

# Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Directive	1998/0096(COD) Procedure lapsed or withdrawn
International road transport: driving restrictions on heavygoods vehicles on designated roads, weekend bans	
Subject 3.20.05 Road transport: passengers and freight 3.20.06 Transport regulations, road safety, roadworthiness tests, driving licence	

Key players			
European Parliament			
Council of the European Union	Council configuration	Meeting	Date
	<a href="#">Transport, Telecommunications and Energy</a>	<a href="#">2589</a>	10/06/2004
	<a href="#">Transport, Telecommunications and Energy</a>	<a href="#">2324</a>	20/12/2000
	<a href="#">Transport, Telecommunications and Energy</a>	<a href="#">2204</a>	06/10/1999
European Commission	Commission DG Energy and Transport	Commissioner	

Key events			
10/03/1998	Legislative proposal published	COM(1998)0115	Summary
19/06/1998	Committee referral announced in Parliament, 1st reading		
23/07/1999	Additional information		Summary
06/10/1999	Debate in Council	<a href="#">2204</a>	
21/11/2000	Modified legislative proposal published	COM(2000)0759	Summary
20/12/2000	Debate in Council	<a href="#">2324</a>	
22/05/2002	Vote in committee, 1st reading		Summary
21/05/2002	Committee report tabled for plenary, 1st reading	<a href="#">A5-0191/2002</a>	
01/07/2002	Debate in Parliament		
02/07/2002	Decision by Parliament, 1st reading	<a href="#">T5-0343/2002</a>	Summary
31/07/2003	Modified legislative proposal published	<a href="#">COM(2003)0473</a>	Summary
	Debate in Council		Summary

10/06/2004		<a href="#">2589</a>	
17/03/2006	Additional information		Summary

Technical information	
Procedure reference	1998/0096(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Legal basis	EC Treaty (after Amsterdam) EC 071-p1
Stage reached in procedure	Procedure lapsed or withdrawn
Committee dossier	RETT/4/10006

Documentation gateway					
Legislative proposal		<a href="#">COM(1998)0115</a> , <a href="#">OJ C 198 24.06.1998, p. 0017</a>	11/03/1998	EC	Summary
Economic and Social Committee: opinion, report		<a href="#">CES1135/1998</a> <a href="#">OJ C 407 28.12.1998, p. 0109</a>	09/09/1998	ESC	
Committee of the Regions: opinion		<a href="#">CDR0333/1999</a> <a href="#">OJ C 374 23.12.1999, p. 0085</a>	15/09/1999	CofR	
Modified legislative proposal		<a href="#">COM(2000)0759</a> , <a href="#">OJ C 120 24.04.2001, p. 0003 E</a>	22/11/2000	EC	Summary
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A5-0191/2002</a>	22/05/2002	EP	
Text adopted by Parliament, 1st reading/single reading		<a href="#">T5-0343/2002</a> <a href="#">OJ C 271 12.11.2003, p. 0030-0155 E</a>	02/07/2002	EP	Summary
Modified legislative proposal		<a href="#">COM(2003)0473</a>	01/08/2003	EC	Summary

Additional information	
European Commission	<a href="#">EUR-Lex</a>

## International road transport: driving restrictions on heavygoods vehicles on designated roads, weekend bans

**PURPOSE:** To harmonise restriction on the use of heavy goods vehicles on Sundays and public holidays.

**PROPOSED ACT:** Council Directive.

**CONTENT:** This proposal has been drafted to harmonise restrictions on the use of heavy goods vehicles on Sundays and public holidays. Currently, there are no harmonised rules on driving restriction for heavy goods vehicles, resulting in a situation whereby operators have to take account of differing driving restrictions relating to hours on the road and varying definitions of vehicles exempted from those restrictions. As a result of the excessive interruptions heavy goods vehicles do not make round trips over long distances. The peripheral regions of the Community are highly and disproportionately affected by such driving restrictions.

To summarise, the proposed Directive seeks to establish a transparent system of harmonised rules concerning driving restrictions and applies only to heavy goods vehicles undertaking international journeys. Significantly, the Directive will only apply to certain Community roads and not to national roads. The roads to which the Directive applies are those listed as priority Community roads (TEN-R) under the trans-European transport network and listed in Annex 1 of the Council and European Parliament Decision 1692/96 on Community guidelines for the trans-European network, referred to as 'trunk roads'. Specifically speaking, the following provisions constitute the core elements of the proposed Directive:

- Driving restrictions on heavy goods vehicles, which are stricter than those imposed on national transport, may not be imposed on heavy goods vehicles conducting international transport.

