



Council of the European Union  
General Secretariat

Brussels, 22 October 2025

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**Interinstitutional files:  
2023/0265 (COD)**

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WK 14045/2025 ADD 2

**LIMITE**

**TRANS  
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## **WORKING DOCUMENT**

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From:	General Secretariat of the Council
To:	Working Party on Land Transport

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N° prev. doc.:	ST 12730/2/25 REV 2
N° Cion doc.:	ST 11722/23 INIT + ADD 1 - 5

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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 - Revised Presidency compromise proposal = Comments from Germany
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Delegations will find, attached, comments from Germany on the above-mentioned document.

**DEU Comments on** Presidency's compromise proposal of 2025-10-09.

= 12730/2/25 REV 2

**Introductory Remarks**

- DEU thanks the Presidency for presenting this compromise proposal and wishes every success for the upcoming discussions.
- DEU welcomes some major improvements to the new compromise proposal, such as the use of on-board mass monitoring data in Recital 17a and Article 10d(1a-c). Better enforcement tools are a prerequisite for higher maximum weights as they allow Member States to effectively tackle the issue of overloading and thus to protect their infrastructure. DEU welcomes and supports the clarification by the Presidency that this solution would require no retrofitting because the rules would only be applicable to vehicles registered for the first time after 1 December 2029 and they will be equipped with this technology anyway. As the KOM confirmed, no additional hardware will be needed.
- DEU also welcomes the continuation of the maximum axle load of 11.5 tonnes for driven axles.

However, some issues still need to be clarified. In this regard, DEU would like to highlight a few points and specify them in more detail on the following pages.

## I. Key Aspects of the new Compromise Proposal

Please find below a list of our suggested changes (marked in red font). In addition, a brief justification/comment has been provided for each amendment.

### 1. Extract from the new Compromise Proposal

Recital (11a): Cross-border traffic between Member States, that allows higher weights than those in Annex I, can improve efficiency and reduce CO2 emissions by reducing the total amount of kilometers driven. Such operations should still be allowed as long as national conditions of the Member States are respected for those higher limits and they are performed by zero-emission motor vehicles **or vehicles involved in intermodal transport operations. This should be without prejudice to the Member States' right to derogate, in accordance with Article 4, from the weight and dimension limits set in Annex I, and the possibility to derogate if international competition is not significantly affected. Such is the case if it is performed with specialised vehicles, where a Member State already allows EMS combinations or where the geographical scope of the transport is limited in such a way that it can be performed within a day.**

#### DEU Comment:

Until now, the recital only referred to higher weights, not lengths. DEU requests clarification as to whether we are correct in understanding that the provisions of Article 4 paragraph 4 a-c take precedence as *lex specialis*.

## 2. Extract from the new Compromise Proposal

### Article 4

**Paragraph 4 (c) the international transport operations are carried out by vehicles or vehicle combinations with weights and/or dimensions deviating from those laid down in Annex I within a geographical scope of not more than 650 km as the crow flies from the point of entry into the territory of the Member States concerned, without discrimination.**

#### **DEU Comment:**

There is still **a considerable need for clarification** here. Until then, we cannot agree with this point.

Clarification is requested as to whether this should apply to cross-border traffic operations only or also to national traffic, as long as this condition is met in cross-border traffic. So: a vehicle can deviate from Annex I if it carries out only national and (maybe occasionally) nearby international transport operations (not more than 650 km)? Must Art. 4 Paragraph 4 lit. a) continue to be complied with for the national transport operations? What is the correlation between these regulations?

Also, what does “without discrimination” mean in this context?

Member States must continue to be able **to set national requirements** regarding maximum lengths or weights, as also for EMS in Article 4, paragraph 4 lit. b) and Article 4, paragraph 4a.

Otherwise, this could mean, that a vehicle from a neighboring state with a length of 40 m and a weight of 60 t could theoretically be driven into another state as long as this distance of 650 km is maintained? How does this relate to large and heavy transports in accordance with Section 4, Paragraph 3?

### 3. Extract from the new Compromise Proposal

#### Annex I , No 1.1 and 1.6.1

<i>1. Maximum authorised dimensions for the vehicles referred to in Article 1(1), point (a)</i>		
<i>1.1 Maximum length</i>		
	— articulated vehicle	<u>16,50</u> <del>17,88 m</del>
<i>1.6 Maximum distance between the axis of the fifth-wheel king pin and the rear of a semi-trailer.</i>		12,00 m
	<i>1.6.1 Maximum distance between the axis of the fifth wheel king pin and the rear of a semi-trailer in case the semi-trailer is documented suitable for intermodal transport operations.</i>	13,38 m

#### **DEU Comment:**

We kindly request an explanation as to why the extended articulated vehicle with a length of 17,88 m has been removed in Annex I, points 1.1 and 1.6.1, without any replacement.

