Opinion of the Economic and Social Committee on the 'Proposal for a Directive of the European Parliament and of the Council 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'

(2001/C 123/19)

On 8 May 2000 the Council decided, under Article 71 of the Treaty establishing the European Community, to consult the Economic and Social Committee on the above-mentioned proposal.

The Section for Transport, Energy, Infrastructure and the Information Society, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 7 December 2000. The rapporteur was Mr Kielman.

At its 378th plenary session (meeting of 24 January 2001) the Economic and Social Committee adopted the following opinion by 50 vote to two, with two abstentions.

1. Introduction

1.1. On 28 September 1995 the Council of Ministers discussed a Commission proposal for a Council Directive laying down maximum authorised weights and dimensions for road vehicles over 3,5 tonnes circulating within the Community.

1.2. Among other things, this proposal laid down a harmonised maximum length of 12 metres for all rigid motor vehicles in the European Union.

1.3. However, several Member States wished to permit rigid buses with a maximum length of 15 metres. There was therefore no majority for setting either a 12 metre limit for all rigid vehicles or a 15 metre limit for rigid buses in the Community.

1.4. Parts of the Commission proposal were adopted as Directive 96/53/EC, but no maximum dimensions for buses were laid down.

1.5. For international transport in the EU as a whole, it is simply guaranteed that rigid buses of up to 12 m in length and articulated buses of up to 18 m can circulate freely.

1.6. Thus different maximum limits continue to apply for national transport. The Council therefore felt that further consideration should be given to harmonising the maximum length of rigid buses and coaches at a limit greater than 12 m throughout the EU.

1.7. At the Council's request the Commission thus prepared a report on the use of buses and coaches of up to 15 m in length, covering all aspects arising from the use of rigid buses and coaches of over 12 m in length.

1.8. On the basis of this report the Council of Ministers, at its meeting of 29 March 1999, invited the Commission to submit a proposal for an amendment to Directive 96/53/EC aimed at harmonising the maximum authorised dimensions of rigid buses and coaches in national and international transport.

2. General comments

2.1. Since Directive 96/53/EC harmonises the length of buses only for international transport, the result is that for national bus transport there are only national rules, which have developed independently in different ways. This implies that the free circulation in the Community of buses with a length of more than 12 metres is not guaranteed, although such buses are in common use in various Member States.

2.2. As regards the safety of passengers, it should be pointed out that there is no evidence that rigid buses with a maximum length of 15 metres would be less safe than similar buses of no more than 12 metres.

The Commission states that in certain circumstances rigid 15-metre-long buses would even be safer than articulated 18-metre-long buses.

2.3. Directives 96/53/EC and 97/27/EC on weights and dimensions of road vehicles lay down requirements for all vehicles to be able to turn in a swept circle with a prescribed outer radius and inner radius. On that basis the Commission concluded that it would be unjustified to introduce stricter rules for rigid buses of over 12 metres in length.

Many designs of rigid 15-metre-long buses do indeed have a greater outswing when turning a corner than do 12 m rigid buses and 18 m articulated buses. Some precautions at bus stops would need to be taken for their use.

2.4. The Commission proposes that buses longer than 12 metres should have three or more axles, in view of their higher maximum total weight. The length of buses with two axles would then be limited in effect to 12 metres.

2.5. The Commission also proposes a maximum length of 15 metres including skibox for rigid buses in national and international transport.

2.6. For buses with trailers the current rules are unclear.

The Commission proposal envisages removing any confusion by adopting a maximum length of 18,75 metres for bus and trailer combinations. This corresponds to the maximum length permitted for lorry and trailer combinations throughout the EU.

2.7. It should be mentioned that the Committee issued an opinion on 27 January 1999 on the 'Report from the Commission on the use of buses and coaches of up to 15 m in length' ([1]).

2.8. In this opinion the Committee opts for permitting a maximum length of 15 metres for rigid vehicles throughout the EU, without any additional requirements, so that all vehicles with a length of 12,75 m, 13,5 m or 13,75 m are permitted regardless of the number of axles.

2.9. The Committee is happy with the Commission's proposal to introduce a transitional period up to and including 31 December 2009 for vehicles used in national transport which do not meet the criteria laid down in the draft directive. After 31 December 2009 these vehicles would no longer be allowed to circulate.

3. **Specific comments**

3.1. In line with its opinion of 27 January 1999, the Committee takes the view that the Commission's proposal to require vehicles longer than 12 m to have three axles should be rejected. The Commission's argument is that this requirement is included to ensure that manufacturers keep to the weight limits when designing vehicles and that the vehicles do not damage existing roads.

3.2. However, weight limits and axle loads for vehicles in international transport have already been laid down at Community level. Exceptions to the weight limits are allowed for national transport. The Commission thinks it necessary, with reference to proper functioning of the cabotage market, to harmonise by making a third axle obligatory for vehicles longer than 12 m.

3.3. The Committee takes the view that this part of the Commission proposal is superfluous. In any case, countries which allow at national level vehicles with higher weights than those agreed at Community level will discover the disadvantage for themselves, since cabotage transport in other countries will be impossible; while countries allowing vehicles with weights equal to or lower than the Community limit will be able to carry out cabotage transport in other countries. The problem will therefore solve itself.

3.4. The Committee takes the view that the Commission's idea that all buses, regardless of length, must comply with the maximum outswing limit laid down in Directive 97/27/EC in order to qualify for type-approval is incompatible with its proposal to permit 15-metre-long buses in the single market.

3.5. It is clear that 15-metre-long buses cannot meet the requirements for outswing of buses as laid down in Directive 97/27/EC. Only buses with a maximum length of 14,6 m including skibox comply with them. This means that all 15-metre-long buses currently in use should disappear from the market. The Committee advocates amending Directive 97/27/EC in such a way that the outswing requirements allow the 15-metre-long bus to remain in circulation.

3.6. Finally, the Committee can agree with the Commission's observation that increasing the maximum length of buses in some Member States will mean that fewer buses are needed to transport the same number of passengers, with a corresponding reduction in the number of journeys — which would be welcome in both environmental and economic terms.

([1]) COM(97) 499 final — ESC Opinion of 27 January 1999, OJ C 101, 12.4.1999, p. 22.

4. **Summary and conclusions**

4.1. The Committee takes the view that the Commission's proposal to arrive at a harmonised maximum length for rigid buses in both national and international transport is essentially a commendable one.

4.2. Thus the Committee can endorse the following aspects:

— extending the scope of Directive 96/53/EC to cover national passenger transport;

— laying down a maximum length of 15 metres (including skibox) for rigid buses and coaches;

— laying down a maximum length of 18,75 metres for buses with trailers;

— stipulating a transitional period of nine years.

4.3. The Committee takes the view that the following parts of the Commission proposal should be modified:

— The requirement for buses longer than 12 metres to have three axles. In view of the internationally agreed weights as laid down in Directive 96/53/EC, this requirement is unnecessary. If the scope of the Directive were extended to national transport, manufacturers themselves could decide — within legal requirements — whether they prefer a two-axle or a three-axle design.

— The requirement for 15-metre-long buses to comply with the maximum outswing specifications laid down in Directive 97/27/EC. The Committee feels that, if the Commission thinks that the 15-metre-long bus should be harmonised throughout the EU, then Directive 97/27/EC should be amended in accordance with national outswing specifications, so that the 15-metre bus can continue to be used.

Brussels, 24 January 2001.

The President

of the Economic and Social Committee

Göke FRERICHS