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**PROPOSAL**

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| From: | Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director |
| date of receipt: | 17 December 2025 |
| To: | Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union |
| No. Cion doc.: | COM(2025) 999 final |
| Subject: | Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 92/6/EEC to exempt certain N2 electric vehicles from the requirement to install and use a speed limitation device |

Delegations will find attached document COM(2025) 999 final.

Encl.: COM(2025) 999 final

EUROPEAN
COMMISSION

Strasbourg, 16.12.2025
COM(2025) 999 final

2025/0424 (COD)

Proposal for a

# DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

## amending Directive 92/6/EEC to exempt certain N2 electric vehicles from the requirement to install and use a speed limitation device

# EXPLANATORY MEMORANDUM

## 1. CONTEXT OF THE PROPOSAL

### • Reasons for and objectives of the proposal

For the wider context, see COM(2025) 993 final.

This initiative forms part of a package of measures which aim at removing regulatory obstacles for the uptake of electric light commercial vehicles.

Council Directive 92/6/EEC[1] mandates the installation and use of speed limitation devices in certain heavy duty vehicles for reasons of road safety (the available engine power for heavy goods vehicles and buses needed for climbing slopes enables them to be driven on level roads at excessive speeds that are not compatible with the specifications of other components of those vehicles such as brakes and tyres) and for reasons of environmental protection in certain Member States. Directive 2002/85/EC of the European Parliament and of the Council[2] extended the scope of Directive 92/6/EEC to all N2, N3, M2 and M3 vehicles. In accordance with Article 3(1) of Directive 92/6/EEC, "vehicles of categories N2 and N3 may be used on the road only if equipped with a speed limitation device set in such a way that their speed cannot exceed 90 kilometres per hour."

Electric light commercial vehicles (e-vans) are heavier than their fossil fuel equivalents as a result of the weight of their battery. While they have the same payload and use cases as a light commercial vehicle with an internal combustion engine with a maximum permissible mass below 3,5 tonnes, due to the additional weight of the battery they fall into category N2 and hence within the scope of legislation which requires the installation of speed limitation devices – Regulation (EU) 2019/2144 of the European Parliament and of the Council[3] and Directive 92/6/EEC.

This requirement makes e-vans with a mass exceeding 3,5 tonnes less attractive to customers, many of whom are SMEs and micro-enterprises, due to the costs involved in installing and using the speed limitation device. Such additional burden slows down the increase in the number of electric vans on the road compared to similar combustion engine vans, which can therefore also result in increased difficulty for vehicle manufacturers to reach $CO_2$ performance targets for light commercial vehicles.

Regulation (EU) 2019/2144 is amended in a parallel legislative proposal (which is contained in COM(2025) 993 final) in which N2 e-vans with a maximum permissible mass exceeding 3,5 tonnes and up to 4,25 tonnes are exempted from the obligation to be equipped with speed limitation devices, thereby putting them on equal footing with their fossil fuel equivalent, N1 diesel vans. The amendment of Regulation (EU) 2019/2144 would not have any effect if the vehicles concerned – which are N2 vehicles – could not be used on the road because they are not equipped with a speed limitation device. It is therefore necessary to modify Article 3 of Directive 92/6/EEC which currently mandates that all N2 (and N3) vehicles can be used on the road only if equipped with a speed limitation device. The Directive should provide for a similar derogation so the vehicles concerned can be used on the road also without a speed limitation device.

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1 OJ L 57, 2.3.1992, p. 27. ELI: https://eur-lex.europa.eu/eli/dir/1992/6/oj

2 OJ L 327, 4.12.2002, p. 8. ELI: https://eur-lex.europa.eu/eli/dir/2002/85/oj

3 OJ L 325, 16.12.2019, p. 1. ELI: https://eur-lex.europa.eu/eli/reg/2019/2144/oj

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

This initiative is consistent with the common transport policy which promotes the decarbonisation of transport and supports the widespread uptake of low- and zero-emission vehicles.[4] The road safety policy aims to reduce the number of fatalities and of serious injuries on the roads of the Union by 50% between 2020 and 2030 and to bring these numbers to close to zero by 2050[5]. Allowing the use of e-vans with a maximum authorised mass exceeding 3,5 tonnes but not exceeding 4,25 tonnes on the road without them being equipped with a speed limitation device is not expected to be inconsistent with that road safety policy, as modern vehicles are equipped with a range of advanced driver assistance systems, including intelligent speed assistance systems, which did not exist when the scope of Directive 92/6/EEC was extended to N2 vehicles in 2002.

