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WK 14045/2025 ADD 5

**LIMITE**

**TRANS**  
**CLIMA**  
**ENV**  
**COMPET**  
**CODEC**

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

## Polish written comments to Doc. ST 12730/2/25 REV 2

### **General comments**

Poland supports the Danish Presidency's proposals to limit the maximum permissible weight of vehicles (including zero-emission vehicles) to 46 tons and to leave the maximum axle load at 11.5 tons.

Poland also accepts the proposals for maximum permissible weight parameters for vehicle combinations contained in the Annex to the Danish Presidency's Non-Paper.

### **Other elements:**

#### **Article 4 paragraph 4 letter c**

~~(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.~~

#### **Justification**

*This requirement seems difficult to enforce and may be a step backwards as to the established Single Market rules.*

#### **Annex I**

Poland maintains the proposal to include in Annex 1 point 1.4b the possibility to increase the length by 1.3 m for the articulated vehicle with a tractor unit powered by alternative fuel or a tractor unit with zero-emission drive while used to transport pallet as proposed in Doc. 8127/1/25 REV 1. The text included in this document provided a safeguard ensuring that the compliance with turning radius limits is maintained.

In the light of discussions concerning the need to promote intermodal transport, Poland can also support the position of Germany and Italy and consider in Annex 1 point 1.1 (articulated vehicle) the value of 17,88 m. This would not only serve to promote intermodal transport but also allow to cover pallet transport needs. In Poland's understanding, the condition included in Annex 1 point 1.5 will apply as well as the rest of parameters defined in the Annex 1.

#### **Justification**

*The initial proposal aimed at promoting low-emission and zero-emission vehicles in the transport of palletised goods (e.g. courier companies on fixed routes, where the use of zero-emission tractors is most feasible) or other loads of large dimensions and small mass. The aim is to fully utilise the capacity of zero-emission and low-emission vehicles by increasing the load space by one pallet row, so that for every 10 transports there is a load that would require 11 transports.*

*Poland is however open to consider a solution focused on supporting intermodal transport and at the same time, indirectly covering the needs of pallet transport.*

### **Questions**

#### **Article 10 d paragraphs 1a, 1b, 1c in connection with Article 10 d paragraph 1 and recitals 17, 17 a, 17 b**

Poland has doubts concerning the use of two different terms “on-board weighting (OBW)” and “on-board mass monitoring (OBMM)” equipment which come from two different legal frameworks. The first one is based on Weights and Dimensions Directive, the second one on Type-approval Regulation.

The possibility of use of OBW equipment for the enforcement of Weights and Dimensions Directive is well embedded in the text, broad but accompanied by a safeguard clause not allowing Member States to require the installation of OBW equipment in vehicles registered in another MS.

The scope of the possible use of OBMM is limited to the context of additional weight granted to zero-emission vehicles and allowed for the purpose of identification of vehicles that may exceed maximum authorised weights. Recital explains that the use of OBMM is supplementary to other enforcement tools. While we work on the assumption that Commission Implementing Regulation 2025/XXXX will define the details of OBMM soon and will ensure that such systems will be required in all new vehicles after 2029, we are not sure of the outcome of the ongoing works which brings certain legal uncertainty.

We introduce in Weights & Dimensions Directive an additional technical requirement concerning the OBMM ability to remotely communicate which should be rather one of the features defined for such systems based on the Type-approval regime in Commission Implementing Regulation 2025/XXXX.

We also consider, without checking the technical feasibility, tachographs’ security (protection from manipulation) and cost-benefit analysis, the possibility of using tachographs for remote communication of OBMM data. This brings us to another legal framework and to risks of additional costs related to tachographs which is politically very sensitive.

Poland would like to ask for clarifications how all the enforcement tools should work in practice and what would be the cost of all the proposed solutions for haulers and enforcing authorities?

From the legal soundness point of view, should we refer to an act which has not been yet adopted? Should some technical details of a tool defined within the Type-approval Framework be established within the Weights & Dimensions Framework?

Is a safeguard clause on not allowing Member States to require the installation of OBW equipment in vehicles registered in another MS also applicable in the context OBMM equipment? If not, shouldn't such a clause be introduced also in this case?

For example, such a safeguard clause could be added to the current provisions of Article 10d(1): *A Member State shall not require on-board weighing equipment **or on-board mass monitoring equipment** to be installed on vehicles or vehicle combinations which are registered in another Member State.*"

In the opinion of Poland, the text concerning the possible use of OBMM equipment requires further discussion. It should aim at providing clarity that when a zero-emission vehicle has this equipment installed, it can be used to identify vehicles that may exceed maximum authorised weights but that Member States shouldn't require this equipment installation as a condition for zero-emission vehicles to profit from the additional weight allowance.

Having in mind recent difficulties with tachographs retrofitting and implementation of new tachograph specifications, is the tachograph the best way to ensure the remote communication of the OBMM (if this is not secured in Commission Implementing Regulation 2025/XXXX). Shouldn't the issue of OBMM equipment remote communication be considered in terms of finding the best solution taking into account technical feasibility, tachographs' security (if they are taken into account as potential solution) and cost-benefit analysis?

#### **Annex I point 4.3 Maximum authorised weight depending on the wheelbase**

Poland understands that in practice the authorised weight of a vehicle combination is set at the maximum of 42 t because the formula can be taken into account when the result is lower than 42 t. Is this interpretation correct?