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PROPOSAL

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Delegations will find attached document COM(2023) 445 final.

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Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Council Directive 96/53/EC laying down for certain road vehicles circulating within the Community the maximum authorised dimensions in national and international traffic and the maximum authorised weights in international traffic

{SEC(2023) 445 final} - {SWD(2023) 445 final} - {SWD(2023) 446 final} -
{SWD(2023) 447 final}

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

This explanatory memorandum accompanies the proposal for a directive amending Council Directive 96/53/EC of 25 July 1996 laying down for certain road vehicles circulating within the Community the maximum authorised dimensions in national and international traffic and the maximum authorised weights in international traffic[1] (hereinafter 'the Weights and Dimensions Directive').

• Reasons for and objectives of the proposal

The road transport sector is crucial for facilitating commerce and mobility, connecting businesses and customers across the EU and promoting economic growth and employment. By providing the means to transport goods, it supports many industries, including manufacturing, construction, and retail. It is essential for emergency response too. The sector has demonstrated its vital role in securing the distribution of essential supplies and providing humanitarian aid as well as ensuring personal mobility in emergency situations, such as the COVID-19 pandemic and Russian's war of aggression against Ukraine.

Road transport plays a key role in the freight transport system, with more than three quarters (77.4%) of the goods transported within the EU by land[2]. However, it is a source of several socio-economic and environmental effects, including greenhouse gas (GHG) emissions, air and noise pollution, congestion, risks to road safety, and wear and tear of road infrastructure. Heavy-duty vehicles (HDVs), such as trucks and buses are responsible for 28% of road transport GHG emissions (6% of the EU's overall emissions) and constitute a major source of nitrogen oxide emissions (accounting for 34% of road transport nitrogen oxide emissions in 2020). It is also a source of other air pollutants such as particulate matter[3].

Directive 96/53/EC sets out maximum authorised weights and dimensions for HDVs that move on EU roads and carry goods or passengers. It was originally designed to ensure free movement of goods and fair competition in the single market, improve road safety and prevent damage to road infrastructure. These original objectives were to be achieved by ensuring that HDVs do not exceed the limits that can compromise road safety or road infrastructure, that compliant HDVs can move freely within the EU, and that road transport operators can compete on an equal footing in terms of the loading capacity of their vehicles. The latest subsequent amendments to the Directive, adopted in 2015 and 2019[4], brought environmental aspects to the Directive with the aim of reducing energy consumption and GHG emissions as well as promoting intermodal transport, whereby goods are moved in

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1 OJ L 235, 17.9.1996, p. 59.

2 Statistical pocketbook 2022 (europa.eu)

3 National air pollutant emissions data viewer 2005-2020.

4 Directive (EU) 2015/719 of the European Parliament and of the Council of 29 April 2015 amending Council Directive 96/53/EC laying down for certain road vehicles circulating within the Community the maximum authorised dimensions in national and international traffic and the maximum authorised weights in international traffic (OJ L 115, 6.5.2015, p. 1), Decision (EU) 2019/894 of the European Parliament and of the Council of 5 June 2019 amending Council Directive 96/53/EC as regards the time limit for the implementation of the special rules regarding maximum length for cabs delivering improved aerodynamic performance, energy efficiency and safety performance (OJ L 164, 20.6.2019, p. 30) and Regulation (EU) 2019/1242 of the European Parliament and of the Council of 20 June 2019 setting CO_2 emission performance standards for new heavy-duty vehicles and amending Regulations (EC) No 595/2009 and (EU) 2018/956 of the European Parliament and of the Council and Council Directive 96/53/EC (OJ L 198, 25.7.2019, p. 202).

standardized cargo units (such as containers) by different modes of transport. This was done by introducing rules to allow for higher weights and/or dimensions for energy efficient and less polluting vehicles, in order to encourage the uptake of alternatively fuelled (including zero-emission) powertrains, improve vehicles' aerodynamics and ensure interoperability with other modes of transport.

The evaluation of the Directive carried out in 2022 showed that, while the Directive is effective in promoting road safety, protecting road infrastructure and facilitating the use of road vehicles in containerised intermodal transport, it falls short on the level playing field and on decarbonisation aspects.

The problems of market fragmentation for longer and heavier vehicles and ineffective and inconsistent enforcement result largely from deficiencies in the Directive. Unclear and missing rules in the Directive have led to a patchwork of national rules and requirements, diverging interpretations and control practices. These hamper the free movement of HDVs within the EU, distort competition and lead to a loss of operational and energy efficiency. They are the main causes behind the Directive's underperformance with regard to its objectives of ensuring the free and efficient movement of goods and fair competition.

On decarbonisation aspects, the uptake of zero-emission vehicles in the HDV fleet is currently very limited. The EU truck fleet (above 3.5 tonnes) continues to be largely dominated by fossil fuel engines, with 96.3% of all trucks in the EU running on diesel, and only 0.7% of all trucks running on alternatively fuelled internal combustion engines (natural gas and LPG). The share of electrically chargeable trucks, including electric and plug-in hybrid vehicles, is as low as 0.2%. The yearly registration of zero-emission trucks grew from 0.6% in 2016 to 7% in 2020. It is going in the right direction, but not fast enough to contribute meaningfully to the achievement of the European Green Deal[5] objective of a 90% reduction in GHG emissions from transport by 2050.

The European Research and Innovation framework programmes have been supporting low and zero-emission HDVs, aerodynamic features and energy efficiency challenges with specific partnerships since 2007 with the European Green Cars Initiative under FP7, the European Green Vehicle Initiative under Horizon 2020 and currently with the Towards Zero Emission Road Transport under Horizon Europe. Specific projects delivered some of the innovations, such as powered zero emission trailers and improved aerodynamics[6].

The low uptake of zero-emission HDVs and energy-saving solutions has multiple underlying causes, with the Directive's deficiency having a limited contribution. The Directive fails to provide sufficient incentives for the sector to encourage investment in zero-emission technologies, such as a necessary allowance for weights or dimensions to compensate for the weight and/or size of the relevant technology and ensure at least the same loading capacity as conventional HDVs that run on fossil fuels.

This proposal intends to tackle three problems that have been identified: (i) low uptake of zero-emission HDVs: (ii) fragmentation of the market for longer and heavier vehicles; and (iii) ineffective and inconsistent enforcement. Its main objectives are to remove barriers and provide stronger incentives for the uptake of zero-emission technologies and energy-saving

[5] COM(2019) 640 final.

[6] AEROFLEX (https://cordis.europa.eu/project/id/769658), and TRANSFORMERS (https://cordis.europa.eu/project/id/605170).

devices in the HDV sector, further facilitate intermodal operations, clarify the rules on the use of longer and/or heavier vehicles in cross-border operations, and make enforcement effective and efficient.

The Commission's Communication on a Sustainable and Smart Mobility Strategy - putting European transport on track for the future[7] identified the revision of the Weights and Dimensions Directive as one of the key measures that can effectively stimulate demand for zero-emission vehicles and promote modal cooperation. This can help drive the transition to a zero-pollution transport system in the EU and promote innovation in the sector.

This proposal is an important piece in the raft of measures needed to green road transport. In order to be effective in boosting the deployment of zero-emission HDVs, it must go hand-in-hand with the rolling out of recharging and refuelling infrastructure[8], stricter zero-emission CO2 standards for HDVs[9], the implementation of road charging schemes based on the CO2 emission performance of HDVs and the inclusion of road transport in emission trading systems. The effectiveness of the Directive in promoting intermodal freight transport depends to a large extent on the availability and capacity of other transport modes. This Directive therefore needs to be complemented by other modal and cross-modal legislative initiatives adopted together as part of the greening freight package, in particular the measures to better manage and coordinate international rail traffic and the initiative on a common methodology for companies to calculate their greenhouse gas emissions. The planned revision of the Council Directive 92/106/EEC[10] (hereinafter 'the Combined Transport Directive') will also strengthen the effects of this proposal in promoting growth of intermodal transport.

- **Consistency with existing policy provisions in the policy area**

The revision of the Weights and Dimensions Directive is consistent with other legislative initiatives that aim at reducing emissions from transport, improving the energy and operational efficiency of cross-border operations and promoting intermodal cooperation. In particular, it provides synergies with three other Commission initiatives:

(a) the proposal for a revision of Council Directive 92/106/EEC[11] (hereinafter 'the Combined Transport Directive'), aimed at incentivising the uptake of intermodal transport;

(b) the proposal for a regulation for a harmonised framework for GHG emissions from freight and passenger transport services (the so-called 'CountEmissions EU' initiative), aimed at establishing a harmonised methodology to measure door-to-door GHG emissions of transport operations, which could be used by transport companies to monitor and benchmark their transport services;

(c) the proposal for a regulation on rail capacity planning and management aimed at improving the reliability, punctuality and availability of rail services by optimising the use of rail infrastructure and improving their multimodal integration.

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7 COM(2020)789 final.

8 COM(2021) 559 final.

9 COM (2023) 88 final.

10 Council Directive 92/106/EEC of 7 December 1992 on the establishment of common rules for certain types of combined transport of goods between Member States (OJ L 368, 17.12.1992, p. 38).

11 Council Directive 92/106/EEC of 7 December 1992 on the establishment of common rules for certain types of combined transport of goods between Member States (OJ L 368, 17.12.1992, p. 38).

Although these initiatives cover different modal and cross-modal aspects of the regulatory framework for land transport, they complement each other in delivering a more efficient and sustainable land transport system.

In addition, Directive 1999/62/EC (the Eurovignette Directive)[12], by addressing the need to internalise road transport's external costs and applying 'the polluter pays' and 'the user pays' principles, will further strengthen the incentives provided by the Weights and Dimensions Directive to boost the uptake of zero-emission HDVs and encourage the use of energy-efficient trailers and semi-trailers, together with the inclusion of road transport in emission trading[13].

This proposal is also consistent with the proposal for the revision of the Regulation on Union guidelines for the development of the trans-European transport network, amending Regulation (EU) 2021/1153 and Regulation (EU) No 913/2010 and repealing Regulation (EU) 1315/2013[14]. It aims, among other things, at modernising the road network by improving quality standards, including the deployment of weighing mechanisms built into the road infrastructure. These are needed for better controlling compliance with the maximum authorised weight limits set in the Weights and Dimensions Directive.

In the context of matching the characteristics of a road freight heavy-duty vehicle with the state and capability of road infrastructure, the rules of the proposal for a directive of the European Parliament and of the Council amending Directive 2010/40/EU on the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other modes of transport[15] on the format and accessibility of data on weight, length, width, and height restrictions, are also relevant for and coherent with this initiative.

Furthermore, Directive (EU) 2015/413 of the European Parliament and of the Council of 11 March 2015 facilitating cross-border exchange of information on road-safety-related traffic offences (the Cross-Border Enforcement Directive)[16] aims to improve road safety and ensure the equal treatment of drivers, namely resident and non-resident offenders. In March 2023, the Commission adopted a legislative proposal[17] to amend the Cross-Border Enforcement Directive, extending its scope to other road-safety-related traffic offences. The 'use of an overloaded vehicle' is one of them. The mechanism provided by the Directive could therefore be used to identify offenders and make it easier to prosecute them for infringing the rules of the Weights and Dimensions Directive.

- **Consistency with other Union policies**

In broader terms, this proposal fits with the overarching goals of the EU's economy's green and digital transformation, and in particular the Zero Pollution Action Plan, where it facilitates the uptake of zero-emission HDVs [18]. It is consistent and contributes to the long-term goal of achieving climate neutrality by 2050 as set out in the European Green Deal

[12] Directive 1999/62/EC of the European Parliament and of the Council of 17 June 1999 on the charging of heavy goods vehicles for the use of certain infrastructures (OJ L 187, 20.7.1999, p. 42).
[13] COM/2021/551 final
[14] COM/2021/812 final
[15] COM/2021/813 final
[16] OJ L 68, 13.3.2015, p. 9.
[17] COM (2023)126.
[18] COM(2021) 400 final

Communication[19], as well as the EU's commitment to reducing net GHG emissions by 55% by 2030 compared to 1990, as laid down in the European Climate Law[20]. Moreover, the envisaged revision is therefore consistent with the 'Fit for 55' package[21], which includes efforts to reduce reliance on fossil fuels and increase the deployment of infrastructure for alternative fuels. In terms of energy efficiency, the proposal responds to the 2022 REPowerEU Plan[22], whose key objective is to reduce dependence on Russian fossil fuels following Russia's war of aggression against Ukraine as well as accelerate the green transition, including towards zero-emission vehicles as reflected in the proposal.

There are also clear synergies between this initiative and Regulation (EU) 2019/1242, which sets CO_2 emission performance standards for HDVs[23]. It lays down requirements on vehicle manufacturers for more fuel-efficient and zero-emission HDVs. The proposal for a revision of the Regulation, adopted by the Commission on 14 February 2023[24], extends the scope to almost all newly registered HDVs with certified CO2 emissions and sets new CO2 emission targets from 2030 onwards. To effectively reach the targets and achieve the greening objectives as swiftly as possible, the CO2 standards for HDVs need to be complemented by enabling measures that target the demand side, in particular the revision of the Weights and Dimensions Directive. This will put in place the right incentives for transport operators to invest in cleaner HDV.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

• Legal basis

The legal basis for the proposed amending Directive is Article 91(1) of the Treaty on the Functioning of the European Union. Improving the efficiency and environmental performance of road transport, while also ensuring road safety, are essential goals of the common transport policy.

According to Article 91(1), the EU has the authority to establish common rules applicable to international transport between the Member States or passing across the territory of one or more Member States.

• Subsidiarity (for non-exclusive competence)

The EU already has competence for setting out limits on the dimensions and weights of HDVs used in cross-border operations by virtue of the adoption of the Weights and Dimensions Directive. At the same time, the Directive allows Member States to permit larger and/or heavier vehicles to travel on their own territories based on their specific needs and circumstances.

