EUROPEAN COMMISSION

DIRECTORATE-GENERAL FOR MOBILITY AND TRANSPORT

21 December 2011

CONSULTATION PAPER
REVIEW OF DIRECTIVE 96/53/EC

1. CURRENT EU RULES AND REGULATIONS

Weights and dimensions of heavy-duty vehicles operating international and national transport in the EU are ruled by Directive 96/53/EC[1]. This Directive aims at ensuring fair competition between hauliers, ensuring that transport operations may not be refused between two Member States on the basis of the dimensions of the vehicle used. In this sense it is a Directive which contributes to the internal market and the free movement of goods and persons. Under certain circumstances and in line with the principle of subsidiarity, the Directive also permits Member States to provide derogations from the provisions for weight and height of vehicles carrying out national transport within their own borders, and to deviate in some specific case from the provisions for length and width.

There is now a case to adapt these rules which were put together during the 1990's. The Commission announced in its White Paper on Transport presented on 28 March 2011 that urgent action needs to be taken to make road transport more resource-efficient and to further integrate the various transport modes to achieve a Single European Transport Area. In keeping with these objectives, the White Paper announced that the legislation on weight and dimension should be reviewed to adapt it to new technologies and needs, and to facilitate intermodal transport and the overall reduction of energy consumption and emissions.

This revision of the Directive will eventually have to be adopted by the European Parliament and the Council. It will be supplemented in due time by an adaptation to technical progress of the type-approval requirements on masses and dimensions for regarding heavy-duty vehicles (which defines standards to be complied with for the commercialisation of new vehicles) within the framework of Regulation 661/2009[2] and

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[1] 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

[2] Regulation (EC) No 661/2009 of the European Parliament and of the Council of 13 July 2009 concerning type-approval requirements for the general safety of motor vehicles, their trailers and systems, components and separate technical units intended therefor

Directive 2007/46/EC[3]. The revision will also feed into the strategy to reduce CO2 emissions from heavy duty vehicles to be launched by the European Commission in the course of 2013.

2. SCOPE OF THE QUESTIONNAIRE

The present questionnaire will provide input for the considered revision of Directive 96/53/EC and the impact assessment to be carried out beforehand. The questionnaire addresses issues related to the energy and CO2 performance of heavy-duty vehicles, inter-modality and innovation in transport needs, specific legal issues raised by the current directive, and improvement of compliance with the regulations through controls and enforcement.

A considerable number of studies have also been carried out on the potential of vehicles combinations (European Modular System[4]) to increase efficiency of road transport, whereas several Member States have performed or intend to perform trials on the use of such vehicles, or use them for national transport operations within the framework provided by Directive 96/53/EC. However the discussions and experience so far have not produced a mature position as to the long-term impact of a move towards such vehicles, notably as regards infrastructure, road safety, environment and modal split. The Commission will take stock of all relevant information on this subject, but does not intend to provide the framework for a general introduction of heavier and/or longer vehicles, or for their mandatory use by Member States.

3. HOW TO REPLY TO THIS CONSULTATION

Stakeholders may reply to this consultation via the Commission's on-line interactive policy-making tool or by submitting their replies either by e-mail or mail to the addresses indicated below. Responses submitted by any of these means will be taken into consideration but stakeholders are encouraged to fill in the questionnaire on-line as it will facilitate the processing of the replies. Contributions are welcome from citizens, organisations and public authorities.

You are strongly advised to prepare your contribution in advance before filling-in the questionnaire online. We recommend you download the electronic version of the questionnaire, to allow you to draft your answers to the open text questions carefully. After preparing all your answers, please open the online questionnaire and fill it out.

Respondents may access the online version of the questionnaire through the European Commission's Interactive Policy Making website at:

http://ec.europa.eu/yourvoice/ipm/forms/html/index.html

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[3] 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 (Framework Directive)

[4] European Modular System (EMS) is a concept for allowing combinations of existing loading units (modules) into longer and sometime heavier vehicle combinations to be used on some parts of the road network.

A Word version of this consultation document can be downloaded from the following website:

http://ec.europa.eu/transport/road/consultations/index_en.htm

Respondents can send an electronic copy of their replies to the following e-mail address:

MOVE-D3-CONSULTATION-TRANSPORTS@ec.europa.eu

and/or respondents can send a paper copy of their replies to the following postal address:

European Commission

Directorate-General for Mobility and Transport

Unit D3 – Land transport

DM28 4/066

Rue de Mot 28

B – 1049 Brussels

The contributions received from stakeholders will be published on the Commission's website, unless requested otherwise by their authors. A consent box is provided at the end of the questionnaire.

4. CONSULTATION PERIOD

Questionnaires should be returned by 27 February 2012 or preferably sooner.

