles. | The exceedances of maximum lengths do not increase the load capacity of vehicles or combinations of vehicles. | Deleted | |

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| Amendment 29 Article 1 - point 6 - (Article 8 – paragraph 3) | | | |
| 3. Before being put on the market, the additional aerodynamic devices and their installation on vehicles shall be authorised by the Member States, which shall issue a certificate to this effect, attesting compliance with the requirements mentioned in paragraph 2 above and indicating that the device contributes significantly to improving aerodynamic performance. The certificates of authorisation issued in one Member State shall be recognised by the other Member States. | 3. Before being put on the market, the additional aerodynamic devices and their installation on vehicles shall be authorised by the Member States <i>within the framework of Directive 2007/46/EC. Member States</i> shall issue a certificate to this effect, attesting compliance with the requirements mentioned in paragraph 2 above and indicating that the device contributes significantly to improving aerodynamic performance. The certificates of authorisation issued in one Member State shall be recognised by the other Member States. | <p><u>2. Before being put on the market, the [...] aerodynamic devices referred to in paragraph 1 exceeding 500 mm in length shall be type-approved in accordance with Directive 2007/46/EC. By ...*, the Commission shall assess the need to amend the technical requirements for type-approval of aerodynamic devices laid down by that Directive, including its implementing measures, taking into account the need to ensure road safety and the safety of intermodal transport operations, and in particular:</u></p> <p>*Two years from the entry into force of this amending Directive.</p> <p><u>(a) the secure attachment of the devices in such a way as to reduce the risk of their becoming detached over time, including during an intermodal transport operation;</u></p> | |
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| | | <u>(b) the safety of other road users, especially vulnerable road users, by ensuring, inter alia, the visibility of contour markings when aerodynamic devices are fitted, by adapting the indirect vision requirements and, in the event of a collision with the rear of a vehicle or a vehicle combination, by not compromising rear underrun protection.</u> | |
| | | <u>To that end, the Commission shall submit, as appropriate, a legislative proposal to amend Directive 2007/46/EC.</u> | |

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| <p align="center">Amendment 30 Article 1 - point 6 - (Article 8 – paragraph 4)</p> | | | |
| 4. The Commission shall be empowered to adopt delegated acts in accordance with Article 16, to complement the requirements referred to in paragraph 2. These shall take the form of technical characteristics, minimum levels of performance, design constraints, and procedures for the establishment of the test certificate referred to in paragraph 3. | 4. The Commission shall be empowered to adopt delegated acts in accordance with Article 16, to complement the requirements referred to in paragraph 2. These shall take the form of technical characteristics, minimum levels of performance, design constraints, and procedures for the establishment of the test certificate referred to in paragraph 3. <i>The delegated acts shall be, for the first time, adopted no later than 2 years after the publication of this Directive.</i> | <u>3. The Commission shall [...] by means of implementing acts adopt detailed operational requirements regarding the use of the devices referred to in paragraph 1, covering in particular:</u> <u>(a) the circumstances in which those devices need to be folded, retracted or removed by the driver;</u> <u>(b) their use on urban and inter-urban road infrastructures;</u> <u>and</u> | |
| | | <u>(c) their compatibility with intermodal transport operations.</u> | (c) their compatibility with intermodal transport operations, <u>in particular to minimize the size of the aerodynamic devices when folded.</u> |
| | | <u>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 10i(2).</u> | |

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| | | <u>4. Paragraph 1 shall apply from the date of transposition or application of the necessary amendments to the instruments referred to in paragraph 2 and after the adoption of the implementing acts referred to in paragraph 3, as appropriate.</u> | |
| <p align="center">Amendment 31 Article 1 - point 6 - (Article 8 – paragraph 4 – subparagraph 2)</p> | | | |
| | <i>When exercising its power, the Commission shall ensure coherence with the Union's legal acts on type approval.</i> | | |
| <p align="center">Amendment 32 Article 1 - point 6 - (Article 8 – paragraph 5)</p> | | | |
| 5. Pending the adoption of the delegated acts, the vehicles or combinations of vehicles equipped with aerodynamic devices to the rear, which meet the requirements referred to in paragraph 2 and were tested in accordance with paragraph 3 may circulate if their length exceeds the length laid down in Annex I, point 1.1 by no more than two metres. This transitional measure shall apply from the date of entry into force of this Directive. | <i>deleted</i> | Deleted | |

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| 7. Article 9 is replaced by the following: | | Deleted | |
| <p align="center">Amendment 33 Article 1 - point 7 - (Article 9 – paragraph 1)</p> | | | |
| <p>Article 9</p> <p>1. In the aim of improving the aerodynamic performance and road safety of vehicles or combinations of vehicles, vehicles or combinations of vehicles that meet the criteria set out in paragraph 2 below may exceed the maximum lengths provided for in point 1.1 of Annex I. The main purpose of these exceedances is to allow the construction of tractor cabs improving the aerodynamic characteristics of vehicles or combinations of vehicles, and improving road safety.</p> | <p>1. In the aim of improving the aerodynamic performance and road safety of vehicles or combinations of vehicles, vehicles or combinations of vehicles that meet the criteria set out in paragraph 2 below may exceed the maximum lengths provided for in point 1.1 of Annex I. The main purpose of these exceedances is to allow the construction of tractor cabs improving the aerodynamic characteristics of vehicles or combinations of vehicles, and improving road safety <i>for vulnerable road users and vehicles involved in rear-end collisions</i>.</p> | <p><i>Article 9a</i></p> <p>1. <u>With</u> [...] the aim of improving [...] <u>energy efficiency, in particular as regards the</u> aerodynamic performance of cabs, <u>as well as road safety, [...]</u> vehicles or <u>vehicle combinations</u> [...] which <u>fulfil the requirements laid down in paragraph 2 and which comply with Directive 2007/46/EC</u> may exceed the maximum lengths provided for in point 1.1 of Annex I <u>if their cab provides improved aerodynamic performance and energy efficiency, as well as safety performance, [...]</u> <u>Vehicles or vehicle combinations equipped with such cabs shall comply with point 1.5 of Annex I and any exceeding of the maximum lengths shall not lead to an increase in the load capacity of those vehicles.</u></p> | <p>Keep Council's text.</p> |