Despite the Directive's efforts to harmonise technical standards, it has shortcomings that lead to varying interpretations and inconsistent enforcement by Member States. This results in a

19 COM(2019) 640 final
20 COM/2020/80 final
21 COM(2021) 550 final
22 COM(2022) 230 final
23 Regulation (EU) 2019/1242 of the European Parliament and of the Council of 20 June 2019 setting CO2 emission performance standards for new heavy-duty vehicles and amending Regulations (EC) No 595/2009 and (EU) 2018/956 of the European Parliament and of the Council and Council Directive 96/53/EC (OJ L 198, 25.7.2019, p. 202).
24 COM(2023) 88 final.

fragmented patchwork of national requirements, which hinders the goal of creating a Single European Transport Area. EU action is necessary to remove these barriers and ensure efficient, fair, and sustainable transport operations within the internal market.

In addition, the Directive has not effectively promoted the adoption of alternative fuels, energy-saving technologies, and intermodal transport. Given the need for decarbonisation and emerging technological developments, further EU action is needed to incentivise and accelerate the deployment of zero-emission HDVs, promote innovation, improve compatibility with other modes of transport, and contribute to greening objectives.

The revision of the Directive does not restrict the Member States' ability to address local circumstances and national operations. A public consultation revealed strong support for EU action to boost cross-border cooperation, ensure the smooth functioning of the internal market and improve the environmental performance of the transport sector.

The evaluation of the Directive acknowledges its added value in establishing EU standards for HDV weights and dimensions in cross-border operations. However, it also identifies deficiencies, such as legal loopholes and outdated standards that hinder technological progress and decarbonization efforts. Without coordinated EU action, Member States would need to act individually, leading to market fragmentation, competitive distortions and discriminatory practices. Moreover, national initiatives alone are insufficient to address EU-wide problems and achieve decarbonization targets.

EU action is therefore essential to address these issues effectively, ensure the harmonised functioning of the internal market, promote environmental performance, and provide stability for long-term planning by road transport operators and HDV manufacturers.

- **Proportionality**

The proposal strikes the right balance between achieving the desired objectives of harmonisation, decarbonisation and enforcement in an effective manner while ensuring that the proposed measures do not go further than what is necessary to resolve the problems identified or meet the policy objective.

The proposal helps improve the energy and operational efficiency of cross-border transport operations and strengthen enforcement effectively. It does not impose significant costs on operators and only entails some upfront investment costs for Member States. This progressive and efficient way towards achieving the objectives will allow a smooth 'green' transition for authorities and operators.

It strikes the right balance between establishing minimum standards at EU level for decarbonisation and enforcement of the applicable rules and giving Member States flexibility in setting more ambitious solutions, in particular as regards enforcement tools.

The proportionality of the proposal is based on a careful assessment of all policy options analysed under the impact assessment that accompanies this proposal (see sections 7.4 and 8.1 of the impact assessment report for more details)[25].

[25] Impact Assessment Report accompanying the document Proposal for a Directive of the European Parliament and of the Council amending Council Directive 96/53/EC of 25 July 1996 laying down for

- **Choice of the instrument**

Given that the proposal consists of several amendments to the Weights and Dimensions Directive, the future legal instrument should therefore be a Directive. This allows for targeted harmonisation as well as a certain degree of flexibility for Member States to take into account specific national features.

As the amended Directive maintains its structure and its substance is not affected, a recast is not required.

3. RESULTS OF *EX-POST* EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

- ***Ex-post* evaluations/fitness checks of existing legislation**

In 2022, the Commission launched an *ex-post* evaluation to assess the performance of the Weights and Dimensions Directive based on its effectiveness, efficiency, relevance, coherence, and EU added value. The evaluation was carried out 'back-to-back' with the impact assessment for the revision of the Directive. It followed the Commission's Better Regulation principles[26].

The evaluation examined the effects that the Directive has had in terms of ensuring the free movement of goods, improving energy efficiency, reducing GHG and mitigating road safety risks. It also assessed which rules worked well and which did not, and why. It covered the period from September 1997 until 31 December 2021.

The main findings of the evaluation were as follows:

(1) A patchwork of national and bilateral derogations, together with administrative, technical and safety requirements governing operations by heavier and/or longer vehicles has emerged, despite the anticipated better degree of regulatory harmonisation that the Directive intended to achieve;

(2) The use of alternatively fuelled HDVs and improved aerodynamics to increase the energy efficiency of road transport operations and reduce GHG emissions has not yet yielded meaningful results;

(3) Enforcement of the rules varies significantly between Member States in terms of the number of controls, effectiveness in detecting infringements, control tools and practices;

(4) Restrictions to the cross-border transport of heavier and/or longer vehicles was considered the main source of operational and energy inefficiencies, entailing unnecessary administrative burdens and costs for road transport operators;

(5) There are certain internal inconsistencies in the rules of the Weights and Dimensions Directive, which is mainly due to the fact that the Directive tries to balance various objectives pursued while simultaneously recognising differences between Member States on infrastructure standards and operational conditions;

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certain road vehicles circulating within the Community the maximum authorized dimensions in national and international traffic and the maximum authorized weights in international traffic, SWD (2023) 445.

[26] SWD(2021) 305 final Better regulation (europa.eu)

(6) The EU added value was acknowledged when the Directive was approved, and the justifications for this added value are still persuasive as the Directive has given road transport firms a level playing field;

(7) The Directive's objectives are still relevant. Its goals of improving the energy and operational efficiency of transport operations, facilitating intermodal transport and ensuring fair competition while safeguarding road safety and infrastructure protection continue to reflect present and future needs and fit well with the policy objective of developing an equitable, safe, sustainable, and resilient transport system in the EU.

The main conclusion of the evaluation is that the Directive was only partially successful in achieving its objectives of strengthening the internal market, improving the energy and operational efficiency of road transport operations, contributing to road safety and to the protection of road infrastructure. On the one hand, the common technical standards for HDVs have enabled more effective, safe and fair cross-border operations within the EU internal market. On the other, the high number of national derogations and requirements established by Member States in line with the Directive have led to fragmentation of certain segments of the market and to operational inefficiencies. While the Directive has helped to increase the share of containerised intermodal transport and to improve the energy and operational performance of operations in the Member States allowing for longer and heavier vehicles, its overall contribution to the energy efficiency of freight transport operations in the EU, including through the uptake of aerodynamic devices and alternatively fuelled powertrains (including zero-emission ones), has been very limited. The Directive is considered effective in promoting road safety and in reducing infrastructure wear and tear.

- **Stakeholder consultations**

Stakeholder consultations were carried out in 2022 and 2023 during the *ex-post* evaluation and the impact assessment, in line with the Better Regulation principles. Open and targeted consultation methods and various consultation tools were used.

The aim of these activities was:

(1) collect information and opinions of stakeholders on the main issues related to the implementation of the Directive, key problems and their drivers as well as on the desirable changes to the regulatory framework;

(2) gather specialised input (data and information, expert views) on specific aspects of the regulatory framework;

(3) gather information and views on the potential impacts of different policy measures.

The following consultation activities took place in 2022:

- a consultation on the call for evidence – from January to February 2022;
- an open public consultation - from April to July 2022;
- a survey that targeted different stakeholder groups – from September to October 2022;
- two workshops - one targeted at industry stakeholders, another at Member States in December 2022.

In addition, a number of bilateral and multilateral meetings with different stakeholders (from road, rail, and combined transport sectors, truck manufacturers, business associations, road

infrastructure authorities, and national authorities) took place, with several position papers received and analysed throughout 2022 and in the first quarter of 2023.

The stakeholders consulted included: road infrastructure authorities, road transport firms, business associations, shippers, forwarders, Member State national authorities, HDV manufacturers and original equipment manufacturers, other relevant stakeholders (from civil society, non-governmental organisations as well as academia), and the public.

The key themes explored in the first three stakeholder consultation activities largely followed the various elements of the evaluation matrix, namely effectiveness in achieving the objectives, efficiency, relevance, coherence and EU added value.

A common theme in the feedback to the call for evidence was the lack of uniform EU rules on cross-border transport between Member States allowing longer and heavier vehicles under the current Weights and Dimensions Directive. In the open public consultation, respondents also identified the Directive's failure to effectively address the energy efficiency of road transport. Overall, the stakeholders confirmed the problems initially identified and their European dimension, and broadly supported the decarbonisation, harmonisation and enforcement objectives of the revision. The stakeholder consultations also suggested potential solutions to the problems identified.

The decarbonisation measures, such as raising the maximum weights and dimensions of HDVs to compensate for the size and weight of zero-emission technologies, as well as allowing cross-border transport by heavier and/or longer vehicles between neighbouring Member States that permit the same standards for weights or dimensions on their territories, were largely supported by the stakeholders. At the same time, due to concerns about the effects on road infrastructure and a potential modal backshift from rail to road, a few Member States and rail/intermodal transport stakeholders expressed a reluctance to authorise cross-border long-distance operations by heavier and/or longer vehicles. The additional greening incentives, such as increasing maximum weight for zero-emission HDVs irrespective of the weight of the zero-emission technology and taking into account trailers and semi-trailers as intermodal transport units, were well received by all stakeholder groups.

The authorities and industry also called for a harmonisation of vehicle carrier loaded length and setting a minimal level of inspections on overloaded HDVs. Stakeholders also strongly supported the harmonisation and simplification of administrative processes pertaining to permits for the transport of indivisible loads.

- **Collection and use of expertise**

The Commission's own work on the *ex-post* evaluation and impact assessment was supported by two external studies carried out by an independent consortium led by Transport & Mobility Leuven and Ramboll Management Consulting. It also consisted of Panteia, LNEC, Apollo Vehicle Safety, and individual subcontracted experts.

Important data and information was collected in the implementation report[27] prepared by the Commission, with technical support from the external contractor COWI.

[27] COMMISSION STAFF WORKING DOCUMENT report on the implementation of the amendments to Directive 96/53/EC introduced by Directive (EU) 719/2015, SWD(2023)70.

During the *ex-post* evaluation and impact assessment, the Commission Interservice Steering Group composed of experts from relevant EU policy areas (environment, climate, energy, internal market, employment) was regularly consulted.

In addition, industry stakeholders, including green technology developers, vehicle manufacturers, sectoral associations (from road and rail), road authorities and many others were consulted.

- **Impact assessment**

This proposal for an amendment of the Weights and Dimensions Directive is accompanied by an impact assessment report. The draft report was submitted to the Regulatory Scrutiny Board on 26 April 2023, with the Board issuing its positive opinion with reservations on 26 May 2023[28]. The report was adjusted accordingly to address the reservations as well as more detailed comments from the Board. The impact assessment provides a detailed explanation of the policy options, included in section 5, while section 6 provides a comprehensive analysis of the impact of all options.

Three policy options were designed to address the problems identified and problem drivers, focusing on decarbonisation, harmonisation, and enforcement objectives. All options help achieve the initiative's objectives, albeit with varying levels of effectiveness and efficiency.

Policy Option A (PO-A) consists of seven policy measures common to all three options. It focuses on the removal of barriers to the uptake of zero-emission vehicles and energy-saving solutions by granting additional weight and length allowances to compensate for the weight and/or size of such technologies. It harmonises the loaded length of vehicle transporters and clarifies the rules applicable to the use of heavier and/or longer vehicles (i.e., 44-tonne HDVs and European Modular Systems) in cross-border operations, and supports all types of operations, including non-containerised intermodal transport. PO-A incentivises further intermodal containerised transport by allowing additional height to accommodate high cube containers in road legs of intermodal transport operations. It also strengthens enforcement by establishing a minimum level of controls to be conducted by Member States and provides minimum requirements to Member States willing to implement intelligent access policies in order to ensure harmonisation and interoperability of these schemes across the EU.

Policy Option B (PO-B) has a broader scope than PO-A. It incorporates the seven common policy measures along with additional measures that provide stronger incentives for the uptake of zero-emission vehicles by raising the weight limit for zero-emission HDVs from maximum 42 tonnes at present (considered insufficient to compensate for the weight of some of the current zero-emission technology) to 44 tonnes, irrespective of the weight of the zero-emission technology. This measure enables operators to gain additional loading capacity if the zero-emission technology becomes lighter and smaller. PO-B further facilitates intermodal transport by classifying lorries, trailers and semi-trailers as intermodal transport units that will benefit from the same extra weight allowance of 4 tonnes as road vehicles that carry containers or swap bodies. PO-B also provides for more harmonisation of administrative requirements relating to the issuance of permits for the carriage of indivisible loads by vehicles that exceed the weight and dimension limits set in the Directive. It also introduces measures that make enforcement more targeted and more efficient thanks to the use of weighing mechanisms to be installed in road infrastructure. To support the transition to zero-

[28] Regulatory Scrunity Board Opinion. Weights and Dimensions Directive, SEC(2023) 445.

emission operations, PO-B sets a target date after which heavier HDVs (44 tonnes), that are permitted by PO-A for use in cross-border transport, must be zero-emission or used for intermodal operations. PO-B offers advantages to operators, but it requires some expenditure and regulatory changes from Member States.

Policy Option C (PO-C) also includes the seven common policy measures and additional measures on harmonisation, decarbonisation and enforcement. It expands the operational domain of European Modular Systems (EMS) throughout the EU territory (not limited, as in PO-B, to Member States that allow EMS in national transport), introduces higher safety standards and qualification requirements for the circulation of EMS, establishes corridors for the transport of indivisible loads and imposes further enforcement obligations on Member States. PO-C offers higher operational efficiency, environmental benefits, and enforcement of the rules, but comes with a higher level of intervention and higher costs for Member States. These are linked to the maintenance and reinforcement of road infrastructure, and additional compliance costs for operators.

All policy options address the problems identified and their drivers and help achieve specific and main objectives, albeit with a different level of effectiveness and efficiency.

The analysis of the efficiency of the policy options suggests that the total benefits, which vary between the options from EUR 20 billion (PO-A), EUR 80.2 billion (PO-B) to EUR 97 billion (PO-C), outweigh the total costs ranging from EUR 1.9 billion (PO-A), through EUR 6.5 billion (PO-B) to EUR 15.1 billion (PO-C). PO-B shows the highest benefit-to-cost ratio (12.3), followed by PO-A (10.7) and PO-C (6.4).

