

COMMISSION OF THE EUROPEAN COMMUNITIES

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Brussels, 15 December 1993

Proposal for a

COUNCIL DIRECTIVE

LAYING DOWN MAXIMUM AUTHORISED WEIGHTS AND DIMENSIONS

FOR ROAD VEHICLES OVER 3.5 TONNES

CIRCULATING WITHIN THE COMMUNITY

(presented by the Commission)

SUMMARY

The purpose of this proposal for a Directive is to harmonise the maximum authorised weights and dimensions for road vehicles and vehicle combinations throughout the Community.

The proposal, in keeping with the object of creating a Single Market, provides for uniform rules to apply to vehicles throughout the Community.

The proposal aims to extend to national transport Directive 85/3/EEC⁽¹⁾ on the maximum weights and dimensions of vehicles for international transport whilst proposing modifications to meet, as far as possible, the majority of existing national standards which may vary considerably throughout the Community.

Simultaneously, the opportunity will be taken to consolidate the oft-revised text of Directive 85/3/EEC, making it into a single text again.

⁽¹⁾ O.J. N° L 2, 03.01.1985, p.14

EXPLANATORY MEMORANDUM

A. GENERAL

Current Situation

Community-wide maxima for weights and dimensions are currently fixed by Council Directive (EEC) No. 85/3⁽¹⁾ for road vehicles and vehicle combinations for international journeys only. Widely differing national laws which have developed in a diverse and independent manner apply for local traffic.

Whilst standard rules do apply for cross-border traffic within the Community the abolition of frontier controls since 1 January 1993 removed effective means of policing the system.

In addition, after the transitional regime laid down by Council Regulation (EEC) No. 4059/89, a final cabotage regime is due to come into operation in the road sector in the near future. In order for this to work satisfactorily one requirement will be to avoid distortions of competition caused by the application of diverging Community and national provisions concerning weight and dimensions.

B. JUSTIFICATION FOR ACTION AT COMMUNITY LEVEL

I. Subsidiarity

- a) Quels sont les objectifs de l'action envisagée par rapport aux obligations pesant sur la Communauté?

The establishment of a border-free internal market within the Community on 1 January 1993 has resulted in the need to extend Community rules on the weights and dimensions of road vehicles for international transport to cover all national transport.

Simultaneously, there is need to clarify the legal position by replacing the oft-modified Directive 85/3 on weights and dimensions with a single consolidated text.

Community rules on weights and dimensions need to apply to all national transport in order to equalise conditions of competition. Rules need to be introduced that ensure the possibility of cabotage to take place without any national hindrances.

This extension of application of the present Directive will be limited to the issues that are of major importance for the well functioning of the internal market and equal competition - factors that are within the remit of the Commission's competence - and will concern all maximum authorised dimensions and the maximum authorised total weights for combinations.

The objective of the proposed new Directive is, therefore, to satisfy these needs.

⁽¹⁾ As last amended by Council Directive N° 92/7/EEC

- b) L'action envisagée relève-t-elle d'une compétence exclusive de la Communauté ou d'une compétence partagée avec les Etats membres?

The action falls under a shared competence (Article 75.1.c of the Treaty of Rome).

- c) Quelle est la dimension communautaire du problème (par exemple combien d'Etats Membres sont concernés et quelle solution a été en vigueur jusqu'à maintenant)?

Considerable variations currently exist in national legislation for weights and dimensions. There is, for example, a difference of over 30% between Member States in maximum permissible weights for the largest articulated lorries.

Such variations seriously undermine the harmonisation of conditions of transport, especially since the abolition of border controls has greatly reduced control possibilities. The logical solution, therefore, is to equalise conditions by harmonising rules throughout the Community.

- d) Quelle est la solution la plus efficace par comparaison entre les moyens de la Communauté et ceux des Etats membres?

The most efficient solution is to harmonise maximum total weights and dimensions throughout the Community whilst allowing other technical characteristics dealing with axle weights and maximum weights of single vehicles to be decided on a national basis and can be adopted to local circumstances and requirements.

By this extension of the scope of the Directive it will be necessary to take into account the different legislation of the Member States for national transport questions in so far as this reflects common practice in the Community or adaptation to progress in technology.

However, certain elements concerning certain vehicles and vehicle combinations need not be harmonised because of their limited impact on the conditions of competition within the internal market.

Therefore, it is proposed to amend the technical Annex I to increase the maximum authorised width for all non-refrigerated vehicles up to 2.55 m (without any possibility for a '+' tolerance). Moreover it is proposed to increase the maximum authorised total weight for 6 axle combinations up to 44 tonnes under the condition that these vehicles meet the criteria for road friendly suspension laid down in Annex II of the proposal.

- e) Quelle plus-value concrète apporte l'action envisagée de la Communauté et quel serait le coût de l'inaction?

The positive effects of the proposal will be threefold. Firstly, it will simplify the possibilities for cabotage to take place without distortions of competition, with a consequent reduction in freight transport costs.

Secondly, by specifying road-friendly suspensions for the heaviest weight categories the proposal will encourage the use of more environmentally-friendly road vehicles.

Thirdly, since the maximum weight will be increased in seven of the Member States, this will result in fewer road journeys being required to transport the same amount of goods. Such an effect, resulting in fewer road journeys, will be both environmentally and economically positive. The advantages gained here will be partially offset by a reduction in maximum weight in two Member States and tighter limits on vehicle dimensions but the overall net effect throughout the Community is expected to be positive.

Inaction in the field of harmonisation of motor vehicle weights and dimensions will have two effects. Firstly, it will prolong the lack of interest in cabotage by allowing significantly different and piecemeal national legislation to apply in each Member State.

Secondly, the absence of harmonised Community-wide standards will ensure that the European freight motor vehicle manufacturing industry will not gain from efficiencies of scale as different vehicles will continue to have to be built to meet varying national norms.

- f) Quelles modalités d'action sont à la disposition de la Communauté (recommandation, soutien financier, réglementation, reconnaissance mutuelle ...)?

The proposal takes the form of a Directive following previous legislative practice in this field.

As well as these substantive changes the opportunity is also being taken to consolidate legislation into a single, clear Directive.