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| 2. The performance and safety requirements to be met by the cabs referred to in the first paragraph are as follows: | | Deleted | |
| - improved aerodynamic performance of the vehicles, | | Deleted | |
| - enhanced road safety and security in intermodal transport, in particular to ensure that the front of the cab | | Deleted | |
| Amendment 34 | | | |
| Article 1 - point 7 - (Article 9 – paragraph 2 – subparagraph 1 – indent 2 – point i) | | | |
| (i) makes vulnerable road users more visible to the driver, in particular by reducing the blind spot under the front windscreen | (i) <i>improves direct vision to make</i> vulnerable road users more visible to the driver, in particular by reducing the blind <i>spots</i> under the front windscreen <i>and all around the cab, and, where necessary, by fitting additional equipment, such as mirrors and camera systems,</i> | Deleted | |
| Amendment 35 | | | |
| Article 1 - point 7 - (Article 9 – paragraph 2 – subparagraph 1 – indent 2 – point ii) | | | |
| (ii) reduces the damage in the event of a collision, | (ii) reduces the damage in the event of a collision <i>with other vehicles and improves the energy absorption performance by fitting of an energy absorbing crash management system,</i> | Deleted | |

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| Amendment 36 | | | |
| Article 1 - point 7 - (Article 9 – paragraph 2 – subparagraph 1 – indent 2 – point ii a (new)) | | | |
| | <i>(iia) improves pedestrian protection by adjusting the frontal design to minimise the risk of overruns in case of collisions with vulnerable road users by encouraging the sideways diversion of vulnerable users</i> | Deleted | |
| - the manoeuvrability of vehicles or vehicle combinations in infrastructure and without imposing restrictions on the use of vehicles in intermodal terminals, | | Deleted | |
| Amendment 37 | | | |
| Article 1 - point 7 - (Article 9 – paragraph 2 – subparagraph 1 – indent 4) | | | |
| - the comfort and safety of the drivers. | - the comfort and safety of the drivers <i>with a view to improving workplace conditions.</i> | Deleted | |
| The exceedances of the maximum length shall not lead to the increase in the load capacity of vehicles or combinations of vehicles. | | Deleted | |

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| <p align="center">Amendment 38</p> <p align="center">Article 1 - point 7 - (Article 9 – paragraph 2 a (new))</p> | | | |
| | <p><i>(2a) With the aim of improving the driver's safety and comfort, and ultimately to ensure the improvement of road safety of the vehicles in the scope of this Directive, the safety and comfort requirements referred to in Article 9(2) to be met by the driver's cabs are as follows:</i></p> <ul style="list-style-type: none"> <i>- compliance with the requirements set out in the Occupational Health and Safety Framework Directive 89/391/EEC, with its hierarchy of prevention measure for the elimination of sources of whole-body vibration and of musculoskeletal disorders;</i> <i>- the provision of the driver's cab with safety features starting with a secure fire exit of the cab;</i> <i>- the increase in size of the driver's cab to adapt to comfort and safety requirements for driver's seats and couchettes taking into account emergency situations.</i> | | |

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| Amendment 39 Article 1 - point 7 - (Article 9 – paragraph 3) | | | |
| 3. Before they are put on the market, the aerodynamic performance of new motor vehicle designs shall be tested by Member States, who will issue a certificate to this end. This will certify compliance with the requirements of paragraph 2 above. The test certificates issued in one Member State shall be recognised by the other Member States. | 3. Before they are put on the market, the aerodynamic <i>and safety</i> performance of new motor vehicle designs shall be tested <i>within the framework of Directive 2007/46/EC</i> by Member States, who will issue a certificate to this end. This will certify compliance with the requirements of paragraph 2 above. <i>The test of the aerodynamic performance of these vehicles shall be in line with the relevant rules for measurement of aerodynamic performance developed by the Commission.</i> The test certificates issued in one Member State shall be recognised by the other Member States. | <u>2. Before [...] being put on the market,[...] the vehicles referred to in paragraph 1 shall be approved in accordance with Directive 2007/46/EC. By ...*, the Commission shall assess the need to develop the technical requirements for type-approval of vehicles equipped with such cabs as laid down in that Directive, including its implementing acts, taking into account the following:</u> * two years of the entry into force of this amending Directive. | |
| | | <u>(a) the improved aerodynamic performance of vehicles or vehicle combinations;</u> | |
| | | <u>(b) vulnerable road users, and improvement of their visibility to drivers, in particular by reducing drivers' blind spots;</u> | |

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| | | <u>(c) the reduction in damage or injury caused to other road users in the event of a collision;</u> | |
| | | <u>(d) the safety and comfort of drivers.</u> | |
| | | <u>To that end, the Commission shall submit, as appropriate, a legislative proposal to amend Directive 2007/46/EC.</u> | |
| | | <u>3. Paragraph 1 shall apply as from five years after the date of transposition or application of the necessary amendments to the instruments referred to in paragraph 2, as appropriate."</u> | |
| <p style="text-align: center;">Amendment 40 Article 1 - point 7 - (Article 9 – paragraph 3 a (new))</p> | | | |
| | <i>3a. New N2 and N3 vehicles and combination of vehicles shall use cabs that comply with the safety requirements referred to in Article 9(2) from [seven years from the entry into force of this Directive].</i> | | Not acceptable |