Based on the comparison of the three policy options in terms of effectiveness, efficiency, coherence subsidiarity and proportionality, the impact assessment concludes that PO-B is the most suitable one. It is more effective in addressing all specific objectives than PO-A, with only slightly higher costs to be borne by Member State authorities in the short term. PO-B is slightly less effective than PO-C, in particular with regard to enforcement and incentivising the greening longer and/or heavier vehicles. However, PO-B appears to be more feasible and easier to implement than PO-C regarding the operational conditions for circulation of longer and/or heavier vehicles (including abnormal transport) and for control measures. PO-B ensures a balance between the objectives that must be achieved and the costs and proportionality of intervention, as well as ease of implementation.

The Directive directly contributes to the UN Sustainable Development Goal # 13 *('Take urgent action to combat climate change and its impacts')*[29], with 1,592.7 thousand tonnes of CO_2 emissions saved in 2030 and 54.6 thousand tonnes of CO_2 emissions saved in 2050. Cumulatively over 2025-2050, the proposal would reduce CO_2 emissions by 27.8 million tonnes (1.2% of the CO_2 emissions from freight transport). The external costs of CO_2 emissions, expressed as the current value over 2025-2050 relative to the baseline, are estimated to fall by EUR 3.5 billion. This reduction in CO_2 emissions is driven by the higher use of zero-emission HDVs, the shift to intermodal transport and decrease in the number of trips (driven by the increased payload). It also contributes to Sustainable Development Goal # 3 ('*Ensure healthy lives and promote well-being for all at all ages'*)[30] with 5.1 thousand tonnes of NOx emissions saved in 2030 and 0.7 thousand tonnes of NOx emissions saved in 2050, 1 thousand tonnes of particulate matter emissions saved in 2030 and 0.4 thousand

[29] https://sdgs.un.org/goals/goal13
[30] https://sdgs.un.org/goals/goal3

tonnes of NOx emissions saved in 2050, together with a reduction in the external costs of noise emissions of EUR 0.7 billion (expressed as the current value over 2025-2050 relative to the baseline) and 411 lives saved, cumulatively over 2025-2050, relative to the baseline. The lives saved (i.e. reduced fatalities from accidents) are enabled by the shift to intermodal transport and the decrease in the number of trips (driven by the increased payload).

- **Regulatory fitness and simplification**

This proposal is part of the 2022 Commission work programme under Annex II (REFIT initiative), under the heading 'A New Push for European Democracy'[31]. It has an important REFIT dimension in terms of simplifying and aligning the technical requirements and administrative procedures that Member States apply to longer and/or heavier vehicles traveling in their territories and in cross-border operations. The initiative will reduce the administrative burden for operators related to diverging and costly requirements for permits to transport abnormal or indivisible loads.

A significant cost burden resulting from the current Weights and Dimensions Directive consists in the implications for operators who are hindered from performing cross-border operations by longer and/or heavier vehicles that are allowed in two (or more) neighbouring Member States. Lack of clarity in the Directive's rules leads to diverging national interpretations as regards cross-border operations by these vehicles and results in a patchwork of practices. In some cases, operators are obliged to partially unload the vehicle before crossing the border, whereas in others they may freely cross the border based on bilateral arrangements between the two Member States. The initiative will remove the legal uncertainty over border crossing operations by longer and/or heavier vehicles (e.g. car transporters, EMS, 44-tonne HDVs) and the related administrative burden. In addition, by establishing common standards for the enforcement of cross-border rules, more legal certainty will be created for operators, manufacturers and authorities.

The introduction of harmonised rules and conditions for cross-border operations by vehicles that exceed certain weights and dimensions means that the initiative will simplify and improve the efficiency of the legislation overall. It will reduce regulatory burden for operators and contribute to the smooth, fair and safe functioning of the internal road transport market.

- **Application of the 'one in, one out' approach**

This approach consists of 'offsetting any new burden for citizens and businesses resulting from the Commission proposals by removing an equivalent existing burden in the same policy area'.

PO-B is expected to lead to administrative costs savings for road transport operators due to a reduction in the time needed to prepare and submit requests for the issuance of special permits for the transport of indivisible loads (EUR 1.2 billion, expressed as the current value over 2025-2050 relative to the baseline), enabled by the harmonisation of application forms and procedures. For the purpose of the 'one in, one out' approach, the annual administrative costs savings are estimated at EUR 71.8 million per year due to a reduction in the time needed to prepare and submit requests for the issuance of special permits for the transport of indivisible loads.

[31] COM (2021) 645 final EUR-Lex - 52021DC0645 - EN - EUR-Lex (europa.eu)

Fundamental rights

The proposal respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union[32]. It contributes to the objective of achieving a high level of environmental protection in accordance with the principle of sustainable development as laid down in Article 37 of the Charter.

4. BUDGETARY IMPLICATIONS

The proposal is expected to lead to adjustment costs for the Commission. These are linked to the establishment of technical and operational standards for information exchange on the transport of indivisible loads and to the development of Intelligent Access Policies (IAP) standards.

The establishment of technical and operational standards for information exchange on the transport of indivisible loads will be done in two steps. At first, a study will be carried out to compile the required elements and propose several options for the establishment of the standards. In a second stage, the findings of the study will be used to draft the standards with the help of an expert group. The cost of the initial study is estimated at EUR 400 000. Two in-person workshops will be needed. The average cost for a two-day workshop hosted by the Commission is estimated atEUR 30 000. The one-off adjustment costs are therefore estimated at EUR 460 000.

The development of IAP standards will also proceed in two steps. First, a study will be carried out followed by two workshops and elaboration of standards with the help of an expert group. The cost of the study is estimated at EUR 400 000. The average cost for a two-day workshop hosted by the Commission is estimated at EUR 30 000. Two of such in-person workshops will be needed. Compensation for the experts contributing to the meetings is estimated at EUR 5 000 for each meeting. Therefore, the one-off adjustment costs for PMc7 are estimated at EUR 470 000.

5. OTHER ELEMENTS

- **Implementation plans and monitoring, evaluation and reporting arrangements**

The Commission will monitor and evaluate the actual impact of the legislation through different actions and a set of indicators allowing it to measure progress in achieving specific and operational objectives. The monitoring actions include regular (2-yearly) reporting by Member States on the number and type (random, targeted and automated) of compliance controls performed and the number and category of infringements detected. Based on these national submissions the Commission will prepare 2-yearly reports for the European Parliament and the Council on implementation by the Member States of the rules on weights and dimensions of HDVs. It will draw conclusions on the compliance by Member States' with their enforcement obligations and on the observance by operators of the rules on weights of HDVs. Regular reporting will also help observe trends in compliance levels and in the effectiveness of enforcement activities and tools. The Commission will continue working with the Expert Group on Weights and Dimensions, which will help it identify and discuss cases of divergent interpretations of the EU rules on weight and dimensions and different national requirements and enforcement practices. The aim is to establish common approaches and issue guidance where needed. In addition, the monitoring and information systems that will be

[32] OJ C 326, 26.10.2012, p.391

established by Member States will help assess developments in the use of EMS and their operational domain, the level of transport of indivisible loads and national operational conditions.

- **Detailed explanation of the specific provisions of the proposal**

Article 1 amends Council Directive 96/53/EC. The main rules that substantially change the Directive or add new elements are the following:

Article 1(1)

Article 1 is amended to update the references to relevant legislation on the type-approval and market surveillance of vehicles and their trailers, and systems, components and separate technical units intended for such vehicles.

Article 1(2)

Article 2 is amended to align the definitions of 'trailer' and 'semi-trailer' and the procedures to measure the maximum authorised dimensions with those of the vehicle type-approval legislation, adding the key definitions of 'European Modular System' and 'vehicle transporter' and the definition of 'eFTI platform' pursuant to Regulation (EU) 1056/2020[33].

The definition of intermodal transport operation and necessary references to these kinds of transport in the revised version of Annex I is also amended to allow lorries, trailers and semi-trailers used in intermodal operations to benefit from the same extra weight allowances as for road vehicles that carry containers or swap bodies and are used in containerised intermodal transport. This will encourage road transport operators to also engage in non-containerised intermodal transport.

Article 1(3)

Article 4 is amended as follows:

- To provide legal clarity on the circulation of HDVs that exceed the weights and dimensions set in the Directive, paragraph 1, point (c) confirms that where Member States make use of national derogations allowed under paragraph 2, this does not automatically generate the right to cross-border operations by heavier and/or longer vehicles;
- Paragraph 3 reflects the fact that the transport of indivisible loads can also lead to excess in weights as well as excess in dimensions. Further on, it requires Member States to simplify and streamline the procedures for the issuance of national permits or the adoption of similar arrangements for the transport of indivisible loads in order to minimise the administrative burden for operators and avoid delays. It also introduces the obligation of cooperation between Member States with regard to the requirements on vehicle signalling or markings, and prevents disproportionate barriers in the form of national language requirements;

[33] Regulation (EU) 1056/2020 of the European Parliament and of the Council of 15 July 2020 on electronic freight transport information (OJ L 249, 31.7.2020, p. 33).

- A new paragraph 4a sets out the conditions for the circulation of European Modular Systems (EMS), which may be used outside of the trial schemes covered by paragraph 5, and without being confined to their role as a safeguard to ensure fair competition as set out in Article 4(4)(b). To ensure fair conditions of competition and non-discrimination, this new paragraph allows Member States to authorise EMS in national and international traffic provided that specific conditions are fulfilled, including the relevant information made available to road operators in a clear, accessible and transparent manner, namely via a single national information and communication system set by those Member States;
- The amendment to paragraph 5 allows for the extension of the geographical scope of trials aimed at testing, assessing and progressively introducing new technologies and schemes, including EMS, which could be conducted also across borders, strengthens their temporary nature and sets up a maximum period of 5 years for such trials with EMS. The new subparagraph provides that Member States must set up a monitoring system to take advantage at EU level of the lesson learnt from the technology tested in trials as well as ensure the comparability of the information gathered, including the impact of EMS;
- A new paragraph 5a empowers the Commission to define the minimum sets of data and performance indicators that will have to be provided by the national monitoring systems for monitoring the use of EMS and trials.

Article 1(4)

A new Article 4a is inserted, according to which Member States must set up and manage a national electronic information and communication system that provides a single point of access for operators to obtain all the necessary information to carry indivisible loads, use EMS in the Member States that allow them to do so and submit applications for obtaining permits for the transport of indivisible loads. To further facilitate the administrative procedures, this rule also sets out that the Commission may establish a common standard application form for operators of indivisible loads and further harmonise rules and procedures for the issuance of permits.

Article 1(5)

A new Article 4b removes artificial barriers to the cross-border movement of heavier lorries that prevent road transport from improving its operational, energy and environmental efficiency in the transition to zero-emission operations. It temporarily allows the use of 44-tonne HDVs running on fossil fuels in international road-only operationsbetween those Member States that accept such heavier vehicles in national operations. It also temporarily allows their use in intermodal transport, whereby the additional weight is allowed. The transition period is such that it ensures the sufficient availability of zero-emission HDVs in the market, providing operators with the necessary time to renew their current fleets. The date at which this temporary measure will expire is linked to the expected increase in the uptake of zero-emission vehicles, which are projected to be around 50% of the new registrations, according to the analysis in the Impact Assessment accompanying the Commission proposal to amend Regulation (EU) 2019/1242 (SWD(2023) 88 final).

Article 1(6)

An amended Article 6(1) updates the references to the applicable EU rules, whereas the amended paragraph 5 aligns the reference to the information that must be included in the proof of compliance with the maximum weights set out in Annex I.

A new paragraph 7 to Article 6 requires that the organiser of the intermodal transport operation makes available the relevant data on the carriage of freight via an electronic freight transport information (eFTI) platform in accordance with Regulation (EU) 2020/1056 and that this information is accessible to the relevant authorities.

Article 1(7)

An amended Article 8b updates the references to the applicable EU rules on type-approval legislation.

Article 1(8)

With limited potential to improve their energy performance, vehicle carriers with open bodies are currently allowed in the majority of Member States to exceed the maximum authorised length for overhanging loads, significantly increasing their loading capacity. A new Article 8c harmonises the rules on overhanging loads for these vehicles and confirms the lawfulness of their use in international transport.

Article 1(9)

An amended Article 9a(1) clarifies that the excess in maximum lengths provided for elongated cabs can be such that is can accommodate also zero-emission technologies, such as batteries and hydrogen tanks, in vehicles equipped with elongated cabs. It further updates the reference to the applicable EU rules on type-approval legislation contained in paragraph 2.

Article 1(10)

By replacing Article 10b, and also by including the necessary changes in the revised version of Annex I, the proposal sets out derogations from the maximum weights and dimensions of zero-emission HDVs that compensate for the weight and space of zero-emission propulsion systems and related equipment. Furthermore, with the amendments in Annex I, the proposal removes the condition that the maximum extra weight for zero-emission HDVs is limited to the weight of the zero-emission technology.

Article 1(11)

Article 10c is amended as a result of the addition of a new paragraph to Article 10b, so as to clarify that the possibility for the maximum lengths referred to in that provision are subject, where applicable, also to Article 10b(2).

Article 1(12)

Article 10d takes account of the minimum deployment of weigh-in-motion systems in the trans-European road transport network envisaged in the Commission's proposal for a Regulation on Union guidelines for the development of the trans-European transport network. This ensures external coherence between the two legal instruments and supports the enforcement requirements set out in this Article. Paragraph 2 of Article 10d also sets out a

minimum level of compliance controls to be performed by the Member States, including the controls at night time.

Article 1(13)

A new Article 10da sets out minimum common conditions for the voluntary deployment of Intelligent Access Policy schemes by the Member States and ensures that they are aligned with the legal framework set out under Directive 2010/40/EU, in particular on the exchange of relevant data in real-time. It further clarifies that these schemes are conceived as a tool to better enforce traffic rules and should not give rise to discriminatory or disproportionate restrictions on the free movement of goods and services that impede the smooth functioning of the internal market.