Neither financial support, nor mutual recognition would be appropriate actions to achieve the aim of harmonised Community standards.

- g) Une réglementation uniforme est-elle nécessaire ou suffit-il d'une directive posant des objectifs généraux en renvoyant l'exécution au niveau des Etats membres?

A detailed Directive is necessary since the technical harmonisation of the weights and dimensions requires precise rules.

II Reasons for Consolidation

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

The aim cannot be achieved as 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 consolidation of rules that have frequently been amended is essential if Community law is to be clear and transparent.

By its decision of 1 April 1987 the Commission instructed its departments to produce a formal consolidated version of legislative instruments no later than after their tenth amendment, but made it clear that this was a minimum requirement, and that in the interests of clarity and of the ready comprehension of Community law, an effort should be made by each department to consolidate the instruments for which it is responsible at more frequent intervals.

The attached proposal of the Commission for a consolidation of Council Directive, regrouping in a single text directives

- 85/3/EEC of the Council of 19 December 1984 on the weights, dimensions and certain other technical characteristics of certain road vehicles, as modified;
- 86/364/EEC of the Council of 24 July 1986 relating to proof of compliance of vehicles with Directive 85/3/EEC on the weights, dimensions and certain other technical characteristics of certain road vehicles.

It has been drafted up in accordance with the fundamental principles agreed by Council, Parliament and Commission in 1974; it aims at legislative consolidation: the existing directives would be replaced by one new version, which would leave their substance untouched but would assemble them into a single text, with only the formal amendments required by the operation itself.

As in the past the text supplied here is collated from the original Directives as published in the Official Journal: the use of photocopies means that any improvements to the wording are immediately identifiable. The old numbering of the Articles has been retained in the margin for ease of reference, the new numbering being entered above the Articles: Annex V contains a correlation table relating the old system of numbering to the new. In order to preserve the dates for transposition of all the Directives concerned a new Annex IV, Part B lists the deadline for implementation of each of the directives now being repealed.

In the Working Group discussions on consolidation it became clear that Annex II of Directive 85/3/EEC is considered to be totally out-of-date and superfluous, given the current state of European type-approval Directives within the framework of 70/156/EEC.

Therefore, all experts from Member States were of the opinion that Annex II (and the reference to it in Article 4) should be deleted in order to avoid misunderstandings and also possible conflict with international conventions.

Since accepted practice in previous Directives has been to refer to weight with tonnes as the unit of measurement this will be continued in this consolidated Directive whilst recognizing that, strictly speaking, the Directive should use kilonewtons as the unit of measurement for weight as it is force that is being measured.

Thus, for the purposes of this Directive, the "weight" as expressed in tonnes means, in reality, the weight in tonnes force.

C. SCOPE OF THE PROPOSAL

The establishment of a border-free internal market within the Community on 1 January 1993 has resulted in the need to extend Community rules on the weights and dimensions of road vehicles to cover all national transport.

Simultaneously, there is need to clarify the legal position by replacing the oft-modified Directive 85/3 on weights and dimensions with a single consolidated text.

The objective of the proposed new Directive is, therefore, to satisfy both these needs.

Community rules on weights and dimensions need to apply to all national transport in order to equalise conditions of competition. Rules need to be introduced that ensure the possibility of cabotage to take place without any national hindrances.

Considerable variations currently exist in national legislation for weights and dimensions. There is, for example, a difference of over 30 percent in maximum permissible weights for the largest articulated lorries.

Such variations seriously undermine the harmonisation of conditions of transport, especially since the abolition of border controls has greatly reduced control possibilities. The logical solution, therefore, is to equalise conditions by harmonising rules throughout the Community.

This extension of application of the present Directive will be limited to the issues that are of major importance for the well functioning of the internal market and equal competition, factors that are within the remit of the Commission's competence, and will concern all maximum authorised dimensions and the maximum authorised total weights for combinations with 4, 5 or 6 axles.

The other technical characteristics dealing with axle weights and maximum weights of single vehicles or other combinations are assumed to be mainly of local importance and can be adapted to local circumstances and requirements.

By this extension of the scope of the Directive it will be necessary to take into account the different legislation of the Member States for national transport questions in so far as this reflects common practice in the Community or adaptation to progress in technology.

Therefore, it is proposed to amend the technical Annex I to increase the maximum authorised width for all non refrigerated vehicles up to 2,55 m (without any possibility for a '+' tolerance). Moreover it is proposed to increase the maximum authorised total weight for 6 axle combinations up to 44 tonnes under the condition that these vehicles meet the criteria for road friendly suspension laid down in Annex II of the proposal.

The current legislation does not make any difference between the maximum authorised total weight of 5 or 6 axle combinations, with both being limited to 40 tonnes. With its better load distribution the 6 axle vehicle has a much less damaging effect on the infrastructure than a 5 axle vehicle. An increase in the total authorised weight to 44 tonnes in order to encourage the use of 6 axle vehicles is justified on technical grounds as it can be demonstrated that such a combination causes less wear and tear than a 38 tonnes 4 axle combination or a 40 tonnes 5 axle combination. This new limit should also be seen as a compromise to the existing legal limits in 5 Member States of 44 tonnes or more for 5 or 6 axle combinations, plus 44 tonne limits for combined transport in a further 2 Member States.

It is recognized that in certain circumstances the authorisation of dimensions and total weights greater than the maxima laid down in the Directive do not interfere with the principles of the internal market and equal competition because of the local or specialised character of the transport concerned.

The proposal foresees exemptions for such cases in Article 4(4), subject to the legal condition that the Commission and other Member States are informed before any exemption is granted.

It is envisaged that such exemptions will take into account as far as possible geographical differences in the context of the internal market, and could apply to entire sectors of industry or regions provided that it can be reasonably demonstrated that competition and free-market principles are not, as a result, compromised.

In order that Commission rules can apply to vehicle dimensions across the Community a harmonised method for measuring vehicles is required. This is included in Article 2 of the Directive.

The Commission is also aware of considerable differences in national rules concerning the maximum permitted overhang of loads which, in practice, results in wider and longer vehicles (for example, car transporters).