5. IMPORTANT NOTICE

Please note that this document has been drafted for information and consultation purposes only. It has not been adopted or in any way approved by the European Commission and should not be regarded as representing the view of the Commission. It does not prejudge, or constitute the announcement of any position on the part of the Commission on the issues covered. The European Commission does not guarantee the accuracy of the information provided, nor does it accept responsibility for any use made thereof.

6. QUESTIONNAIRE

6.1. Information about participant

(1) Please provide your name, surname and email address. A notification of receipt will be sent to this address. If the email address is not valid, the contribution will not be taken into account. ***(mandatory question)***

Answer (free text):

Jørn-Henrik Carstens, Senior Consultant

jhc@itd.dk

(2) In what capacity are you completing this questionnaire? ***(mandatory question)***

Answer (please tick as appropriate):

- ☐ **As a citizen (if so, please skip to section 5.2)**
- ☐ **As a private sector enterprise**
- **X As an industry association or non-governmental organisation (NGO)**
- ☐ **As a public authority**

(3) Is your organisation registered in the Transparency Register of the European Commission? ***(mandatory question)***

Answer (please tick as appropriate):

- ☐ **Yes**
- **X No**

If yes, please indicate the identification number

Answer (free text):

(4) What is the name of the organisation or authority? ***(mandatory question)***

Answer (free text):

ITD – International Transport Denmark

(5) Please provide details of the activities of your organisation. In the case of multiple activities, please indicate the relative importance of each. ***(mandatory question)***

Answer (please tick as appropriate):

- ☐ **Road transport operator**
- ☐ **Rail or combined transport operator**
- ☐ **Waterborne transport operator**
- **X Other transport activity (please specify below)**
- ☐ **Industry carrying out specialised transport (please specify below)**
- ☐ **Freight forwarding or shipping**
- ☐ **Infrastructure or network manager**
- ☐ **Research and development sector**
- ☐ **Public administration**
- ☐ **Heavy-duty vehicle manufacturer**
- ☐ **Other economic activity (please specify below)**

If your organisation carries out other transport activities, special transport or other economic activities, please specify which activities or type of transport below.

Answer (free text):

ITD is a trade association for the Danish road transport of goods. Representing around 500 members in the haulage sector, operating approx. 10.000 trucks, both national and international.

6.2. Energy and CO2 efficiency

Road transport is extremely dependent on oil and a strong contributor to emissions of greenhouse gases and other pollutants. The White Paper on Transport states that 71.3% of transport emissions in the EU in 2008 came from road transport. It is therefore crucial to improve the energy efficiency and CO2 efficiency of these vehicles.

Two approaches can be used to reduce emissions and fuel consumption from heavy duty vehicles (HDVs): the first is to increase the load of vehicles and reduce empty returns, or in other words to improve logistic efficiency. Fair and efficient charging for the use of infrastructure, or other measures recommended in the White Paper to eliminate the remaining restrictions in the internal market, such as further opening of cabotage, can contribute to this. Some stakeholders have also suggested increasing the payload so as to use fewer vehicles to move the same amounts. An increase in loading capacity of heavy duty vehicles is however not the aim of the considered revision. Although the introduction of heavier and/or longer vehicles could potentially increase the efficiency of road transport, the analysis of the Commission's services is that discussions are not mature enough on the other implications of such a move, including: reverse modal shift, empty runs, road safety.

The second approach is to increase the individual efficiency of vehicles on the road through action towards the automotive industry. EU coordinated support can improve the individual energy efficiency of vehicles and spur innovation. Action has been taken to improve the performance of tyres[5]. Previous research also shows that reducing the air resistance of the vehicle, which accounts for 20% to 30% of HDV fuel use, may also reduce fuel consumption up to 5% or 6%. An appropriate increase in length of vehicles should therefore be considered to allow improvements in aerodynamics, without however increasing the payload of vehicles. Progress in electrification and hybridisation of engines also impacts positively on the energy performance of vehicles. Adaptations to maximum weights of certain categories of vehicles (in keeping with current maximum axle weights and payload) may however be needed to accommodate for the extra load represented by electric batteries.

(1) Do you have any evidence that the provisions of Directive 96/53 are limiting innovations to improve fuel consumption and energy efficiency of vehicles? If so, which provisions? ***(mandatory question)***

Answer (free text):

Looking into fuel consumption and energy efficiency of vehicles transporting goods it is essential to consider the consumption related to the actual amount of goods transported, and not only the consumption of the individual vehicle. This matter is more complicated as looking into weight only, as different types of goods have differing masses. Therefore weight, area and volume (witch ever limits the amount of goods a vehicle can carry) has to be put into equation with the consumption.