Regarding this, DEU would be open to a proposal that simultaneously promotes intermodal/combined transport and zero-emission propulsion.

A special provision in Annex I for 17.88 m long vehicle combinations could also be considered under certain conditions, such as the use of zero-emission drives and usability in intermodal/combined transport, without amending Annex I No. 1.1 (as already included in a new point 1.4b in the latest Polish proposal).

## 4. Extract from the new Compromise Proposal

### Annex I No 2.2

The additional clause in Annex I No 2.2 should be changed like this:

2.2 Vehicle combinations	
	In the case of vehicle combinations including zero-emission motor vehicles the maximum authorised weights provided for in points <b>2.2.1 (b)</b> and 2.2.2 <del>(a), and (b) and (e)</del> of Sub-section 2.2 shall be increased by 4 tonnes.
	In the case of vehicle combinations including zero-emission motor vehicles the maximum authorised weights provided for in points <b>2.2.1 (a)</b> , 2.2.2 <b>(a) (c) and</b> (d), 2.2.3 and 2.2.4 of Sub-section 2.2 shall be increased by 2 tonnes.

#### Justification:

To achieve a compromise and to promote zero-emission vehicles, DEU can accept an additional weight of + 4 tonnes in the cases described above. However, this is subject to the following conditions:

- 1) The maximum permissible axle load must not exceed 11.5 tonnes.
- 2) In addition to the requirement to use **three-axle motor vehicles with two or preferably three axle trailer** (2.2.1(b)) or **three-axle motor vehicles with two or preferably three-axle semi-trailer** (2.2.2(b)), this must necessarily be accompanied by the inclusion of OBMM to combat overloading. In this context, DEU is in principle in favour of on-board axle weight measurements (on-board units), as not only the total weight but also the axle loads are crucial to combat overloading.

Moreover, DEU will extend automatic systems set up on the road infrastructure and will take decisive action to prevent overloading.

Overloading prevents any possibility of allowing higher axle loads or total vehicle weights, as the safety level of the structures is unduly curtailed, and they can no longer be operated safely. DEU, as a transit country, has a special responsibility in this context.

## 5. Extract from the new Compromise Proposal

### Annex I:

<i>3.6 Tri-axles of motor vehicles</i>		
	The sum of the axle weights per tri-axle must not exceed, if the distance (d) between the axles is:	
3.6.2	<del>equal to or greater than</del> over 1,3 m and <del>less than</del> up to 1,8 m ( $1,3 \leq d \leq 1,8$ ) <b>equal to or greater than</b> 1,3 m and <b>less than 1,4</b> m ( $1,3 \leq d \leq 1,4$ )	24 tonnes

#### DEU comment:

DEU rejects the expansion to 1,8 m. The value of 1,4 m of the currently valid regulation must be complied with. We entered them in bold and red.

The change to 1,8 m would drastically reduce the available transport capacity and would disadvantage zero-emission vehicles.

Nowadays, many tri-axle vehicles 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 these vehicles to fall outside the regulations in annex I No 3.6.2 while still benefiting from the higher axle load limit of 9 tons, which applies to tandem axles of motor-vehicles (annex I No 3.5.3). In this setup, axles 1 and 2, as well as 2 and 3, are considered tandem axles.

## 6. Extract from the new Compromise Proposal

### Annex I

#### 4.3 Maximum authorised weight depending on the wheelbase

The maximum authorised weight in tonnes of a four-axle motor vehicle may not exceed five times the distance in metres between the axles of the foremost and rearmost axles of the vehicle.

The maximum authorised weight in tonnes of a motor vehicle with five axles may not exceed four times the distance in metres between the axles of the foremost and rearmost axles of the vehicle, in case the weight exceeds 32 tonnes

~~The maximum authorised weight of a vehicle combination, as set out in section 2.2, must not exceed either 42 tonnes or the value calculated using the formula below, whichever is lower. This limitation applies irrespective of any higher weight limits permitted under preceding provisions.~~

~~The maximum authorised weight in tonnes of a vehicle combination may not exceed the maximum of 42 t or the weight given by the formula:—~~

$$\text{Weight in tonnes} \leq 2,7 \times A + 13,5$$

~~where A is the distance in metres between the axes of the foremost and rearmost axles of the vehicle combination.~~

#### Justification:

This requirement is very difficult to control in practice. Neither automatic systems set up on the road infrastructure, nor onboard mass monitoring (OBMM) could monitor this requirement.

Please note that the towing vehicle can be changed during a transport operation, which makes it even more difficult to comply with this requirement.

Moreover the first sentence is a little misleading. Since the sentence “The maximum...” could also be interpreted that whichever is lower — 42 tonnes or the result of the formula — applies.