- Driving restrictions may be imposed on all heavy good vehicles on Sundays and public holidays between 7.00 and 22.00 in the winter, with longer hours being proposed for the spring/summer months.
- Night time restrictions may be imposed on heavy goods vehicles which do not comply with Community noise emission standards.
- Restrictions may be imposed on heavy good vehicles driving on TEN-R routes in cases where the Member States can prove that the additional restriction can be justified on environmental, safety or social grounds. Other justifiable grounds for imposing further restrictions on trunk roads may include, for example, cases where high traffic is expected during the holiday period or for infrastructure maintenance. The Member States must inform the Commission of any restrictions and back up their case with relevant information.

## International road transport: driving restrictions on heavygoods vehicles on designated roads, weekend bans

---

This proposal, which in accordance with Article 185 of the European Parliament's Rules of Procedure was deemed to have lapsed, will be subject to consideration by the new Parliament (5th legislature).?

## International road transport: driving restrictions on heavygoods vehicles on designated roads, weekend bans

---

On 25 May 1998, the Commission submitted to the Council a proposal for a Directive on transparent system of harmonised rules for restrictions on heavy goods vehicles involved in international transport on designated roads. This proposal whilst supported by the majority of Member States has proven to be very controversial with a large minority of Member States. In the view of the Commission this controversy is partly due to the original proposal not being clearly understood. Given the degree of resistance expressed against the original proposal, both by the general public and also in the European Parliament and the Committee of Regions, and given the need to have the proposal that is clearly and unambiguously understood the Commission wishes to bring forward an amended proposal that shall be acceptable to the largest number of Member States and understandable to the overwhelming majority of EU citizens. The amended proposal firstly states more clearly that this proposal deals only with international lorry traffic on the Trans-European road Network (TEN-R). Member States will continue to have the right to set unlimited driving bans both for all road other than the TEN-R network and all national traffic. Secondly, the amended proposal shall increase the time when driving bans shall be automatically permitted on the TEN-R road network to a period of 24 hours. This period shall be extended during the summer period enabling Member States to have driving bans on the TEN-R road network commencing at 07:00 on Saturdays in summer and, if desired, lasting uninterrupted until 22:00 on Sundays; The adoption of such limits ensures that the proposal does not conflict with most existing national driving bans, whilst simultaneously stabilising the situation on driving bans in the EU thus highlighting the need for accession negotiations to examine the driving bans in potential future Member States. The amended proposal shall clearly state in an annex which national public holidays are automatically covered by driving bans. This does not, of course, put into question that it is the exclusive competence of each Member State to choose its national holidays. This annex will be revised automatically upon each notification by a Member State. The proposal shall be amended to take into account the new procedures following the adoption of the Treaty of Amsterdam. Those aspects of the proposal aiming to harmonise the types of transport that shall be exempt from driving bans remains unchanged. ?

## International road transport: driving restrictions on heavygoods vehicles on designated roads, weekend bans

---

The committee adopted the report by Gilles SAVARY (PES, F) amending the proposal under the codecision procedure (1st reading). It called for the rules to be accompanied by the introduction of a European road information system enabling all those in the road transport industry and road users to obtain detailed information in real time on traffic conditions on the TEN (bans, traffic regulation, etc.). Under the system, a monitoring centre for traffic on the TEN would also be created for statistical and analytical purposes. The committee specified that, for the purposes of driving bans, HGVs as defined in the proposal should also include component parts of the vehicle (tractors or trailers) where the latter are used separately. The aim was to ensure that drivers did not return home for the weekend in their tractor units (the tonnage of which was lower than the current thresholds for the application of bans), leaving their loaded trailers in lorry parks to be collected after the weekend. Other amendments focused on Member States' rights to extend driving bans. The committee deleted the provisions requiring Member States to receive prior authorisation from the Commission before imposing such bans, arguing that the proposed authorisation procedure was excessively complicated and was not in keeping with the subsidiarity principle. It further pointed out that an extension of driving bans could not be justified on social grounds, as stated in the proposal. Other amendments called for vehicles transporting fresh flowers or horticultural products (which do not travel well using refrigerated transport) to be excluded from the scope of the directive and for Member States which impose driving bans, thereby forcing drivers to spend a weekend or part of a weekend in lorry parks, to ensure that there are sufficient parking spaces and sanitary facilities available. Lastly, the committee wanted longer deadlines to be set for transposing and implementing the directive, to allow time for the legislative procedure to take its course and for Member States to take the necessary measures.?

