



## Revision of the Weights and Dimensions Directive

### KEY MESSAGES

- Facilitate the cross-border provision of road transport services through an effective and targeted harmonisation of rules regulating cross-border transport operations of heavy-duty vehicles between Member States, without leaving any room for certain market fragmentation practices at national level.
- Where a Member State makes use of national derogations, allow the cross-border transport with the same weights and dimensions as permitted under national rules, including European Modular Systems (EMS).
- While incentivising and promoting innovative and new vehicle technologies and their market uptake, uphold the principle of technological neutrality. In doing so, develop new vehicles considering technical interoperability with other modes to facilitate their use in intermodal transport operations.
- Extend the allowance of the cross-border circulation of 44-tonne non-zero emission vehicles beyond 31 December 2034, as currently foreseen by the Commission.
- Increase ambitions regarding the cross-border use of EMS and other vehicle combinations and prevent any additional barriers at national level that might restrict such transport operations.
- Ensure coherence with related EU legal acts, such as the Regulation on a Trans-European Transport Network (TEN-T), the Combined Transport Directive, CO<sub>2</sub> emission standards for heavy-duty vehicles and EU type-approval rules.

### CONTEXT

Transport is a key pillar of the Single Market, allowing for the free movement of goods in the EU. The cost and efficiency of transport services directly affect trade flows, mobility, and the competitiveness of European companies. The EU, from a geographic and logistic perspective, is a fragmented market with different conditions and requirements on transportation at national level, depending on Member States' geography, international location within the EU and industry pattern. Flexibility in freight transport, rather than a "one-size-fits-all"-approach, regarding permissible weights and dimensions for vehicles provided



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for in EU legislation has offered increased opportunities for companies to develop innovative and efficient vehicle concepts and transport solutions, bearing potential for increased sustainability, improved road safety and limited congestion and capacity shortage.

Yet, at the same time, due to fragmentation and a patchwork of legislation at national level, companies in the freight transport face the risk of being confronted with significant regulatory barriers, hampering business opportunities, fair competition and ultimately efficiency, sustainable development, growth and job creation. Divergences at national level both regarding the possibility and permissibility of cross-border freight traffic with different weights and dimensions for vehicles and vehicle combinations, as well as the interpretation and transposition of the respective EU legislation have rendered road transport less efficient and hindered the functioning of the Single Market.

## COMMENTS

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### General principles

Weights and dimensions of road freight and commercial vehicles play a key role in operational and energy efficiency improvement and CO<sub>2</sub> optimisation in the transport sector, thus directly contributing to the EU's ambitious climate goals as laid down in the EU Green Deal. BusinessEurope welcomes the Commission proposal<sup>1</sup> to revise the current Directive regulating the permissible dimensions and weights for vehicles and vehicle combinations in international traffic (Directive 96/53/EC) (hereinafter, 'the Directive'), which introduces important provisions promoting efficient transport operations, facilitating intermodal transport, and ensuring the smooth functioning of the Single Market, with estimated benefits of removing barriers to the cross-border provision of road transport services amounting to €80.2 billion over the period of 2025-2050<sup>2</sup>.

BusinessEurope has repeatedly underlined<sup>3</sup> that the revision must aim for the facilitation of cross-border provision of road transport services and the protection of the free movement of goods through an effective and targeted harmonisation of rules regulating cross-border transport operations of heavy-duty vehicles between Member States. European business hence supports the introduction of harmonised rules and conditions for such cross-border operations, however, the proposal should in no circumstances leave room for certain market fragmentation practices at national level.

The revised Directive plays a crucial part in facilitating the market uptake of zero-emission vehicles, including battery-electric and hydrogen-powered trucks and buses, and creating a level playing field with conventionally powered vehicles. While innovative and new vehicle technologies and their market uptake should be incentivised and promoted, it is imperative to uphold the principle of technological neutrality.

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<sup>1</sup> European Commission COM(2023) 445/2, [Proposal for a Directive](#) of the European Parliament and of the Council amending Council Directive 96/53/EC, COM(2023) 445/2

<sup>2</sup> European Commission SWD(2023) 445 final, Impact Assessment Report accompanying the document Proposal for a Directive of the European Parliament and of the Council amending Council Directive 96/53/EC

<sup>3</sup> See BusinessEurope's [non-paper](#) on divergent weight and dimension requirements in road freight transport (published in April 2023).



Moreover, new vehicles placed on the market should be developed considering interoperability with other modes to facilitate their use in intermodal transport. As the development of intermodal logistics plays an important role in the decarbonisation and greening of the European transport sector, intermodal compatibility should be ensured throughout the revision process of the Directive, and the recently published Combined Transport Directive. Moreover, considering that the substantial increase expected in the demand for transport services will have to be accommodated by *all* modes of transport, strengthening multimodality and interoperability as well as ensuring a level playing field between the different modes remains key.