It is not the intention at this time to harmonise these rules as hauliers are able to adapt their loading methods to satisfy local prescriptions. Nevertheless, it will be examined how far these differences may cause difficulties to free circulation in order to assess the need for further Community action.

Finally, local permits for indivisible loads will remain the competence of local or national authorities as it is recognized that they are in the best position to judge the need for such permits. The need for a further streamlining of these procedures will be considered in the future.

The positive effects of the proposal will be threefold. Firstly, it will simplify the possibilities for cabotage to take place, with a consequent reduction in freight transport costs.

Secondly, by specifying road-friendly suspensions for the heaviest weight categories the proposal will encourage the use of more environmentally-friendly road vehicles.

Thirdly, since the maximum weight will be increased in seven of the Member States, this will result in fewer road journeys being required to transport the same amount of goods. Such an effect, resulting in fewer road journeys, will be both environmentally and economically positive. The advantages gained here will be partially offset by a reduction in maximum weight in two Member States and tighter limits on vehicle dimensions but the overall net effect throughout the Community is expected to be positive.

Inaction in the field of harmonisation of motor vehicle weights and dimensions will have two effects. Firstly, it will prolong the lack of interest in cabotage by allowing significantly different and piecemeal national legislation to apply in each Member State.

Secondly, the absence of harmonised Community-wide standards will ensure that the European freight motor vehicle manufacturing industry will not gain from efficiencies of scale as different vehicles will continue to have to be built to meet varying national norms.

As well as these substantive changes the opportunity is also being taken to consolidate legislation into a single, clear Directive.

D. CONTENTS OF THE PROPOSAL

As pointed out under A the proposal is both a consolidation of existing Directives and an important extension of their scope.

The following articles or sections are modified or new and will modify the current situation as follows:

Article 2 receives a new additional definition to cover indivisible loads, and formalises the use of the unit "tonnes";

In addition, it eliminates national differences by setting standard ISO definitions for measuring the overall length, width and height of a vehicle.

Article 3 loses its former 3rd paragraph which allowed a Member State to prohibit vehicles registered in another Member State. The deletion of this is essential to eliminate national barriers which could prevent cabotage;

Article 4 paragraph 1 forbids vehicles from exceeding the dimensions and maximum total weights stated in Annex I of the Directive. As such, it is this article that sets the maximum weights and dimensions of Community road vehicles. In paragraph 4 the facility for exemptions is made wherever no significant effect on international competition can be shown to the Commission. This will permit variations for specific geographical areas or specific industrial sectors. In paragraph 5 the possibility is given to exempt for a limited time period vehicles or vehicle combinations incorporating new technologies.

Article 4 also gives, in paragraph 6, a reasonable period of transition by permitting vehicles currently in operation but which do not meet the weight or dimensions maxima to continue to operate until 2001, a period which will cover the average lifespan of a commercial vehicle.

Annex I section 1.2.b increases maximum vehicle widths for non-refrigerated vehicles from 2.50 m to 2.55 m. This reflects the greater use of loaded pallets within vehicles which require additional clearance to permit loading and unloading to occur smoothly.

Annex I section 1.4 covering swap bodies has been extended to cover paragraphs added later, namely 1.3, 1.6, 1.7, 1.8 and 4.4.

Annex I sections 2.2.1.c and 2.2.2.d allow an increased weight load of 44 tonnes (from 40 tonnes) for vehicle combinations with road-friendly suspension. This reflects the evidence that 6 axle 44 tonne vehicles with road-friendly suspension are environmentally equal to or better than existing 5 axle 40 tonne vehicles. An increase in weight also enables less vehicles to transport the same load with consequent economic and environmental benefits.

The following articles or annexes are new but deal solely with the consolidation of the text:

- Article 9 which repeals the old Directive.
- Annex IV which lists the repealed Directives and those that still apply.
- Annex V correlates the new Directive with the pre-consolidated texts that make it up.

10

Proposal for a
COUNCIL DIRECTIVE
of

laying down the maximum authorised weights and dimensions
for road vehicles over 3.5 tonnes
circulating within the Community

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 75 thereof,

Having regard to the proposal from the Commission,

In cooperation with the European Parliament⁽¹⁾,

Having regard to the opinion of the Economic and Social Committee⁽²⁾,

Whereas Council Directive No. 85/3/EEC⁽³⁾ on the weights, dimensions and certain other technical characteristics of certain road vehicles as set out in Annex I has been substantially amended on a number of occasions; whereas for reasons of clarity and rationality the said directive should be consolidated in a single text, together with Council Directive No. 86/364/EEC;

Whereas differences between standards in force in the Member States with regard to the weights and dimensions of commercial road vehicles could have an adverse effect on the conditions of competition and constitute an obstacle to traffic between Member States;

(1)

(2)

(3) As last amended by Council Directive N°. 92/7/EEC

Whereas, under the principle of subsidiarity, action should be taken at Community level in order that such obstacles be removed on a Community-wide basis;

Whereas, in the framework of the common transport policy, common standards have been established for the weights, dimensions and certain other characteristics of certain vehicles which permit the improved use of these vehicles in traffic between Member States;

Whereas these standards reflect a balance between the rational and economical use of the said commercial road vehicles, the requirements of infrastructure maintenance and those of road safety;

Whereas in order to ensure uniform applications of this Directive in so far as it relates to special permits for vehicles or vehicle combinations carrying indivisible loads it is necessary to harmonise that notion;

Whereas 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;

Whereas, in the interest of the establishment and operation of the internal market of the Community, the scope of this Directive should also be extended to national transport in so far as it concerns characteristics that significantly affect the conditions of competition in the transport sector, namely the maximum authorised dimensions of vehicles and vehicle combinations and total weights for combinations with 4, 5 or 6 axles;

Whereas for the other weight characteristics Member States are authorized to apply weights on their territory higher than those provided for in this Directive only to vehicles where they are used in domestic traffic;

Whereas the maximum permissible vehicle width of 2,50 m can leave insufficient internal space to effect efficient loading of pallets, which has given rise to application of different extra tolerances in the legislation of the Member States concerning domestic traffic and, therefore, general adaptation to the current situation is necessary in order to provide for clarity in technical requirements, bearing in mind the road safety aspects of these characteristics;