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| Amendment 41 | | | |
| Article 1 - point 7 - (Article 9 – paragraph 4) | | | |
| 4. The Commission shall be empowered to adopt delegated acts in accordance with Article 16, to complement the requirements which the new tractor cabs must meet, and which are referred to in paragraph 2. These shall take the form of technical characteristics, minimum levels of performance, design constraints, and procedures for the establishment of the test certificate referred to in paragraph 3. | 4. The Commission shall be empowered to adopt delegated acts in accordance with Article 16 <i>and in line with the existing UN ECE regulations</i> to complement the requirements which the new tractor cabs must meet, and which are referred to in paragraph 2. These shall take the form of technical characteristics, minimum levels of <i>safety and aerodynamic</i> performance, design constraints, and procedures for the establishment of the test certificate referred to in paragraph 3. <i>The delegated acts shall be, for the first time, adopted no later than 2 years after the publication of this Directive.</i> | Deleted | |
| 8. In Article 10, the words ‘from the date in Article 11’ are replaced by the words ‘17 September 1997’. | | Deleted | |
| 9. Article 10a is replaced by the following: | | <u>(7) Article 10a is deleted.</u> | |
| Article 10a | | | |

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| Amendment 42 | | | |
| Article 1 - point 9 - (Article 10a – paragraph 1) | | | |
| The maximum weights of vehicles with hybrid propulsion or fully electric propulsion shall be those set out in Annex I, point 2.3.1. | The maximum weights of vehicles <i>equipped with low carbon technologies</i> shall be those set out in Annex I, point 2.3.4. | Deleted (see Article 10b) | Similar positions/different structure. Keep Council's text. |
| Amendment 43 | | | |
| Article 1 - point 9 - (Article 10a – paragraph 2) | | | |
| The vehicles with hybrid or electric propulsion must however comply with the limits set out in Annex I point 3: maximum authorized axle weight. | The vehicles <i>equipped with low-carbon technologies</i> must however comply with the limits set out in Annex I point 3: maximum authorized axle weight. | Deleted | Similar positions/different structure. Keep Council's text. |
| | | <u>(8) The following Articles are inserted:</u> | |
| | | <u>"Article 10b</u> | |
| | | <u>The maximum authorised weights of alternatively fuelled vehicles shall be those set out in points 2.3.1 and 2.3.2 of Annex I.</u> | Keep Council's text with the Presidency suggestion in response to AMD 69. |
| | | <u>Alternatively fuelled vehicles shall also comply with the maximum authorised axle weight limits set out in point 3 of Annex I.</u> | |

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| | | <p><u>The additional weight required by alternatively fuelled vehicles shall be defined on the basis of the documentation provided by the manufacturer when the vehicle in question is approved. That additional weight shall be indicated in the official proof required by Article 6.</u></p> | <p>Keep Council's text. Council and EP have the same objective (see AMD 69): to have a document available to control authorities where the additional weight required by the alternative fuel technology is included. The Council decided to include it in the official proof referred to in Article 6 of the current Directive.</p> |
| | | <p><u>The Commission shall be empowered to adopt delegated acts in accordance with Article 10h to update, for the purposes of this Directive, the list of alternative fuels referred to in Article 2 that require additional weight. It is of particular importance that the Commission follow its usual practice and carry out consultations with experts, including Member States' experts, before adopting those delegated acts.</u></p> | <p>Similar positions. Keep Council's text.</p> |

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| | | <i>Article 10c</i> | |
| | | <u>The maximum length laid down in point 1.1 of Annex I, subject where applicable to Article 9a(1), and the maximum distance laid down in point 1.6 of Annex I, may be exceeded by 15 cm for vehicles or vehicle combinations engaged in the transport of 45-foot containers or 45-foot swap bodies, empty or loaded, if the road transport of the container or swap body is part of an intermodal transport operation.</u> | Keep Council's text. |

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| | | <i>Article 10d</i> | |
| | | <p><u>1. By ...*, Member States shall take specific measures to identify vehicles or vehicle combinations in circulation that are likely to have exceeded the maximum authorised weight and that should therefore be checked by their competent authorities in order to ensure compliance with the requirements of this Directive. Those measures may be taken with the aid of automatic systems set up on the road infrastructure, or by means of on-board weighing equipment installed in vehicles in accordance with paragraph 4.</u></p> <p>* six years from the entry into force of this amending Directive.</p> | <p>Very important point for the EP. Linked to AMD 49, 50, 51 and 52.</p> <p>Keep Council's text.</p> |
| | | <u>A Member State shall not require on-board weighing equipment to be installed on vehicles or vehicle combinations which are registered in another Member State.</u> | Keep Council's text. |
| | | <u>Without prejudice to Union and national law, where automatic systems are used to establish infringements of this Directive and</u> | Keep Council's text. |

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| | | <u>to impose penalties, such automatic systems shall be certified. Where automatic systems are used only for identification purposes, certification shall not be required.</u> | |
| | | <u>2. Each Member State shall carry out each calendar year an appropriate number of checks on the weight of vehicles or vehicle combinations in circulation, proportionate to the total number of vehicles inspected each year in its territory.</u> | Keep Council's text. |
| | | <u>3. Member States shall, in accordance with Article 18 of Regulation (EC) No 1071/2009 of the European Parliament and of the Council*, ensure that their competent authorities exchange information about infringements and penalties relating to this Article.</u> | Keep Council's text. |
| | | <u>4. The Commission shall, by means of implementing acts, adopt detailed technical specifications in order to ensure that the on-board weighing equipment referred to in paragraph 1 is accurate and reliable, fully interoperable and</u> | Keep Council's text. |

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| | | <p><u>compatible with all vehicle types.</u></p> <p><u>In order to ensure interoperability, the detailed technical specifications shall, in particular, enable the weight data to be communicated at any time from a moving vehicle to the competent authorities. That communication shall be done through the interface defined by the CEN DSRC standards EN 12253, EN 12795, EN 12834, EN 13372 and ISO 14906, complemented by an additional standard ensuring that the competent authorities of the Member States can communicate and exchange information in the same way with vehicles and vehicle combinations registered in any Member State and using on board weighing equipment.</u></p> <p><u>The implementing acts referred to in this paragraph shall be adopted by ...* in accordance with the examination procedure referred to in Article 10i(2).</u></p> <p>* one year from the date of application of this amending Directive.</p> | |

