Council of the European Union
General Secretariat

PUBLIC

Interinstitutional files:
2023/0265 (COD)

Brussels, 29 July 2025

WK 10059/2025 ADD 4

LIMITE

TRANS
CLIMA
ENV
COMPET
CODEC

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WORKING DOCUMENT

From:	General Secretariat of the Council
To:	Working Party on Land Transport
N° prev. doc.:	WK 8722/25
N° Cion doc.:	ST 11722/23 INIT + ADD 1 - 5
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 Poland

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

Written Comments PL – Weigh and Dimensions

1. Poland supports the proposals of the Danish Presidency regarding the limitation of the maximum total weight of vehicles (including zero-emission vehicles) to 46 tonnes and maintaining the maximum axle load at 11.5 tonnes. Poland also accepts the proposals of the maximum values of maximum total weight parameters for vehicle combinations included in the annex to the non paper of the Danish Presidency [WK 8722/2025 INIT], including the "granting" of additional weight for e-trailers.

2. In addition, Poland requests to include in the new compromise version of the draft Directive the Polish suggestion to add to Annex 1, point 1.4b a proposal to extend the length by 1.3 m of alternative fuel or zero -emission vehicles dedicated to the transport of palletised goods. In our opinion this solution may contribute in a cost- free manner to achieving measurable benefits in terms of CO2 emission reduction by entrepreneurs transporting courier loads on fixed routes.

3. At the same time, Poland is sceptical about the proposals of reinforcing the compliance control of the authorised maximum weight rules, as proposed by the Danish Presidency in the non paper by:

a) Introducing an element of control by means of devices installed on-board of vehicles in relation to vehicles coming from countries which do not use such systems or making the authorised maximum weight of a vehicle dependent on the application of such a system by the road operator, in particular through possible amendments to Article 10d.

Poland has indicated on a number of occasions that it is unacceptable to condition the authorised maximum weight parameter of a vehicle or combination of vehicles on being equipped with control devices on-board of the vehicle. At this point, I would like to remind you that Poland, when implementing Article 10d(1) of Directive (EU) 2015/719, decided to ensure compliance with the requirements of this Directive by means of automatic systems established as part of the road infrastructure, and not by means of on-board weighing devices installed in vehicles. Significant costs were incurred by the Polish State for this purpose. Similar investments were made by other Member States. According to the available information, no Member State has chosen to enforce the provisions of Directive 96/53/EC by means of on-board weighing equipment.

Introducing an EU-wide requirement to install on-board weighing equipment in vehicles would not only call into question the rationale of the costs incurred by Member States to date, but would also run counter to the fundamental principle of legal certainty in the functioning of the European Union's administration. Legal certainty in the European Union means that citizens and businesses can anticipate the consequences of legal action, which is fundamental to the functioning of the single market and the protection of fundamental rights. The principle of legal certainty, which is derived from the principles of protection of confidence in the state and predictability of law, is central to the rule of law in the EU. Imposing new additional burdens on EU road hauliers in the form of the installation of on-board weighing equipment in their vehicles would run counter to this principle. Furthermore, the competitiveness of EU road haulage companies would suffer as such burdens would not be faced by hauliers from third countries.

b) Acknowledgement that since Member States have the competence to limit road access for certain types of vehicles due to the condition of the infrastructure, there is no need to designate a positive road network.

Poland is of the opinion that, taking into account concerns for the road infrastructure and the aspect of road safety, allowing access of vehicles with increased parameters should take place on designated routes.
Bearing in mind the condition of the Polish road infrastructure, in particular local/municipal roads, the admission of vehicles with increased maximum weight may cause significant degradation of roads. The admission of these vehicles should definitely take place on predetermined routes. Regulation through the system of road signs, in Poland's opinion, will be ineffective and costly on a national scale.

4. Poland is also sceptical about the possibility of using the smart tachograph for selecting for inspection vehicles with excessive weight, which would require amending the provisions of this Directive, Directive (EU)2015/719 or Regulation (EU) No. 165/2014.

In our view, the possible aforementioned changes will result in the obligation to incur additional, high and unjustified costs for entrepreneurs in the international road transport sector, who already incur costs related to the replacement of tachographs (enforced by EU regulations) with the latest version equipment.

In Poland's view, the mere amendment of Regulation (EU) No 165/2014 consisting in the use of smart tachographs to detecting for inspection potentially overloaded vehicles will not improve the effectiveness of the detection. Without the introduction of the requirement to simultaneously install on-board weighing devices in vehicles and connect them to tachographs, there is no possibility to use smart tachographs for remote control of the weight and axle loads of vehicles. It should also be emphasised, that the tachograph replacement process has not yet been completed. It has been enforced by the provisions of Regulation (EU) 2020/1054 and initiated in 2024. Moreover, the costs of the retrofitting are borne by EU road hauliers and the exercise does not apply to third- country companies. In this context, a question arises if these remote checks of the weight and the axle load of vehicles using tachographs would entail another replacement of the smart tachographs currently installed in vehicles, and who would bear the costs?

To sum up, taking into account Poland's investment in automatic systems set up as part of the road infrastructure and the costs incurred in this connection, as well as the costs incurred so far by the Polish international road transport industry in connection with the current replacement of tachographs with smart tachographs, Poland opposes to amend Regulation (EU) No 165/2014 in order to use smart tachographs to remotely control the weight and axle loads of vehicles.