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PROPOSAL

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2021) 769 final
Subject:	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL laying down for certain road vehicles circulating within the Union the maximum authorised dimensions in national and international traffic and the maximum authorised weights in international traffic (codification)

Delegations will find attached the Commission codification proposal referred to in the subject (COM(2021) 769 final –2021/0400 (COD) and Annexes I to V).

Delegations are invited to send their comments on the codification proposal by Friday 20 January 2022 to the following addresses:

Codification@consilium.europa.eu AND sj-codification@ec.europa.eu

Delegation's attention is drawn to the Practical Guide on Codification (doc. 14722/14 + COR1).

Encl.: COM(2021) 769 final



Brussels, 7.12.2021
COM(2021) 769 final

2021/0400 (COD)

Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

laying down for certain road vehicles circulating within the Union the maximum authorised dimensions in national and international traffic and the maximum authorised weights in international traffic (codification)

EXPLANATORY MEMORANDUM

1. In the context of a people's Europe, the Commission attaches great importance to simplifying and clarifying the law of the Union so as to make it clearer and more accessible to citizens, thus giving them new opportunities and the chance to make use of the specific rights it gives them.

This aim cannot be achieved so long as numerous provisions that have been amended several times, often quite substantially, remain scattered, so that they must be sought partly in the original instrument and partly in later amending ones. Considerable research work, comparing many different instruments, is thus needed to identify the current rules.

For this reason a codification of rules that have frequently been amended is also essential if the law is to be clear and transparent.

2. On 1 April 1987 the Commission decided¹ to instruct its staff that all acts should be codified after no more than ten amendments, stressing that this is a minimum requirement and that departments should endeavour to codify at even shorter intervals the texts for which they are responsible, to ensure that their provisions are clear and readily understandable.
3. The Conclusions of the Presidency of the Edinburgh European Council (December 1992) confirmed this², stressing the importance of codification as it offers certainty as to the law applicable to a given matter at a given time.

Codification must be undertaken in full compliance with the normal procedure for the adoption of acts of the Union.

Given that no changes of substance may be made to the instruments affected by codification, the European Parliament, the Council and the Commission have agreed, by an interinstitutional agreement dated 20 December 1994, that an accelerated procedure may be used for the fast-track adoption of codification instruments.

4. The purpose of this proposal is to undertake a codification of Council 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 traffic³. The new Directive will supersede the various acts incorporated in it⁴; this proposal fully preserves the content of the acts being codified and hence does no more than bring them together with only such formal changes as are required by the codification exercise itself.
5. The codification proposal was drawn up on the basis of a preliminary consolidation, in 24 official languages, of Directive 96/53/EC and the instruments amending it, carried out by the Publications Office of the European Union, by means of a data-processing system. Where the Articles have been given new numbers, the correlation

¹ COM(87) 868 PV.

² See Annex 3 to Part A of the Conclusions.

³ Entered in the legislative programme for 2021.

⁴ See Annex IV, Part A, to this proposal.

between the old and the new numbers is shown in a table set out in Annex V to the codified Directive.

Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

laying down for certain road vehicles circulating within the Union the maximum authorised dimensions in national and international traffic and the maximum authorised weights in international traffic (codification)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the European Commission,

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

Having regard to the opinion of the European Economic and Social Committee⁵,

Having regard to the opinion of the Committee of the Regions⁶,

Acting in accordance with the ordinary legislative procedure,

Whereas:

↓ 96/53 recital 2 (adapted)

(1) Council Directive 96/53/EC⁷ has been substantially amended several times⁸. In the interests of clarity and rationality , that Directive should be codified .

↓ 2002/7 recital 1 (adapted)

(2) Directive 96/53/EC established, in the framework of the common transport policy, harmonised maximum vehicle weights and dimensions for the circulation of road vehicles transporting passengers or goods.

⁵ OJ C [...], [...], p. [...].

⁶ OJ C [...], [...], p. [...].

⁷ Council 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 (OJ L 235, 17.9.1996, p. 59).