Article 1(14)

By amending Article 10f, and by including the necessary changes to Annex I, the maximum height of vehicles or vehicle combinations that carry containers with a standard external height of 9'6''ft (high cube containers) is increased to further facilitate the development of intermodal transport.

Article 1(15)

Article 10g specifies information that is necessary to evaluate the performance of the Directive in an adequate and regular manner, evaluate its impact on the transport system as a whole as well as monitor trials and schemes deployed in Member States to ensure that they benefit the EU, without creating an unnecessary or unjustified burden on the Member States. The Commission will introduce a standard reporting form in electronic format to facilitate the reporting obligations of Member States and ensure comparability of the information provided.

Article 1(16)

Article 10h(2) clarifies that the power to adopt delegated acts that is conferred on the Commission under that provision also covers the delegated acts referred to in Article 4(5a).

Article 1(17)

A new paragraph 4 in Article 10i provides a reference to the procedure that the Commission should follow to adopt implementing acts of immediate application, adequate for emergency provision.

Article 1(18)

Article 10j is deleted as the Commission has already fulfilled its obligation under this Article by publishing the report in question.

Article 1(19)

Article 10k introduces an emergency provision to provide the necessary flexibility for Member States to face crisis situations, including those taking place outside the EU. The emergency clause can be used temporarily to grant exceptions to the rules laid down in the Directive either by individual Member States or, when affecting more than one, by the Commission by means of implementing acts of immediate application.

Article 1(20)

Annex I is replaced to introduce necessary changes relating to certain values of certain types of HDVs, including the ones referred to above and concerning Articles 2, 10b and 10f(1), and to make the values laid down in the Annex clearer. The changes to the values concern the extra height for vehicles that carry high cube containers, the maximum weight of 5-axle motor vehicles, and the fixed amount of extra weight and extra axle weight for zero-emission vehicles.

Article 1(21)

Annex III is amended to update the reference to the applicable EU rules.

Article 2

A new indent (vi) is inserted to Article 2(1), point (a) of Regulation (EU) 2020/1056 to apply this Regulation to the regulatory information requirements set out in Article 6(6) of Directive 96/53/EC.

Article 3

Article 3 specifies the deadline for the transposition of the amended Directive by Member States.

Article 4

Article 4 sets out the date of entry into force of the amended Directive, on the twentieth day following that of its publication in the Official Journal of the European Union.

Article 5

Article 5 addresses the amended Directive to Member States.

2023/0265 (COD)

Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Council Directive 96/53/EC laying down for certain road vehicles circulating within the Community the maximum authorised dimensions in national and international traffic and the maximum authorised weights in international traffic

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee[34],

Having regard to the opinion of the Committee of the Regions[35],

Acting in accordance with the ordinary legislative procedure,

Whereas:

(1) Council Directive 96/53/EC[36], sets out the maximum permitted weights and dimensions of heavy-duty vehicles that can circulate on the Union's roads in order to ensure road safety and the smooth functioning of the internal market as well as foster the energy and operational efficiency of transport operations and reducing greenhouse gas emissions from those operations. The evaluation of Directive 96/53/EC has shown that it has only partially been effective in achieving its road safety, internal market and environmental objectives, and there is a need to adapt its provisions to reflect the technological developments and promote innovation, address the changing transport market challenges and contribute to the Union's policy priorities of decarbonisation of transport.

(2) The Commission's *Communication on a Sustainable and Smart Mobility Strategy putting European transport on track for the future*[37] makes it clear that in order to contribute to the achievement of the European Green Deal[38] objective of a 90% reduction in greenhouse gas emissions from transport by 2050, there is the need to make all transport modes more sustainable, make sustainable alternatives widely available in a multimodal transport system and put in place the right incentives to drive the transition to zero-pollution transportation system in the Union.

(3) By streamlining and clarifying the rules on weights and dimensions of road transport heavy-duty vehicles, it is necessary to address the energy and operational

34 OJ C , , p. .
35 OJ C , , p. .
36 OJ L 235, 17.9.1996, p. 59.
37 COM(2020)789 final.
38 COM(2019) 640 final.

inefficiencies of cross-border transport operations, provide strong incentives to operators for the uptake of zero-emission technologies while facilitating the use of the existing energy-saving solutions, and further support intermodal freight transport operations. To minimise administrative burdens, prevent distortion of competition and reduce risks to road safety and damage of road infrastructure certain requirements as to the use of heavier and longer vehicles should be harmonised and enforcement of the rules in force should be strengthened.

(4) To achieve these objectives, the right balance between economic efficiency, environmental sustainability, protection of road infrastructure and road safety aspects should be struck.

(5) The types of heavy-duty vehicles, as well as the weight values of those vehicles, have been defined with reference to the Union's legislation on the type-approval and market surveillance of vehicles and their trailers, and systems, components and separate technical units intended for such vehicles, in particular Regulation (EU) 2018/858[39]and (EU) 2019/2144[40] of the European Parliament and of the Council. It is therefore desirable to update the references to those relevant legal acts, in order to provide for clarity of the applicable legislative framework.

(6) The provisions of Directive 96/53/EU complement Council Directive 92/106/EEC[41] as regards promoting and supporting the growth of intermodal transport. The definition of intermodal transport operation should therefore be aligned with the terminology applied in Directive 92/106/EEC, in order to allow lorries, trailers and semi-trailers used in intermodal operations to benefit from the same extra weight allowances as in cases of road vehicles carrying containers or swap bodies and used in containerised intermodal transport. Such weight incentive should encourage road transport operators to engage also in non-containerised intermodal transport.

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39 Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) No 595/2009 and repealing Directive 2007/46/EC (OJ L 151, 14.6.2018, p. 1) and Regulation (EU) 2019/2144 Regulation (EU) 2019/2144 of the European Parliament and of the Council of 27 November 2019 on type-approval requirements for motor vehicles and their trailers, and systems, components and separate technical units intended for such vehicles, as regards their general safety and the protection of vehicle occupants and vulnerable road users, amending Regulation (EU) 2018/858 of the European Parliament and of the Council and repealing Regulations (EC) No 78/2009, (EC) No 79/2009 and (EC) No 661/2009 of the European Parliament and of the Council and Commission Regulations (EC) No 631/2009, (EU) No 406/2010, (EU) No 672/2010, (EU) No 1003/2010, (EU) No 1005/2010, (EU) No 1008/2010, (EU) No 1009/2010, (EU) No 19/2011, (EU) No 109/2011, (EU) No 458/2011, (EU) No 65/2012, (EU) No 130/2012, (EU) No 347/2012, (EU) No 351/2012, (EU) No 1230/2012 and (EU) 2015/166 (OJ L 325, 16.12.2019, p. 1).

40 Regulation (EU) 2019/2144 of the European Parliament and of the Council of 27 November 2019 on type-approval requirements for motor vehicles and their trailers, and systems, components and separate technical units intended for such vehicles, as regards their general safety and the protection of vehicle occupants and vulnerable road users, amending Regulation (EU) 2018/858 of the European Parliament and of the Council and repealing Regulations (EC) No 78/2009, (EC) No 79/2009 and (EC) No 661/2009 of the European Parliament and of the Council and Commission Regulations (EC) No 631/2009, (EU) No 406/2010, (EU) No 672/2010, (EU) No 1003/2010, (EU) No 1005/2010, (EU) No 1008/2010, (EU) No 1009/2010, (EU) No 19/2011, (EU) No 109/2011, (EU) No 458/2011, (EU) No 65/2012, (EU) No 130/2012, (EU) No 347/2012, (EU) No 351/2012, (EU) No 1230/2012 and (EU) 2015/166 (OJ L 325, 16.12.2019, p. 1).

41 Council Directive 92/106/EEC of 7 December 1992 on the establishment of common rules for certain types of combined transport of goods between Member States (OJ L 368, 17.12.1992, p. 38).

(7) To ensure a common understanding and uniform implementation of the provisions of this Directive in national and international traffic, it is necessary to clarify that the national derogations from certain maximum permitted weights and dimensions limits for certain types of vehicles circulating in national traffic do not automatically apply to vehicles used in cross-border operations.

(8) The transport of indivisible loads is an important market segment linked with the strategic areas of renewable energy, civil engineering and infrastructure, oil and gas, heavy industry and power generation sectors. Despite the recognised value of the existing European Best Practice Guidelines for Abnormal Transport, adopted by experts designated by the Member States, very little progress has been made towards the simplification and harmonisation of the rules and procedures to obtain permits for the transport of indivisible loads. Without prejudice to the right of Member States to establish the necessary conditions to ensure the safe transport of indivisible loads in their territories, Member States should cooperate to harmonise, to the extent possible, those requirements to avoid the multiplication of diverging conditions serving the same purpose. Member States should also ensure that national requirements are proportionate and non-discriminatory, refraining from imposing unjustified requirements such as fluency in the national language of the Member State concerned. To reduce administrative burden for operators and to ensure efficient, fair and safe operations, it is crucial to put in place a transparent, harmonised, user-friendly system for obtaining permits.

(9) European Modular Systems (EMS) have been used and trialled at length and have proven to be an interesting solution to improve the economic and energy efficiency of transport operations, while ensuring road safety and protection of infrastructure, thanks to their confinement to adequate parts of the road networks. Given national specificities, different economic interests, transportation needs and diverse transport infrastructure capacities in Member States, they are best placed to assess and authorise the circulation of EMS on their territories. At the same time, to enlarge the positive socio-economic and environmental impacts of the use of EMS, it is crucial to remove unnecessary barriers to their use in cross-border operations between neighbouring Member States that allow such vehicle combinations on their territories, without limitation in the number of borders crossed as long as they comply with the maximum authorised weights and dimensions for EMS established by Member States within their respective territories. This is to ensure that EMS used in cross-border operations comply with the common lowest weight and dimension limit for EMS applicable in those Member States. In the interests of safety of operations, transparency and legal clarity, common conditions should be established for the circulation of EMS in national and international traffic, including providing clear information on the weights and dimensions limits for EMS and on parts of the road network compatible with specifications of such vehicles, and monitoring the impacts of the use of EMS on road safety, on the road infrastructure, on modal cooperation, as well as the environmental impacts of European Modular Systems on the transport system, including the impacts on modal share.

(10) Member States should continue to be allowed to run trials on a temporary basis. Indeed, new technologies allowing for in-motion charging, such as solar panels, pantographs and electric roads, or the progressive introduction of EMS in Member States, may require exceeding the maximum weights and dimensions in a testing environment, including in cross-border sections of the road network. Therefore, Member States should continue to be allowed to conduct such trials and be able to test

the compatibility of new technologies and concepts across borders. The temporary and innovative nature of trials needs to be clarified by setting up a maximum period of time to conduct them. At the same time, the number of trials of new technologies and innovative schemes should not be restricted to avoid hampering innovation. Member States should regularly monitor and assess the performance and impacts of testing the new technologies and new concepts on road safety, on the road infrastructure, on modal cooperation, as well as the environmental impacts on the transport system, such as impacts on the modal share.

(11) The transport of indivisible loads carried out by vehicles or vehicle combinations exceeding the maximum weights or dimensions and the use of EMS, given their needs for additional safety features and for suitable infrastructure, require that special attention is given to elements such as transparency of relevant information, legal certainty and harmonisation of the permit processes. It is therefore necessary for Member States to establish a single electronic information and communication system containing all the relevant information regarding the operational and administrative conditions for the transport of indivisible loads and for the use of EMS, in a clear and easily accessible manner. This national system should also enable the operators to obtain the information and submit electronically the application, in a standardised format, for special permits for the carriage of indivisible loads in the Member State concerned.

(12) The artificial barriers to the cross-border transport of heavier lorries primarily used in long distance transport (such as vehicle combinations with 5 and 6 axles), should be removed in a harmonised way to take advantage in the short term of the operational, energy and environmental efficiency linked to the greater loading capacity granted by the Member States, including for intermodal transport. To effectively drive the transition towards zero-emission mobility, it is necessary to phase out the use of such heavier lorries running on fossil fuels, as of 2035, when the market penetration of zero-emission HDVs is projected to increase significantly up to around 50% of new HDV registrations. After the phasing out, heavier lorries should continue to be allowed in national traffic while, in international traffic, they should comply with the maximum authorised weights set up in Annex I to Directive 96/53/EC, which limits the extra weight allowance to zero-emission vehicles and to vehicles involved in an intermodal transport operation.

(13) The proof of compliance of vehicles with the values set out in Directive 96/53/EC should contain comprehensive information in accordance with the updated Union's rules on uniform procedures and technical specifications for the type-approval of vehicles. The references to the applicable Union rules should therefore be updated, in order to include a specific reference to Commission Implementing Regulation (EU) 2021/535[42]. The information that should be included in the proof of compliance should further be aligned with the maximum weights authorised under Directive 96/53/EC. Controlling intermodal nature of a transport operation, as defined in Article 2, can be particularly challenging in non-containerised transport. To ensure that extra weight allowance for heavy-duty vehicles involved in intermodal transport operations is used

[42] Commission Implementing Regulation (EU) 2021/535 of 31 March 2021 laying down rules for the application of Regulation (EU) 2019/2144 of the European Parliament and of the Council as regards uniform procedures and technical specifications for the type-approval of vehicles, and of systems, components and separate technical units intended for such vehicles, as regards their general construction characteristics and safety (OJ L 117, 6.4.2021, p. 1).

appropriately it is necessary that operators provide a proof of intermodal nature of the operation. The platforms for digital transport data established pursuant Regulation (EU) 1056/2020 of the European Parliament and of the Council[43] ('eFTI platforms') provide a suitable tool as they are built to include the regulatory information requirements, set in Article 3 and 7 of Directive 92/106/ECC. Therefore, the use of an eFTI platform should be made mandatory to record and make available relevant transport information, with regards to transport modes used to carry the cargo.