It should be noted in this context that, unless they are driven by professional drivers with a category C or C1 licence, the e-vans concerned can only be driven by experienced drivers: In accordance with Article 6(4)(c) of Directive 2006/126/EC of the European Parliament and of the Council[6], Member States may allow holders of a category B licence to drive alternatively-fuelled goods vehicles with a maximum authorised mass exceeding 3,5 tonnes but not exceeding 4,25 tonnes on their respective territories only if their licence was issued at least two years before. In the recently adopted fourth Driving Licence Directive[7], this option has become a mandatory Union-wide provision which has been extended to other vehicles in addition to goods vehicles and which is to apply from 26 November 2027. The treatment of alternatively fuelled N2 vehicles, such as e-vans, with a maximum authorised mass exceeding 3,5 tonnes but not 4,25 tonnes in a way as if they were N1 vehicles is consistent with this policy.

- **Consistency with other Union policies**

This proposal is part of a package of measures concerning the competitiveness of the European automotive industry. It aims at reducing administrative and adjustment costs for industries to ensure a well-functioning single market for motor vehicles, while maintaining the high level of safety and environmental performance established in the regulatory framework.

Regulation (EU) 2019/2144 requires vehicles of categories M2, M3, N2 and N3 to be equipped with speed limitation devices which comply with UN Regulation No 89. As N2 vehicles propelled by means of electricity, with a maximum technically permissible laden mass between 3,5 and 4,25 tonnes, are being exempted from that requirement in a parallel legislative procedure (see COM(2025) 993 final), the same vehicles should be exempted from the scope of Directive 92/6/EEC to allow their use on the road without speed limitation devices. This Directive hence ensures consistency with the proposal to modify Regulation (EU) 2019/2144.

## 2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

- **Legal basis**

The legal basis for this Directive is Article 91(1) of the Treaty on the Functioning of the European Union (TFEU).

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4 Cf. COM (2020) 789: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020DC0789

5 Cf. Sustainable Mobility for Europe: safe, connected, and clean. COM(2018) 293 final; https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52018DC0293

6 OJ L 403, 30.12.2006, p. 18. ELI: https://eur-lex.europa.eu/eli/dir/2006/126/oj

7 OJ L 2025/2205, 5.11.2025. ELI: https://eur-lex.europa.eu/eli/dir/2025/2205/oj

- **Subsidiarity (for non-exclusive competence)**

The EU shares competence with Member States to regulate the field of transport pursuant to Article 4(2)(g) TFEU. As motor vehicles are used increasingly across borders, a uniform legal framework reduces compliance and enforcement costs across the Union. Directive 92/6/EEC already provides a common framework for the installation and use of speed limitation devices for certain categories of motor vehicles in the Union. Amending that Directive can only be done at Union level.

- **Proportionality**

This proposal does not go beyond what is needed to ensure consistency with the amendments to Regulation (EU) 2019/2144 that are being proposed in parallel (see COM(2025) 993 final).

- **Choice of the instrument**

Since the act to be amended is a Directive, the amending act proposed should in principle take the same form.

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

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

See COM(2025) 993 final.

- **Stakeholder consultations**

See COM(2025) 993 final.

- **Collection and use of expertise**

See COM(2025) 993 final.

- **Impact assessment**

See COM(2025) 993 final.

- **Regulatory fitness and simplification**

See COM(2025) 993 final.

- **Fundamental rights**

This proposal respects the fundamental rights enshrined in the Charter of Fundamental Rights of the European Union[8] and adheres to the principles recognised therein.