⁸ See Annex IV, Part A.

↓ 96/53 recital 9 (adapted)

- (3) It is necessary to clarify the concept of ‘indivisible load’ in order to ensure the uniform application of this Directive in respect of permits for vehicles or vehicle combinations carrying such loads.

↓ 96/53 recital 10

- (4) The tonne is universally used and understood as the unit of measurement for vehicle weight and is, therefore, applied in this Directive whilst recognising that the formal unit of weight is the newton.

↓ 96/53 recital 11 (adapted)

- (5) With a view to ensuring the functioning of the internal market, the scope of this Directive should extend to national transport insofar as it concerns characteristics that significantly affect the conditions of competition in the transport sector and in particular the values relating to the maximum authorised length and width of vehicles and vehicle combinations intended for the carriage of passengers or goods.

↓ 96/53 recital 12

- (6) For the other vehicle characteristics, Member States are authorised to apply in their territory different values from those laid down in this Directive only to vehicles used in national traffic.

↓ 2002/7 recital 6

- (7) For reasons of road safety, buses should meet performance criteria as regards their manoeuvrability.

↓ 96/53 recital 13 (adapted)

- (8) Road trains using extensible coupling systems in practice attain a maximum length of 18,75 m when fully extended. The same maximum length should be authorised for road trains using fixed coupling systems.

↓ 96/53 recital 16

- (9) To prevent excessive road damage and to ensure manoeuvrability, when authorising and using vehicles preference should be given to pneumatic or equivalent suspension rather than mechanical suspension. Certain maximum axle loads should not be exceeded, and the vehicle must be capable of turning through 360° within certain limit values for the path followed.

↓ 96/53 recital 17 (adapted)

- (10) Member States should be permitted, in national goods transport, to allow vehicles or vehicle combinations with dimensions deviating from those laid down in this Directive to circulate in their territory if the transport operations carried out by such vehicles are defined by this Directive as not significantly affecting international competition in the transport sector, namely, operations carried out by specialised vehicles and operations carried out according to a modular concept.
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↓ 96/53 recital 19

- (11) Vehicles or vehicle combinations constructed applying new technologies or new concepts, according to standards which deviate from those laid down by this Directive, should be allowed to carry out local transport operations for a trial period to enable profit to be drawn from technical progress.
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↓ 96/53 recital 23

- (12) In order to facilitate the monitoring of compliance with this Directive, it is necessary to ensure that vehicles carry proof of such compliance.
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↓ 2015/719 recital 1

- (13) The need to reduce greenhouse gas emissions, particularly carbon dioxide (CO₂) emissions, to improve road safety, to adapt the relevant legislation to technological developments and changing market needs and to facilitate intermodal transport operations, while ensuring undistorted competition and protecting the road infrastructure, must be emphasised.
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↓ 2015/719 recital 2 (adapted)

- (14) Technological developments make it possible to attach retractable or foldable aerodynamic devices to the rear of vehicles. However, to do so would result in the maximum lengths being exceeded. A derogation from the maximum lengths permitted under Annex I to this Directive is necessary in order to allow the installation of such devices.
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↓ 2015/719 recital 3 (adapted)

- (15) Improved aerodynamics of the cabs of motor vehicles would allow significant gains in respect of the energy performance of vehicles, possibly in conjunction with retractable or foldable aerodynamic devices attached to the rear of vehicles. A derogation from the maximum lengths set by Annex I to this Directive is also necessary. That derogation should not be used to increase the load capacity of the vehicle.
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↓ 2015/719 recital 6 (adapted)

- (16) Alternative powertrains, which include hybrid powertrains, are those which, for the purpose of mechanical propulsion, draw energy from consumable fuel and/or a battery

or other electrical or mechanical power storage device. Their use for heavy duty vehicles or buses may generate extra weight, but reduces pollution. That extra weight should not be counted as part of the effective load of the vehicle, since this would penalise the road transport sector in economic terms. However, the extra weight should ☒ also ☒ not result in the load capacity of the vehicle being increased.

