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WORKING DOCUMENT

From:	General Secretariat of the Council
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 - Four-column document = Comments from Germany
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Delegations will find, attached, comments from Germany on the above-mentioned document.

Directive 96/53/EC

German Comments 2026/03/19

1. 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
 - Four-column document
 - = 5191/26 (Interinstitutional File: 2023/0265 (COD)), compromise V3

Germany thanks the Presidency for the opportunity to submit comments.

Regarding the aspects requested by the Presidency, we can provide the following feedback concerning the following lines from the four-column document:

1. Line 21 [indivisible loads]

DE is critical of the EP position. It remains unclear in the second sentence what the part of the sentence on indivisible loads refers to, as abnormal transport of indivisible loads is only permitted on a case-by-case basis and there is no fixed network of routes.

2. Line 24 [vehicle transporters]

DE proposes a recital clarifying that any length exemptions only apply to open body vehicles. As already mentioned, and for road safety reasons, closed vehicles cannot benefit from this exception. Even with closed vehicles, the load may protrude as long as all vehicle parts remain within the permissible maximum dimensions.

3. Line 31 [emergency clause in case of crisis]

DE supports the draft agreement.

4. Lines 49a, b [articulated buses]

DE asks that the Council's general approach be maintained and cannot support the EP position. Before such a change could be considered, studies on the navigability of transport facilities would have to be carried out; these include, for example, accessible bus stops.

5. Line 60 [alternatively fuelled vehicles]

DE supports the draft agreement.

6. Lines 82, 21b [specific for the forestry industry, explained in R21b]

21b: DE is willing to compromise and would also agree to a deviation from the general approach.

82: DE is willing to compromise and would also agree to a deviation from the general approach.

7. Lines 83, 84, 84a, 21c [shuttle transport 1.38 m]

The general approach shall be maintained.

8. Lines 85a, 89, 89a, 89b, 90, 91 [EMS, road safety & ex ante impact]

85a, 89, 89a, 89b: Germany is generally opposed to excessive bureaucracy and in favour of a more practical approach. European Modular Systems (EMS) have already been extensively used and tested in many Member States. Member States should therefore decide independently, based on their respective experiences, whether and under what conditions they allow EMS in their territory and what control mechanisms they establish.

90: It is important that Member States can retain their own regulations (not only weight related), taking into account national characteristics, which must all be equally considered and respected by the other Member States.

91: Although transparency is generally welcomed, Germany rejects excessive bureaucracy and control.

9. Lines 93, 94, 95, 96 [EMS, duration, can 'shall' become 'may', Delegated/Implementing Acts]

Excessive bureaucracy and the resulting obstacles to economic activity must be avoided. Furthermore, innovation must not be stifled, and competition must not be distorted.

93: This appears impractical (how is this evidence to be provided?) and critical with regard to academic freedom.

94: See above. DEU is generally opposed to excessive bureaucracy.

95, 96: The possibility of delegated acts should be rejected. National control mechanisms should remain the responsibility of the respective Member States.

10. Lines 102, 102a, 103a, 103b, 103c, 104 [web portal possibility]

102: DE supports the draft agreement since it is in line with the general approach.

102a: Should be kept and not replaced by 103a.

103a: The developers are responsible for the structures and hold the route and structure data of the line and structures used, inter alia, for the assessment of exemption applications. Under German Basic Law, there are different developers in Germany. There is no single data platform, only partial uniform data requirements. Due to the changed geopolitical situation, the publication of sensitive data is increasingly seen as critical and will significantly limit this framework in the future. The EP position is rejected.

103b: A clear definition of the 'one-stop shop' is essential for its subsequent implementation; therefore, this definition shall be retained.

103c: Sentence 2 implies obligations by the Member States to provide the relevant data to the Commission. It remains unclear, however, what the part of the sentence about indivisible loads refers to, since those transports are permitted on a case-by-case basis.

104: Germany cannot support the EP's proposed amendments. While harmonisation in this area is, in principle, a desirable goal, the national rules and the procedures for permitting oversized/overweight transports on a case-by-case basis are very complex. The details of these procedures and of the provisions in the permits have a significant impact on infrastructure and road safety. Harmonisation would be difficult to achieve. Therefore, the less broad wording of the Council Mandate should be retained. Neither option A nor option B can be supported. If a compromise is absolutely necessary, option b, "minimum" harmonised requirements for both, the application form and the escort rules, would be acceptable.

11. Lines 118a, 118b, 118c, 118d [EP changed 'may' to 'shall' line 118c ←118b?]

Insofar as roadside checks are concerned, which is not clear, as such checks can also be carried out in the context of the PTI, it should be noted that there can be no mandatory ('shall') checks on all vehicles, which would also be contrary to the idea of random checks. Roadside checks can always only be carried out on a random basis. It should therefore remain 'may'. We also cannot agree to the deletion of the 'only' in line 118d, as it is not possible to carry out systematic checks on all vehicles, at least during roadside checks. The EP position is rejected if it is actually intended in the context of roadside checks.

12. Lines 122a, 122b, 122c [Article 7, road safety concerns]

In the spirit of compromise, the restriction "characteristics of infrastructure, irrespective" could possibly be changed in favour of the EP position and the EC proposal.

13. Lines 130, 131 [vehicle transporters]

DE supports the draft agreement.

14. Lines 132, 133, 134: [extra length and driver comfort]

DE supports the draft agreement.

15. Lines 149 onwards

As the question of financing has not been clarified, the EP position cannot be supported. Moreover, it is not apparent that a comprehensive deployment of infrastructure-based control technology along the 'trans-European road transport network' can be financed at all.

Overall, there should be no deviations from the General Approach as regards the procedure for weight checks.

16. Line 155 [update of reference TEN-T guidelines]

DE supports the draft agreement since it is in line with the general approach.

17. Lines 159 to 171 [possibility of IAP (Intelligent Access policy) schemes, it is a 'may' provision.]

159-167a: DE supports the EP position unless there is a mandatory provision.

168: DE supports the COM proposal.

18. Lines 171a to 171b [revenues from penalties to be used to support the market uptake of sustainable transfer means]

Germany considers this provision as non-binding (“shall be encouraged”) and cannot support a binding rule. Earmarking revenue is problematic under budgetary law and requires justification.

Germany supports the suggestion of the Presidency to move this provision to the recitals.

19. Line 184 [Commission to issue recommendations to a MS if needed]

The EP position is intended to impose an obligation on the Member States to implement the Commission’s recommendations on a mandatory basis. In accordance with Article 288 TFEU, recommendations are not binding. Germany rejects the EP position.

20. Lines 187a to 187b and 190a to 190e [EP reporting obligations]

187a-b: Germany supports the amendment in principle but does not support the addition of Articles 4(5a) and 10ca.

190a-d: Germany cannot support this in the interest of reducing bureaucracy. However, Germany would be prepared to compromise.

190e: Germany cannot support this in the interest of reducing bureaucracy.

Important question with request for clarification:

Article 2 of this Directive refers to Regulation (EU) 2019/1242 for the definition of ‘zero-emission vehicle’. Since August 2025, eTrailers have also been included in the definition of zero-emission vehicles under Directive (EU) 2019/1242.

Germany asks the Presidency (?) to ensure that this new definition has no impact on Directive 96/53/EC in general and particular regarding the additional weights in Annex I.