With this in mind the current Directive does not provide many possibilities to develop vehicles and equipment favouring energy efficiency, without decreasing the amount of goods transported – which again has negative effect on the consumption verses transported amount of goods.

[5] Regulation (EC) No 661/2009 of the European Parliament and of the Council of 13 July 2009 concerning type-approval requirements for the general safety of motor vehicles, their trailers and systems, components and separate technical units intended therefore; Regulation (EC) No 1222/2009 of the European Parliament and of the Council of 25 November 2009 on the labelling of tyres with respect to fuel efficiency and other essential parameters.

Increasing the vehicle length, height and/or weight – in respect of road safety and the limitations given by the infrastructure, would give the whole sector the opportunity and incentive to develop even more energy efficient vehicles.

This be as in better aerodynamics, noise reduction (beneficial to innovation of urban deliveries, such as night distribution) and not at least better efficiency through carrying more goods per operated vehicle.

ITD calls upon decision-makers to take into account the impact of any given changes in the weights and dimensions of vehicles on the value of existing fleets and stresses the importance of that hauliers are guaranteed reasonable transition costs, through reasonable transition times etc.

(2) Is the aerodynamic performance of heavy-duty vehicles an efficient way to achieve savings in energy and fuel consumption? ***(optional question)***

Answer (please tick as appropriate):

☐ **Yes**

☐ **No**

If so, please specify your answer and provide references of evidence where possible.

Answer (free text):

Since the biggest part of fuel consumptions is used to overcome aerodynamic drag (at higher speeds), according to scientific literature up around 50% in long haulage at higher speeds, it must be assumed that better aerodynamics is a very efficient way to achieve savings in energy and fuel consumption. ITD encourages all changes leading to better aerodynamics, both through possibilities granted through the new Directive, as well as through use and optimising of existing solutions.

But as mentioned above it is essential to take in account the actual amount of goods transported by the actual equipage and not only consider the consumption of the individual vehicle.

Example: If increasing the vehicle length by 1,6 metres and using it to install a flow shaping device such as a "boat tail" would gain savings of 5% in fuel consumption – the same increase of length, if used to extend the load space on a 13,6 metre semitrailer, would make it possible to carry 12% more goods (measured by volume or area) – this being independent of speed!

Literature and reports:

Fred Browand - Aerodynamics of Heavy Vehicles II

Truck Manufacturers Association (USA), 2007 report – "Test, Evaluation, and Demonstration of Practical Devices/Systems to Reduce Aerodynamic Drag of Tractor/Semitrailer Combination Unit Trucks"

(3) What measures and devices can be used to improve the aerodynamic performance of heavy goods vehicles? (several answers possible – please rate each answer selected on a scale of 1 to 4, 1 being the lowest level and 4 the highest, according to a cost/benefit ratio) ***(optional question)***

Answer (please tick as appropriate):

- **Lateral wings**

1	**2**	**3**	**4**
☐	**X**	☐	☐

- **Aerodynamic tails (guiding vanes, boat tails)**

1	**2**	**3**	**4**
☐	☐	**X**	☐

- **Collapsible tails**

1	**2**	**3**	**4**
☐	☐	**X**	☐

- **Inflatable tails**

1	**2**	**3**	**4**
☐	**X**	☐	☐

- **Side skirts**

1	**2**	**3**	**4**
☐	☐	**X**	☐

- **Improved cabin design**

1	**2**	**3**	**4**
☐	☐	**X**	☐

If other measures or devices should be used, please specify which ones and rate each answer selected on a scale of 1 to 4, 1 being the lowest level and 4 the highest, according to a cost/benefit ratio.

Answer (free text):

Vehicle underside design 3
Innovative curtain equipment 2

(4) What impact will the measure above with the highest cost/benefit ratio have? (several answers possible, please rate each answer selected on a scale of -4 to 4 according to level of impact, 4 being the highest positive impact and -4 the highest negative impact) ***(optional question)***

Answer (please tick as appropriate):

- **Cost**

-4	-3	-2	-1	0	1	2	3	4
☐	☐	☐	☐	☐	X	☐	☐	☐

- **Infrastructure (geometry)**

-4	-3	-2	-1	0	1	2	3	4
☐	☐	☐	X	☐	☐	☐	☐	☐

- **Road safety**

-4	-3	-2	-1	0	1	2	3	4
☐	☐	☐	☐	X	☐	☐	☐	☐

- **Intermodality (interoperability of intermodal units)**

-4	-3	-2	-1	0	1	2	3	4
☐	☐	☐	☐	X	☐	☐	☐	☐

- **Modal share of rail and waterborne transport**

-4	-3	-2	-1	0	1	2	3	4
☐	☐	☐	☐	X	☐	☐	☐	☐

- **Fuel/carbon efficiency**

-4	-3	-2	-1	0	1	2	3	4
☐	☐	☐	☐	☐	☐	X	☐	☐

- **Competitiveness of European vehicle manufacturing industry**

-4	-3	-2	-1	0	1	2	3	4
☐	☐	☐	☐	☐	X	☐	☐	☐

Please indicate the likely impacts on the above aspects of other measures not ranked with the highest cost/benefit ratio, but worth considering. If you consider that other types of impact should be taken into account, please specify which ones and rate each answer selected on a scale of 1 to 4, 1 being the lowest level and 4 the highest, according to the cost/benefit ratio.