Whereas in order to encourage the use of means of transport which cause relatively less tear and wear to the infrastructure and in the light of technical progress of axle configurations it is appropriate to allow for an increased maximum authorised total weight for 6 axle combinations when those combinations meet the criteria for road friendly suspensions;

Whereas progress has been made in the completion of Type Approval Directives for heavy goods vehicles and, therefore, the requirements on conformity with characteristics other than weights and dimensions as laid down in Annex II of Directive No. 85/3/EEC should be deleted;

Whereas such a modification is also required in order to avoid rules conflicting with international conventions on road traffic and circulation;

Whereas vehicles that carry or are destined to carry an indivisible load that exceeds the weight or dimension characteristics of Annex I of this Directive will need to have a special permit to circulate issued by a competent authority designated by each Member State;

Whereas diverging national rules on the overhang of loads on vehicles are not deemed to cause major distortions and, therefore, should not be harmonised at this stage, without prejudice to further Community action ;

Whereas in cases where in a Member State a clearly defined sector of transport of freight or passengers that does not significantly affect international transport competition is undertaken by vehicles or vehicle combinations whose dimensions or total weights exceed those of this Directive, exemptions to the maximum weights and dimensions should be granted to such sectors after informing the Commission and the other Member States;

Whereas technological developments that result in weights or dimensions exceeding those in this Directive shall be granted exemptions for limited trial periods after informing the Commission and the other Member States;

Whereas vehicles which entered into service before the adaptation of this Directive and which do not comply with the weight and dimension characteristics laid down in this Directive, due to former differing national provisions or methods of measurement, should be allowed to continue to provide transport within the Member State of registration for a transitional period;

Whereas additional technical requirements related to the weights and dimensions of commercial vehicles may apply to vehicles registered in a Member State; whereas these requirements must not constitute an obstacle to the circulation of commercial vehicles between Member States;

Whereas in order to facilitate the monitoring of compliance with the provisions of this Directive, it is necessary to ensure that vehicles carry proof of such compliance;

Whereas this Directive must not affect the obligations of the Member States concerning the deadlines for transposition into national law and for application indicated in Annex IV, Part B;

HAS ADOPTED THIS DIRECTIVE -

Article 1

1. This Directive applies to:
- (a) the dimensions of vehicles with at least four wheels and a maximum speed in excess of 25 kilometres per hour, intended to be used on the road for:
 - either the carriage of goods where their maximum laden weight is greater than 3,5 tonnes,
 - or passenger transport where they have more than nine seats, including the driver's seat;
 - (b) the weights and certain other characteristics of the vehicles defined in (a) and specified in Annex I (2).
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 will be defined in a later Directive.

85/3/EEC

89/338/EEC

85/3/EEC

Article 2

89/338/EEC

For the purposes of this Directive:

- "motor vehicle" shall mean any power-driven vehicle which travels on the road by its own means,
- "trailer" shall mean any vehicle intended to be coupled to a motor vehicle excluding semi-trailers, and constructed and equipped for the carriage of goods,
- "semi-trailer" shall mean 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,
- "combined vehicle" shall mean either:
 - i) a road train consisting of a motor vehicle coupled to a trailer, or
 - ii) an articulated vehicle consisting of a motor vehicle coupled to a semi-trailer,
- "thick-walled refrigerated vehicle" shall mean any vehicle whose fixed or movable superstructures are specially equipped for the carriage of goods at controlled temperatures in accordance with classes B, C, E and F of the Agreement of 1 September 1970 on the International Carriage of Perishable Foodstuffs and on the Special Equipment to be used for such Carriage (ATP) and whose side walls, inclusive of insulation, are each at least 45 millimetres thick,
- "bus" shall mean a vehicle with more than nine seats including the driver's seat, and constructed and equipped to carry passengers and their luggage. It may have one or two decks and may also draw a luggage trailer,
- "articulated bus" shall mean 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,
- "maximum authorized dimensions" shall mean the maximum dimensions at which a vehicle is authorized for use under this Directive by the competent authority of the State in which the vehicle is registered or put into circulation,
- "maximum authorized weight" shall mean the maximum weight at which a laden vehicle is authorized for use under this Directive by the competent authority of the State in which the vehicle is registered or put into circulation,
- "maximum authorized axle weight" shall mean the maximum weight at which a laden axle or group of axles is authorized for use under this Directive by the competent authority of the State in which the vehicle is registered or put into circulation.

- "Indivisible load" shall mean a load that cannot for the purpose of carriage on the road be divided into two or more loads without undue expense or risk of damage and which owing to its dimensions or masses cannot be carried by a motor vehicle, trailer, road train or articulated vehicle, complying with the provisions of this Directive in all respects.

- the unit "tonne" shall mean the weight executed by the mass of a tonne and shall correspond to 9.8 kilonewtons (kN).

- all maximum authorised dimensions specified in Annex I shall be measured in accordance with Annex I of Directive 70/156/EEC, as last amended by Directive 92/53/EEC.

Article 3

1. Member States may not reject or prohibit the use on their territories vehicles registered or put into circulation in any Member State for reasons relating to their weights and dimensions provided that such vehicles comply with the limit values specified in Annex I.

85/3/EEC

This provision shall apply notwithstanding the fact that:

- (a) the said vehicles are not in conformity with the requirements of the Member State concerned 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 are registered or put into circulation has authorized limits exceeding those laid down in Annex I.

2. However, the provision in paragraph 1 (a) shall not affect the right of Member States, with due regard to Community 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.

Article 4

1. Member States shall not allow the normal circulation of vehicles or vehicle combinations on their territory which are not in conformity with the characteristics of Annex I, points 1, 2.2 and 4.4.
2. Member States may allow circulation on their territory of vehicles or vehicle combinations which are not in conformity with characteristics fixed in Annex 1 points 2.1, 2.3, 2.4, 3, 4.1, 4.2, and 4.3.
3. Vehicles or vehicle combinations which exceed these maximum characteristics may only be authorised to circulate on the basis of special permits issued without discrimination by competent authorities when these vehicles or vehicle combinations carry or are destined to carry indivisible loads.
4. Member States may allow vehicles or vehicle combinations used for freight or passenger transport, which are engaged in certain transport operations that do not affect significantly international competition in the transport sector, to circulate on their territory with dimensions or weights exceeding those of Annex I, Points 1, 2.2 and 4.4. They shall inform the Commission and other Member States thereof.
5. Vehicles or vehicle combinations incorporating new technologies or concepts which cannot comply with one or more requirements of this Directive may be permitted to engage in certain local transport operations for a trial period. The Member State shall inform the Commission and other Member States thereof.
6. Member States may allow vehicles or vehicle combinations used for freight or passenger transport and registered before 1.1.95 to circulate on their territory with dimensions and weights exceeding those of Annex I, Points 1, 2.2 and 4.4., due to former differing national provisions or methods of measurement until 31 December 2000.

