

# Vehicle Size And Weight Limits—Attempts Towards Legislative Harmonisation Within The European Union

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Historically, the Member States which make up the European Union developed their own national legislation for motor vehicle weights and dimensions which reflected political and technical decisions in each of the countries. As such a “patchwork quilt” of legislation—some overlapping, some totally different—was created throughout Western Europe.

With the growth in importance of the goal of free trade within the European Economic Community (as it was then still known), it was realized in the 1980s that a degree of harmonisation was required throughout the Community to enable trade to take place more freely. At this time the first pressures for harmonised legislation began to be felt.

As a consequence, in 1985, an E.C. Directive—N° 85/3—came into force harmonising weights and dimensions for cross-border traffic within the Community. This meant that any vehicle adhering to Directive 85/3 could freely pass from one Member State to another, regardless of national laws. Exemptions to the Directive were granted to the UK and Ireland who argued that their infrastructure would not be able to take heavy loads and so a derogation, to expire in 1999, permitted them to bar vehicles over 38 tonnes or with axle loads greater than 10.5 tonnes.

Directive 85/3 has been amended several times since 1985 but still plays a role in the smooth operation of international traffic within the European Union. Effectively, articulated lorries that are 16.5m long, 4m high, 2.5m wide and transporting 40 tonnes on 5 axles may circulate freely throughout the Union (except the UK). Similarly with 18.35m long road trains.

Since the Directive does not set maximum limits but rather general rules for cross-border circulation each Member State is permitted to set its own national limits. Currently, there exists considerable variations in national legislation: for example maximum weights range from 38 tonnes in the UK, 40 tonnes in Ireland, France, Spain, Portugal, Greece, Germany and Austria, 44 tonnes in Italy, Luxembourg and Belgium, 48 tonnes in Denmark, 50 tonnes in the Netherlands, 56 tonnes in Finland and 60 tonnes in Sweden. Similarly, variations exist in maximum vehicle dimensions, chiefly in vehicle width which ranges from 2.50m to 2.60m

for non-refrigerated vehicles. Maximum vehicle heights and lengths vary less, but some differences do, nonetheless exist.

However, circumstances have now changed considerably within the Union since Directive 85/3 came into force. There are now arguments in favour of a total harmonisation of rules throughout the Community. The two basic justifications for harmonisation are as follows:

Firstly, the establishment of a border-free internal market within the European Community on 1 January 1993 has resulted in the abolition of border controls. This means that there is now no effective means of policing the system of having different national rules. It is, for example, now forbidden to have systematic controls of vehicles' weights at a border point.

Secondly, a regime permitting full cabotage in the road freight sector will come into operation by 1998. This means that road hauliers from one Member State will be able to freely seek custom in another Member State. In order for this to work satisfactorily one requirement will be to avoid distortions of competition in the market for road haulage services. Undoubtedly a major distortion is caused by the application of diverging Community and national provisions concerning weights and dimensions. How, for example, will a Greek haulier be able to compete for cabotage in Holland if Dutch trucks are 10cm wider?

As a result, the European Commission in December 1993 published a proposal for a Directive to harmonise motor vehicle weights and dimensions throughout the Community.

The basic elements of the proposed Directive would harmonise the dimensions of all motor vehicles and combinations as follows:

Maximum length of:

- individual motor vehicles: 12m
- articulated lorries: 16.5m
- road trains: 18.35m
- articulated buses: 18m

Maximum width of:

- insulated vehicles: 2.6m
- other vehicles: 2.55m

Maximum height of all vehicles: 4m

## Maximum weight of:

- two-axle motor vehicles: 18 tonnes
- three-axle motor vehicles: 26 tonnes
- four-axle motor vehicles: 32 tonnes
- three-axle articulated buses: 28 tonnes
- 5 axle vehicle combinations: 40 tonnes
- 6 axle combinations with 'road friendly' suspensions: 44 tonnes

Since there is considerable divergence between the existing national legislation governing motor vehicle weights and dimensions there was considerable pressure from all sides on the Commission to set higher or lower maxima than those in the proposal so a brief explanation of the criteria used to come to the limits set would be appropriate.

In all cases the Commission looked at thirteen pieces of legislation—the national rules that existed in the twelve Member States (at that stage Sweden, Finland and Austria were not Members) and also the limits prescribed in our Directive 85/3. Whilst the European Commission did not take a "lowest common denominator" approach with existing legislation it was, of course, pragmatic to seek as much common ground as possible (since ultimately the legislation will have to be voted upon by the Transport Ministers of the Member States). Also the Commission did not wish to propose legislation that would be so different from existing national rules that it would result in large numbers of existing vehicles having to be scrapped.

To start with the easiest point first, nine of the twelve Member States have a maximum vehicle height of 4m and a tenth—France—has no legal limit but builds its roads to comply with 4m clearance. Thus, 4m is the logical maximum height limit throughout the Union. Only two Member States—the UK and Ireland—may have a problem with this. However, the proposed legislation has a form of derogation to ease problems, which will be looked at shortly.

