COMMISSION

COMMISSION OPINION

of 28 April 1976

addressed to the Government of the Federal Republic of Germany on a draft Regulation amending the Regulation on the approval of road vehicles

(76/456/EEC)

Under cover of a letter dated 10 February 1976 the office of the Permanent Representative of Germany to the European Communities sent to the General Secretariat of the Council of the European Communities and to the Directorate-General for Transport for their information, a draft Regulation amending the Regulation on the approval of road vehicles.

The Commission takes the view that this is equivalent to consultation as provided for in Article 1 of the Council Decision of 21 March 1962 instituting a procedure for prior examination and consultation in respect of certain laws, regulations and administrative provisions concerning transport proposed in Member States [1], as amended by the Council Decision of 22 November 1973 [2]. It so informed the German Government and the Governments of the other Member States by letters of 3 March 1976. It further took the view that the German Government's sending of its draft Regulation to the General Secretariat of the Council of the European Communities had ensured that the other Member States were informed as required by Article 1 of the said Council Decision.

After consulting the representatives of the Federal Republic of Germany and in accordance with Article 2 (1) of the said Decision, the Commission gives the following opinion :

1. The Commission finds that the purpose of the draft Regulation is to reduce the minimum engine power from 8 to 6 hp per metric ton. It points out that under the draft Council Directive on the weight and dimensions of commercial vehicles and on certain additional technical requirements concerning the said vehicles [3], a provisional agreement has been reached by all the delegations of the nine Member States on a power-to-weight ratio of 7 hp (5·1 kW) per metric ton, and in the course of reading this agreement account was taken of a number of arguments *inter alia* for sufficient power to enable the vehicle to start easily and to help improve both traffic flow and road safety.

2. The Commission realizes however, that recent economic developments, particularly the energy crisis and the consequent considerable rise in the cost of fuel, have placed road hauliers in a more difficult position. It accepts the advisability of seeking ways of reducing costs ; it also finds that a change from 7 hp (5·1 kW) to 6 hp (4·4 kW) would not appear to compromise road safety to any significant degree.

3. The Commission draws the attention of the Government of the Federal Republic of Germany to the fact that the matter of harmonizing the weights and dimensions of commercial vehicles is still before the Council and was last discussed at its meeting on 10 and 11 December 1975. The Council has instructed the Committee of Permanent Representatives to reconsider the matter in conjunction with the Commission on the basis of the arguments put forward at that meeting. The Commission therefore points out that the adoption by the Government of the Federal Republic of Germany of the proposed Regulation changing the minimum engine power must not prejudice any possible agreement that may be reached in the near future at Community level.

[1] OJ No 23, 3. 4. 1962, p. 720/62.
[2] OJ No L 347, 17. 12. 1973, p. 48.
[3] Proposal from the Commission of 21 June 1971 (OJ No C 90, 11. 9. 1971, p. 25).

4. Finally, the Commission points out that under Council Directive 71/354/EEC of 18 October 1971 [1], the only unit of measurement permitted with effect from 31 December 1977 for the power of an engine is the watt or kilowatt and requests the German Government to amend its draft Regulation accordingly.

5. The Commission does not consider it necessary to initiate consultation procedure with the other Member States within the meaning of Article 2 (3) of the Council Decision.

6. The Commission is informing the other Member States of this opinion.

Done at Brussels, 28 April 1976.

For the Commission

Carlo SCARASCIA MUGNOZZA

Vice-President

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[1] OJ No L 243, 29. 10. 1971, p. 29.