

**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**

(2001/C 270 E/06)

(Text with EEA relevance)

COM(2001) 318 final — 2001/0135(COD)

(Submitted by the Commission on 14 June 2001)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 71 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the Economic and Social Committee,

Having regard to the opinion of the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty,

Whereas:

- (1) Transport safety and environmental issues connected with transport are vital in ensuring sustainable mobility.
- (2) Speed limitation devices for heavy motor vehicle categories have proven to have a positive effect both on transport safety and environmental protection.
- (3) Research results show that further improvement in these areas will be achieved if the installation and use of speed limitation devices is made mandatory as well for lighter motor vehicle categories.
- (4) In Council Directive 92/6/EEC it was foreseen that depending on technical possibilities and experiences in Member States, the requirements on installation and use of speed limitation devices could be extended to lighter motor vehicle categories.
- (5) In the Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions on priorities in EU road safety <sup>(1)</sup> the extension of the scope of Directive 92/6/EEC towards lighter categories of motor vehicles was stated as one of the priorities.
- (6) The present state of technology permits a technical tolerance of less than 5 km/h for speed limitation

devices. In setting speed limitation devices, regard should be had to the margins of technical accuracy which are currently attainable, allowance being made for a degree of measuring error.

- (7) In accordance with the principles of subsidiarity and proportionality as set out in Article 5 of the Treaty, the objectives of this Directive, namely the introduction of modifications to the Community-wide arrangements for the installation and use of speed limitation devices on certain heavy vehicle categories cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale of the action, be better achieved by the Community. This Directive confines itself to the minimum required in order to achieve those objectives and does not go beyond what is necessary for that purpose.

- (8) Directive 92/6/EEC should therefore be amended accordingly,

HAVE ADOPTED THIS DIRECTIVE:

*Article 1*

Directive 92/6/EEC is hereby amended as follows:

1. Article 1 is replaced by the following:

*'Article 1*

For the purpose of this Directive, "motor vehicle" means any power-driven vehicle falling within category M2, M3, N2 or N3, intended for use on the road and having at least four wheels and a maximum design speed exceeding 25 km/h.

Categories M2, M3, N2 and N3 shall be understood to be those defined in Annex II to Council Directive 70/156/EEC <sup>(2)</sup>.

2. In Article 2 the words 'category M3' are replaced by 'categories M2 and M3'.

<sup>(1)</sup> COM(2000) 125 final of 17 March 2000, not yet published.

<sup>(2)</sup> OJ L 42, 23.2.1970, p. 1, Annex II as laid down in Council Directive 92/53/EEC (OJ L 225, 10.8.1992, p. 1).

3. Paragraph 1 of Article 3 is replaced by the following:

'1. Member States shall take the necessary measures to ensure that motor vehicles of categories N2 and N3 shall be used on the road only if equipped with a device set in such a way that their speed cannot exceed 90 km/h. The maximum speed on this device shall be set at 85 km/h when the technical tolerance is of the permitted maximum of 5 km/h; if the technical tolerance is less than 5 km/h, the maximum speed on this device shall be set at such value as shall ensure that the actual speed does not exceed 90 km/h.'

4. Article 4 is replaced by the following:

*'Article 4*

1. Articles 2 and 3 shall be applicable to motor vehicles of category M3 having a maximum weight exceeding 10 metric tonnes and to motor vehicles of category N3 registered as from 1 January 1994.

2. Articles 2 and 3 shall be applicable to other motor vehicles registered as from 1 January 2004.

3. Articles 2 and 3 shall be applicable at the latest from 1 January 1995, to motor vehicles of category M3 having a maximum weight exceeding 10 metric tonnes and to motor vehicles of category N3 registered between 1 January 1988 and 1 January 1994.

4. Articles 2 and 3 shall be applicable at the latest from 1 January 2005 to other motor vehicles registered between 1 January 2001 and 1 January 2004.

5. However, where vehicles are used exclusively for national transport operations, Articles 2 and 3 may be applied at the latest from 1 January 1996 as regards motor vehicles of category M3 having a maximum weight exceeding 10 metric tonnes and motor vehicles of category N3, and from 1 January 2006 as regards other motor vehicles.'

*Article 2*

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 January 2003 at the latest. They shall forthwith inform the Commission thereof.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

*Article 3*

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Communities*.

*Article 4*

This Directive is addressed to the Member States.

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