Article 5

1. Articulated vehicles put into circulation before 1 January 1991 which do not comply with the new specifications contained in points 1.6 and 4.4 of Annex I shall be deemed to comply with such specifications for the purposes of Article 3 if they do not exceed the total length of 15,50 metres.

Article 4a

89/461/EEC

2. For the purposes of Article 3, road trains the motor vehicle of which was put into circulation before 31 December 1991 which do not comply with the requirements of sections 1.7 and 1.8 of Annex I shall until 31 December 1998 be deemed to conform to such requirements provided that they do not exceed the total length of 18,00 m.

Article 4b

91/60/EEC

Article 6

1. Member States shall take the necessary measures to ensure that the vehicles referred to in Article 2 _____ and complying with this Directive carry one of the proofs referred to in (a), (b) and (c):

(a) a combination of the following two plates:

- the 'manufacturer's plate' established and attached in accordance with Directive 76/114/EEC,
- the plate relating to dimensions, in accordance with Annex I and established and attached in accordance with Directive 76/114/EEC;

(b) a single plate established and attached in accordance with Directive 76/114/EEC and containing the information on the two plates referred to in (a);

(c) a single document issued by the competent authorities of the Member State in which the vehicle is registered or put into circulation. Such document shall bear the same headings and information as the plates referred to in (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 recognized by the Member States as the proof of vehicle compliance provided for in this Directive.

4. Vehicles carrying proof of compliance may be subject:

- as regards common standards on weights, to random checks,
- 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 Community weight standards applicable to the vehicle in question.

As regards vehicles referred to in section 2.2.2 (c) of Annex I, _____ the entry '(44 tonnes)' shall be included in brackets under the maximum authorized weight of the combined vehicle.

6. Each Member State may decide, in respect of any vehicle registered or put into circulation in its territory,

other than those covered by point 2.2 of Annex I that the maximum weights authorized by its national legislation shall be indicated in the proof of compliance in the left-hand column and the technically permissible weights indicated in the right-hand column.

Article 1

86/364/EEC

Article 2

Article 7

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

Article 6

85/3/EEC

Article 8

Article 3 shall not apply in Ireland and the United Kingdom until 31 December 1998:

- as regards the standards referred to in points 2.2, 2.3.1, 2.3.3, 2.4 and 3.3.2 of Annex I:
 - with the exception of the articulated vehicles referred to in point 2.2.2 where:
 - (i) the total laden weight does not exceed 38 tonnes;
 - (ii) the weight on any tri-axle at the spacing specified in point 3.3.2 of Annex I does not exceed 22,5 tonnes;
 - with the exception of the vehicles referred to in points 2.2.3, 2.2.4, 2.3 and 2.4, where the total laden weight does not exceed:
 - (i) 35 tonnes for the vehicles referred to in points 2.2.3 and 2.2.4;
 - (ii) 17 tonnes for the vehicles referred to in point 2.3.1;
 - (iii) 30 tonnes for the vehicles referred to in point 2.3.3, subject to compliance with the conditions specified in that point and in point 4.3;
 - (iv) 27 tonnes for the vehicles referred to in point 2.4,
- as regards the standard referred to in point 3.4 of Annex I, with the exception of the vehicles referred to in point 2.2, 2.3 and 2.4 of Annex I, where the weight per driving axle does not exceed 10,5 tonnes.

Article 8

89/460/EEC

Article 9

The Directives listed in Annex IV, Part A are hereby repealed, without prejudice to the obligations of the Member States concerning the deadlines for transposal set out in Annex IV, Part B.

References to the repealed Directives shall be construed as reference to this Directive and should be read in accordance with the correlation table set out in Annex V.

Article 10

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before 1 January 1995. They shall immediately inform the Commission thereof.

When Member States adopt these provisions, these shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. The procedure for such reference shall be adopted by Member States.

2. Member States shall communicate to the Commission the texts of the main provisions of domestic law which they adopt to comply with this Directive.

Article 71

This Directive is addressed to the Member States.

Done at Brussels,

For the Council
The President

Article 9

85/3/EEC

ANNEX I

MAXIMUM WEIGHTS AND DIMENSIONS AND RELATED CHARACTERISTICS OF VEHICLES

- | | | | |
|------|--|---------------|--|
| 1. | Maximum authorized dimensions for the vehicles referred to in Article 1 (1) (a) | | 85/3/EEC |
| 1.1. | Maximum length : | | 91/60/EEC |
| | — motor vehicle | 12,00 m | |
| | — trailer | 12,00 m | |
| | — articulated vehicle | 16,50 m | |
| | — road train | 18,35 m | |
| | — articulated bus | 18,00 m | |
| 1.2. | Maximum width : | | 88/218/EEC |
| | (a) all vehicles | 2,55 m | |
| | (b) refrigerated superstructures of
thick-walled refrigerated vehicles | 2,60 m. | |
| 1.3. | Maximum height (any vehicle) | 4,00 m | 85/3/EEC |
| 1.4. | Removable superstructures and standardized freight items such as containers are included in the dimensions specified in 1.1, 1.2, 1.3., 1.6, 1.7, 1.8, 4.4. | | |
| 1.5. | Any motor vehicle or combined vehicle which is in motion must be able to turn within a swept circle having an outer radius of 12,50 m and an inner radius of 5,30 m | | |
| 1.6. | Maximum distance between the axis of the fifth-wheel king pin and the rear of a semi-trailer | 12,00 metres. | 89/461/EEC |
| 1.7. | Maximum distance measured parallel to the longitudinal axis of the road train from the foremost external point of the loading area behind the cabin to the rearmost point of the trailer of the combination, minus the distance between the rear of the drawing vehicle and the front of the trailer | 15,65 m. | 91/60/EEC |
| 1.8. | Maximum distance measured parallel to the longitudinal axis of the road train from the foremost external point of the loading area behind the cabin to the rearmost point of the trailer of the combination | 16,00 m. | Corrigendum L 54/2, 1991
Corrigendum L 54/2, 1991
Corrigendum L 54/2, 1991 |