(14) Vehicle carriers with open bodies have very limited potential to reduce their energy consumption via improved aerodynamics. Diverging national rules on the overhanging of loads on vehicle carriers cause distortions of competition and limit significantly their potential to improve operational efficiency and energy performance in international traffic. Therefore it is necessary to harmonise rules on the overhanging of loads of vehicle carriers with open bodies, so as to ensure that these objectives are properly met.

(15) Heavy-duty vehicles with elongated cabs have started making their entrance on the market, paired with zero-emission propulsion systems. Using zero-emission propulsion systems requires, depending on the technology, extra space which should not be counted at the expense of the effective load of the vehicle, so that the zero-emission road transport sector is not penalised in economic terms. It should thus be clarified that the excess in the maximum lengths provided for the elongated cabs can be such that it provides space needed for accommodating zero-emission technology, such as batteries and hydrogen tanks, provided that the safety, efficiency and comfort features of aerodynamic cabs are not jeopardized.

(16) Similarly to the need for extra space, current standards are also not suitable to compensate for the extra weight of zero-emission heavy-duty vehicles, in particular in long distance transport. Additional weight and axle weight are necessary for zero-emission vehicle combinations, as well as to the most common passenger vehicles in use in the Union. Lighter technologies and better aerodynamics will render the use of zero-emission propulsion systems more efficient (for example, to allow for longer range travelled and longer battery life) by reducing their energy consumption. To provide additional incentives to the deployment of zero-emission heavy-duty vehicles, to promote technological development, as well as the equipment of vehicles with improved aerodynamics, extra weight allowances should therefore be disconnected from the weight of the zero-emission technology.

(17) Effective, efficient, and consistent enforcement of the rules is of utmost importance to ensure undistorted competition between operators and eliminate risks to road safety and to road infrastructure posed by vehicles unlawfully exceeding the applicable weights or dimensions. To better target roadside controls at overloaded vehicles, and if they choose to use automatic systems on the road infrastructure, Member States should ensure as a minimum the deployment of such systems in the trans-European road transport network. Moreover, for reliability and consistency of the enforcement across the Union, the mandatory minimum level of controls to be performed by Member States should be established in proportion to the level of traffic on their territories by

[43] Regulation (EU) 1056/2020 of the European Parliament and of the Council of 15 July 2020 on electronic freight transport information (OJ L 249, 31.7.2020, p. 33).

the vehicles within scope of this Directive, including an appropriate number of controls during night hours.

(18) To further step up enforcement and monitoring of the circulation of heavy-duty vehicles on the Union's roads, reduce congestion, enhance road safety, reduce risks of damage to infrastructure and promote sustainable transport operations, Member States should be encouraged to establish Intelligent Access Policy schemes that ensure compliance with rules on the maximum authorised weights and dimensions. When establishing such schemes, Member States should apply minimum common requirements to guarantee harmonisation and interoperability across de EU, in particular as regards accessibility and format of relevant data to be exchanged. The schemes should help to ensure that the right vehicle with the right cargo, operates on the right road, and at the right time to secure minimum impact on environment, infrastructure, human health and safety, and society. The establishment of such schemes should make use of advanced intelligent transport systems, such as vehicle-to-infrastructure communication, vehicle-to-network communication, real-time data sharing and remote monitoring, in order to ensure safe and smooth traffic of heavy-duty vehicles and they should not lead to disproportionate or discriminatory traffic restrictions.

(19) To promote the growth of multimodal transportation system, containerised transport should be further facilitated by allowing extra height to road vehicles to transport high-cube containers.

(20) The European Parliament and the Council should be regularly informed of the results of the checks of compliance carried out by the Member States' competent authorities, on the deployment and the use of enforcement tools and monitoring systems, in particular in the context of assessing the operational, safety and environmental impacts of the use of heavier and/or longer vehicles, including modular vehicle combinations. This information, provided by the Member States, should enable the Commission to monitor the market developments and compliance with Directive 96/53/EC. To facilitate for Member States the submission of the necessary information to the Commission and to ensure uniformity and comparability of data, enabling to monitor compliance and evaluate the overall performance of Directive 96/53/EC, it is desirable that the Commission establishes a uniform user-friendly reporting format.

(21) To enable a swift response of the road transport sector to any crisis, such as natural disasters, pandemics, military conflicts or infrastructure failures, there is a need to introduce an emergency clause to Directive 96/53/EC, which enables temporarily the circulation of heavy-duty vehicles exceeding the maximum permitted weights and/or dimensions, in order to ensure a continued supply of necessary goods and services. Such exceptional clause should be applied only where the public interest requires it, and provided that road safety is not thereby jeopardised.

(22) In order to ensure that the monitoring systems to be set up by the Member States for assessing the impacts of EMS and trials comply with minimum harmonised requirements, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission to supplement Directive 96/53/EC in respect of determining the minimum sets of data and/or performance indicators to be provided by those monitoring systems. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional

Agreement on Better Law-Making of 13 April 2016[44]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

(23) In order to ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission to establish a common standard application form and harmonise the rules and procedures for the issuing of national permits or similar arrangements for vehicles or vehicle combinations which exceed the maximum weights and/or dimensions and are intended to carry indivisible loads, to establish a standard reporting format for Member States to comply with their reporting obligations, and to establish temporary exceptions from the application of the weights and dimensions limits used in international traffic between Member States affected by a crisis. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[45].

(24) Taking into account the many amendments to Annex I to Directive 96/53/EC relating to the need to provide additional incentives to the deployment of zero-emission heavy-duty vehicles, to the need to harmonise the maximum weight of 5-axle motor vehicles and to the need to promote intermodal transport, it is appropriate, for reasons of clarity, to replace it.

(25) In order to add the information requested under Directive 96/53/EC to the scope of Regulation (EU) 2020/1056 that Regulation needs to be amended.

(26) Since the objectives of this Directive, namely ensuring road safety, fostering sustainable and efficient transport operations, and promoting the functioning of the internal market, cannot be sufficiently achieved by the Member States, but can rather, by reasons of the cross-border nature of road transport and of the problems this Directive is intended to address, be better achieved at the Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.

(27) In accordance with the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents[46], Member States have undertaken to accompany, in justified cases, the notification of their transposition measures with one or more documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments. With regard to this Directive, the legislator considers the transmission of such documents to be justified.

(28) Directive 96/53/EC should therefore be amended accordingly,

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44 OJ L 123, 12.5.2016, p. 1.

45 Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

46 OJ C 369, 17.12.2011, p. 14.

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Amendments to Directive 96/53/EC

Directive 96/53/EC is amended as follows:

(1) Article 1 is amended as follows:

(a) in paragraph 1, point (a) is replaced by the following:

‘(a) the dimensions of motor vehicles in categories M_2 and M_3 and their trailers in category O and motor vehicles in categories N_2 and N_3 and their trailers in categories O_3 and O_4, as classified in Article 4 of Regulation (EU) 2018/858 of the European Parliament and of the Council*;’;

(b) paragraph 2 is replaced by the following:

‘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 are laid down in Regulation (EU) 2019/2144 of the European Parliament and of the Council**.’;

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* Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) No 595/2009 and repealing Directive 2007/46/EC (OJ L 151, 14.6.2018, p. 1).

** Regulation (EU) 2019/2144 of the European Parliament and of the Council of 27 November 2019 on type-approval requirements for motor vehicles and their trailers, and systems, components and separate technical units intended for such vehicles, as regards their general safety and the protection of vehicle occupants and vulnerable road users, amending Regulation (EU) 2018/858 of the European Parliament and of the Council and repealing Regulations (EC) No 78/2009, (EC) No 79/2009 and (EC) No 661/2009 of the European Parliament and of the Council and Commission Regulations (EC) No 631/2009, (EU) No 406/2010, (EU) No 672/2010, (EU) No 1003/2010, (EU) No 1005/2010, (EU) No 1008/2010, (EU) No 1009/2010, (EU) No 19/2011, (EU) No 109/2011, (EU) No 458/2011, (EU) No 65/2012, (EU) No 130/2012, (EU) No 347/2012, (EU) No 351/2012, (EU) No 1230/2012 and (EU) 2015/166 (OJ L 325, 16.12.2019, p. 1).’;

(2) Article 2 is amended as follows:

(a) in the second indent, the definition of ‘trailer’ is replaced by the following:

‘— ‘trailer’ shall mean a vehicle as defined in Article 3(17) of Regulation (EU) 2018/858,’;

(b) in the third indent, the definition of ‘semi-trailer’ is replaced by the following:

‘— ‘semi-trailer’ shall mean a vehicle as defined in Article 3(33) of Regulation (EU) 2018/858,’;

(c) the following definition is inserted after the definition of ‘vehicle combination’:

‘— ‘European Modular System’ shall mean a motor vehicle or vehicle combination coupled to one or more trailers or semitrailers where the total combination exceeds the

maximum authorised length and may exceed the maximum authorised weights laid down in Annex I and where the individual motor vehicle, trailer(s) and semitrailer(s) do not exceed the weights or dimensions laid down in Annex I,';

(d) the following definition is inserted after the definition of 'conditioned vehicle':

'— 'vehicle transporter' shall mean a vehicle combination which is constructed or permanently adapted for carrying other vehicle(s),';

(e) in the fourteenth indent, the definition of 'alternatively fuelled vehicle' is replaced by the following:

'— 'alternatively fuelled vehicle' shall mean a motor vehicle powered wholly by an alternative fuel and which has been approved under the framework of Regulation (EU) 2018/858,';

(f) in the fifteenth indent, the definition of 'intermodal transport operation', point (a) is replaced by the following:

'(a) the combined transport operations defined in Article 1 of Council Directive 92/106/EEC*; or';

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* Council Directive 92/106/EEC of 7 December 1992 on the establishment of common rules for certain types of combined transport of goods between Member States (OJ L 368, 17.12.1992, p. 38).';

(g) the following definition is inserted after the definition of 'shipper':

'— 'eFTI Platform' shall mean a freight transport information platform established pursuant Regulation (EU) 2020/1056 of the European Parliament and of the Council*,';

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* Regulation (EU) 2020/1056 of the European Parliament and of the Council of 15 July 2020 on electronic freight transport information (OJ L 249, 31.7.2020, p. 33).';

(h) the second subparagraph is replaced by the following:

'All maximum authorised dimensions specified in Annex I shall be checked against the corresponding declared values for the specific vehicle in the information document accompanying the EU Whole Vehicle Type Approval, drawn up in accordance with Annex I to Commission Implementing Regulation (EU) 2020/683*, with no positive tolerances.';

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* Commission Implementing Regulation (EU) 2020/683 of 15 April 2020 implementing Regulation (EU) 2018/858 of the European Parliament and of the Council with regards to the administrative requirements for the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (OJ L 163, 26.5.2020, p. 1).';

(3) Article 4 is amended as follows:

(a) in paragraph 1, the following point (c) is added:

'(c) of vehicles or vehicle combinations for the international transport of goods or passengers which are not in conformity with the characteristics set out in Annex I.';

(b) paragraph 3 and 4 are replaced by the following:

‘3. Vehicles or vehicle combinations which exceed the maximum weights and/or dimensions may only be allowed to circulate on the basis of special permits issued by the competent authorities, or on the basis of similar arrangements agreed on a case-by-case basis with those authorities, where those vehicles or vehicle combinations carry or are intended to carry indivisible loads.

Member States shall ensure that the procedure for obtaining permits or similar arrangements for the transport of indivisible loads is smooth, efficient and non-discriminatory, by minimising administrative burdens and avoiding unnecessary delays.

Member States shall guarantee that the conditions under which the permits or similar arrangements related to the transport of indivisible loads are issued are proportionate and non-discriminatory. In particular, Member States shall cooperate to avoid the multiplicity of vehicle markings and signalling, and to favour the use of pictograms over text. Member States shall not impose language requirements related to the transport of indivisible loads.

4. Member States may allow vehicles or vehicle combinations used for transport which carry out certain national transport operations that do not significantly affect international competition in the transport sector to circulate in their territory with dimensions deviating from those laid down in points 1.1, 1.2, 1.4 to 1.8, 4.2 and 4.4 of Annex I.

Transport operations shall be considered not significantly to affect international competition in the transport sector if one of the following conditions is fulfilled:

(a) the transport operations are carried out in a Member State's territory by specialized vehicles or specialized vehicle combinations in circumstances in which they are not normally carried out by vehicles from other Member States, e.g. operations linked to logging and the forestry industry;

(b) the Member State which permits transport operations to be carried out in its territory by vehicles or vehicle combinations with dimensions deviating from those laid down in Annex I also permits the circulation of European Modular Systems pursuant to paragraph 4a, so as to achieve at least the loading length authorised in that Member State, and so that every operator may benefit from equal conditions of competition.

(c) the following paragraph 4a is inserted:

‘4a. Member States may allow the circulation in their territories in national and international traffic of European Modular Systems subject to all of the following conditions:

(a) the Member States shall make publicly available, in an accessible and transparent way, the information related to the maximum weights and dimensions applicable to the circulation of European Modular Systems in their territories;

(b) the Member States shall make publicly available, in an accessible and transparent way, the information related to the part of the road network where European Modular Systems can circulate;

(c) the Member States shall ensure the connectivity of the part of the network where European Modular Systems can circulate in their territories with the road network of neighbouring Member States that also allow the circulation of European Modular Systems, in order to enable cross-border traffic;

(d) the Member States shall set a monitoring system and assess the impact of European Modular Systems on road safety, on the road infrastructure, on modal cooperation, as well as the environmental impacts of European Modular Systems on the transport system, including the impacts on modal split.

Whenever a Member State allows, pursuant to this paragraph, the circulation of European Modular Systems in national traffic, it may not reject or prohibit the circulation in its territory of European Modular Systems in international traffic, provided that such systems do not exceed the maximum weights and dimensions set for European Modular Systems in national traffic.