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| 10. Article 11 is replaced by the following: | | | |
| Amendment 44 Article 1 - point 10 - (Article 11 – paragraph 1) | | | |
| Article 11 The maximum dimensions laid down in Annex I points 1.1 and 1.6 may be exceeded by 15 cm for vehicles or combinations of vehicles engaged in the transport of 45-foot containers or swap bodies, if the road transport of the container or swap body is part of an intermodal transport operation. | The maximum dimensions laid down in Annex I points 1.1 and 1.6 may be exceeded by 15 cm for vehicles or combinations of vehicles engaged in the transport of 45-foot containers or swap bodies, if the road transport of the container or swap body is part of <i>a combined</i> transport operation. | Deleted (see Article 10c) | Keep Council's text. |
| Amendment 45 Article 1 - point 10 - (Article 11 – paragraph 2) | | | |
| For the purposes of this Article, and of point 2.2.2(c) of Annex I, an intermodal transport operation shall include at least rail, river or sea transport at least. It shall also include a road section for its initial and/or terminal journey. Each of these road sections shall be less than 300 km in the territory of the European Union or just as far as the closest terminals between which there is a regular service. A transport operation shall also be regarded as intermodal transport if it uses intra-European | <i>By 2017, the Commission shall, if appropriate, make a legislative proposal to amend Directive 92/106/EEC and, in particular, the existing definition of combined transport, in order to take into account the development of containerisation and in view of facilitating the development of efficient intermodal transport.</i> | Deleted (see the definition of intermodal transport operation) | Keep Council's text. |

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| short sea shipping, regardless of the lengths of the initial and terminal road journeys. The initial road journey and the terminal road journey for an operation using intra-European short sea shipping takes place from the point where the goods are loaded to the nearest appropriate seaport for the initial leg, and/or where appropriate between the nearest appropriate seaport and the point where the goods are unloaded for the final leg. | | | |
| 11. Article 12 is replaced by the following: | | | |
| Amendment 46 Article 1 - point 11 - (Article 12 – paragraph 1) | | | |
| Article 12 1. The Member States shall establish a system for pre-selecting and targeting checks on vehicles or combinations of vehicles in circulation, in order to ensure compliance with the requirements of this Directive. | 1. The Member States shall establish a system for pre-selecting, targeting <i>and carrying out</i> checks on vehicles or combinations of vehicles in circulation, in order to ensure compliance with the requirements of this Directive. | Deleted (see Article 10d, paragraph 2) | Keep Council's text. |

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| Amendment 47 | | | |
| Article 1 - point 11 - (Article 12 – paragraph 1 – subparagraph 2 (new)) | | | |
| | <i>Member States shall ensure that the information concerning the number and severity of any infringements of this Directive that an individual undertaking has committed is introduced into the risk rating system established under Article 9 of Directive 2006/22/EC.</i> | | Keep Council's text. |
| Amendment 48 | | | |
| Article 1 - point 11 - (Article 12 – paragraph 1 – subparagraph 3) | | | |
| | <i>When identifying vehicles to be subject to checks, Members States may select as a priority vehicles operated by undertakings with a high-risk profile as referred to in Directive 2006/22/EC. Vehicles may also be selected randomly for checks.</i> | | Keep Council's text. |

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| <p align="center">Amendment 49</p> <p align="center">Article 1 - point 11 - (Article 12 – paragraph 2)</p> | | | |
| 2. After the expiry of a period of two years from the date of entry into force of this Directive, Member States shall measure the weight of vehicles or combination of vehicles in circulation. The purpose of these pre-selection measures is to identify vehicles that are likely to have committed an offence and that should be checked manually. These measures may be taken with the aid of automatic systems set up on the infrastructure, or onboard systems installed in vehicles in line with paragraph 6 below. The automatic systems must enable the identification of the vehicles suspected of exceeding the maximum authorised weights. As these automatic systems are only to be used for pre-selection purposes, and not to define an offence, they do not have to be certified by the Member States. | 2. After the expiry of a period of two years from the date of entry into force of this Directive, Member States shall measure the weight of vehicles or combination of vehicles in circulation. The purpose of these pre-selection measures is to <i>increase the efficiency of the checks and</i> identify vehicles that are likely to have committed an offence and that should be checked manually. These measures may be taken with the aid of automatic systems set up on the infrastructure, or onboard systems installed in vehicles in line with paragraph 6 below. The automatic systems must enable the identification of the vehicles suspected of exceeding the maximum authorised weights. As these automatic systems are only to be used for pre-selection purposes, and not to define an offence, they do not have to be certified by the Member States. <i>The onboard systems may be integrated with digital tachographs installed in vehicles in line with Regulation EU 2014/... (Regulation</i> | Deleted (see Article 10d, paragraph 1) | <p>Keep Council's text.</p> <p>Not acceptable</p> |

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| | <i>on recording equipment in road vehicles).</i> | | |
| 3. Member States shall take a number of preselection measures equivalent to at least one weighing per 2 000 vehicle kilometres per year on average. | | Deleted (see Article 10d, paragraph 2) | |
| 4. Member States shall ensure that the competent authorities exchange the information necessary to make these checks more effective at EU level, and to facilitate their conduct, notably through the national contact point responsible for the exchange of information with the other Member States. This necessary information shall include in particular the identification of offenders, the description of the offences committed and penalties imposed, and the reputation of the company concerned. The contact point is designated in accordance with Article 18(1) of Regulation 1071/2009/EC. | | Deleted (see Article 10d, paragraph 3) | |

