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WORKING DOCUMENT

From:	General Secretariat of the Council
To:	Working Party on Land Transport
N° prev. doc.:	ST 8127/25
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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 - Comments from Germany

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

DE Comments on the 10th Revised Presidency compromise (ST 8127/25)

DE thanks for the opportunity to present its position. By our comments we hope to contribute to finding a balanced, fair and sustainable compromise.

With the following comments, we are only referring to sections that are very important to us and where we see an urgent need for change.

As DE has already submitted many of these comments on several occasions, a justification is requested for requirements that are not taken into the next compromise.

In addition, it is again pointed out that consent can only be given, if the changes described in this document are considered.

Changes are **bolded and underlined** or ~~crossed out.~~

Preliminary remark by DE

The additional weight for zero-emission vehicles with a maximum of 4 tonnes is considered desirable by DE, but comes with a big drawback for infrastructural reasons.

The higher weight limits cannot be applied to all roads.

In principle, the proposed compromise that allows higher weights only on certain roads is acceptable from an infrastructure perspective – provided that sufficient time and flexibility are afforded to the Member States for implementation. However, our concern is that companies that are not connected to the TEN-T core road transport network (Article 7, paragraphs (2) and (3)) could be temporarily or even indefinite in time disadvantaged. Because it is our common goal to encourage all companies to switch to zero-emission vehicles, we fear that this disadvantage could affect a high number of companies in Europe.

However, in order to ultimately reach an agreement within the Council and to avoid an even heavier burden for our infrastructure, DE is in principle not against the idea of the implementation of a positive network for the granting of an additional weight by 4 tonnes.

We strongly support if Member States identify and maintain a positive network of routes, including local and regional roads that provide last-mile connectivity. In addition, it would be very important to us to extend this effort to other routes that are important for short and medium distance transports as well, thus reducing potential disadvantages for companies that are not connected to the positive network (Article 7, paragraphs (2) and (3)) and for those whose business activities are focused on short or medium distance transports. We therefore propose an amendment to recital 12 a, see Desired Changes No.1.

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I. Necessary Changes

1. Change to Article 2:

DE proposes to insert a new indent to Article 2 to define single national entry point and single national access point:

‘— ‘single national entry point shall mean a dedicated point (e.g. website, agency etc.) through which an applicant shall submit its application for the special permit or similar arrangement for a member state, while processing and decision-making can also be decentralised,’

‘— ‘single national access point’ shall mean a point (e.g. website, agency etc.) for the applicants to obtain the information on the requirements for applying for special permits or similar arrangements.’”

Justification for this new definition:

Both terms have not yet been defined.

In DE, the processing and approving of these applications lies within the sovereignty of the Länder and must therefore be able to continue to be decentralised.

DE (Länder) would also agree with a written confirmation by the Commission if a transfer to the Directive cannot be achieved.

2. Change to Article 10d:

“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, **unless they are required within national regulations, e.g. for EMS transports.”**

Alternative proposal:

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. **However, for EMS a Member State may require on-board weighing equipment to be installed on vehicles or vehicle combinations circulating on its territory, which are registered in another Member State.”**

Justification for change:

On-board weighing equipment is an effective instrument of enforcement and can help to prevent overloading. In DE, the national regulation for EMS transports already stipulates the use of on-board weighing equipment. This national regulation shall also apply to international EMS transports.

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3. Change to Article 10da

3a. ~~The Commission shall assess, by 2029, the possibility of using data on fuel consumption and CO_2 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.~~

By 2029, the Commission shall assess the feasibility of utilizing data on actual vehicle mass, at least for those vehicles to which the additional vehicle weights for zero-emission vehicles, as stipulated in Annex I, applies.

The data must be stored in the tachograph. Control authorities shall be granted the capability to retrieve data on actual vehicle mass from the tachograph enabling them to conduct a preliminary selection for inspection. This capability is a prerequisite for applying the additional weights for zero-emission vehicles specified in Annex I. Where appropriate, the Commission shall submit a legislative proposal to the European Parliament and the Council.

Justification

This measure is necessary to support the enforcement of regulations concerning the maximum permissible weights of heavy-duty vehicles.

Actual vehicle weights are already recorded and used e.g. by on-board fuel or energy consumption monitoring equipment as part of the collection of fuel consumption and CO_2 emissions data pursuant to Regulation (EU) 2019/1242. These data only need to be made usable by the control authorities. There are no further expenses or costs. It's a free lunch!

