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To:	Working Party on Land Transport
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Subject:	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 - Presidency non-paper = Comments from Germany

Delegations will find, attached, comments from Germany on the above-mentioned document.

Comments provided by the Federal Republic of Germany on the amendment to Directive 96/53/EC

Introductory remark:

A key objective of the amendment to Directive 96/53/EC is boosting the competitiveness of zero-emission commercial vehicles by increasing their permissible weights. An analysis of German infrastructure-based weighing systems shows that around one third of heavy commercial vehicles are overloaded. This causes lasting damage to the infrastructure. To protect the existing infrastructure in Member States and avoid immense costs for its maintenance and upgrading, Germany advocates a reasonable increase in and better control of vehicle weights by including the option of retrieving data from the Onboard Mass Monitoring (OBMM) system via smart tachographs ("tachographs in road transport"). The intention behind this is to identify overloads and prohibit such journeys. Further reasons are provided in section 2.

I. Proposal submitted by Germany on the use of OBMM data (based on the latest compromise proposal under the Polish EU Presidency (WK 8127/1/25 Rev1))

(1) Proposed wording/comment:

Recital 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 Member States ~~may should~~ use weigh-in-motion systems installed on the trans-European road transport network. Member States shall establish adequate levels of controls to be performed reflecting the intensity of traffic on their territories ~~including during night hours.~~"

Re Article 4:

Note: German regulations already require the installation of on-board weighing systems for vehicles or vehicle combinations travelling on German territory unless they meet the requirements of 1.1 of Annex I of the Commission proposal (e.g. maximum length, as in European Modular Systems (EMS)). This option must still be available.

Article 10d (1)

- (1) Member States shall take specific measures to identify vehicles or vehicle combinations in circulation that are likely to have exceeded the maximum authorised weights and that should therefore be checked by their competent authorities in order to ensure compliance with the requirements of this Directive.

Those measures shall be taken with the aid of automatic systems installed on the road infrastructure of the trans-European road transport network in accordance with Regulation (EU) 1315/2013/19.

In addition to the use of automatic systems set up on the road infrastructure, Member States ~~may~~ **should be able to** identify vehicles or vehicle combinations in circulation that are likely to have exceeded the maximum authorised weights by means of on-board weighing equipment installed in vehicles in accordance with paragraph 4.

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.

Re Article 10da (3a)

~~(3a) The Commission shall assess, by 2020, the possibility of using data on fuel consumption and CO₂ emissions in accordance with Regulation (EU) 2019/1242, recorded by on-board fuel or energy consumption monitoring devices, for the purposes of supporting the enforcement of rules on maximum authorised weights of heavy duty vehicles. Where appropriate, the Commission shall submit a legislative proposal to the European Parliament and to the Council.~~

Vehicles equipped with an Onboard Mass Monitoring (OBMM) system under Regulation (EC) No 595/2009 and also required to be fitted with a tachograph, must be capable of transmitting OBMM data to enforcement authorities via the Dedicated Short-Range Communication (DSRC) interface.

(2) Rationale:

According to Regulation (EC) No. 595/2009, heavy commercial vehicles must be equipped with a system for monitoring fuel and/or energy consumption (OBFCM – On-Board Fuel Consumption Monitoring) (see recital 15). One component of the OBFCM system for heavy commercial vehicles will be an onboard mass monitoring (OBMM) system. By measuring the onboard mass, the CO₂ emissions in relation to the actual payload of the vehicle are to be determined. The background to this is that fully loaded vehicles are allowed to have higher emission limit values than partially loaded vehicles, so that emissions are always assessed in relation to the actual vehicle weight. The Implementing Regulation laying down the technical requirements for OBFCM and OBMM systems for heavy commercial vehicles is currently being drafted by the European Commission. According to the current status of the procedure for laying down the technical requirements for OBFCM and OBMM systems for heavy commercial vehicles, it is expected that it will be possible to use data from the OBMM system from 2029 onwards.