2. Maximum authorized vehicle weight (in tonnes)

2.1. Vehicles forming part of a combined vehicle

- 2.1.1. Two-axle trailer 18 tonnes
- 2.1.2. Three-axle trailer 24 tonnes

2.2. Combined vehicles

2.2.1. Road trains with five or six axles

- (a) Two-axle motor vehicle with three-axle trailer 40 tonnes
- (b) three-axle motor vehicle with two -axle trailer 40 tonnes

(c) Three axle motor vehicle - 40 tonnes
 with three axle trailer - 44 tonnes

where the driving axle is fitted with twin tyres and air suspension or suspension recognized as being equivalent within the Community as defined in Annex II, or where each driving axle is fitted with twin tyres and where the maximum weight for each axle does not exceed 9,5 tonnes.

2.2.2. Articulated vehicles with five or six axles

- (a) two-axle motor vehicle with three-axle semi-trailer 40 tonnes
- (b) three-axle motor vehicle with two -axle semi-trailer 40 tonnes
- (c) three-axle motor vehicle with two or three-axle semi-trailer carrying a 40-foot ISO container as a combined transport operation 44 tonnes

(d) Three axle motor vehicle - 40 tonnes
 with three axle semi-trailer - 44 tonnes

where the driving axle is fitted with twin tyres and air suspension or suspension recognized as being equivalent within the Community as defined in Annex II, or where each driving axle is fitted with twin tyres and where the maximum weight for each axle does not exceed 9,5 tonnes.

2.2.3. Road trains with four axles consisting of a two-axle motor vehicle and a two-axle trailer

36 tonnes

2.2.4. Articulated vehicles with four axles consisting of a two-axle motor vehicle and a two-axle semi-trailer, if the distance between the axles of the semi-trailer:

2.2.4.1. is 1,3 m or greater but not more than 1,8 m

36 tonnes

2.2.4.2. is greater than 1,8 m

36 tonnes

+ 2 tonnes margin when the maximum authorized weight (MAW) of the motor vehicle (18 tonnes) and the MAW of the tandem axle of the semi-trailer (20 tonnes) are respected and the driving axle is fitted with twin tyres and air suspension or suspension recognized as being equivalent within the Community as defined in Annex II.

85/3/EI

89/338/EEC

92/7/EEC

2.3. <i>Motor vehicles</i>			
2.3.1. Two-axle motor vehicles		18 tonnes	89/338/EEC
2.3.2. Three-axle motor vehicles	<ul style="list-style-type: none"> — 25 tonnes, — 26 tonnes where the driving axle is fitted with twin tyres and air suspension or suspension recognized as being equivalent within the Community as defined in Annex II, or where each driving axle is fitted with twin tyres and the maximum weight of each axle does not exceed 9,5 tonnes. ; 		
2.3.3. Four-axle motor vehicles with two steering axles	<p>32 tonnes where the driving axle is fitted with twin tyres and air suspension or suspension recognized as being equivalent within the Community as defined in Annex II, or where each driving axle is fitted with twin tyres and the maximum weight of each axle does not exceed 9,5 tonnes. ;</p>		92/7/EEC
2.4. Three-axle articulated buses		28 tonnes.	89/338/EEC

3. Maximum authorized axle weight of the vehicles referred to in Article 1 (1) (b) (in tonnes)

3.1. *Single axles*

Single non-driving axle 10 tonnes

3.2. *Tandem axles of trailers and semi-trailers*

The sum of the axle weights per tandem axle must not exceed, if the distance (d) between the axle is

3.2.1. less than 1 m ($d < 1,0$) 11 tonnes

3.2.2. between 1,0 m and less than 1,3 m ($1,0 \leq d < 1,3$) 16 tonnes

3.2.3. between 1,3 m and less than 1,8 m ($1,3 \leq d < 1,8$) 18 tonnes

3.2.4. 1,8 m and more ($1,8 \leq d$) 20 tonnes

3.3. *Tri-axles of trailers and semi-trailers*

The sum of the axle weights per tri-axle must not exceed, if the distance (d) between the axles is

3.3.1. 1,3 m or less ($d \leq 1,3$) 21 tonnes

3.3.2. over 1,3 m and up to 1,4 m ($1,3 < d \leq 1,4$) 24 tonnes

3.4. *Driving axle*

3.4.1. Driving axle of the vehicles referred to in sections 2.2.1 and 2.2.2

11,5 tonnes

3.4.2. Driving axle of the vehicles referred to in sections 2.2.3, 2.2.4, 2.3 and 2.4

11,5 tonnes

3.5. *Tandem axles of motor vehicles*

The sum of the axle weights per tandem axle must not exceed, if the distance (d) between the axles is:

3.5.1. less than 1 m ($d < 1,0$ m)

11,5 tonnes

3.5.2. 1,0 m or greater but less than 1,3 m ($1,0 \text{ m} \leq d < 1,3 \text{ m}$)

16 tonnes

3.5.3. 1,3 m or greater but less than 1,8 m ($1,3 \text{ m} \leq d < 1,8 \text{ m}$)

— 18 tonnes

— 19 tonnes where the driving axle is fitted with twin tyres and air suspension or suspension recognized as being equivalent within the Community as defined in Annex II, or where each driving axle is fitted with twin tyres and where the maximum weight for each axle does not exceed 9,5 tonnes.

85/3/EEC

86/360/EEC

89/338/EEC

92/7/EEC

4. **Related characteristics of the vehicles referred to in Article 1 (1) (b)**

4.1. *All vehicles*

The weight borne by the driving axle or driving axles of a vehicle or combined vehicle must not be less than 25 % of the total laden weight of the vehicle or combined vehicle, when used in international traffic.