Answer (free text): N/A

(5) What length of tails, width of lateral wings and type of cabin design would you recommend? Please explain why and provide reference to studies where relevant. ***(optional question)***

Answer (free text):

ITD would recommend that the vehicle length in general, should be extended to the maximum possible in respect of what the infrastructure of Europe can consume.

The regulations should not be design restrictive in any way - since this blocks innovation.

Although it is of the biggest importance to ensure road safety through cabin-designs that ensure the best possible out-view and drivers comfort through sufficient cabin-space, ITD urges to carefully consider the overall impact on logistical efficiency by restricting to narrowly on the load-space.

At the end of the day it does not make sense to gain for instance 5% fuel-savings with an aerodynamic tail through increased length, if the same increase of length could have made it possible to transport 10% more goods per vehicle by increasing the load-space.

(6) Could the aerodynamic aspects of buses and coaches be improved? ***(optional question)***

Answer (please tick as appropriate):

X **Yes**

☐ **No**

Please explain your answer.

Answer (free text):

Busses and coaches are not in our field of expertize – but since physics does not consider "type of goods" transported in regards to fuel efficiency, many of the experiences from trials and reports carried out with trucks in mind can be used broadly.

(7) What is the expected cost/benefit of aerodynamic improvement compared to the cost/benefit of other measures to improve the energy efficiency of heavy vehicles such as better engines, energy and fuel optimisation, and eco-driving? Please justify your answer and provide references where possible. ***(optional question)***

Answer (free text):

Depending on the type of goods (weight / volume / area) and the typical driving distance for the actual vehicle, the cost/benefit of aerodynamic improvements varies. Therefore it is not possible to say anything in general from witch improvement (eco-driving improvement, engine efficiency improvement, driveline improvement, increased payload / volume / area, or aerodynamics improvement etc.) the best cost/benefit is to expect – neither to compare the results.

In conclusion a combination of all elements will lead to a sustainable improvement in regards to energy consumption and has to be approached with an integrated approach.

(8) Can you provide an estimate of the benefit in terms of fuel consumption (e.g. % reduction according to type of travel, e.g. traffic conditions, type of network, distance, weather conditions)? Please justify your answer and provide references where possible. ***(optional question)***

Answer (free text): No – due to too many variables (see answer above).

(9) Should a special derogation for maximum weights be introduced for vehicles using electric batteries? ***(optional question)***

Answer (please tick as appropriate):

X Yes

☐ **No**

If so, up to which total load?

Answer (free text):

Depending on where the electricity comes from, electric driven vehicles can be of advantage in relation to GHG, and most certainly to the surrounding environment – both regarding emissions and noise. Especially in urban areas and in combination with night-distribution the use of electrical driven vehicles could be of benefit to society.

The actual need for derogation from maximum weights depends on how battery-technology develops – but any given possibilities (in respect of what existing infrastructure can absorb) would help driving development.

(10) If you are the manager of a heavy duty fleet and provided that the directive on weights and dimensions is adapted, would you update your fleet with the following elements: ***(optional question)***

Answer (please tick as appropriate): N/A

- ☐ **With aerodynamic devices**
- ☐ **With electric and hybrid vehicles**
- ☐ **With other devices**
- ☐ **With electric and hybrid vehicles**

If so, to what extent would you update your fleet with the chosen elements (including on which vehicles: size, age, type of use, etc):

Answer (free text): N/A

(11) Do you know of any studies or reports analysing the impact of the use of longer and/or heavier vehicles on energy and CO2 efficiency of vehicles? ***(optional question)***

Answer (please tick as appropriate):

- **X Yes**
- ☐ **No**

If so, please provide relevant references including links for online download where possible.