↓ 2015/719 recital 7

- (17) Future alternatively fuelled vehicles (with heavier powertrains than those used in conventionally fuelled vehicles) might also benefit from an extra weight allowance. Therefore, such alternative fuels may be included in the list of alternative fuels provided for by this Directive, if their use requires an additional weight allowance.
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↓ 2015/719 recital 8 (adapted)

- (18) Derogations from the maximum authorised weights and dimensions of vehicles and vehicle combinations laid down in ☒ Annex I to this ☒ Directive ☒ should be provided for ☒. However, Member States should be able to restrict, for reasons related to road safety or infrastructure characteristics, the circulation of certain vehicles in specific parts of their road network.
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↓ 2015/719 recital 9 (adapted)

- (19) In the area of containerisation, 45-foot containers are increasingly being used. Such containers are transported by all modes of transport. Increasing the authorised length of the vehicles transporting such containers by 15 cm could facilitate intermodal transport operations, without risk or prejudice to the road infrastructure or other road users. The definition of intermodal transport operation in this Directive is without prejudice to work on the revision of Council Directive 92/106/EEC⁹.
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↓ 2015/719 recital 10

- (20) To further promote intermodal transport operations and to take account of the unladen weight of containers or swap bodies of a length of up to 45 feet, the circulation of three-axle motor vehicles with two- or three-axle semi-trailers should be allowed up to a total authorised weight of 44 tonnes. Two-axle motor vehicles with three-axle semi-trailers transporting containers or swap bodies of a length of up to 45 feet should be allowed in intermodal transport operations up to a total authorised weight of 42 tonnes.
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↓ 2015/719 recital 12

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

⁹ Council Directive 92/106/EEC of 7 December 1992 on the establishment of common rules for certain types of combined transport of goods between Member States (OJ L 368, 17.12.1992, p. 38).

↓ 2015/719 recital 13 (adapted)

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

↓ 2015/719 recital 15

- (23) In order to make checks of the weight of vehicles or vehicle combinations more effective at international level, and to facilitate the smooth operation of those checks, it is important that the competent authorities of the Member States exchange information. The contact point designated in accordance with Regulation (EC) No 1071/2009 of the European Parliament and of the Council¹⁰ should be used for such exchanges of information.

↓ 2015/719 recital 14

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

↓ 2015/719 recital 16

- (25) The European Parliament and the Council should be regularly informed of the checks on road traffic carried out by the Member States' competent authorities. This information, provided by the Member States, will enable the Commission to ensure compliance by hauliers with the rules provided for by this Directive, as well as to determine whether or not additional coercive measures should be developed.

↓ 2015/719 recital 19 (adapted)

- (26) In order to update the list of alternative fuels covered by this Directive in light of the latest technological developments, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down

¹⁰ Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC (OJ L 300, 14.11.2009, p. 51).

in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making¹¹ . In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts .

↓ 2015/719 recital 17

- (27) In order to ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹².
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↓ 2015/719 recital 18

- (28) The Commission should not adopt implementing acts relating to the operational requirements regarding the use of aerodynamic devices or detailed specifications concerning on-board weighing equipment where the committee established pursuant to this Directive delivers no opinion on the draft implementing act presented by the Commission.
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↓ 2015/719 recital 20

- (29) Since the objectives of this Directive cannot be sufficiently achieved by the Member States but can rather, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.
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↓ 96/53 recital 24 (adapted)

- (30) This Directive should be without prejudice to the obligations of the Member States relating to the time-limits for the transposition into national law of the Directives set out in Annex IV, Part B .
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↓ 96/53

HAVE ADOPTED THIS DIRECTIVE:

Article 1

1. This Directive applies to:

¹¹ OJ L 123, 12.5.2016, p. 1.