As regard vehicle width refrigerated vehicles are currently harmonised to a maximum width of 2.6m under the United Nations' ADR agreement for the Transport of Perishable goods. Thus this is acceptable to all. As regards non-refrigerated vehicles there was considerable variation in maximum widths between 2.5m and 2.55m and 2.6m throughout the Community. However, upon examination, countries with 2.5m limits allowed tolerance of up to +4cm so, in reality, most countries actually allow around 2.55m today. Furthermore there are technical arguments that justify the advantage of allowing 2.55m wide vehicles—since this facilitates the better use of automated equipment for loading and unloading. However, no additional advantage is gained by making them 2.6m wide. Thus, a maximum width of 2.55m was set.

The maximum length of articulated lorries is set at 16.5m with criteria to prevent the use of 45 foot containers. This is very important as very few ports can handle these larger containers and if these were permitted to circulate freely on trucks in the Community this would create a serious distortion in the maritime sector in favour of a few ports.

The maximum length of road trains can be up to 18.35m in length which permits of the transport of 20 ft containers

(or 7.85m swap bodies). The length of fixed vehicles is set at 12m.

The biggest difficulty came when deciding on what basis to harmonise maximum vehicle weights.

The maximum figure decided by the Commission was 44 tonnes. This lies midway between 38 and 50 tonnes but this was not the basis of the Commission's choice! There were considerable pressures on the Commission to be as environmentally friendly as possible and it also was recognised that it was politically impossible to propose maxima that would considerably increase truck weights in many Member States without some compensatory justification. The proposal therefore sets a maximum weight of 44 tonnes on 6 axle combinations provided that the vehicle has air suspension. Meanwhile 5 axle combinations a maximum of 40 tonnes. In this way the Commission can objectively argue that the proposal will not increase the road wear above what is currently permitted in all of the Member States (and in many countries will actually reduce the wear).

The legislation does envisage some derogations. Firstly, the application of the proposed Directive will be limited to the issues that are of importance for the well functioning of the internal market and equal competition. Thus technical characteristics dealing with non-standard vehicles such as 5-axle rigid vehicles, or 3 axle or 7 axle combinations, will continue to be decided on a national basis. This is because such rare vehicle types have no significant effect on the road transport market.

Secondly, Article 4(4) of the Directive allows considerable flexibility in interpretation. This Article says that:

*"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 the Directive".*

Thus, transport operations that use specialist equipment and where there is little possibility of competition by cabotage would be permitted to have different national rules. Two examples that the Commission feel could fall into this category are the extra-long road trains in Scandinavia which transport timber from the forest to mills, and the traditional British double-decker bus which is around 4.4m in height.

A third derogation is for those existing registered vehicles that exceed the maximum dimensions laid down in the Directive—chiefly 2.6m wide vehicles in the Benelux and Nordic Countries. Articles 4(6) of the Directive permits so-called 'Grandfathers Rights'—the possibility for existing registered vehicles to continue circulating in their own country for up to 7 years, thus avoiding the need for wholesale vehicle withdrawals overnight.

A private study was commissioned by the Commission to estimate the effects of the proposal. This looked at the enlarged Union of 16 countries (in the end Norway did not join) which was particularly important since a 44 tonne maximum is significantly lower than the current limits in

Sweden, Finland and Norway. Nonetheless, for the Community as a whole the study came to the conclusion that a 44 tonne maximum weight would result in a reduction in truck journeys of over 5 percent, with consequent reductions in fuel consumption, vehicle emissions and road accidents.

The Commission's proposal has been in existence for some 18 months and has been welcomed with mixed feelings. There is considerable support for the logic of harmonising truck weights and dimensions throughout the European Union but little agreement on which level to harmonise. In particular, with respect to vehicle weights those countries with maxima greater than 44 tonnes (Netherlands, Sweden, Finland) see our proposal as environmentally unfriendly (as they perceive it would increase the number of road journeys), whilst other countries with lower weight limits (UK, Germany, Austria) also see it as environmentally unfriendly since they, too, fear an increase in the number of journeys (due to the measures increasing the competitiveness of road transport)! Thus the Commission has the bizarre problem of having the diametrically opposed arguments from two sides, yet with the same conclusions!

This proposal has now completed its first reading in the European Parliament and is currently awaiting the Council of Ministers to discuss it. In this political forum it appears increasingly likely that the proposal will be adopted in two stages with harmonised dimensions being accepted first, and the elements of the Directive dealing with harmonised weights being left to a future date.

If this is the outcome then we in the Commission will have achieved a partial success since Member States will have recognised the need for harmonisation within a Single Market, but our work will not be completed until we have achieved total harmonised legislation for vehicle weights and dimensions with the European Union.