Answer (free text):

Evaluation of Danish Trial with European Modular System:

http://www.trafikken.dk/wimpshow.asp?type=image&id=190928

http://www.trafikken.dk/hent/evaluation_of_trial_with_europan_modular_system_final_report.pdf

Reports on LHV's in the Netherland:

http://www.modularsystem.eu/download/facts_and_figures/3839282_longer_and_heavier_vehicles_in_prakt.pdf

http://www.modularsystem.eu/download/facts_and_figures/3839486_rapport_monitoring_traffic_safety.pdf

http://www.modularsystem.eu/download/facts_and_figures/3839492_rapport_shift_lzv_eng.PDF

OECD/ITF JTRC:

http://www.internationaltransportforum.org/jtrc/infrastructure/heavyveh/TruckBenchmarking.pdf

http://www.internationaltransportforum.org/jtrc/infrastructure/heavyveh/TrucksSum.pdf

Various reports here: http://www.modularsystem.eu/en/facts_and_figures/

6.3. Intermodality and innovation in transport needs

Intermodal transport refers to a transport operation using an intermodal unit and two or more transport modes. Since the drafting of Directive 96/53/EC the conditions for intermodal transport have been subject to developments at global level. In particular the use of 45 foot containers has increased, which have been standardised by the International Standardisation Organisation. Transport of such containers on the national road legs of intermodal operations in the EU is however currently permitted only under certain conditions such as the deliverance of a special permit as foreseen in Article 4(3) of the Directive: The needs of the industries using transport services have also evolved. In order to foster innovation and support free movement of goods with an adequate transport offer, the Commission is now evaluating the needs of specific industries such as those transporting chemicals, cars and of passenger transport services.

(1) Do you have any evidence showing that there is a case for adapting Directive 96/53/EC to evolutions in intermodal transport? ***(mandatory question)***

Answer (please tick as appropriate):

X Yes

☐ **No**

If so, please indicate which evolutions.

Answer (free text):

Transport of 45ft containers, up to 44 tonnes and the European Modular Concept, are both innovative solutions to promote multimodal and efficient transport.

(2) What would be the advantages or disadvantages of adapting the Directive to allow transport of 45 foot containers without restrictions? ***(optional question)***

Answer (free text):

Advantages: Improvement of co-modality, legal certainty relating to transport of 45ft containers across the European Union, less administrative burden linked to applying for special permits.

Finally, it would help to ensure free movement of goods by avoiding that a vehicle would have to unload at a border to reload onto a different vehicle due to different exceptions granted in different Member States.

(3) What would be the advantages or disadvantages of adapting the Directive to allow transport of 45 foot containers with restrictions based on geographical, time or intermodal criteria? ***(optional question)***

Answer (free text):

Geographical criteria's are counter-productive and leads to a reduction of cross-border transport. Because of this, a vehicle would have to be unloaded and the goods reloaded on to a different vehicle when crossing a boarder, which makes no sense. In order to promote the free movement of goods, a better harmonisation – also in the context of allowing cross border experiments – should be envisaged.

(4) Is it necessary to adapt the maximum length of vehicles to allow for the transport of 45 foot containers, and with which additional length? ***(optional question)***

Answer (free text):

Since a 45ft container has a length of 13716 mm and the semitrailer as we know it today (in 16,5 meter combination) normally has a length around 13500 - 13600 mm only a slight increase of length is necessary to allow transport of 45ft containers. The same minor increase should be permitted to EMS-vehicles as well.

(5) Should the transport of 45 foot containers by road be authorised: ***(optional question)***

Answer (please tick as appropriate, several answers possible):

☐ **Only for combined transport as defined in Directive 92/106/EEC**[6]

X For multimodal journeys combining modes outside of the scope of Directive 92/106/EEC

X For single mode transport by road

☐ **With route restrictions**

☐ **With time restrictions**

Please justify your answers.

[6] 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. For the purpose of this Directive, combined transport is defined as the transport of goods between Member States where the initial or final part of the journey uses the road, and the other leg uses rail or inland waterway or maritime services for a distance of over 100 km. The road leg should be less than 150 km if combined with a maritime leg.

Answer (free text):

There is no advantage in restricting the transport of 45 feet containers. On the contrary, it hampers intermodal transport. To improve the global intermodal transport chain, the use of 45ft containers with a weight of 44 tonnes should be permitted. 45ft containers should be permitted use in EMS vehicles as well. It might even be justified to allow 48ft or 53ft containers to be used with EMS-vehicles, in respect in the infrastructural limitations, or to provide a framework for exceptions for the temperature controlled road transport sector.

(6) What would be the impacts of generalising the transport of such containers by road (including on traffic and modal split)? Please justify your answer and provide references whenever possible. ***(optional question)***

Answer (free text):

The impacts would in our opinion be positive as regards more flexible and efficient transport-system in Europe.