Member States shall inform the Commission in case they allow the circulation in their territories of European Modular Systems.';

(d) paragraph 5 is replaced by the following:

'5. Member States may allow for a limited period of time trials of vehicles or vehicle combinations incorporating new technologies or new concepts which cannot comply with requirements of this Directive. Such vehicles or vehicle combinations shall be allowed to carry out certain national or international transport operations for the trial period. In particular, trials with European Modular Systems shall be allowed for a maximum of five years. The number of trials shall not be limited. Member States shall inform the Commission thereof.

Member States shall set a monitoring system and assess the impact of the trials referred to in the first subparagraph on road safety, on the road infrastructure and on modal cooperation, as well as the environmental impacts on the transport system, including the impacts on modal split.';

(e) the following paragraph 5a is inserted:

'5a. The Commission shall be empowered to adopt delegated acts in accordance with Article 10h to supplement this Directive by determining the minimum sets of data and the performance indicators to be provided by the monitoring systems set up by the Member States as referred to in paragraphs 4a, point (d), and 5 of this Article.';

(f) paragraph 7 is deleted;

(4) the following Articles 4a and 4b are inserted:

'*Article 4a*

1. Member States shall establish and manage an electronic information and communications system with at least the following 'one-stop-shop' functions:

(a) a single national entry point through which the applicant shall submit its application for the special permit or similar arrangement as laid down in Article 4(3) in a standardised format;

(b) a single national access point for the applicants to obtain the information on the requirements for applying for special permits or similar arrangements as laid down in

Article 4(3) and to the necessary information to plan their routes in a clear, accessible, and transparent manner;

(c) a single national access point for the operators of European Modular Systems to the information referred to in Article 4(4a), points (a) and (b), where relevant.

2. The Commission may adopt implementing acts establishing a common standard application form and harmonising the rules and procedures for the issuing of national permits or similar arrangements referred to in paragraph 1 of this Article and in Article 4(3). Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 10i(2).

'*Article 4b*

1. Whenever a Member State, pursuant to Article 4(2), point (a), allows the circulation within its territory of vehicle combinations with a maximum weight exceeding the limits set out in points 2.2.1 or 2.2.2 of Annex I, it may not reject or prohibit the use in its territory in international traffic of those vehicle combinations complying with the weight values set for the national transport of goods, provided that such vehicle combinations do not have a maximum authorised weight exceeding 44 tonnes.

2. By way of derogation from paragraph 1, the 44 tonnes-weight limit set out in paragraph 1 may be exceeded in case the Member State allows higher weight values to those vehicle combinations when involved in an intermodal transport operation.

3. In view of the expected increase in the uptake of zero-emission vehicles, this Article shall apply until 31 December 2034.';

(5) Article 6 is amended as follows:

(a) paragraph 1 is replaced by the following:

'1. Member States shall take the necessary measures to ensure that the vehicles referred to in Article 1 and complying with this Directive carry one of the following proofs:

(a) a combination of the following two plates:

– (i) the 'manufacturer's statutory plate' established and attached in accordance with Annex II to Commission Implementing Regulation (EU) 2021/535*,

– (ii) the plate relating to dimensions, in accordance with Annex III to this Directive, established and attached in accordance with Annex II to Implementing Regulation (EU) 2021/535;

(b) a single plate established and attached in accordance with Annex II to Implementing Regulation (EU) 2021/535 and containing the information on the two plates referred to in point (a) of this paragraph;
(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 point (a). It shall be kept in a place easily accessible to inspection and shall be adequately protected.';

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* Commission Implementing Regulation (EU) 2021/535 of 31 March 2021 laying down rules for the application of Regulation (EU) 2019/2144 of the

European Parliament and of the Council as regards uniform procedures and technical specifications for the type-approval of vehicles, and of systems, components and separate technical units intended for such vehicles, as regards their general construction characteristics and safety (OJ L 117, 6.4.2021, p. 1).';

(b) paragraph 5 is replaced by the following:

'5. The middle column of the proof of compliance relating to weights shall contain, where appropriate, the Union weight standards applicable to the vehicle in question.;

(c) the following paragraph 7 is added:

'7. For a transport operation to qualify as an intermodal transport operations for the purpose of this directive, the shipper or, if different from the shipper, the undertaking which organises the intermodal transport operation, shall ensure that the documents referred to under Articles 3 and 7 of Directive 92/106/ECC, as appropriate, are recorded and made available on an eFTI platform in accordance with Regulation (EU) 2020/1056. Such information shall be accessible to competent authorities, on the same eFTI platform where the transport information was recorded, in accordance with Regulation (EU) 2020/1056.'

(6) Article 8b is amended as follows:

(a) paragraphs 1 and 2 are replaced by the following:

'1. With the aim of improving their energy efficiency, vehicles or vehicle combinations which are equipped with aerodynamic devices meeting the requirements laid down in paragraphs 2 and 3, and which comply with Regulation (EU) 2018/858, may exceed the maximum lengths provided for in point 1.1 of Annex I to this Directive, to allow the addition of such devices to the rear of vehicles or vehicle combinations. Vehicles or vehicle combinations equipped with such devices shall comply with point 1.5 of Annex I to this Directive, and any exceeding of the maximum lengths shall not result in an increase in the loading length of those vehicles or vehicle combinations.

2. Before being placed on the market, the aerodynamic devices referred to in paragraph 1 shall be type-approved in accordance with the rules on type-approval within the framework of Regulation (EU) 2018/858 and Implementing Regulation (EU) 2021/535.';

(b) paragraph 5 is deleted;

(7) the following Article 8c is inserted:

'*Article 8c*

Vehicle transporters with open bodies may exceed the maximum lengths laid down in point 1.1 of Annex I while loaded, up to a total of 20,75 meters, using authorised load supports.

The overhang or load support of vehicle transporters may not protrude in relation to the load. The load may protrude in front of the towing vehicle up to a maximum of 0,5 meters, provided that the first axle of the transported vehicle rests on the trailer

structure. The load may protrude from behind up to a maximum of 1,5 meters, provided that the last axle of the transported vehicle rests on the trailer structure.';

(8) Article 9a is amended as follows:

(a) paragraph 1 and 2 are replaced by the following:

'1. Vehicles or vehicle combinations which comply with Regulation (EU) 2018/858 may exceed the maximum lengths laid down in point 1.1 of Annex I to this Directive provided that their cabs deliver improved aerodynamic performance, energy efficiency and safety performance. Any excess of the maximum lengths allowed under this Article may also be used to install zero-emission technology. Vehicles or vehicle combinations equipped with such cabs shall comply with point 1.5 of Annex I to this Directive and any exceeding of the maximum lengths shall not result in an increase in the load capacity of those vehicles.

2. Before being placed on the market, the vehicles referred to in paragraph 1 shall be approved in accordance with the rules on type-approval within the framework of Regulation (EU) 2018/858 and Implementing Regulation (EU) 2021/535.';

(b) paragraph 3 is deleted;

(9) Article 10b is replaced by the following:

'*Article 10b*

1. The maximum authorised weights and axle weights of alternatively fuelled or zero-emission vehicles shall be those set out in points 2.2., 2.3, 2.4, 3.4.2 and 3.4.3 of Annex I.

The additional weight required by alternatively fuelled vehicles other than zero-emission vehicles shall be defined on the basis of the documentation provided by the manufacturer when the vehicle in question is approved. That additional weight shall be indicated in the official proof required in accordance with Article 6.

The Commission shall be empowered to adopt delegated acts in accordance with Article 10h to supplement this Directive by updating the list of alternative fuels referred to in Article 2 that require additional weight. It is of particular importance that the Commission follow its usual practice and carry out consultations with experts, including Member States' experts, before adopting those delegated acts.'.

2. The maximum lengths laid down in point 1.1 of Annex I for zero-emission vehicles or vehicle combinations including zero-emission vehicles may be exceeded by the additional length necessary to accommodate the zero-emission technology, with a maximum of 90 cm, to allow the addition of such devices. Such zero-emission vehicles or vehicle combinations shall comply with points 1.5 and 1.5a of Annex I to this Directive, and any exceeding of the maximum lengths shall not result in an increase in the loading length of those vehicles or vehicle combinations, in order to ensure the compatibility of trailers and semi-trailers with the requirements for intermodal transport operations.

The additional length required by zero-emission vehicles shall be defined on the basis of the documentation provided by the manufacturer when the vehicle in question is approved. That additional length shall be indicated in the official proof required in accordance with Article 6.'.

(10) Article 10c is replaced by the following

(11) ‘Article 10c

(12) The maximum lengths laid down in point 1.1 of Annex I, subject where applicable to Article 9a(1) and 10b(2), and the maximum distance laid down in point 1.6 of Annex I, may be exceeded by 15 cm for vehicles or vehicle combinations engaged in the transport of 45-foot containers or 45-foot swap bodies, empty or loaded, provided that the road transport of the container or swap body in question is part of an intermodal transport operation.’;

(13) Article 10d is amended as follows:

(a) paragraphs 1 and 2 are replaced by the following:

‘1. Member States shall take specific measures to identify vehicles or vehicle combinations in circulation that are likely to have exceeded the maximum authorised weight and that should therefore be checked by their competent authorities in order to ensure compliance with the requirements of this Directive. Those measures may be taken with the aid of automatic systems set up on the road infrastructure, or by means of on-board weighing equipment installed in vehicles in accordance with paragraph 4.

If a Member State chooses to set up automatic systems on the road infrastructure, it shall ensure as a minimum the deployment of such systems in the trans-European road transport network set out in Regulation (EU) 1315/2013*.

A Member State shall not require on-board weighing equipment to be installed on vehicles or vehicle combinations which are registered in another Member State.

Without prejudice to Union and national law, where automatic systems are used to establish infringements of this Directive and to impose penalties, such automatic systems shall be certified. Where automatic systems are used only for identification purposes, they need not be certified.

2. Each Member State shall carry out each calendar year at least six checks per one million vehicle-kilometres travelled by vehicles or vehicle combinations used for the transport of goods and falling within the scope of this Directive in its territory on the weights of those vehicles or vehicle combinations, irrespective of the country of registration of such vehicles or of the country where such vehicles were put into circulation. The compliance checks shall include an appropriate number of checks performed at night time.’;

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* Regulation (EU) No 1315/2013 of the European Parliament and of the Council of 11 December 2013 on Union guidelines for the development of the trans-European transport network and repealing Decision No 661/2010/EU (OJ L 348, 20.12.2013, p. 1).

(b) in paragraph 5, the first subparagraph is replaced by the following:

(c) ‘5. The Commission shall adopt implementing acts, laying down detailed provisions ensuring uniform conditions for the implementation of the rules on interoperability and compatibility set out in paragraph 4.’;

(14) the following Article 10da is inserted:

‘*Article 10da*

1. Member States may implement Intelligent Access Policy (IAP) schemes within their territories to regulate, monitor and ease the access by heavy-duty vehicles to specific roads or areas.

For the purposes of this Article, an 'intelligent access policy' shall mean a technical and functional framework to manage heavy-duty vehicle access to the road network, through the use of telematics, to ensure compliance with the applicable rules on weights and dimensions.

2. When a Member State implements IAP pursuant to paragraph 1, it shall ensure that their IAP schemes comply with Directive 2010/40/EU of the European Parliament and of the Council*. In particular, Member States shall ensure that data related to the IAP scheme and falling within the scope of Directive 2010/40/EU, including weight, length, width or height restrictions, are available in digital machine-readable format and made accessible via the National Access Points established under Delegated Regulation (EU) 2022/670**.

3. When a Member State implements IAP schemes pursuant to paragraph 1, it shall:

(a) define the criteria for granting access to heavy-duty vehicles, including but not limited to vehicle weight, length, technical specifications, and compliance with specific safety standards;
(b) favour the use of advanced intelligent transport systems to enhance safety and efficiency and reduce congestion in road transport operations affected by the IAP schemes;
(c) establish a comprehensive information and communication system to inform operators of heavy-duty vehicles about the IAP scheme requirements, application procedures, and any updates or changes to the scheme;

4. The establishment of IAP schemes by a Member State shall not give rise to discriminatory or disproportionate restrictions on the free movement of goods and services and shall not unduly impede the smooth functioning of the internal market.

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* Directive 2010/40/EU of the European Parliament and of the Council of 7 July 2010 on the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other modes of transport (OJ L 207, 6.8.2010, p. 1).

** Commission Delegated Regulation (EU) 2022/670 of 2 February 2022 supplementing Directive 2010/40/EU of the European Parliament and of the Council with regard to the provision of EU-wide real-time traffic information services (OJ L 122, 25.4.2022, p. 1).'

(15) in Article 10f(1), point (a) is replaced by the following:

'(a) the shipper to give to the haulier to whom it entrusts the transport of a container or swap body a statement indicating the weight and the height of the container or swap body transported; and';

(16) Article 10g is replaced by the following:

'*Article 10g*

1. Every 2 years, and at the latest by 30 September of the year following the end of the 2-year period concerned, Member States shall send to the Commission the necessary information concerning:

(a) the number of checks carried out in the previous 2 calendar years;
(b) the number of overloaded vehicles or vehicle combinations detected;
(c) the number and location of automatic systems set up on the road infrastructure pursuant to Article 10d(1), and whether they are for identification purposes only or certified for direct enforcement;
(d) the implementation and effectiveness of IAP schemes set up in accordance with Article 10da,;
(e) the number of national permits issued for abnormal transport pursuant to Article 4(3) and their duration (one-off permits or long-term permits);
(f) the results of the assessments carried out pursuant to Article 4(4a), point (d), and Article 4(5).

This information shall be disaggregated per year.

2. The Commission shall analyse the information received pursuant to paragraph 1, and on the basis of the information received, present a report to the European Parliament and the Council on the implementation of this Directive, no later than 13 months after receiving the information from all Member States. Such report shall include information on relevant developments in the fields in question.