¹² Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

↓ 2015/719 Art. 1.1 (adapted)

- (a) the dimensions of motor vehicles in categories M2 and M3 and their trailers in category 0 and motor vehicles in categories N2 and N3 and their trailers in categories 03 and 04, as classified in Article 4 of Regulation (EU) 2018/858 of the European Parliament and of the Council¹³;

↓ 96/53 (adapted)

- (b) the weights and certain other characteristics of the vehicles referred to in point (a) and specified in point (2) of Annex I.

2. All the values of weights indicated in Annex I are valid as circulation standards and thus refer to loading conditions, not production standards, which are laid down in Commission Regulation (EU) No 1230/2012¹⁴ .

↓ 2002/7 Art. 1.1(b) (adapted)

3. This Directive does not apply to articulated buses comprising more than one articulated section.

↓ 96/53 (adapted)

Article 2

For the purposes of this Directive , the following definitions apply .

- (1) ‘motor vehicle’ means any power-driven vehicle which travels on the road by its own means;
- (2) ‘trailer’ means any vehicle intended to be coupled to a motor vehicle excluding semi-trailers, and constructed and equipped for the carriage of goods;
- (3) ‘semi-trailer’ means any vehicle intended to be coupled to a motor vehicle in such a way that part of it rests on the motor vehicle with a substantial part of its weight and of the weight of its load being borne by the motor vehicle, and constructed and equipped for the carriage of goods;
- (4) ‘vehicle combination’ means
 - (a) a road train consisting of a motor vehicle coupled to a trailer;

¹³ Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) No 595/2009 and repealing Directive 2007/46/EC (OJ L 151, 14.6.2018, p. 1).

¹⁴ Commission Regulation (EU) No 1230/2012 of 12 December 2012 implementing Regulation (EC) No 661/2009 of the European Parliament and of the Council with regard to type-approval requirements for masses and dimensions of motor vehicles and their trailers and amending Directive 2007/46/EC of the European Parliament and of the Council (OJ L 353, 21.12.2012, p. 31).

- (b) an articulated vehicle consisting of a motor vehicle coupled to a semi-trailer;
- (5) ‘conditioned vehicle’ ☒ means ☒ any vehicle whose fixed or movable superstructures are specially equipped for the carriage of goods at controlled temperatures and whose side walls, inclusive of insulation, are each at least 45 mm thick;
- (6) ‘bus’ ☒ means ☒ a vehicle with more than nine seats including the driver's seat, constructed and equipped to carry passengers and their luggage. It may have one or two decks and may also draw a luggage trailer;
- (7) ‘articulated bus’ ☒ means ☒ a bus consisting of two rigid sections connected to each other by an articulated section. On this type of vehicle, the passenger compartments in each of the two rigid sections shall be intercommunicating. The articulated section shall permit the free movement of travellers between the rigid sections. Connection and disconnection of the two sections shall be possible only in a workshop;
- (8) ‘maximum authorised dimensions’ ☒ means ☒ the maximum dimensions for use of a vehicle, as laid down in Annex I;
- (9) ‘maximum authorised weight’ ☒ means ☒ the maximum weight for use of a laden vehicle in international traffic;
- (10) ‘maximum authorised axle weight’ ☒ means ☒ the maximum weight for use in international traffic of a laden axle or group of axles;
- (11) ‘indivisible load’ ☒ means ☒ a load that cannot, for the purpose of carriage by road, be divided into two or more loads without undue expense or risk of damage and which owing to its dimensions or mass cannot be carried by a motor vehicle, trailer, road train or articulated vehicle complying with this Directive in all respects;
- (12) ‘tonne’ ☒ means ☒ the weight executed by the mass of a tonne and shall correspond to 9,8 kilonewtons (kN);

↓ 2015/719 Art. 1.2(a) (adapted)

- (13) ‘alternative fuels’ ☒ means ☒ fuels or power sources which serve, at least partly, as a substitute for fossil oil sources in the energy supply to transport and which have the potential to contribute to its decarbonisation and enhance the environmental performance of the transport sector, consisting of:
- (a) electricity consumed in all types of electric vehicles;
- (b) hydrogen;
- (c) natural gas, including biomethane, in gaseous form (Compressed Natural Gas — CNG) and liquefied form (Liquefied Natural Gas — LNG);
- (d) Liquefied Petroleum Gas (LPG);