This option is to be applicable to newly registered vehicles from 2029 that are required to have a tachograph on board. No distinction is made between zero-emission vehicles and vehicles with fossil fuel engines.

There will be no obligation to retrofit OBMM systems in vehicles that are already registered. This also applies to the few zero-emission vehicles that are already registered and currently benefit from higher weight limits (currently less than 1% of the fleet of semi-trailer towing vehicles).

Germany advocates making data from OBMM systems available for all vehicles equipped with a tachograph. Control authorities should be able to access the data "over the air" and perform further checks on this basis.

An on-board weighing system is a solution permanently installed in the vehicle for quickly recording the axle and total weights of commercial vehicles. It consists of additional hardware (e.g. sensors) and evaluation software and helps drivers to avoid overloading. Using the sensors that measure suspension movements or pneumatic suspension pressure, the system determines both the axle loads and the total weight.

The OBMM system, on the other hand, uses only systems already installed in the vehicle. For this reason, it can only determine the total weight of commercial vehicles, but not the individual axle loads. The determined vehicle weights can be transmitted to the tachograph and retrieved "over the air" by the control authorities via the Dedicated Short-Range Communication (DSRC) interface.

This enables the control authorities to retrieve the maximum permissible weights from the tachograph in order to make a preliminary selection for checks.

At this stage, it is assumed that the use of the OBMM system would entail only minor additional costs for manufacturers or Member States. In any case, the costs would be significantly lower for Member States than the costs of maintaining and upgrading their road infrastructure. The use of data from the OBMM system would also be significantly cheaper compared to onboard weighing systems.

The data stored in the tachograph is generated by the vehicle's electrical and electronic architecture and is protected against manipulation in accordance with the requirements of UN Regulation 155 (see 4.3.6. (20.4) of Annex 5 on cybersecurity. This would also include the data stored in the tachograph and thus also the vehicle weights.

Provided that the use of data is optional and not mandatory, such a provision would not preclude the possibility of exemptions from the use of tachographs per se.

(3) The use of data from the OBMM has the following advantages:

a) Cost-effective verification of vehicle weights without retrofitting

The vehicle weight data will already be available in the vehicle. No additional weighing technology needs to be installed. The use of the data would be cost-effective and efficient.

b) Improved road safety

Overloaded trucks have longer braking distances and are more prone to technical defects, which increases the risk of accidents.

c) Extended service life of roads and bridges

Electronic weight measurements will prevent overloading and fatigue fractures in the road structure. Bridge piers and girders will be protected from excessive strain, which will maintain structural integrity in the long term and save high new construction costs for member states.

d) Reduced maintenance costs

Avoiding overloading reduces the need for repairs. Fewer road closures for construction work reduce costs for diversions and construction traffic. Budget funds can be used for sustainable modernisation instead of short-term emergency repairs.

e) Improved traffic flows

Road damage occurs less suddenly, minimising congestion and traffic disruptions. Consistent road conditions ensure smooth driving for all road users. Maintenance can be scheduled outside peak hours, further optimising traffic flows.

f) Accurate planning basis

Data on vehicle weights enable more accurate predictions of road wear. Roads can be constructed and upgraded where it is most urgently needed. Transport authorities get a clear picture of changes caused by new logistics flows.

g) Environmental protection and sustainability

Less material is consumed for repairs and new construction. Reduced maintenance requirements lower CO₂ emissions from construction machinery and delivery traffic. Longer road usage cycles contribute to a resource-efficient infrastructure.