(7) If the directive on weights and dimensions is adapted to allow the transport of 45 foot containers and if you are the manager of a heavy duty fleet, how much of your transport will be of 45 foot containers (in absolute figures in units or in %)? ***(optional question)***

Answer (free text): N/A

(8) Should the Directive be adapted to allow for the transport without special authorisations of other types of containers and swap bodies? If so, which ones and why? ***(optional question)***

Answer (free text):

A common EU standard length for swap bodies is 7,82 m and for semitrailer 13.6 m and there are five common container standard lengths, 20ft, 40ft, 45ft, 48ft and 53ft, which should not be subject to special authorisation.

This would facilitate global logistics and the transport of non-EU containers on the European continent.

The EMS approach promotes more flexibility in length and weight of vehicle combinations based on the length of standard containers and swap bodies, and should be extended with as many standards as possible within the frames of the existing infrastructure or at least with minor adjustments where necessary.

(9) Do you know of any recent developments and innovations in freight transport needs which are incompatible with the provisions of the Directive for maximum weights and dimensions? ***(optional question)***

Answer (please tick as appropriate):

X **Yes**

☐ **No**

If so, please explain.

Answer (free text):

1. EMS-vehicle-combinations, allowed in some member states, tested in others, but not allowed across the EU, including in cross-border intra-EU transport operations. Even if the ems-vehicles fulfil the technical regulations in both member states, they have to be decoupled to cross the common border.

2. The longer trailers in the UK, SE and on trial in DE, which can only be used for national transports.

3. Trucks, trailers and semitrailers with a height of more than 4 metres used in several Member States in order to carry more volume.

(10) Would the above mentioned changes to adapt the Directive to developments in intermodal transport and innovation, notably 45 foot containers, have an impact on infrastructure? If not, please skip to question 12. ***(optional question)***

Answer (please tick as appropriate):

X **Yes**

☐ **No**

(11) If so, what would be the impact on construction, maintenance and operation of (several answers possible, please explain your answers and rate each of them on a scale of 1 to 4, 1 being the lowest impact and 4 the highest) ***(optional question)***

Answer (please tick as appropriate, several answers possible):

- **Roads**

1	**2**	**3**	**4**
X	☐	☐	☐

- **Tunnels**

1	**2**	**3**	**4**
X	☐	☐	☐

- **Bridges**

1	2	3	4
X	☐	☐	☐

- **Parking and rest areas**

1	2	3	4
☐	☐	X	☐

- **Urban infrastructure**

1	2	3	4
X	☐	☐	☐

If any other types of impact should be taken into account, please explain which ones below and rate each of them on a scale of 1 to 4, 1 being the lowest impact and 4 the highest.

Answer (free text):

Impact is depending on what technical restrictions is laid down to regulate the use of the vehicles (weight, axel-load, turning-circles etc.)

(12) Would changes to adapt the Directive to developments in intermodal transport and innovation have an impact on road safety, particularly of vulnerable users? ***(optional question)***

Answer (please tick as appropriate):

☐ **Yes**

X **No**

If yes please explain which one, if no please explain why.

Answer (free text):

As mentioned, the carriage of 45ft containers only requires a minor increase in the maximum authorised length of standard vehicle combinations. In addition, several studies and reports on the use of longer and heavier vehicles (including the European Modular Concept) on the road have demonstrated that such vehicles do not pose a higher safety problem than the currently allowed standard combinations. To the contrary, the recent Danish report on the European Modular Concept trials in Denmark indicates that these vehicles have a better safety record.

(13) Do you have any evidence that road safety developments justify specific treatment for two-axle coaches? ***(optional question)***

Answer (please tick as appropriate): N/A

☐ **Yes**

☐ **No**

If so, please explain.

Answer (free text): N/A

(14) Would an increase in the maximum weight of two-axle coaches have an impact on (several answers possible, please explain your answers and rate each of them on a scale of -4 to 4, -4 being the highest negative impact and 4 the highest positive impact) ***(optional question)***

Answer (please tick as appropriate): N/A

- **Road safety**

-4	**-3**	**-2**	**-1**	**0**	**1**	**2**	**3**	**4**
☐	☐	☐	☐	☐	☐	☐	☐	☐

- **Infrastructure**

-4	**-3**	**-2**	**-1**	**0**	**1**	**2**	**3**	**4**
☐	☐	☐	☐	☐	☐	☐	☐	☐

- **Passenger comfort**

-4	**-3**	**-2**	**-1**	**0**	**1**	**2**	**3**	**4**
☐	☐	☐	☐	☐	☐	☐	☐	☐

- **The coach transport market**

-4	**-3**	**-2**	**-1**	**0**	**1**	**2**	**3**	**4**
☐	☐	☐	☐	☐	☐	☐	☐	☐

- **The rail market**

-4	-3	-2	-1	0	1	2	3	4
☐	☐	☐	☐	☐	☐	☐	☐	☐

If other types of impact should be taken into account, please specify which ones and rate each answer selected on a scale of 1 to 4, 1 being the lowest level and 4 the highest