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

(14) ‘alternatively fuelled vehicle’ ☒ means ☒ a motor vehicle powered wholly or in part by an alternative fuel and which has been approved under the framework of Regulation (EU) 2018/858;

↓ 2019/1242 Art. 20.1 (adapted)

(15) ‘zero-emission vehicle’ ☒ means ☒ a zero-emission heavy-duty vehicle as defined in Article 3, point 11, of Regulation (EU) 2019/1242 of the European Parliament and of the Council¹⁵;

↓ 2015/719 Art. 1.2(a) (adapted)

(16) ‘intermodal transport operation’ ☒ means ☒:

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

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

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

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

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

(17) ‘shipper’ ☒ means ☒ a legal entity or a natural or legal person who is named on the bill of lading or on an equivalent transport document, such as a ‘through’ bill of lading, as the shipper and/or in whose name or on whose behalf a contract of carriage has been concluded with the transport company.

↓ 96/53
→₁ 2015/719 Art. 1.2(b)

All maximum authorised dimensions specified in Annex I shall be measured in accordance with →₁ ← Regulation (EU) 2018/858, with no positive tolerances.

¹⁵ Regulation (EU) 2019/1242 of the European Parliament and of the Council of 20 June 2019 setting CO₂ emission performance standards for new heavy-duty vehicles and amending Regulations (EC) No 595/2009 and (EU) 2018/956 of the European Parliament and of the Council and Council Directive 96/53/EC (OJ L 198, 25.7.2019, p. 202).

Article 3

1. A Member State may not reject or prohibit the use in its territory,

- in international traffic, of vehicles registered or put into circulation in any other Member State for reasons relating to their weights and dimensions,

↓ 2002/7 Art. 1.2

- in national traffic, of vehicles registered or put into circulation in any other Member State for reasons relating to their dimensions,

↓ 96/53 (adapted)

provided that such vehicles comply with the limit values specified in Annex I.

This provision shall apply notwithstanding the fact that:

- (a) the vehicles ☒ referred to in the first subparagraph ☒ are not in conformity with the requirements of that Member State with regard to certain weight and dimension characteristics not covered by Annex I;
- (b) the competent authority of the Member State in which the vehicles ☒ referred to in the first subparagraph ☒ are registered or put into circulation has authorised limits not referred to in Article 4(1) exceeding those laid down in Annex I.

2. However, paragraph 1, second subparagraph, point (a) shall not affect the right of Member States, with due regard to ☒ Union ☒ law, to require vehicles registered or put into circulation in their own territory to be in conformity with their national requirements on weight and dimension characteristics not covered by Annex I.

3. Member States may require conditioned vehicles to carry an ATP certificate or ATP certification plate provided for in the Agreement of 1 September 1970 on the International Carriage of Perishable Foodstuffs and on the Special Equipment to be used for such Carriage.

Article 4

↓ 2002/7 Art. 1.3(a) (adapted)

1. Member States shall not authorise the normal circulation within their territories ☒ of ☒:

- (a) vehicles or vehicle combinations for national ☒ goods ☒ transport which are not in conformity with the characteristics set out in points 1.1, 1.2, 1.4, 1.6, 1.8, 1.9, 1.10, 4.2 and 4.4 of Annex I;
- (b) vehicles for national passenger transport, which are not in conformity with the characteristics set out in points 1.1, 1.2, 1.5, 1.6 and 1.7 of Annex I.