## 4. BUDGETARY IMPLICATIONS

This initiative will not imply any additional costs for the Commission.

## 5. OTHER ELEMENTS

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

This proposal does not require an implementation plan. The Commission will monitor the transposition, implementation and application of the new provision and compliance with it.

[8] OJ C 326, 26.10.2012, p. 391, ELI: http://data.europa.eu/eli/treaty/char_2012/oj

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

*Article 1 Amendment to Directive 92/6/EEC*

This Article replaces Article 3(1) of Directive 92/6/EEC. Vehicles of category N2 propelled by means of electricity and with a maximum permissible mass between 3,5 and 4,25 tonnes are exempted from the scope of that provision. For reasons of clarity, the whole paragraph is replaced.

*Article 2 Transposition*

Member States have [three months from the entry into force of the Regulation based on COM(2025) 993 final] to transpose this new provision into their respective national law.

No legislative financial and digital statement has been added to this proposal. It is covered by the corresponding statement attached to the legislative proposal in COM(2025) 993 final.

2025/0424 (COD)

Proposal for a

# DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

## amending Directive 92/6/EEC to exempt certain N2 electric vehicles from the requirement to install and use a speed limitation device

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(1) 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[9],

Having regard to the opinion of the Committee of the Regions[10],

Acting in accordance with the ordinary legislative procedure,

Whereas:

(1) Article 3(1) of Council Directive 92/6/EEC[11] on the installation and use of speed limitation devices for certain categories of motor vehicles requires the installation and use of speed limitation devices in vehicles of categories N2 and N3. Under that Article, such vehicles can be used on the road only if equipped with a speed limitation device. The installation requirement has also been integrated into motor vehicle type-approval legislation with Regulation (EU) 2019/2144 of the European Parliament and of the Council[12].

(2) The added weight of the battery can cause the weight of battery-electric light commercial vehicles to exceed 3,5 tonnes. Such a weight increase subjects those vehicles to the requirement for a speed limitation device although their payload and use case is the same as that of light commercial vehicles with an internal combustion engine that are outside of the scope of Directive 92/6/EEC. That requirement imposes unwarranted costs on vehicle manufacturers and enterprises purchasing such vehicles, slowing down the increase in the number of zero-emission light commercial vehicles on the road. It is therefore appropriate to exempt vehicles of category N2, propelled by means of electricity with a maximum technically permissible laden mass between 3,5 and 4,25 tonnes, from the requirement to be equipped with speed limitation devices.

(3) Regulation (EU) 2019/2144 is amended in parallel to exempt vehicles of category N2 propelled by means of electricity, with a maximum technically permissible laden mass between 3,5 and 4,25 tonnes, from the requirement to be equipped with speed limitation devices in accordance with UN Regulation No 89.

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9 OJ C [...], [...], p. [...]
10 OJ C [...], [...], p. [...]
11 OJ L 57, 2.3.1992, p. 27. ELI: https://eur-lex.europa.eu/eli/dir/1992/6/oj
12 OJ L 325, 16.12.2019, p. 1. ELI: https://eur-lex.europa.eu/eli/reg/2019/2144/oj

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

HAVE ADOPTED THIS DIRECTIVE:

*Article 1*

**Amendment to Directive 92/6/EEC**

Article 3(1) of Directive 92/6/EEC is replaced by the following:

‘1. Member States shall take the necessary measures to ensure that motor vehicles of categories N2 and N3, except those vehicles of category N2 propelled by means of electricity and with a maximum permissible mass between 3,5 and 4,25 tonnes, may be used on the road only if equipped with a speed limitation device set in such a way that their speed cannot exceed 90 kilometres per hour.’.

*Article 2*

**Transposition**

1. Member States shall adopt and publish, [three months after the entry into force of the Regulation based on COM(2023) 993 final] 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.

   They shall apply those provisions from [OP: please insert the date of application of the amendments to Regulation (EU) 2019/2144 in COM(2023) 993 final].

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

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,

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| *For the European Parliament* | *For the Council* |
| *The President* | *The President* |
| *[...]* | *[...]* |