



European Economic and Social Committee

TEN/153
Amendment/speed limitation
devices

Brussels, 10 December 2003

OPINION

of the
European Economic and Social Committee
on the

Proposal for a Directive of the European Parliament and of the Council amending Council Directive 92/24/EEC relating to speed limitation devices or similar speed limitation on-board systems of certain categories of motor vehicles

COM(2003) 350 final - 2003/0122 (COD)

On 25 June 2003, the Council decided to consult the European Economic and Social Committee, under Article 95 of the Treaty establishing the European Community, on the

Proposal for a Directive of the European Parliament and of the Council amending Council Directive 92/24/EEC relating to speed limitation devices or similar speed limitation on-board systems of certain categories of motor vehicles
COM(2003) 350 final - 2003/0122 (COD).

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 24 November 2003. The rapporteur was **Mr Ranocchiarì**.

At its 404th plenary session (meeting of 10 December 2003), the European Economic and Social Committee adopted the following opinion by 112 votes to one, with one abstention.

1. Introduction

1.1 Speed limitation devices for certain vehicle types in categories **N** (goods vehicles) and **M** (passenger vehicles) have been a specific part of the broad framework of motor vehicle type-approval regulations since the 1990s.

1.2 Currently, the technical requirements for type-approval of speed limitation devices that are compulsory for motor vehicles of categories N2 (medium trucks) and M3 (buses and coaches) exceeding 10 tonnes, and for motor vehicles of category N3 (heavy trucks with a maximum mass exceeding 12 tonnes), are set out in Directive 92/24/EEC.

1.3 Directive 92/24/EEC is linked with Directive 92/6/EEC, which regulates the installation and use of speed limitation devices for the same categories of vehicles.

1.4 Recently, Directive 2002/85/EC extended the scope of Directive 92/6/EEC by introducing compulsory installation and use of speed limitation devices in all passenger vehicles with more than eight seats in addition to the driver's seat (categories M2 and M3) and in all goods vehicles with a maximum mass exceeding 3.5 tonnes (categories N2 and N3).

1.5 Hence the need for the present proposal to update the scope of the above-mentioned Directive 92/24/EEC and to permit the type-approval of the speed limitation devices to be installed in vehicles previously exempt.

1.6 This proposal for a Directive of the European Parliament and of the Council therefore completes the process of providing for the type-approval, installation and use of speed limitation devices on all motor vehicles designed for goods or passenger transport and falling within categories N2, N3, M2 and M3.

2. General comments

2.1 The use of speed limitation devices on motor vehicles in the heavier categories since the mid-90s has certainly helped to improve road safety. Furthermore, a number of Member States asked by the European Commission to report on their experience in the field have stressed the positive effects on the transport sector in terms of reducing fuel costs and wear and tear on tyres. Last but not least, some also reported a reduction in vehicle emissions, as a clear result of lower speed and fuel consumption¹. On the other hand, the negative effects mentioned include: less safety when overtaking, since overtaking is slower, and increased delivery times owing to longer journey times.

2.2 Directive 2002/85/EC thus meets the need to improve vehicle performance from an environmental and safety point of view. It will therefore become compulsory to install the device on all goods and passenger vehicles in the N2, N3, M2 and M3 categories.

2.3 First of all, the Committee is pleased that the above Directive has taken on board its suggestion that the treatment of vehicles should depend on their maximum mass in order to allow, when necessary, for derogations on installation, staggered over time².

2.4 In the above-mentioned opinion, the Committee also foresaw the need for a type-approval directive to update Directive 92/24/EEC³ regarding construction requirements. It therefore highlighted the need to extend the type-approval standards for vehicles and devices originally aimed at heavier vehicles to the lighter vehicles targeted by Directive 2002/85/EC.

2.5 The Committee welcomes the Commission's prompt action and appreciates its policy of taking any decisions with positive implications for safety as rapidly as possible, without penalising the industry.

2.6 It would also stress that technological progress in the sector is making current speed limitation devices safer and more tamper-proof.