2. Member States may nonetheless authorise the circulation within their territories ☒ of ☒:

- (a) vehicles or vehicle combinations for national goods transport which are not in conformity with the characteristics set out in point 1.3, points 2 and 3 and points 4.1 and 4.3 of Annex I;
 - (b) vehicles for national passenger transport, which are not in conformity with the characteristics set out in point 1.3, points 2 and 3 and points 4.1 and 4.3 of Annex I.
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↓ 96/53 (adapted) → ₁ 2002/7 Art. 1.3(b)
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3. Vehicles or vehicle combinations which exceed the maximum dimensions may only be allowed to circulate on the basis of special permits issued without discrimination by the competent authorities, or on the basis of similar non-discriminatory arrangements agreed on a case-by-case basis with those authorities, where those vehicles or vehicle combinations carry or are intended to carry indivisible loads.

4. Member States may allow →₁ vehicles or vehicle combinations used for transport which ← carry out certain national transport operations that do not significantly affect international competition in the transport sector to circulate in their territory with dimensions deviating from those laid down in points 1.1, 1.2, 1.4 to 1.10, 4.2 and 4.4 of Annex I.

Transport operations shall be considered not significantly to affect international competition in the transport sector if one of the following conditions is fulfilled:

- (a) the transport operations are carried out in a Member State's territory by specialised vehicles or specialised vehicle combinations in circumstances in which they are not normally carried out by vehicles from other Member States, for example, operations linked to logging and the forestry industry;
- (b) the Member State which permits transport operations to be carried out in its territory by vehicles or vehicle combinations with dimensions deviating from those laid down in Annex I also permits motor vehicles, trailers and semi-trailers which comply with the dimensions laid down in Annex I to be used in such combinations so as to achieve at least the loading length authorised in that Member State, so that every operator may benefit from equal conditions of competition (modular concept).

5. Member States may allow vehicles or vehicle combinations incorporating new technologies or new concepts which cannot comply with one or more requirements of this Directive to carry out certain local transport operations for a trial period. Member States shall inform the Commission thereof.

↓ 2015/719 Art. 1.4 (adapted)

Article 5

Articulated vehicles put into circulation before 1 January 1991 which do not comply with the specifications set out in points 1.8 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.

Article 6

1. Member States shall take the necessary measures to ensure that vehicles referred to in Article 1 and complying with this Directive carry one of the following proofs:

- (a) a combination of the following two plates:
 - the ‘manufacturer's statutory plate’ established and attached in accordance with Commission Regulation (EU) No 19/2011¹⁶,
 - the plate relating to dimensions, in accordance with Annex III to this Directive , established and attached in accordance with Regulation (EU) No 19/2011;
- (b) a single plate established and attached in accordance with Regulation (EU) No 19/2011 and containing the information on the two plates referred to in point (a);
- (c) a single document issued by the competent authorities of the Member State in which the vehicle is registered or put into circulation. That document shall bear the same headings and information as the plates referred to in point (a). It shall be kept in a place easily accessible to inspection and shall be adequately protected.

2. If the characteristics of the vehicle no longer correspond to those indicated on the proof of compliance, the Member State in which the vehicle is registered shall take the necessary steps to ensure that the proof of compliance is altered.

3. The plates and documents referred to in paragraph 1 shall be recognised by the Member States as the proof of vehicle compliance provided for in this Directive.

4. Vehicles carrying proof of compliance may be subject:

- (a) as regards common standards on weights, to random checks;
- (b) as regards common standards on dimensions, only to checks where there is a suspicion of non-compliance with this Directive.

5. The middle column of the proof of compliance relating to weights shall contain, where appropriate, the Union weight standards applicable to the vehicle in question. As regards vehicles referred to in point 2.2.2 (d) of Annex I, the entry ‘44 tonnes’ shall be included in brackets under the maximum authorised weight of the vehicle combination.

6. Each Member State may decide, in respect of any vehicle registered or put into circulation in its territory, that the maximum weights authorised by its national legislation shall be

¹⁶ Commission Regulation (EU) No 19/2011 of 11 January 2011 concerning type-approval requirements for the manufacturer’s statutory plate and for the vehicle identification number of motor vehicles and their trailers and implementing Regulation (EC) No 661/2009 of the European Parliament and of the Council concerning type-approval requirements for the general safety of motor vehicles, their trailers and systems, components and separate technical units intended therefor (OJ L 8, 12.1.2011, p. 1).

indicated in the proof of compliance in the left-hand column and the technically permissible weights in the right-hand column.