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| 5. Vehicles suspected of being overweight following the pre-selection procedure conducted pursuant to paragraph 2 shall be subject to at least one of the following measures: | | Deleted | |
| (i) roadside inspection with approved measurement equipment after interception of the vehicle, | | | |
| (ii) sending the transport company notification of the suspected overloading of the vehicle, | | | |
| (iii) inspection of the transport company on its premises, particularly in the case of repeated infringements after the sending of the notification referred to in (ii). | | | |

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| <p align="center">Amendment 50</p> <p align="center">Article 1 - point 11 - (Article 12 – paragraph 6)</p> | | | |
| 6. In accordance with paragraph 1, Member States shall encourage the equipment of vehicles and vehicle combinations with onboard weighing devices (total weight and axle load) to enable the weight data to be communicated at any time from a moving vehicle to an authority carrying out roadside inspections or responsible for regulating the transport of goods. This communication shall be through the interface defined by the CEN DSRC standards EN 12253, EN 12795, EN 12834, EN 13372 and ISO 14906. | 6. In accordance with paragraph 1, new N2 and N3 vehicles and vehicle combinations <i>shall be fitted</i> with onboard weighing <i>systems</i> (total weight and axle load) <i>that</i> enable the weight data to be communicated at any time from a moving vehicle to an authority carrying out roadside inspections or responsible for regulating the transport of goods <i>from [five years from the entry into force of this Directive]</i> . This communication shall be through the interface defined by the CEN DSRC standards EN 12253, EN 12795, EN 12834, EN 13372 and ISO 14906. <i>The information shall also be accessible for the driver.</i> | Deleted (see Article 10d, paragraphs 1 and 4) | Keep Council's text. Ask clarification to the EP on the reliability and cost-benefits of the on-board weighing systems (EP Impact Assessment on the mandatory use of this equipment?). |
| 7. The Commission shall be empowered to adopt delegated acts, in accordance with Article 16, concerning: | | Deleted (see Article 10b) | Keep Council's text. |

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| <p>- the additional technical specifications to ensure full interoperability at Union level of the on-board weighing equipment mentioned in paragraph 6 above, so that the authorities of all Member States can communicate in the same way with vehicles or vehicle combinations registered in any Member State and, where appropriate, exchange information received with the authorities of other Member States.</p> | | | |
| <p>- the procedures for the pre-selection checks referred to in paragraph 2 of this Article, the technical specifications, precision requirements and instructions for use of the equipment used for these preselection checks. These procedures, specifications and instructions for use are intended to ensure that the checks are performed in the same way in all Member States, thereby ensuring equal treatment for all transporters throughout the territory of the Union.</p> | | | |

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| Amendment 51 | | | |
| Article 1 - point 11 - (Article 12 – paragraph 7 – indent 2 a (new)) | | | |
| | <i>– the common procedures and specifications to achieve a sufficient level of reliability that allows the onboard systems to be used for the enforcement of the provisions of this Directive, in particular of Article 13.</i> | | Keep Council's text. |
| Amendment 52 | | | |
| Article 1 - point 11 - (Article 12 – paragraph 7 a (new)) | | | |
| | <i>7a. The Commission shall assess whether the onboard systems, when interconnected to the digital tachograph, can be useful to enforce other road transport legislation. The Commission shall, if appropriate, come forward with legislative proposals.</i> | | Keep Council's text. |
| 12. Article 13 is replaced by the following: | | Deleted | |
| Article 13 | | | |
| 1. Infringements of this Directive are divided into different categories according to their severity. | | Deleted | |

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| Amendment 53 | | | |
| Article 1 - point 12 - (Article 13 – paragraph 2) | | | |
| 2. An overload of less than 5 % of the maximum authorised weight in points 2, 3, 4.1 and 4.3 of Annex 1 shall give rise to a written warning to the transport company, which could give rise to a penalty, if the national legislation provides for this type of penalty; | 2. An overload of less than 2 % of the maximum authorised weight in points 2, 3, 4.1 and 4.3 of Annex 1 shall give rise to a written warning to the transport company, which could give rise to a penalty, if the national legislation provides for this type of penalty. | Deleted | Keep Council's text. |
| Amendment 54 | | | |
| Article 1 - point 12 - (Article 13 – paragraph 3) | | | |
| 3. An overload of between 5 and 10 % of the maximum authorised weight in points 2, 3, 4.1 and 4.3 of Annex 1 shall be considered as a minor offence within the meaning of this Directive, and shall give rise to a financial penalty. The inspection authorities may also immobilise the vehicle for unloading until it reaches the maximum authorised weight; | 3. An overload of between 2 % and 10 % of the maximum authorised weight in points 2, 3, 4.1 and 4.3 of Annex 1 shall be considered as a minor offence within the meaning of this Directive, and shall give rise to a penalty. The inspection authorities may also immobilise the vehicle for unloading until it reaches the maximum authorised weight. | Deleted | Keep Council's text. |

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| <p align="center">Amendment 55 Article 1 - point 12 - (Article 13 – paragraph 4)</p> | | | |
| <p>4. An overload of between 10 and 20 % of the maximum authorised weight in points 2, 3, 4.1 and 4.3 of Annex 1 shall be considered a serious infringement within the meaning of this Directive. It shall give rise to a financial penalty and the immediate immobilisation of the vehicle for unloading until it reaches the maximum authorised weight,</p> | <p>4. An overload of between 10 and 15 % of the maximum authorised weight in points 2, 3, 4.1 and 4.3 of Annex 1 shall be considered a serious infringement within the meaning of this Directive. It shall give rise to a penalty and the immediate immobilisation of the vehicle for unloading until it reaches the maximum authorised weight,</p> | <p>Deleted</p> | <p>Keep Council's text.</p> |
| <p align="center">Amendment 56 Article 1 - point 12 - (Article 13 – paragraph 5)</p> | | | |
| <p>5. An overload of more than 20 % of the maximum authorised weight in points 2, 3, 4.1 and 4.3 of Annex 1 shall be considered a very serious infringement within the meaning of this Directive, because of the increased risks incurred by other road users. This shall give rise to an immediate immobilisation of the vehicle for unloading until it reaches the maximum authorised weight, and to a financial penalty. The procedure leading to the loss of good repute of the transport company shall be</p> | <p>5. An overload of more than 15 % of the maximum authorised weight in points 2, 3, 4.1 and 4.3 of Annex 1 shall be considered a very serious infringement within the meaning of this Directive, because of the increased risks incurred by other road users. This shall give rise to an immediate immobilisation of the vehicle for unloading until it reaches the maximum authorised weight, and to a penalty.</p> | <p>Deleted</p> | <p>Keep Council's text.</p> |