## International road transport: driving restrictions on heavygoods vehicles on designated roads, weekend bans

---

The European Parliament adopted the resolution drafted by its rapporteur Gilles SAVARY (PES, France) and made some amendments to the proposal on heavy goods vehicles involved in international transport. On the question of driving bans, Parliament felt that the existence of bans that differ from Member State to Member State is a cause of legal uncertainty in relation to the principle of the free movement of goods and Community provisions on guaranteeing freedom to provide transport services. The forthcoming enlargement and the resulting likely increase in

heavy goods vehicle traffic can only make the situation more complicated. It also felt that comparative statistics are needed on the level of use of international routes to give an overall picture of traffic in the European Union and the applicant countries. On the basis of these statistics, it will be possible to assess the impact of driving restrictions on policies for the regulation of road transport. Parliament went on to insert an amendment stating that the Commission must prepare a list of infringements of the Directive in each of the Member States, and of the penalties applied by them. Finally, the date for transposition should be 31 December 2004, and the date of application of the Directive should be 1 July 2005.?

## International road transport: driving restrictions on heavygoods vehicles on designated roads, weekend bans

---

Of the 18 Amendments adopted by the European Parliament at first reading, 16 have been accepted by the Commission. The amendments: - elaborate the negative consequences of the current situation and clarify the text; - provide a further justification for the need for the Directive, namely that the legal certainty of the Community principles of free movement of goods as well as the freedom to provide transport services; - elaborate in greater detail the kind of information system, which flows from the proposed directive; - address the need for comparative statistics for the TENs network to facilitate the production of the Commission's annual report. These statistics would also enable the Commission to gain an overview of developments on the network; - acknowledge the social cost of driving bans for hauliers from peripheral Member States, without prescribing what measures should be taken; - provide a concrete acknowledgement of the difficulties which driving bans can impose on intraCommunity transport and a practical solution to what is becoming an increasing problem; - elaborate the purpose of the proposal in line with the objective to be achieved, namely provision of information to those who will be affected by driving bans; - complete and clarifies the definition. It avoids a perverse effect of some national weekend ban legislation by ensuring that trailers are not left abandoned in unsecured parking lots over the weekend while the tractor unit makes for home and returns to retrieve the trailer only after the ban is over; - define in greater detail the information system to be established and stipulates links with national systems; - clarify the meaning of "heavy goods vehicle" : this shall mean all motor vehicles with a gross weight of 7,5 t. and above, used for the transport of goods, including their component parts (tractors or trailers), where the latter are used separately; - makes clear again that the ambit of the proposal and the possible exemptions only concern the TEN-road network; - specify two special circumstances - natural disasters and urgent public safety reasons - which fall under the current category of special weather conditions; - specify the remit of a European road information system; - update the timing of the transposition and entry into force of the proposed Directive; - include the transport of perishable goods, namely fresh flowers or horticultural products within the exempted transport operations Annex. It is evident that the carriage of such produce should not be hindered by driving bans. The Commission on the other hand has rejected the amendments concerning the addition of a comment on those Member States disproportionately affected by transit traffic. This comment does not relate to the main thrust of the recital's argument and to the justification for the proposal. The Commission also cannot accept the amendment which would place a disproportionate burden on Commission resources by requiring the Commission to draw up a list of infringements to the Directive and the penalties to be applied in Member States. This could entail a considerable ongoing exercise not only for the Commission in co-ordinating a significant volume of disparate statistics, but also for MemberStates in gathering such statistics.?

## International road transport: driving restrictions on heavygoods vehicles on designated roads, weekend bans

---

Stating a blocking minority on the Presidency compromise proposal for a Directive on a transparent system of harmonised rules for restrictions on heavy goods vehicles involved in international transport designated roads, the Presidency concluded to refer the file back to Coreper for further examination.

## International road transport: driving restrictions on heavygoods vehicles on designated roads, weekend bans

---

?Following the screening exercise of proposals pending undertaken as part of its effort for better regulation in the framework of the Partnership for Growth and Jobs in the European Union, the Commission has decided to withdraw certain proposals on which the Legislator has not yet reached a decision and which were found not to be consistent with the Lisbon and Better Regulation criteria, unlikely to make further progress in the legislative process or found to be no longer topical for objective reasons?. (OJ C64 of 17.03.2006, pages 3-10).