Answer (free text): N/A

(15) If the directive on weights and dimensions is adapted to allow heavier two-axle coaches and if you are the manager of a coach fleet, what proportion of your fleet would you replace with heavier two-axle vehicles? ***(optional question)***

Answer (free text): N/A

(16) Do you know of any studies or reports analysing the effects of innovative transport concepts with impacts on weights and dimensions (EMS, automatic transhipment systems, or other) on intermodal transport? ***(optional question)***

Answer (please tick as appropriate):

X **Yes**

☐ **No**

If so, please provide relevant references including links for online download where possible.

Answer (free text):

See section 6.2

6.4. Legal clarifications

Art. 3(1) of Directive 96/53/EC sets down the principle of "mutual recognition", by which Member States cannot reject or prohibit the use in their territory in international traffic of vehicles from other Member States on the basis of their weights and dimensions, provided that these comply with the maximum standards laid down in the Directive. However the Directive also foresees the possibility for Member States to deviate from the maximum weights and dimensions for certain vehicles and transport operations. Such deviations are subject:

- to an authorisation to circulate for the national transport of good or passengers within their own territory for vehicles which are not in conformity with maximum weights and certain maximum dimensions (Art. 4.2)

- to an authorisation procedure which takes the form of special permits (Art. 4.3), or

- to authorisations granted to national transport operations which do not significantly affect international competition in the transport sector (Art. 4.4), or

- to authorisations which allow trials of vehicles or vehicles combinations incorporating new technologies or concepts under certain conditions (Art. 4.5).

Experience has shown that the provisions above are unclear. The Commission intends to use the answers to this section to identify where clarifications are needed and can be done either directly by the Commission itself or as part of the legal review of the Directive

(1) The Directive is currently understood as prohibiting in general the cross border transport with vehicles deviating from the maximum weights and dimensions between two Member States each allowing this type of transport. Does this cause particular problems? ***(optional question)***

Answer (please tick as appropriate):

X Yes

☐ **No**

Please explain your answer.

Answer (free text):

The current understanding blocks the cross border use of vehicles between two or more neighbouring Member States, which have maximum authorised weights and dimensions that exceeds those stipulated in the Directive.

- Where two or more neighbouring member states apply an equal or mutually compatible maximum authorised weight for national transport, exceeding 40 tonnes.

- Where two or more neighbouring member states are using/testing the European Modular System Combinations.

- Where two or more neighbouring member states apply an equal or mutually compatible maximum authorised height for national transport, exceeding 4 metres.

- Cross border operations of abnormal transports.

The different weight regulations throughout Europe are problematic for trans-European transports and has a negative impact on the free movement of goods as vehicles has to unload at a borders to reload the goods on to different vehicles.

(2) If so, for which type of transport do these problems arise? ***(optional question)***

Answer (please tick as appropriate, several answers possible):

- X **Logging and forestry-related transport**
- X **Transport of chemicals**
- X **Transport of other dangerous goods**
- X **Transport of cars**
- X **Transport of refrigerated goods**

If problems arise for other types of transport, please explain which.

Answer (free text):

General cargo

Transport of steal, waste, life animals etc.

Abnormal looads

(3) Can the procedures for derogations laid out in Art. 4.3 and Art. 4.4 be improved? ***(optional question)***

Answer (please tick as appropriate):

- X **Yes**
- □ **No**

Please explain your answer.

Answer (free text):

It is important to continue to allow Member States to derogate from the EU weights and dimensions rules for national transport, in order to allow individual member states to optimise road freight transport efficiency on their own territory. Innovation at national level should not be impeded, as this also could slow down the introduction of innovative concepts in intra-EU transport.

It would be important to allow international transport between countries with deviating vehicles which are allowed in both neighbouring countries, as it makes no sense and is of no benefit to road-safety, environment, energy-efficiency etc. to decouple combinations or reload on to other vehicles when crossing a border.

(4) Can the provisions for trials in Art. 4.5 be improved? ***(optional question)***

Answer (please tick as appropriate):

X Yes

☐ **No**

Please explain your answer.

Answer (free text):

It would be important to allow trials for EMS-trucks on international routes between countries allowing EMS-trucks or carrying out a trial with EMS-trucks. And again, it makes no sense and is of no benefit to road-safety, environment, energy-efficiency etc. to decouple combinations or reload on to other vehicles when crossing a border.