4.2. *Road trains*

The distance between the rear axle of a motor vehicle and the front axle of a trailer must not be less than 3,00 m.

4.3. *Maximum authorized weight depending on the wheelbase.*

The maximum authorized weight in tonnes of a four-axle motor vehicle may not exceed five times the distance in metres between the axes of the foremost and rearmost axles of the vehicle.

4.4. *Semi-trailers:*

The distance measured horizontally between the axis of the fifth-wheel king pin and any point at the front of the semi-trailer must not exceed 2,04 metres.

85/3/EEC

89/338/EEC

89/461/EEC

ANNEX II

CONDITIONS RELATING TO EQUIVALENCE BETWEEN CERTAIN NON-AIR SUSPENSION SYSTEMS AND AIR SUSPENSION FOR VEHICLE DRIVING AXLE(S)

1. DEFINITION OF SUSPENSION

A suspension system is considered to be air suspended if at least 75 % of the spring effect is caused by the air spring.

2. EQUIVALENCE TO AIR SUSPENSION

A suspension recognized to be equivalent to air suspension must conform to the following:

- 2.1. During free transient low frequency vertical oscillation of the sprung mass above a driving axle or bogie, the measured frequency and damping with the suspension carrying its maximum load must fall within the limits defined in paragraphs 2.2 to 2.5.
- 2.2. Each axle must be fitted with hydraulic dampers. On tandem axle bogies, the dampers must be positioned to minimize the oscillation of the bogies.
- 2.3. The mean damping ratio D must be more than 20 % of critical damping for the suspension in its normal condition with hydraulic dampers in place and operating.
- 2.4. The damping ratio D of the suspension with all hydraulic dampers removed or incapacitated must be not more than 50 % of D.
- 2.5. The frequency of the sprung mass above the driving axle or bogie in a free transient vertical oscillation must not be higher than 2,0 Hz.
- 2.6. The frequency and damping of the suspension are given in paragraph 3. The test procedures for measuring the frequency and damping are laid down in paragraph 4.

3. DEFINITION OF FREQUENCY AND DAMPING

In this definition a sprung mass M kg above a driving axle or bogie is considered. The axle or bogie has a total vertical stiffness between the road surface and the sprung mass of K Newtons/metre (N/m) and a total damping coefficient of C Newtons per metre per second (N.s/m). The vertical displacement of the sprung mass is Z. The equation of motion for free oscillation of the sprung mass is:

$$M \frac{d^2Z}{dt^2} + C \frac{dZ}{dt} + kZ = 0.$$

The frequency of oscillation of the sprung mass F rad/sec is:

$$F = \sqrt{\frac{K}{M} - \frac{C^2}{4M^2}}$$

The damping is critical when $C = C_0$,

where

$$C_0 = 2 \sqrt{KM}$$

The damping ratio as a fraction of critical is C/C_0 .

During free transient oscillation of the sprung mass the vertical motion of the mass will follow a damped sinusoidal path (Figure 2). The frequency can be estimated by measuring the time for as many cycles of oscillation as can be observed. The damping can be estimated by measuring the heights of successive peaks of the oscillation in the same direction. If the peak amplitudes of the first and second cycles of the oscillation are A_1 and A_2 , then the damping ratio D is

$$D = \frac{C}{C_0} = \frac{1}{2\pi} \ln \frac{A_1}{A_2}$$

\ln being the natural logarithm of the amplitude ratio.

4. TEST PROCEDURE

To establish by test the damping ratio D , the damping ratio with hydraulic dampers removed, and the frequency F of the suspension, the loaded vehicle should either:

- be driven at low speed ($5 \text{ km/hr} \pm 1 \text{ km/hr}$) over an 80 mm step with the profile shown in Figure 1. The transient oscillation to be analysed for frequency and damping occurs after the wheels on the driving axle have left the step; or
- be pulled down by its chassis so that the driving axle load is 1,5 times its maximum static value. The vehicle hold down is suddenly released and the subsequent oscillation analysed; or
- be pulled up by its chassis so that the sprung mass is lifted by 80 mm above the driving axle. The vehicle hold up is suddenly dropped and the subsequent oscillation analysed; or
- be subjected to other procedures in so far as it has been proved by the manufacturer, to the satisfaction of the technical department, that they are equivalent.

The vehicle should be instrumented with a vertical displacement transducer between driving axle and chassis, directly above the driving axle. From the trace, the time interval between the first and second compression peaks can be measured to obtain the frequency F and the amplitude ratio to obtain the damping. For twin drive bogies, vertical displacement transducers should be fitted between each driving axle and the chassis directly above it.

Figure 1

Step for suspension tests

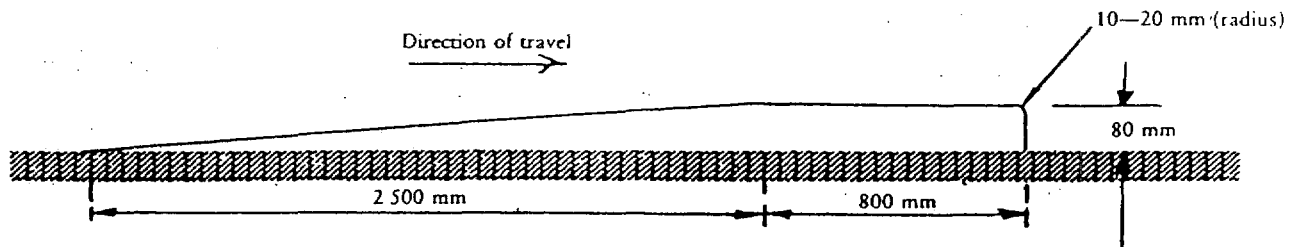
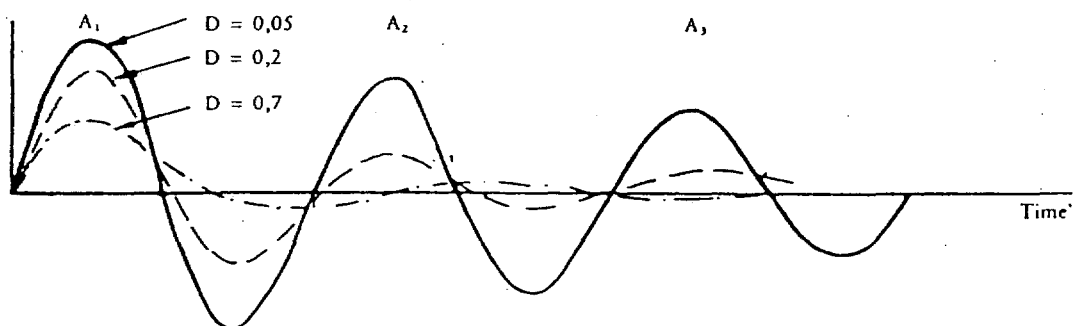