¹ Report from the Commission to the European Parliament and the Council on the implementation of Council Directive 92/6/EEC of 10.2.1992 on the installation and use of speed limitation devices for certain categories of motor vehicles in the Community - COM(2001) 318 final Volume I, of 14.6.2001

² Opinion of the European Economic and Social Committee on the Proposal for a Directive of the European Parliament and of the Council amending Council Directive 92/6/EEC on the installation and use of speed limitation devices for certain categories of motor vehicles in the Community (Rapporteur: **Mr Colombo**, OJ C 48 of 21.2.2002)

³ 31.3.1992, OJ L 129 of 14.5.1992

3. Specific comments and conclusions

3.1 Coming back to the present proposal for a Directive, the first question is whether under these circumstances it might not have been possible and thus preferable to use the adaptation to technological progress procedure. "Required" legislation of this kind ought to be treated in just the same way as technological adjustments concerning matters already governed by Directives.

3.2 In any case, there are two aspects that call for particular attention:

- a) In type-approval regulations, deadlines are known to affect the production of the vehicles concerned and thus the capacity of the manufacturers to respond. While it is true that the economic impact is not significant⁴, it has been important to ensure (in Directive 2002/85/EC) that excessively tight deadlines do not cause problems for any manufacturers. A positive result has been achieved and a similar approach is therefore to be followed for the type-approval deadlines.
- b) The requirements set out by the draft Directive must allow Member States that so wish to exempt certain sub-categories of vehicle from the compulsory application of the device, as provided for under Article 4 of Directive 2002/85/EC.

3.3 As far as point a) is concerned, there do not seem to be any problems, as the deadlines suggested by the draft Directive comply with those laid down in Directive 2002/85/EC. The times allowed for complying with technical provisions reflect the deadlines adopted in the Directive extending the compulsory nature of the device.

3.4 The same is true for the possible derogations referred to in point b):

- M2 and M3 with maximum mass exceeding 5 tonnes and less than 10 tonnes and N2: for vehicles registered from 1 January 2005 the proposal will apply as of 1 January 2005.
- For vehicles complying with Directive 88/77/EEC⁵ and registered between 1 October 2001 and 1 January 2005, the proposal will apply as of 1 January 2006 as concerns national and international transport operations and as of 1 January 2007 for vehicles intended for national transport operations only.

⁴ See above-mentioned Committee opinion

⁵ Council Directive 88/77/EEC of 3 December 1987 on the approximation of the laws of the Member States relating to the measures to be taken against the emission of gaseous pollutants from diesel engines for use in vehicles - OJ L 36 , 9.2.1988

- Derogation: an individual Member State may choose to grant a derogation until 1 January 2008 for N2 and M2 vehicles with a maximum mass exceeding 3.5 tonnes and under or equal to 7.5 tonnes registered and operating in that Member State.

3.5 The deadlines set for meeting the obligations arising from the type-approval are the same and are designed to leave Member States a free hand to apply derogations if necessary.

3.6 The deadlines set are not absolute, but relate to the date on which the Directive enters into force, as is usual for type-approval regulations. The approval process should not pose any problems at all providing it is swift.

3.7 In this connection, it should be pointed out that the footnote to Article 2(2) of the proposal for a Directive refers to document COM(2001) 318 final relating to the proposal for a Directive extending the compulsory introduction of speed limitation devices to vehicle categories N2 and M2. That proposal then became Directive 2002/85/EC, referred to more than once as being the basis for the current proposal. The footnote should therefore be corrected, and reference made to the Directive and its timetable.

3.8 The Committee hopes that the legislative process will be completed rapidly. Health protection and road safety should be treated as a vital joint commitment of universal value, given primarily the social and then the economic costs generated by road accidents.

Brussels, 10 December 2003.

The President
of the
European Economic and Social Committee

The Secretary-General
of the
European Economic and Social Committee

Roger Briesch

Patrick Venturini