(5) What role should the European Commission play in these procedures? ***(optional question)***

Answer (free text):

The European Commission should encourage and facilitate innovation towards better, more efficient and "greener" transport-solutions – through providing a framework of rules that gives room for innovation and development of even more efficient vehicles. At the same time the European Commission should be very careful regarding keeping the regulations free of design restrictions.

ITD also urges decision-makers to take into account the impact of any given changes in the weights and dimensions of vehicles on the value of existing fleets and stresses the importance of that hauliers are guaranteed reasonable transition costs, through reasonable transition times etc.

(6) Should guidelines on common criteria to authorise transport of vehicles deviating from the maximum weights and dimensions be issued? ***(optional question)***

Answer (please tick as appropriate):

☐ **Yes**

X No

If yes, in relation to which criteria should these guidelines be issued?

Answer (please tick as appropriate, several answers possible):

☐ **Link to combined transport operation**

☐ **Specific driver training**

☐ **Use of corridors designated for use by such vehicles**

☐ **Transport of specific goods**

☐ **Other criteria**

If other criteria should be taken into account, please specify which.

Answer (free text):

6.5. Controls, checks and enforcement

The White Paper on Transport underlines the importance of a harmonised enforcement of rules for professional transport as a way to further integrate the road freight market. Proper enforcement and control of compliance with rules on the maximum weights and dimensions is particularly important to ensure fair competition between transport modes and transport companies; to increase road safety; to mitigate the risks for the infrastructures and maintain long lifetimes at affordable cost and to ensure fair taxation and pricing.

The current regulations on access to the market and admission to the profession[7] foresee the creation of an EU-wide register of road transport undertakings to allow exchange of information on infringements committed by non resident undertakings. A legislative proposal on harmonisation of sanctions is also under preparation. The review of Directive 96/53/EC provides an opportunity to link it to the exercise of improving enforcement of the rules for professional transport.

(1) Do you believe that current checks, enforcement policy and means are effective to ensure compliance with the rules on weights and dimensions of Directive 96/53/EC? ***(mandatory question)***

Answer (please tick as appropriate):

☐ **Yes**

X **No**

Please explain your answer.

Answer (free text):

[7] 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

The lack of transparency in the enforcement procedures, methods, infringements and penalties between the different member states creates legal uncertainty for transport operators.

(2) What can be done to improve the cost/effectiveness of the enforcement policy? ***(optional question)***

Answer (please tick as appropriate, several answers possible):

☐ **Increase the number of checks (please specify and explain how this should be funded below)**

X Modify control procedures to limit the cost and increase the quality of checks (please specify below)

X Harmonise controls and checks (please specify below)

X Harmonise sanctions related to infringements in the field of weights and dimensions rules

☐ **Other (please explain below)**

Please specify your answers and explain any other means to improve the cost/effectiveness of the enforcement policy below.

Answer (free text):

Transparency in the control procedures and methods applied by the different member states is essential, providing increased legal certainty for transport operators in order to comply with EU and national rules.

Harmonisation of sanctions should not lead to an overall increase in the level of sanctions in the EU, but rather to the improvement of the proportionality of the sanctions versus the committed infraction and prevent possible discrimination in enforcement, based on the nationality of the transport operators. This should be accompanied by an EU appeals procedure.

(3) Are weigh-in-motion systems and systems to measure length in motion a cost-efficient solution to improve enforcement on the rules on weight and length? If not, please skip to question 5. ***(optional question)***

Answer (please tick as appropriate):

☐ **Yes**

X No

Please explain your answer.

Answer (free text):

VIM systems could be used as helping tool to point out vehicles to check, but should not stand alone.

(4) If so, should their deployment along TEN-T roads be encouraged?***(optional question)***

Answer (please tick as appropriate):

☐ **Yes**

X No

Please explain your answer.

Answer (free text):

VIM systems should be mobile to have the most effect, and should not be stationary.

(5) What are the 5 most serious infringements to the rules on weights and dimensions? ***(optional question)***

Answer (free text): N/A

(6) What are the other very serious infringements to the rules on weights and dimensions? ***(optional question)***

Answer (free text): N/A

(7) Should companies be encouraged to self-monitor the enforcement of rules on weights and dimensions in their own work, and if so how? ***(optional question)***

Answer (free text):

Self-monitoring tools should be encouraged as a cost-efficient method to help enforcing rules and at the same time give the operators benefits like faster and "smoother" roadside checks. It is essential that the data of the self-monitoring tools are mutually recognised by control authorities all over EU in order to avoid double controls.

6.6. Other questions

(1) Please list references to any studies or documents of relevance to the review of the Directive in the box below, with links for online download where possible ***(optional question)***

Answer (free text):

(2) Do you agree that the Commission publishes your response? ***(mandatory question)***

Answer (please tick as appropriate):
X Yes
☐ No