↓ 2002/7 Art. 1.4 (adapted)

Article 7

This Directive shall not preclude the application of road traffic provisions in force in each Member State which permit the weight or dimensions of vehicles on certain roads or civil engineering structures to be limited, irrespective of the State of registration of such vehicles or the State where such vehicles were put into circulation.

This includes the possibility to impose local restrictions on maximum authorised weights \boxtimes or dimensions \boxtimes of vehicles that may be used in specified areas or on specified roads, where the infrastructure is not suitable for long and heavy vehicles, such as city centres, small villages or places of special natural interest.

↓ 2015/719 Art. 1.6 (adapted)

Article 8

1. With the aim of improving their energy efficiency, vehicles or vehicle combinations which are equipped with aerodynamic devices meeting the requirements laid down in paragraphs 2 and 3, and which comply with Regulation (EU) 2018/858, may exceed the maximum lengths provided for in point 1.1 of Annex I to this Directive, to allow the addition of such devices to the rear of vehicles or vehicle combinations. Vehicles or vehicle combinations equipped with such devices shall comply with point 1.6 of Annex I, and any exceeding of the maximum lengths shall not result in an increase in the loading length of those vehicles or vehicle combinations.

2. Before being placed on the market, the aerodynamic devices referred to in paragraph 1 exceeding 500 mm in length shall be type-approved in accordance with the rules on type-approval within the framework of Regulation (EU) 2018/858.

3. The aerodynamic devices referred to in paragraph 1 shall fulfil the following operational conditions:

- (a) in circumstances where the safety of other road users or of the driver is at risk, they shall be folded, retracted or removed by the driver;
- (b) their use on urban and inter urban road infrastructures shall take into account the special characteristics of areas where the speed limit is less than or equal to 50 km/h and where vulnerable road users are more likely to be present;
- (c) their use shall be compatible with intermodal transport operations and, in particular, when retracted \boxtimes or \boxtimes folded, they shall not exceed the maximum authorised length by more than 20 cm.

4. The Commission shall adopt implementing acts laying down detailed provisions ensuring uniform conditions for the implementation of paragraph 3. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 17(2).

Article 9

1. With the aim of improving energy efficiency, in particular as regards the aerodynamic performance of cabs, as well as road safety, vehicles or vehicle combinations which fulfil the requirements laid down in paragraph 2 and which comply with Regulation (EU) 2018/858 may exceed the maximum lengths laid down in point 1.1 of Annex I to this Directive provided that their cabs deliver improved aerodynamic performance, energy efficiency and safety performance. Vehicles or vehicle combinations equipped with such cabs shall comply with point 1.6 of Annex I and any exceeding of the maximum lengths shall not result in an increase in the load capacity of those vehicles.

2. Before being placed on the market, the vehicles referred to in paragraph 1 shall be approved in accordance with the rules on type-approval within the framework of Regulation (EU) 2018/858.

↓ 2019/1242 Art. 20.2 (adapted)

Article 10

The maximum authorised weights of alternatively fuelled or zero-emission vehicles shall be those set out in points 2.2.1, 2.2.2, 2.2.3, 2.2.4, 2.3.1, 2.3.2 and 2.4 of Annex I.

Alternatively fuelled or zero-emission vehicles shall also comply with the maximum authorised axle weight limits set out in point 3 of Annex I.

The additional weight required by alternatively fuelled or zero-emission 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 in accordance with Article 6.

The Commission is empowered to adopt delegated acts in accordance with Article 16 concerning the updating , for the purposes of this Directive, of the list of alternative fuels referred to in Article 2 that require additional weight.

↓ 2015/719 Art. 1.8 (adapted)

Article 11

The maximum lengths laid down in point 1.1 of Annex I, subject where applicable to Article 9(1), and the maximum distance laid down in point 1.8 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, provided that the road transport of the container or swap body in question is part of an intermodal transport operation.