3. The Commission, by means of implementing acts, shall establish a standard reporting form in electronic format to be used by Member States for submitting to the Commission the information referred to in paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 10i(2).';

(17) in Article 10h, paragraph 2 is replaced by the following:

'2. The power to adopt delegated acts referred to in Articles 4(5a) and 10b(1) shall be conferred on the Commission for a period of 5 years from [*PO please insert date of entry into force of this Directive*]. The Commission shall draw up a report in respect of the delegation of power not later than 9 months before the end of the 5-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than 3 months before the end of each period.';

(18) In Article 10i, the following paragraph 4 is inserted:

'4. Where reference is made to this paragraph, Article 8 of Regulation (EU) 182/2011 shall apply.;

(19) Article 10j is deleted;

(20) the following Article 10k is inserted:

'*Article 10k*

In case of a crisis, where the public interest requires it, and provided that road safety is not thereby jeopardised, Members States may grant temporary exceptions from the application of the weights and dimensions limits set out in Annex I for vehicles used in national traffic, for a period not exceeding two months.

Any such exception shall be duly reasoned and notified immediately to the Commission. The Commission shall immediately publish the information on the granted exception on its official website.

Where a crisis affects several Member States, the Commission may adopt implementing acts in order to establish temporary exceptions from the application of the weights and dimensions limits set out in Annex I for vehicles used in international traffic between affected Member States. The period of such exception may not exceed six months, and may be renewed only where the crisis persists. Such implementing acts shall be adopted in accordance with the procedure referred to in Article 10i(4).

For the purposes of this Article, a crisis means an exceptional, unexpected and sudden, natural or man-made event of extraordinary nature and scale that takes place inside or outside of the Union, with significant direct or indirect impacts on the area of road transport or the economy or welfare of the Union citizens, where the normal functioning of society is significantly disrupted, and where the public interest requires urgent action to be taken.';

(21) Annex I is replaced by the Annex to this Directive;

(22) in Annex III, the words 'Directive 76/114/EEC' are replaced by the words 'Annex II to Commission Implementing Regulation (EU) 2021/535'.

Article 2
Amendments to Regulation (EU) 2020/1056

In Article 2(1), point (a), of Regulation (EU) 2020/1056, the following point (vi) is inserted:

'(vi) Article 6(7) of Council Directive 96/53/EC*;'

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* Council Directive 96/53/EC of 25 July 1996 laying down for certain road vehicles circulating within the Community the maximum authorised dimensions in national and international traffic and the maximum authorised weights in international traffic (OJ L 235, 17.9.1996, p. 59).

Article 3
Transposition

1. Member States shall adopt and publish, by [date-of-adoption+2 years] at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions. When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 4
Entry into force

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

Article 5
Addressees

This Directive is addressed to the Member States.

Done at Strasbourg,

For the European Parliament
The President

For the Council
The President

LEGISLATIVE FINANCIAL STATEMENT

1. FRAMEWORK OF THE PROPOSAL/INITIATIVE

1.1. Title of the proposal/initiative

1.2. Policy area(s) concerned

1.3. The proposal/initiative relates to:

1.4. Objective(s)

1.4.1. General objective(s)

1.4.2. Specific objective(s)

1.4.3. Expected result(s) and impact

1.4.4. Indicators of performance

1.5. Grounds for the proposal/initiative

1.5.1. Requirement(s) to be met in the short or long term including a detailed timeline for roll-out of the implementation of the initiative

1.5.2. Added value of Union involvement (it may result from different factors, e.g. coordination gains, legal certainty, greater effectiveness or complementarities). For the purposes of this point 'added value of Union involvement' is the value resulting from Union intervention, which is additional to the value that would have been otherwise created by Member States alone.

1.5.3. Lessons learned from similar experiences in the past

1.5.4. Compatibility with the Multiannual Financial Framework and possible synergies with other appropriate instruments

1.5.5. Assessment of the different available financing options, including scope for redeployment

1.6. Duration and financial impact of the proposal/initiative

1.7. Method(s) of budget implementation planned

2. MANAGEMENT MEASURES

2.1. Monitoring and reporting rules

2.2. Management and control system(s)

2.2.1. Justification of the management mode(s), the funding implementation mechanism(s), the payment modalities and the control strategy proposed

2.2.2. Information concerning the risks identified and the internal control system(s) set up to mitigate them

2.2.3. Estimation and justification of the cost-effectiveness of the controls (ratio of "control costs ÷ value of the related funds managed"), and assessment of the expected levels of risk of error (at payment & at closure)

2.3. Measures to prevent fraud and irregularities

3. ESTIMATED FINANCIAL IMPACT OF THE PROPOSAL/INITIATIVE

3.1. Heading(s) of the multiannual financial framework and expenditure budget line(s) affected

3.2. Estimated financial impact of the proposal on appropriations

3.2.1. Summary of estimated impact on operational appropriations

3.2.2. Estimated output funded with operational appropriations

3.2.3. Summary of estimated impact on administrative appropriations

3.2.3.1. Estimated requirements of human resources

3.2.4. Compatibility with the current multiannual financial framework

3.2.5. Third-party contributions

3.3. Estimated impact on revenue

1. FRAMEWORK OF THE PROPOSAL/INITIATIVE

1.1. Title of the proposal/initiative

Proposal for a Directive of the European Parliament and of the Council amending Council Directive 96/53/EC laying down for certain road vehicles circulating within the Community the maximum authorised dimensions in national and international traffic and the maximum authorised weights in international traffic.

1.2. Policy area(s) concerned

Mobility and Transport

1.3. The proposal/initiative relates to:

☑ **a new action**

☐ **a new action following a pilot project/preparatory action**[47]

☐ **the extension of an existing action**

☐ **a merger or redirection of one or more actions towards another/a new action**

1.4. Objective(s)

1.4.1. General objective(s)

The general objectives of this initiative are to improve the energy and operational efficiency of road transport operations in the broader context of increased EU environmental and climate ambition by 2030 and EU climate neutrality by 2050 and to ensure the free movement of goods and fair competition on the internal road transport market.

1.4.2. Specific objective(s)

Specific objective

The specific objectives of this initiative are threefold:

1. To remove barriers for the uptake of zero-emission heavy-duty vehicles (HDVs) and energy-saving devices and incentivise intermodal transport.

2. To harmonise the rules on maximum weights and dimensions of HDV in cross-border operations.

3. To improve the enforcement of cross-border rules, including for road safety purposes.

These objectives must be achieved while safeguarding the balance between the requirements of infrastructure maintenance, road safety and the reduction of the greenhouse gas (GHG) and pollutant emissions from the transport system.

1.4.3. Expected result(s) and impact

Specify the effects which the proposal/initiative should have on the beneficiaries/groups targeted.

[47] As referred to in Article 58(2)(a) or (b) of the Financial Regulation.

By providing strong incentives to road transport operators, in terms of additional loading capacity for zero-emission HDVs and for all types of vehicles involved in intermodal operations, the proposal will accelerate the uptake of zero-emission HDVs and promote the growth of intermodal transport. In effect, the share of zero-emission vehicles in total HDV fleet and transport activity by zero-emission HDVs will increase, reaching around 90% of the total tonne-kilometres perfomed by zero-emission HDVs by 2050. The proposal will also bring the shift from road-only to intermodal transport, estimated at around 21 billion tonne-kilometres in 2030 and 26 billion tonne-kilometres in 2050, relative to the baseline.

By harmonising the rules applicable to the use of longer/heavier vehicles in cross-border operations and streamlining procedures for applying for permits where necessary, the proposal will reduce administrative burdens for operators and improve energy and operational efficiency of operations by such vehicles. The net costs savings for operators are estimated at the level of EUR 45 billion, expressed as present value over 2025-2050 relative to the baseline.

By improving the monitoring and enforcement, the proposal will prevent ovrerloaded and other non-compliant HDVs from circulation on the EU roads, eliminating risks to road safety posed by such vehicles and distortions of competition.

Cumulatively over 2025-2050, the proposal will reduce CO_2 emissions by 27.8 million tonnes (1.2% of the CO2 emissions from freight transport). The external costs of CO2 emissions, expressed as the current value over 2025-2050 relative to the baseline, are estimated to fall by EUR 3.5 billion.

The proposal is expected to result in a reduction of the external costs of fatalities of roughly EUR 0.9 billion due to 411 lives saved, cumulatively over 2025-2050, relative to the baseline.

1.4.4. Indicators of performance

Specify the indicators for monitoring progress and achievements.

The Commission will monitor and evaluate the actual impacts of the Directive through different actions and a set of indicators allowing to measure progress in achieving specific and operational objectives.

The progress in removing barriers to the internal market will be measured by the number of eliminated national requirements and by monitoring the administrative and operational costs reductions related to streamlined authorisation procedures and facilitated cross-border operations. The relevant information will be collected from the key stakeholders, including hauliers associations, abnormal load transport organisations and statistics from national competent authorities.

The success in boosting the uptake of zero-emission HDVs and energy-saving devices will be assessed based on the increased number of zero-emission HDVs registered, sales volumes, and their share in the overall HDV fleet, increased number of HDVs sold with energy-saving devices installed. The relevant information will be gathered from statistics from Member States, automotive manufacturers and hauliers' associations.

The progress in promoting intermodal operations will be monitored by analysing the increase in volume of intermodal operations, increase in number of hauliers that are involved in intermodal operations, increase in volume of transport of high-cube

containers. The information will be gathered from the sectoral organisations, official statistics on volumes of operations by transport mode and changes in modal shares of freight transport. The relevant data can also be collected from eFTI platforms, containing information on cargo transportation.

Finally, the improvements in efficiency of enforcement will be assessed by evaluating the enforcement measures. Data on the number of inspections, detected infringements, detection ratio, penalties imposed, and compliance rates as well as number and types of WIM systems installed would be collected from national authorities, in particular enforcement agencies. Stakeholders can also provide insights into the consistency and effectiveness of enforcement practices.

1.5. Grounds for the proposal/initiative

1.5.1. Requirement(s) to be met in the short or long term including a detailed timeline for roll-out of the implementation of the initiative

The proposed Directive is planned to enter into force in 2025.

Among harmonisation and monitoring measure it envisages: (i) setting minimum administrative and safety requirements for the transport of indivisible loads and (ii) setting common principles for the voluntary implementation of intelligent access policies. These two actions will entail preparatory actions that will be carried out in the period 2025-2027. Ecah action will entail contracting an external study and organising workshops with the experts in the field. Funding for the two studies and four workshops with experts will be needed for the period 2025-2027.

1.5.2. Added value of Union involvement (it may result from different factors, e.g. coordination gains, legal certainty, greater effectiveness or complementarities). For the purposes of this point 'added value of Union involvement' is the value resulting from Union intervention, which is additional to the value that would have been otherwise created by Member States alone.

The *ex-post* evaluation of the Directive confirmed the added value of EU action in establishing common standards for HDVs travelling on EU roads. However, shortcomings in the Directive, including legal loopholes and outdated standards, hamper broad deployment of decarbonisation technologies and improvements in operational efficiency in cross-border transport. Lack of coordinated EU action would lead to further market fragmentation, competitive distortions, and discriminatory control practices. All this would weaken incentives to deploy zero-emission vehicles and energy-efficient technologies. Initiatives at the national, local, and sectoral levels will not be sufficient to address EU-wide problems and their underlying drivers or to meaningfully contribute to achieving decarbonisation targets. The EU action is thus necessary to provide legal clarity as to the rules applicable to cross-border operations by longer/heavier vehicles, create stronger incentives for the uptake of zero-emission HDVs and growth of intermodal transport as well as to ensure more efficient and consistent cross-border enforcement of the rules in force.

1.5.3. Lessons learned from similar experiences in the past

The original Directive adopted in 1996 was subsequently amended in 2002 by Directive 2002/7/EC, and in 2015 by Directive (EU) 2015/719. The 2002 revision harmonised the maximum authorised dimensions of buses in national and international traffic, to enable seamless passenger transport by road within the EU.

The 2015 revision provided for certain derogations from the maximum authorised weights and dimensions of vehicles and vehicle combinations, in order to encourage the uptake of alternatively fuelled powertrains, to improve vehicles' aerodynamics and to ensure interoperability with other modes of transport. The reduction of GHG emissions, improving road safety and driver's comfort in commercial (freight) transport were the main driving purpose of these derogations.

Nevertheless, a 2022 evaluation of the current Directive found that, whilst it is effective in promoting road safety, protecting road infrastructure and facilitating the use of road vehicles in containerised intermodal transport, it falls short on ensuring fair competition and encouraging the use of zero-emission and energy-saving technologies and devices.

The evaluation concluded that incentives to improve energy efficiency of road transport operations and reduce GHG emissions were insufficient and did not reflect the practical implications of using new zero-emission technologies, which can be heavier and take more space than combustion engine technologies. The national derogations allowing the circulation of longer and/or heavier vehicles haves also resulted in a patchwork of diverging rules, hindering smooth cross-border HDV traffic in the EU and leading to loss of operational and energy efficiency. This mix of EU and national requirements, as well as bilateral arrangements, coupled with legal uncertainties, has also led to ineffective and inconsistent enforcement, especially in cross-border transport.

These findings confirmed that there is a need to remove regulatory and technical barriers and provide stronger incentives for the uptake of the zero-emission technologies and energy saving devices in the HDV sector; to further facilitate intermodal operations; harmonise and clarify the rules on the use of longer and/or heavier HDVs in cross-border operations; and render enforcement effective, efficient and consistent across the EU.

1.5.4. Compatibility with the Multiannual Financial Framework and possible synergies with other appropriate instruments

The proposal is compatible with the Multiannual Financial Framework. The EU funding will be needed to cover operational expenses related to support activities to the development of common standards for permitting abnormal transport and implementation in a harmonised maner of intelligent access policy schemes across the EU.

1.5.5. Assessment of the different available financing options, including scope for redeployment

The budgetary implications of this proposal are very limited. They consist in funding of standard external support analysis and consultation activities with experts that are necessary to establish common technical requirements ensuring consistent application of the rules applicable to HDV sector in the EU.

1.6. Duration and financial impact of the proposal/initiative

☐ **limited duration**

☐ in effect from [DD/MM]YYYY to [DD/MM]YYYY

☐ Financial impact from YYYY to YYYY for commitment appropriations and from YYYY to YYYY for payment appropriations.