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| implemented in accordance with Article 6 of Regulation (EC) No 1071/2009, | | | |
| Amendment 57 Article 1 - point 12 - (Article 13 – paragraph 6) | | | |
| 6. An excess length or excess width of less than 2% of the maximum dimensions indicated in point 1 of Annex 1 shall give rise to a written warning to the transport company, which could give rise to a penalty, if the national legislation provides for such a penalty. | 6. An excess length, <i>height or</i> width of less than 1 % of the maximum dimensions indicated in point 1 of Annex 1 shall give rise to a written warning to the transport company, which could give rise to a penalty, if the national legislation provides for such a penalty. | Deleted | Keep Council's text. |
| Amendment 58 Article 1 - point 12 - (Article 13 – paragraph 7) | | | |
| 7. An excess length or excess width of between 2 and 20% of the maximum dimensions indicated in point 1 of Annex 1, either of the load on board or of the vehicle itself, shall give rise a financial penalty. The inspection authorities shall immobilise the vehicle until its unloading if the excess length or excess width comes from the load or until the transport company obtains a special permit in accordance with Article 4(3); | 7. An excess length, <i>height or</i> width of between 1 and 10% of the maximum dimensions indicated in point 1 of Annex 1, either of the load on board or of the vehicle itself, shall give rise a penalty <i>for the haulier</i> . The inspection authorities shall immobilise the vehicle until its unloading if the excess length or excess width comes from the load or until the transport company obtains a special permit in accordance with Article 4(3); | Deleted | Keep Council's text. |

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| <p align="center">Amendment 59</p> <p align="center">Article 1 - point 12 - (Article 13 – paragraph 8)</p> | | | |
| 8. An excess length or excess width of the load or of the vehicle of more than 20% of the maximum dimensions indicated in point 1 of Annex 1 shall be considered as a very serious infringement within the meaning of this Directive, because of the increased risks incurred by other road users. It shall give rise to a financial penalty and to the immediate immobilisation of the vehicle by the inspection authorities, until its unloading or until the transport company obtains a special permit in accordance with Article 4(3), if the excess length or excess width comes from the load. The procedure leading to the loss of good repute of the transport company shall be implemented in accordance with Article 6 of Regulation (EC) No 1071/2009. | 8. An excess length, <i>height or</i> width of the load or of the vehicle of more than 10% of the maximum dimensions indicated in point 1 of Annex 1 shall be considered as a very serious infringement within the meaning of this Directive, because of the increased risks incurred by other road users. It shall give rise to a penalty <i>for the haulier</i> and to the immediate immobilisation of the vehicle by the inspection authorities, until its unloading or until the transport company obtains a special permit in accordance with Article 4(3), if the excess length or excess width comes from the load. | Deleted | Keep Council's text. |

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| 9. The financial penalties referred to in paragraphs 3, 4, 5, 7, and 8 shall be effective, proportionate and dissuasive. | | <u>Article 10e</u> <u>Member States shall lay down rules on penalties applicable to infringements of this Directive and shall take all measures necessary to ensure that they are implemented. Those penalties shall be effective, non-discriminatory, proportionate and dissuasive. Member States shall notify those rules to the Commission.</u> | Keep Council's text. |

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| 13. The following Article 14 is added: | | | |
| Amendment 60 Article 1 - point 13 - (Article 14 – paragraph 1) | | | |
| Article 14 1. For the transport of containers, the shipper shall give the road haulier to whom it entrusts the transport of a container a statement indicating the weight of the container moved. If this information is missing or incorrect, the shipper shall incur liability in the same way as the haulier if the vehicle is overloaded. | For the transport of containers, the shipper shall give the road haulier to whom it entrusts the transport of a container, <i>in advance of loading</i> , a <i>written</i> statement indicating the <i>gross</i> weight of the container moved. <i>That statement can also be submitted by electronic means. Irrespective of its form, the document declaring the gross weight of the container shall be signed by a person duly authorised by the shipper. If the information on the gross weight of the container is missing or incorrect, the shipper shall incur liability in the same way as the haulier if the vehicle is overloaded.</i> | <u><i>Article 10f</i></u> <u>1. For the transport of containers and swap bodies, Member States shall lay down rules that require:</u> <u>(a) the shipper to give the haulier to whom it entrusts the transport of a container or swap body a statement indicating the weight of the container or swap body transported, and</u> <u>(b) the haulier to provide access to all relevant documentation provided by the shipper.</u> | EP and Council have the same concern. Ask EP clarification on this point/eventually a compromise proposal. |
| Amendment 61 Article 1 - point 13 - (Article 14 – paragraph 2) | | | |
| | <i>In intermodal transport operations, the information on the gross weight of a packed container shall be provided to the next party taking custody of the container.</i> | | Not acceptable. |