Figure 2

A damped transient response



ANNEX III

Plate relating to dimensions referred to in Article 6(1) (a)

86/364/EEC

I. The plate relating to dimensions, as far as possible affixed next to the plate referred to in Directive 76/114/EEC, must contain the following data :

1. Name of the manufacturer⁽¹⁾;
2. Vehicle identification number⁽¹⁾;
3. Length of the motor vehicle, trailer or semi-trailer (L);
4. Width of the motor vehicle, trailer or semi-trailer (W);
5. Data for the measurement of the length of combined vehicles :
 - the distance (a) between the front of the motor vehicle and the centre of the coupling device (coupling hook or fifth wheel); in the case of a fifth wheel with several coupling points, the minimum and maximum values must be given (a_{min} and a_{max}).
 - the distance (b) between the centre of the coupling device of the trailer (fifth wheel ring) or of the semi-trailer (kingpin) and the rear of the trailer or of the semi-trailer; in the case of a device with several coupling points, the minimum and maximum values must be given (b_{min} and b_{max}).

The length of combined vehicles is the length of the motor vehicle and trailer or semi-trailer placed in a straight line behind each other.

II. The values given on the proof of compliance shall incorporate exactly the measures carried out directly on the vehicle.

⁽¹⁾ These data must not be repeated where the vehicle carries a single plate containing data on both weights and dimensions.

ANNEX IV, Part A**Repealed Directives
(referred to in Article 10)**

- Directive 85/3/EEC on the weights, dimensions and certain other technical characteristics of certain road vehicles and her successive amendments:
 - Directive 86/360/EEC
 - Directive 88/218/EEC
 - Directive 89/338/EEC
 - Directive 89/460/EEC
 - Directive 89/461/EEC
 - Directive 91/60/EEC
 - Directive 92/7/EEC

- Directive 86/364/EEC relating to proof of compliance of vehicles with Directive 85/3/EEC on the weights, dimensions and certain other technical characteristics of certain road vehicles.

Annex IV, Part B

<u>Directive</u>	<u>Deadline for implementation</u>
85/3/EEC (OJ No. L 2, 03.01.1985, p.14)	1 July 1986 1 January 1990 1 July 1991 1 January 1992 1 January 1993
86/360/EEC (OJ No. L 217, 05.08.1986, p. 19)	-----
89/364/EEC (OJ No. L 221, 07.08.1986, p. 48)	29 July 1987
88/218/EEC (OJ No. L 98 , 15.04.1988, p. 48)	1 January 1989
89/338/EEC (OJ No. L 142, 25.05.1989, p. 3)	1 January 1992
89/460/EEC (OJ No. L 226, 03.08.1989, p. 5)	1 January 1993/ 31.12.92
89/461/EEC (OJ No. L 226, 03.08.1989, p. 7)	1 January 1991
91/60/EEC (OJ No. L 37 , 09.02.1991, p. 37)	1 October 1991
92/7/EEC (OJ No. L 57 , 02.03.1992, p. 29)	1 January 1993

CORRELATION TABLE

This Directive	85/3/EEC	86/360/EEC	86/364/EEC	88/218/EEC	89/338/EEC	89/460/EEC	89/461/EEC	91/60/EEC	92/7/EEC
Art. 1(1)	Art. 1(1)								
Art. 1(1)(a)					Art. 1(1)				
Art. 1(1)(b)	Art. 1(1)(b)								
Art. 1(2)	Art. 1(2)								
Art. 2 1st - 10th indent					Art. 1(2)				
Art. 2 11th - 13th indent	---								
Art. 3	Art. 3(1-2)								
---	Art. 3(3)								
Art. 4	---								
Art. 5(1)							Art. 1(1)		
Art. 5(2)								Art. 1(1)	
Art. 6(1-4)			Art. 1(1-4)						
Art. 6(5-6)			Art. 2(1-2)						
Art. 7	Art. 6								
Art. 8						Art. 1			
Art. 9	---								
Art. 10	---								
Art. 11	Art. 9								

This Directive	85/3/EEC	86/360/EEC	86/364/EEC	88/218/EEC	89/338/EEC	89/460/EEC	89/461/EEC	91/60/EEC	92/7/EEC
Annex I	Annex I								
point 1	point 1								
point 1.1								Art. 1(2)	
point 1.2(a)	---								
point 1.2(b)				Art. 1(2)(b)					
point 1.3 - 1.5	point 1.3 - 1.5								
point 1.6							Art. 1(3)		
point 1.7 - 1.8								Art. 1(3)	
point 2 - 2.2.1(b)	point 2-2.2.1(b)								
point 2.2.1(c)	---								
point 2.2.2(a-c)	point 2.2.2(a-c)								
point 2.2.2(d)	---								
point 2.2.3					Art. 1(5)(b)				
point 2.2.4.1									
point 2.2.4.2									Art. 1(1)(a)
point 2.3 - point 2.3.1					Art. 1(5)(c)				
point 2.3.2- point 2.3.3									Art. 1(1)(b-c)
point 2.4					Art. 1(5)(c)				
point 3 - point 3.3.2	point 3 - point 3.3.2								
point 3.4- point 3.4.1		Art. 1(3)							
point 3.4.2 - point 3.5.2					Art. 1(5)(d)				
point 3.5.3									Art. 1(1)(d)
point 4 - point 4.2	point 4 - point 4.2								
point 4.3					Art. 1(5)(e)				
point 4.4							Art. 1(4)		
Annex II									Annex III
Annex III			Annex						

DOCUMENTS

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