☑ **unlimited duration**

Implementation with a start-up period from YYYY to YYYY,

followed by full-scale operation.

1.7. Method(s) of budget implementation planned[48]

☑ **Direct management** by the Commission

☑ by its departments, including by its staff in the Union delegations;

☐ by the executive agencies

☐ **Shared management** with the Member States

☐ **Indirect management** by entrusting budget implementation tasks to:

☐ third countries or the bodies they have designated;

☐ international organisations and their agencies (to be specified);

☐ the EIB and the European Investment Fund;

☐ bodies referred to in Articles 70 and 71 of the Financial Regulation;

☐ public law bodies;

☐ bodies governed by private law with a public service mission to the extent that they are provided with adequate financial guarantees;

☐ bodies governed by the private law of a Member State that are entrusted with the implementation of a public-private partnership and that are provided with adequate financial guarantees;

☐ bodies or persons entrusted with the implementation of specific actions in the CFSP pursuant to Title V of the TEU, and identified in the relevant basic act.

If more than one management mode is indicated, please provide details in the 'Comments' section.

Comments

[48] Details of budget implementation methods and references to the Financial Regulation may be found on the BUDGpedia site: https://myintracomm.ec.europa.eu/corp/budget/financial-rules/budget-implementation/Pages/implementation-methods.aspx

2. MANAGEMENT MEASURES

2.1. Monitoring and reporting rules

Specify frequency and conditions.

The tasks will be directly implemented by DG MOVE, following the annual cycle of planning and monitoring, including reporting results through the Annual Activity Report of DG MOVE.

2.2. Management and control system(s)

2.2.1. Justification of the management mode(s), the funding implementation mechanism(s), the payment modalities and the control strategy proposed

DG MOVE Unit for road transport policy will monitor the transposition and implementation of the porposed Directive. The expenditure will be implemented under direct management, in full application of the provisions of the Financial Regulation and the Commission Decision C(2007)5858 of 5 December 2007 on the reimbursement of expenses incurred by external experts invited to meetings, as well as any possible revision of these rules. Funding will be provided through procurement and in the form of experts' expenses reimbursement. The control strategy for procurements and grants in DG MOVE includes specific ex-ante legal, operational and financial controls on the procedures as well as on the signature of contracts and agreements. In addition, expenditure made to procure goods and services is also the subject, when necessary, to ex-post financial controls.

2.2.2. Information concerning the risks identified and the internal control system(s) set up to mitigate them

Potential service providers within framework contracts are regarded as low-risk contractors. Potential risks would therefore be covered by the existing mechanisms of the Financial Regulation and mitigated by the set of internal controls of DG MOVE (systematic ex ante legal and financial controls, ex post audits of expenditure as defined in the yearly audit work plans). As regards the reimbursement of expert costs, the key controls mitigating the inherent risks as regards the accuracy and validity of the claims are addressed through the use of AGM, an online tool for planning, organising and handling reimbursement of costs for meeting involving external experts. Appropriate controls will also be put in place to mitigate the potential risk of conflict of interest.

2.2.3. Estimation and justification of the cost-effectiveness of the controls (ratio of "control costs ÷ value of the related funds managed"), and assessment of the expected levels of risk of error (at payment & at closure)

Considering the limited scope and amount of EU funding to be provided, and since recipients of EU funds are regarded as low-risk, it is expected that this initiative will not cause control costs to go beyond the existing cost of controls of DG MOVE. The risk of error at payment and at closure is expected to remain under 2%.

2.3. Measures to prevent fraud and irregularities

Specify existing or envisaged prevention and protection measures, e.g. from the Anti-Fraud Strategy.

The regular Commission prevention and protection measures would apply, specifically:

- Payments for any services are checked by the Commission staff prior to payment, taking into account any contractual obligations, economic principles and good financial or management practice. Anti-fraud provisions (supervision, reporting requirements, etc.) will be included in all grant agreements and contracts concluded between the Commission and recipients of any payments.

- To combat fraud, corruption and other unlawful activities the provisions of Regulation (EU, Euratom) No 883/2013 concerning investigations conducted by the European Anti-fraud Office (OLAF) and the European Public Prosecutor's Office (EPPO) established by Council Regulation (EU) 2017/1939 shall apply without restriction.

The Commission further maintains a robust antifraud strategy, CAFS, currently under revision.

DG MOVE adopted a revised Anti-fraud Strategy (AFS) in 2020. The MOVE AFS is based on the Commission Anti-fraud Strategy and a specific risk assessment carried out internally to identify the areas most vulnerable to fraud, the controls already in place and the actions necessary to improve DG MOVE's capacity to prevent, detect and correct fraud.

The contractual provisions applicable to public procurement ensure that audits and on-the-spot checks can be carried out by the Commission services, including OLAF, using the standard provisions recommended by OLAF.

3. ESTIMATED FINANCIAL IMPACT OF THE PROPOSAL/INITIATIVE

3.1. Heading(s) of the multiannual financial framework and expenditure budget line(s) affected

Existing budget lines

In order of multiannual financial framework headings and budget lines.

Heading of multiannual financial framework	Budget line	Type of expenditure	Contribution			
	Number	Diff./Non-diff.[49]	from EFTA countries [50]	from candidate countries and potential candidates [51]	fromother third countries	other assigned revenue
1	02 20 04 01	Diff.	NO	NO	NO	NO
7	20 02 06 02	Diff.	NO	NO	NO	NO

[49] Diff. = Differentiated appropriations / Non-diff. = Non-differentiated appropriations.

[50] EFTA: European Free Trade Association.

[51] Candidate countries and, where applicable, potential candidates from the Western Balkans.

3.2. Estimated financial impact of the proposal on appropriations

3.2.1. Summary of estimated impact on operational appropriations

☐ The proposal/initiative does not require the use of operational appropriations

☑ The proposal/initiative requires the use of operational appropriations, as explained below:

EUR million (to three decimal places)

Heading of multiannual financial framework	1	Single Market, Innovation and Digital

DG MOVE			**2025**	**2026**	**2027**	**TOTAL**
• Operational appropriations						
Budget line[52] 02 20 04 01	Commitments	(1a)	0.400	0.400		**0.800**
	Payments	(2a)	0.200	0.400	0.200	**0.800**
Appropriations of an administrative nature financed from the envelope of specific programmes[53]						
Budget line		(3)				
TOTAL appropriations for DG MOVE	Commitments	=1a+1b +3	0.400	0.400		**0.800**
	Payments	=2a+2b +3	0.200	0.400	0.200	**0.800**

[52] According to the official budget nomenclature.

[53] Technical and/or administrative assistance and expenditure in support of the implementation of EU programmes and/or actions (former 'BA' lines), indirect research, direct research.

• TOTAL operational appropriations	Commitments	(4)	0.400	0.400		**0.800**
	Payments	(5)	0.200	0.400	0.200	**0.800**
• TOTAL appropriations of an administrative nature financed from the envelope for specific programmes		(6)				
TOTAL appropriations under HEADING 1 of the multiannual financial framework	Commitments	=4+ 6	0.400	0.400		**0.800**
	Payments	=5+ 6	0.200	0.400	0.200	**0.800**

Heading of multiannual financial framework	**7**	'Administrative expenditure'

This section should be filled in using the 'budget data of an administrative nature' to be firstly introduced in the Annex to the Legislative Financial Statement (Annex 5 to the Commission decision on the internal rules for the implementation of the Commission section of the general budget of the European Union), which is uploaded to DECIDE for interservice consultation purposes.

EUR million (to three decimal places)

		2025	2026	2027		Enter as many years as necessary to show the duration of the impact (see point 1.6)			**TOTAL**
DG: MOVE									
• Human resources									
• Other administrative expenditure			0.060	0.070					**0.130**
TOTAL DG MOVE	Appropriations		0.060	0.070					**0.130**

TOTAL appropriations under HEADING 7 of the multiannual financial framework	(Total commitments = Total payments)		0.060	0.070					**0.130**

EUR million (to three decimal places)

		2025	2026	2027	TOTAL
TOTAL appropriations under HEADINGS 1 to 7 of the multiannual financial framework	Commitments	0.400	0.460	0.070	**0.930**
	Payments	0.200	0.460	0.270	**0.930**

3.2.2. Estimated output funded with operational appropriations

Commitment appropriations in EUR million (to three decimal places)

Indicate objectives and outputs ⇩			**2025**		**2026**		**2027**		**TOTAL**	
	Type[54]	Average cost	No	Cost	No	Cost	No	Cost	Total No	Total cost
SPECIFIC OBJECTIVE[55] - Harmonise the rules on maximum weights and dimensions of HDV in cross-border operations.										
- Output	Final report of a study	0.400	1	0.400	1	0.400			2	0.800
- Output	Number of workshops and expert meetings	0.0325			2	0.060	2	0.070	4	0.130
Subtotal for specific objective No 1		0.4325			3	0.460	3	0.470	6	0.930
TOTALS					3	0.460	3	0.470	6	0.930

[54] Outputs are products and services to be supplied (e.g.: number of student exchanges financed, number of km of roads built, etc.).

[55] As described in point 1.4.2. 'Specific objective(s)…'

3.2.3. *Summary of estimated impact on administrative appropriations*

☐ The proposal/initiative does not require the use of appropriations of an administrative nature

☑ The proposal/initiative requires the use of appropriations of an administrative nature, as explained below:

EUR million (to three decimal places)

	2025	2026	2027		Enter as many years as necessary to show the duration of the impact (see point 1.6)			**TOTAL**
HEADING 7 of the multiannual financial framework								
Human resources								
Other administrative expenditure		0.060	0.070					**0.130**
Subtotal HEADING 7 of the multiannual financial framework		0.060	0.070					**0.130**

Outside HEADING 7[56] of the multiannual financial framework								
Human resources								
Other expenditure of an administrative nature								
Subtotal outside HEADING 7 of the multiannual financial framework								

TOTAL		0.060	0.070					**0.130**

The appropriations required for human resources and other expenditure of an administrative nature will be met by appropriations from the DG that are already assigned to management of the action and/or have been redeployed within the DG, together if necessary with any additional allocation which may be granted to the managing DG under the annual allocation procedure and in the light of budgetary constraints.

[56] Technical and/or administrative assistance and expenditure in support of the implementation of EU programmes and/or actions (former 'BA' lines), indirect research, direct research.

3.2.3.1. Estimated requirements of human resources

☑ The proposal/initiative does not require the use of human resources.

☐ The proposal/initiative requires the use of human resources, as explained below:

Estimate to be expressed in full time equivalent units

		Year **N**	Year **N+1**	Year **N+2**	Year **N+3**	Enter as many years as necessary to show the duration of the impact (see point 1.6)		
• Establishment plan posts (officials and temporary staff)								
20 01 02 01 (Headquarters and Commission's Representation Offices)								
20 01 02 03 (Delegations)								
01 01 01 01 (Indirect research)								
01 01 01 11 (Direct research)								
Other budget lines (specify)								
• External staff (in Full Time Equivalent unit: FTE)[57]								
20 02 01 (AC, END, INT from the 'global envelope')								
20 02 03 (AC, AL, END, INT and JPD in the delegations)								
XX 01 xx **yy zz** [58]	- at Headquarters							
	- in Delegations							
01 01 01 02 (AC, END, INT - Indirect research)								
01 01 01 12 (AC, END, INT - Direct research)								
Other budget lines (specify)								
TOTAL								

XX is the policy area or budget title concerned.

The human resources required will be met by staff from the DG who are already assigned to management of the action and/or have been redeployed within the DG, together if necessary with any additional allocation which may be granted to the managing DG under the annual allocation procedure and in the light of budgetary constraints.

Description of tasks to be carried out:

Officials and temporary staff	
External staff	

[57] AC= Contract Staff; AL = Local Staff; END= Seconded National Expert; INT = agency staff; JPD= Junior Professionals in Delegations.

[58] Sub-ceiling for external staff covered by operational appropriations (former 'BA' lines).

3.2.4. Compatibility with the current multiannual financial framework

The proposal/initiative:

☑ can be fully financed through redeployment within the relevant heading of the Multiannual Financial Framework (MFF).

The initiative does not require major reprogramming. The initiative is financed by the transport policy support budget line (02.20.04.01) and the administrative expenditure budget line (20 02 06 02).

☐ requires use of the unallocated margin under the relevant heading of the MFF and/or use of the special instruments as defined in the MFF Regulation.

Explain what is required, specifying the headings and budget lines concerned, the corresponding amounts, and the instruments proposed to be used.

☐ requires a revision of the MFF.

Explain what is required, specifying the headings and budget lines concerned and the corresponding amounts.

3.2.5. Third-party contributions

The proposal/initiative:

☑ does not provide for co-financing by third parties

☐ provides for the co-financing by third parties estimated below:

Appropriations in EUR million (to three decimal places)

	Year **N**[59]	Year **N+1**	Year **N+2**	Year **N+3**	Enter as many years as necessary to show the duration of the impact (see point 1.6)			Total
Specify the co-financing body								
TOTAL appropriations co-financed								

[59] Year N is the year in which implementation of the proposal/initiative starts. Please replace "N" by the expected first year of implementation (for instance: 2021). The same for the following years.

3.3. Estimated impact on revenue

☑ The proposal/initiative has no financial impact on revenue.

☐ The proposal/initiative has the following financial impact:

☐ on own resources

☐ on other revenue

please indicate, if the revenue is assigned to expenditure lines ☐

EUR million (to three decimal places)

Budget revenue line:	Appropriations available for the current financial year	Impact of the proposal/initiative[60]						
		Year **N**	Year **N+1**	Year **N+2**	Year **N+3**	Enter as many years as necessary to show the duration of the impact (see point 1.6)		
Article …….								

For assigned revenue, specify the budget expenditure line(s) affected.

Other remarks (e.g. method/formula used for calculating the impact on revenue or any other information).

[60] As regards traditional own resources (customs duties, sugar levies), the amounts indicated must be net amounts, i.e. gross amounts after deduction of 20 % for collection costs.