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| The following Article 15 is added: | | | |
| Article 15 | | <u>Article 10g</u> | |
| Every two years in the first quarter of the calendar year, the Member States shall send the Commission a report on the checks carried out in the previous two calendar years, the results of these checks and the penalties imposed on the offenders. The Commission shall produce an analysis of these reports and send it to the European Parliament and the Council in the second quarter of the calendar year. | | Every two years, <u>and at the latest by 30 September of the year following the end of the two-year period concerned,</u> Member States shall send to the Commission <u>the necessary information concerning:</u> <u>(a) the number of checks carried out in the previous two calendar years, and</u> <u>(b) the number of overloaded vehicles or vehicle combinations detected.[...]</u> | Keep Council's text. |
| | | <u>This information may be part of the information submitted under Article 17 of Regulation (EC) No 561/2006 of the European Parliament and of the Council.</u> | |
| | | The Commission shall produce an analysis <u>of the information received pursuant to this Article, and shall include such analysis in the report to be forwarded</u> to the European Parliament and to the Council <u>pursuant to Regulation (EC) No 561/2006.</u> | |

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| 15. The following Article 16 is added: | | | |
| Article 16 | | <u>Article 10h</u> | |
| 1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article. | | 1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article. | Keep Council's text. |
| Amendment 62 Article 1 - point 15 (Article 16 – paragraph 2) | | | |
| 2. The power to adopt delegated acts referred to in Article 8(4), Article 9(5) and Article 12(7) shall be conferred on the Commission for an indeterminate period of time from the [date of entry into force of this Directive] | 2. The power to adopt delegated acts referred to in Article 8(4), Article 9(5) and Article 12(7) shall be conferred on the Commission for <i>a</i> period of <i>five years</i> from [the date of entry into force of this Directive]. <i>The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.</i> | 2 The power to adopt delegated acts referred to in Article <u>10b</u> [...] shall be conferred on the Commission for a period of five years <u>from ...</u> *. <u>The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.</u> * Date of entry into force of this amending Directive. | Keep Council's text. |

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| 3. The delegation of power referred to in Articles 8(4), 9(5) and 12(7) may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of power specified in that decision. It shall take effect the day following the publication of the decision in the <i>Official Journal of the European Union</i> or at a later date specified therein. It shall not affect the validity of any delegated acts already in force. | | 3. The delegation of power referred to in Article 10b may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force. | |
| 4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council. | | 4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council. | |

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| 5. A delegated act adopted pursuant to Article 8(4), Article 9(5) and Article 12(7) shall enter into force only if the European Parliament or the Council did not express an objection within a period of two months of notification of that act to these two institutions, or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission of their intention not to raise objections. That period can be extended by two months at the initiative of the European Parliament or the Council. | | 5. A delegated act adopted pursuant to Article 10b shall enter into force only if <u>no objection has been expressed either by the European Parliament or the Council</u> within a period of two months of notification of that act to <u>the European Parliament and the Council</u> or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission <u>that they will not object</u> . That period <u>shall</u> be extended by two months at the initiative of the European Parliament or <u>of</u> the Council. | Keep Council's text. |
| | | <u>Article 10i</u> | |
| | | <u>1. The Commission shall be assisted by the Road Transport Committee referred to in Article 42 of Regulation (EU) No 165/2014 of the European Parliament and of the Council**. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.</u> | Keep Council's text. |
| | | <u>2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.</u> | |

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| | | <u>3. Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.</u> | |
| Amendment 63 Article 1 - point 15 a (new) - (Article 16 a (new)) | | | |
| | <i>(15a) The following Article shall be added:</i> Article 16a Reporting <i>By 2016, the Commission shall review Annex I to Directive 96/53/EC and submit a report on its implementation to the European Parliament and the Council. On the basis of this report, the Commission, shall, if appropriate, make a legislative proposal duly accompanied by an impact assessment. The report shall be made available at least 6 months prior to any legislative proposal.</i> | | Not acceptable. |

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| Amendment 64 | | | |
| Article 1 - point 15 b (new) - (Article 16 b (new)) | | | |
| | <i>(15b) The following Article shall be added: Article 16b By 01.01.2016 the Commission shall complete a review of this Directive and, if appropriate, on the basis of such a review and its impact assessment, shall submit a proposal to the European Parliament and to the Council by 01.01.2017, to mandate the safety requirements laid down in Article 9(2) for all new M2 and M3 vehicles.</i> | | |
| 16. Annex I is amended as follows: | | (9) Annex I is amended as follows: | |
| Amendment 65 | | | |
| Article 1 - point 16 - point -a (new) - (Annex I - point 1.1 - indent 8a (new)) | | | |
| | <i>(-a) The following indent shall be added to point 1.1:</i> | | EP insists on this point. |
| | <i>- 'loaded vehicle transporters: 20,75m'</i> | | Presidency suggests to accept AMD 65 and reject AMD 66. |
| Article 1 - point 16 - point a (new) - (Annex I - point 1.2 a)) | | | |
| | | <u>(a) point 1.2(a) is replaced by the following:</u> | Keep Council's text. |
| | | <u>"(a) all vehicles except the vehicles referred to in point 1.2(b): 2,55 m";</u> | |

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| (a) Point 1.2(b) is replaced by the following provisions: | | <u>(b) point 1.2(b) is replaced by the following:</u> | |
| ‘superstructures of conditioned vehicles or vehicles transporting conditioned intermodal transport units: 2.60 m’ | | "(b) superstructures of conditioned vehicles [...] or conditioned [...] <u>containers or swap bodies transported by vehicles:</u> 2,60 m"; | |
| Amendment 66 | | | |
| Article 1 - point 16 - point a (new) - (Annex I - point 1.4) | | | |
| | (1) <i>(aa) Point 1.4 is replaced by the following:</i> | | |
| | (2) 1.4 Removable superstructures and standardized freight items such as containers are included in the dimensions specified in points 1.1, 1.2, 1.3, 1.6, 1.7, 1.8 and 4.4. <i>Due to the indivisible nature of finished vehicles such as new cars loaded upon specialised transporters, such loaded transporters may exceed the dimensions in point 1.1 to the extent that national regulations and infrastructure conditions allow it and as long as these vehicle transporters when empty comply in full with the abovementioned points.</i> | | Not acceptable |