Article 12

1. 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 must 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.

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.

Without prejudice to Union and national law, where automatic systems are used to establish infringements of this Directive and to impose penalties, such automatic systems shall be certified. Where automatic systems are used only for identification purposes, they shall not be required to be certified.

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.

3. Member States shall, in accordance with Article 18 of Regulation (EC) No 1071/2009 , ensure that their competent authorities exchange information about infringements and penalties relating to this Article.

4. The on-board weighing equipment referred to in paragraph 1 shall be accurate and reliable, fully interoperable and compatible with all vehicle types.

5. The Commission shall adopt implementing acts, laying down detailed provisions ensuring uniform conditions for the implementation of the rules on interoperability and compatibility set out in paragraph 4.

In order to ensure interoperability, those detailed provisions shall enable the weight data to be communicated at any time from a moving vehicle to the competent authorities, as well as to its driver. 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. In addition, such communication shall ensure 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.

In order to ensure compatibility with all vehicle types, on-board systems of motor vehicles shall have the capability to receive and process any data coming from any type of trailer or semi-trailer attached to the motor vehicle.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 17(2).

Article 13

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.

Article 14

1. For the transport of containers and swap bodies, Member States shall lay down rules that require:

- (a) the shipper to give to 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;
- (b) the haulier to provide access to all relevant documentation provided by the shipper.

2. Member States shall lay down rules on the liability of both the shipper and the haulier as appropriate in cases where the information referred to in paragraph 1 is missing or is incorrect and the vehicle or vehicle combination is overloaded.

Article 15

Every 2 years, and at the latest by 30 September of the year following the end of the 2-year period concerned, Member States shall send to the Commission the necessary information concerning:

- (a) the number of checks carried out in the previous 2 calendar years;
- (b) the number of overloaded vehicles or vehicle combinations detected.

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 Council¹⁷.

The Commission shall analyse the information received pursuant to this Article, and shall include such analysis in the report to be forwarded to the European Parliament and to the Council pursuant to Regulation (EC) No 561/2006.

Article 16

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Article 10 shall be conferred on the Commission for a period of 5 years from 26 May 2015. The Commission shall draw up a report in respect of the delegation of power not later than 9 months before the end of the 5-year period. The delegation of power shall be tacitly extended for periods of an identical

¹⁷ Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85 (OJ L 102, 11.4.2006, p. 1).

duration, unless the European Parliament or the Council opposes such extension not later than 3 months before the end of each period.

3. The delegation of power referred to in Article 10 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. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. ☒

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 10 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by 2 months at the initiative of the European Parliament or of the Council.

Article 17

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 Council¹⁸. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011 .

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

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.

Article 18

By 8 May 2020, the Commission shall submit, as appropriate, a report to the European Parliament and ☒ to ☒ the Council on the implementation of the amendments to Directive ☒ 96/53/EC ☒ introduced by Directive (EU) 2015/719 of the European Parliament and of the Council¹⁹, including taking into consideration specific characteristics of certain market

¹⁸ Regulation (EU) No 165/2014 of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport, repealing Council Regulation (EEC) No 3821/85 on recording equipment in road transport and amending Regulation (EC) No 561/2006 of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport (OJ L 60, 28.2.2014, p. 1).

¹⁹ 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).

segments. On the basis of that 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 the submission of any legislative proposal.

↓ 96/53 (adapted)

Article 19

Member States shall communicate to the Commission the text of the main provisions of domestic law which they adopt in the field covered by this Directive.

Article 20

Directive ~~96/53/EC~~, as amended by the acts ~~listed in Annex IV, Part A~~, is ~~repealed~~, without prejudice to the obligations of the Member States ~~relating to the time-limits for the transposition into national law of the Directives set out in Annex IV, Part B~~.

References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex V.

Article 21

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

Article 22

This Directive is addressed to the Member States.

Done at Brussels,

For the European Parliament
The President

For the Council
The President