II. Proposal submitted by Germany to increase the permissible vehicle weights, Annex I

- (1) The permissible axle load must remain unchanged at 11.5 tonnes.
- (2) For zero-emission 5-axle vehicle combinations, Germany supports a moderate blanket increase in vehicle weights of 2 tonnes to 42 tonnes on the entire road network, provided that the weights can be monitored via the DSRC interface. The blanket increase has the advantage that the payload can be increased by 2 tonnes if the 2 tonnes are not needed to compensate for the additional weight of the zero-emission drivetrain.
- (3) Germany could agree to an increase in vehicle weights for zero-emission 6-axle vehicle combinations with 3-axle tractor units to a total of 43 tons – provided that the maximum axle load is 11.5 tonnes – if that vehicle weight can be monitored via the DSRC interface.
- (4) The maximum total weight for combined transport must not exceed 46 tonnes. Otherwise, the load on bridges will exceed their capacity and impair the required level of safety to an unacceptable extent.
Taking into account the framework conditions (upper limit of 46 tonnes, load limit of 11.5 tonnes for the drive axle), the advantage of up to 4 tonnes for intermodal transport must be maintained – regardless of a possible increase in the permissible total weight for zero-emission vehicles (ZEV).
- (5) Germany supports the uptake of e-trailers. However, an increase of weight for these vehicles cannot be approved. All additional weights for zero-emission vehicles or vehicles in intermodal transport must be between 40 tonnes and the maximum weight of 46 tonnes accepted by the Member States. Additional weights must therefore be distributed carefully. Both zero-emission tractor units and intermodal transport should benefit as much as possible.

III. Further comments from Germany's response to the non-paper of 25 June 2025

(1) Article 4a

Germany asks for the extended description of the single national entry points and single national access points from the last compromise proposal to be added to the next compromise.

"The national entry points and national access points may take the form of a repository, registry, web portal, or any equivalent mechanism. The 'one-stop-shop' functions of these entry and access points shall not affect the centralised or decentralised character of the decision-making process."

Rationale:

In Germany, it is the federal states which are responsible for processing and approving these applications. For this reason, the decentralised character needs to be maintained.

If the one-stop shop were to be deleted altogether, Germany would also agree.

(2) . Annex I Nos. 2.3.5 and 2.3.6

2.3.5 a	Five-axle motor vehicles	32 tonnes
2.3.6	Five-axle motor vehicles with at least two steering axles and at least with one driving axle fitted with twin tyres and air suspension or suspension recognized as being equivalent within the Union as defined in Annex II, or where each driving	36 <u>34</u> tonnes

In the case of zero-emission vehicles, the maximum authorised weights provided for in Sub-section 2.3.6 shall be increased by 2 tonnes.

Rationale:

The new five-axle motor vehicles presented in the last compromise proposal in Annex I 2.3.5 (32 tonnes) and 2.3.6 (34 tonnes) might only be acceptable if our amendments will be accepted. Please note that, according to the current Directive, motor vehicles shall not be heavier than 32 tonnes. Our amendments to the proposal ensure a higher weight in section 2.3.6 and additional weights for zero-emission vehicles.

(3) Annex I 3.3

IV.	<i>3.3 Tri-axles of trailers and semi-trailers</i>		
	The sum of the axle weights per tri-axle must not exceed, if the distance (d) between the axles is:		
	3.3.2	over 1,3 m and up to 1,8 m <u>1,4 m</u> ($1,3 < d \leq 1,8$ <u>1,4</u>)	24 tonnes

Rationale:

Germany rejects the expansion to 1,8 m. The value of 1,4 m of the currently valid directive must be complied with. We have entered our amendments in bold and underlined.

The change to 1,8 m was proposed by the former Presidency and would drastically reduce the available transport capacity. Nowadays, many three-axle trailers are in use with an axle spacing of 1.31 m between axles 1 and 2, and 1.41 m between axles 2 and 3. This configuration allows for these vehicles not to be subject to the regulations in Annex I No. 3.3.2 for 3-axle trailers while still benefiting from the higher axle load limit of 9 tonnes, which applies to 2-axle trailers (Annex I No. 3.2.3). In this setup, axles 1 and 2, as well as 2 and 3, are considered tandem axles.

Without this amendment, additional transport journeys would have to be carried out. This would not only significantly increase CO₂ emissions, but also entail numerous other disadvantages (e.g. regarding driver shortages).