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| Amendment 70 | | | |
| Article 1 - point 16 - point b) - (Annex I - point 2.2.2 c)) | | | |
| - (b) Point 2.2.2 (c) is replaced by the following: | - (b) Point 2.2.2 (c) is replaced by the following: | <u>(c) point 2.2.2(c) is replaced by the following:</u> | |
| ‘three-axle motor vehicle with two or three-axle semi-trailer carrying, in intermodal transport, one or more intermodal transport units, for a total maximum length of 40 or 45 foot: 44 tonnes.’ | <i>two- or</i> three-axle motor vehicle with two or three-axle semi-trailer carrying, in intermodal transport, one or more intermodal transport units, for a total maximum length of 45 <i>feet</i> : 44 tonnes. | <u>"(c) two-axle motor vehicle with three-axle semi-trailer carrying, in intermodal transport operations, one or more containers or swap bodies, for a total maximum length of up to 45 feet: 42 tonnes";</u> | Keep Council's text. |
| | | <u>(d) in point 2.2.2, the following point is added:</u> | |
| | | <u>"(d) three-axle motor vehicle with two or three-axle semi-trailer carrying, in intermodal transport operations, one or more containers or swap bodies, for a total maximum length of up to 45 feet: 44 tonnes";</u> | |
| (c) Point 2.3.1 is replaced by the following: | | (e) point 2.3.1 is replaced by the following: | |
| ‘two-axle motor vehicles other than buses: 18 tonnes’ | | "2.3.1 Two-axle motor vehicles other than buses: 18 tonnes | |

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| Amendment 67 | | | |
| Article 1 - point 16 - point c - (Annex I - point 2.3.1 - indent 2) | | | |
| ‘two-axle motor vehicles other than buses, and with hybrid or electric propulsion: 19 tonnes’ | <i>deleted</i> | Two-axle <u>alternatively fuelled</u> motor vehicles other than buses [...]: <u>the maximum authorised weight of 18 tonnes is increased by the additional weight required for the alternative fuel technology with a maximum of 1 tonne [...]</u> | Keep Council's text. |
| Amendment 68 | | | |
| Article 1 - paragraph 1 - point 16 - point c - (Annex I - point 2.3.1 - indent 2) | | | |
| ‘two-axle buses: 19 tonnes’ | ‘two-axle buses: <i>19.5</i> tonnes’ | Two-axle buses: <u>19,5</u> tonnes”; | Keep Council's text. |
| Article 1 - point 16 - point c - (Annex I - point 2.3.2 - (new)) | | | |
| | | <u>(f) point 2.3.2 is replaced by the following:</u> | Keep Council's text. |
| | | <u>"2.3.2 Three-axle motor vehicles: 25 tonnes or 26 tonnes where the driving axle is fitted with twin tyres and air suspension or suspension recognised as being equivalent within the Union as defined in Annex II, or where each driving axle is fitted with twin tyres and the maximum weight of each axle does not exceed 9,5 tonnes</u> | |

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| | | <u>Three-axle alternatively fuelled motor vehicles: the maximum authorised weight of 25 or 26 tonnes (where the driving axle is fitted with twin tyres and air suspension or suspension recognised as being equivalent within the Union as defined in Annex II, or where each driving axle is fitted with twin tyres and the maximum weight of each axle does not exceed 9,5 tonnes) is increased by the additional weight required for the alternative fuel technology with a maximum of 1 tonne".</u> | |
| Amendment 69 Article 1 - point 16 - point c a (new) - (Annex I - point 2.3.4 (new)) | | | |
| | (3) <i>(ca) The following point shall be added:</i> | | |
| | (4) <i>2.3.4 Vehicles equipped with low carbon technology:</i> | | |

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| | (5) <i>The maximum weight is that mentioned in point 2.3.1, 2.3.2, 2.3.3 or 2.4 increased by the additional weight required for the low carbon technology, with a maximum of 1 tonne. That additional weight shall be indicated in the official registration documents of the motor vehicle issued by the Member State where the vehicle is registered. In cases where this information is missing, the values mentioned in points 2.3.1, 2.3.2, 2.3.3 or 2.4 shall apply.</i> | | <p>The EP grants extra weight to the three-axle articulated buses (point 2.4) alternatively fuelled. Presidency suggests to include it in Article 10b):</p> <p>The maximum authorised weights of alternatively fuelled vehicles shall be those set out in points 2.3.1, 2.3.2, 2.3.3 and 2.4 of Annex I. Alternatively fuelled vehicles shall also comply with the maximum authorised axle weight limits set out in point 3 of Annex I.</p> |
| Article 2 | | | |
| 1. Member States shall bring into force the laws, regulations and administrative provisions necessary to conform to this Directive not later than 18 months from the date of its publication in the <i>Official Journal of the European Union</i> . They shall immediately communicate to the Commission the text of those provisions. | | <p>1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by ...*. [...] They shall immediately [...] <u>inform the Commission thereof.</u></p> <p>*36 months from the date of the publication of this amending Directive.</p> | Keep Council's text. |

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| When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made. | | Where Member States adopt those <u>measures</u> , they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. [...] <u>The methods of making</u> such reference <u>shall be laid down by the Member States.</u> | |
| 2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive. | | 2. Member States shall communicate to the Commission the text of the main <u>measures</u> of national law which they adopt in the field covered by this Directive. | |
| Article 3 | | | |
| This Directive shall enter into force on the 20th day following its publication in the <i>Official Journal of the European Union</i> . | | This Directive shall enter into force on the twentieth day following <u>that of</u> its publication in the <i>Official Journal of the European Union</i> . | |
| Article 4 | | | |
| This Directive is addressed to the Member States. | | This Directive is addressed to the Member States. | |