DE shows substantial flexibility regarding the need for onboard weighing systems for the implementation of additional weights for zero-emission vehicles. However, we cannot go beyond that in order to reach a compromise. Merely an examination by the Commission with possibly negative result is not sufficient for us to agree to the additional weight of 4 tonnes for zero-emission vehicles mentioned in Annex I.

4. Change to Annex I No. 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~~ **34** 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.

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Justification for this new definition:

The new five-axle motor vehicles presented in the last compromise proposal 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 2.3.6 and additional weights for zero-emission vehicles.

5. Change to Annex I No. 3.3

Text excerpt 10th compromise:

3.3 Tri-axles of trailers and semi-trailers			
	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 or greater but less than and up to ~~1,8 m~~ **1,4 m** (1,3 <d ≤ ~~1,8~~ **1,4**)	24 tonnes

DE comment:

DE rejects the expansion to 1,8 m. The value of 1,4 m of the currently valid regulation must be complied with. We have entered them 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 these vehicles to fall outside the regulations in annex I No 3.3.2 for three-axle trailers while still benefiting from the higher axle load limit of 9 tons, which applies to two-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 CO_2 emissions, but also entail numerous other disadvantages (e.g. regarding driver shortages).

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6. Change to Annex I No.4.3

Excerpt from the 10th compromise and change

4.3 Maximum authorised weight depending on the wheelbase	
	~~The maximum authorised weight in tonnes of a four-axle or a five-axle motor vehicle may not exceed five times the distance in metres between the axes of the foremost and rearmost axles of the vehicle, in case the weight does not exceed 34 tonnes.~~
	~~The maximum authorised weight in tonnes of a five-axle motor vehicle may not exceed four times the distance in metres between the axes of the foremost and rearmost axles of the vehicle, in case the weight exceeds 34 tonnes~~
	~~The maximum authorised weight in tonnes of a vehicle combination with five or~~ six axles ~~may not exceed the maximum of 42 t or the weight given by the formula:~~ ~~Weight in tonnes ≤ 2,7 x A + 13,5~~ ~~where A is the distance in metres between the axes of the foremost and rearmost axles of the vehicle combination~~

Justification for changes:

Consequential change. The bridge formula in point 4.3 of the annex is designed to control the position of traffic loads on the structure, but does not say anything about the impact on the existing infrastructure, as essential aspects such as the simultaneous occurrence of encounter and overtaking traffic or smaller vehicle distances are neglected in congestion conditions. Because the load-bearing capacity of the existing bridges is not taken into account, the effects cannot be assessed at all.

In addition, it would have a strong impact on existing vehicles, as in many cases they cannot be used further.

II. Desired Changes

1. Change Recital 12a

"Considering the imperative of promoting sustainable transport services by heavy duty vehicles and recognising diverse national infrastructural and geographical conditions, Member States should be allowed to designate specific parts of their road network within the Trans-European Transport Network (TEN-T) where heavier vehicles, ~~which are zero-emission vehicles and/or involved in intermodal transport,~~ can safely circulate in national and international traffic. Member States should be given time to upgrade remaining parts of their road to ensure comprehensive coverage of roads suitable for heavy transport. **In order to ensure the operational effectiveness of measures supporting the deployment of zero-emission heavy-duty vehicles, Member States are encouraged to identify and maintain a network of routes, including local and regional roads that provide last-mile connectivity to freight terminals, logistics centres and depots and other short- and middle-distance transports.**"

2. Change to Article 4 paragraph 5:

Text excerpt from the 10th compromise and change

~~Trials with European Modular Systems shall be allowed for a maximum of five years and can be renewed for another period of maximum five years."~~

Justification for change: We are in strong favour of retaining the original text of the directive and not introducing defined trial periods, to ensure a comprehensive scientific research. A defined period hinders investments in new technologies. Our national experience shows that trial periods cannot be predicted and defined from the outset.

Alternatively, we propose the following compromise:

"Trials with European Modular Systems shall be allowed for a maximum of **seven** ~~five~~ years and can be renewed for another period of maximum five years."

3. General amendment to Annex I

DE proposes to always grant the additional weights for zero-emission vehicles as a lump sum (e.g.: **by x tonnes**). Since there will not always be a combustion counterpart in the future, this reduces complexity for the type approval authority. In addition, it creates an incentive for manufacturers to build lighter vehicles in order to achieve a higher payload; this reduces CO_2 emissions per tonne-kilometre**.**