### **Specific provisions**

BusinessEurope supports the possibility given to Member States to allow vehicles and vehicle combinations with diverging weights and dimensions as those set out in Annex I to circulate within the national territory, in accordance with Article 4(2) of the Directive. Higher weights and dimensions should always be allowed for cross-border transport between like-minded Member States, without the need for bilateral agreements. At the same time, to further enhance the Single Market, Member States should refrain from any discriminatory restrictions on cross-border transport operations, including the application of a maximum limit for international road freight transport that is lower than the national maximum limit, or the rejection of vehicles or vehicle combinations for international transport which comply with national rules derogating from the characteristics set out in Annex I of the proposed Directive. In such cases, where a Member State makes use of national derogations, cross-border transport with the same weights and dimensions as permitted under national rules should always be allowed. The same principle should be applied to European Modular Systems (EMS) derogating from the characteristics set out for EMS in Annex I.

**Conventional road freight transport.** Streamlining and extending the permissible maximum weight in conventional road freight transport in both national and international transport above 40 tonnes provides the leverage to enhance efficiency in freight transport, leading to a reduction in CO<sub>2</sub> emissions, and as well as traffic and capacity relief. However, the impact on the road transport infrastructure, including related maintenance and upgrading requirements, and on intermodal transport, such as the permissible total weight in combined transport, should be examined. Identifying a dedicated and well-defined 'road network' suitable for higher weights may be a tool to qualify or refute concerns regarding infrastructure resilience.

Allowing the use of 44-tonne vehicles in international road freight transport operations between those Member States that accept such vehicles in their territory, and allowing additional weight for vehicle combinations used in intermodal transport, will significantly increase the operational efficiency of transport operations. However, BusinessEurope recommends extending the allowance of the cross-border circulation of 44-tonne non-zero emission vehicles beyond 31 December 2034, in contrast to the current proposal, which foresees such an allowance only for zero-emission vehicles from 1 January 2035. While the uptake of zero-emission vehicles and vehicle combinations should be fostered and incentivised, it might be premature to restrict cross-border transport operations with non-zero-emission vehicles from 2035. The availability of the necessary fleet and infrastructure,



both distribution and charging infrastructure, and thus the actual market penetration of zero-emission vehicles, may not be adequately prepared by 2035.

Moreover, zero-emission targets for road transport (operators) should be aligned with the level of ambition set for vehicle manufacturers under the currently discussed Regulation (EU) 2019/1242 regarding CO<sub>2</sub> emission standards for heavy-duty vehicles in the EU. The revised Directive must level the playing field for zero-emission vehicles, while not contradicting or being more restrictive than the aforementioned Regulation, nor imposing additional limitations and requirements on top of existing legislation, or phasing out any propulsion technologies before market conditions allow for it.

**Alternative fuel vehicles.** The additional weight allowance of 4 tonnes for zero-emission vehicles, as foreseen in the current proposal will compensate load capacity losses resulting from the additional weight of the zero-emission technology. The proposed provision to increase the driving axle weight to 12.5 tonnes is essential to fully use the additional weight allowance, and should further be extended to all zero-emission two- and three-axle buses and coaches. Despite a moderately higher driving axle weight, the overall impact on road damage will be mitigated by to inner-vehicle weight distribution adjustments.

Further improvements in the development and manufacture of zero-emission vehicles are crucial, including reducing the additional weight of new propulsion technologies and improving vehicle autonomy.

While innovative and new vehicle technologies and their market uptake should be incentivised and promoted, it is important to uphold the principle of technological neutrality. The differentiated limitation of maximum authorised mass (MMA) depending on the type of propulsion technology does not add to increased road safety or reduced infrastructure deterioration. Irrespective of the specific propulsion technology, other alternatively fuelled vehicles, including carbon neutral fuels, should benefit from compensations for potential load capacity losses and have the same MMA limitations, regardless of whether this mass is attributable to the vehicle's tare weight or the payload.

**European Modular Systems.** In order to facilitate the use of longer trucks and European Modular Systems (EMS) and thus increase their positive socio-economic and environmental impacts, it is crucial to remove unnecessary barriers to the use of such vehicle combinations in international transport operations. Member States should not refuse the cross-border operations of EMS if the national use of such vehicle combinations is allowed. In this context, BusinessEurope welcomes the increased possibility for the circulation of EMS both in national and cross-border traffic upon the fulfilment of several conditions. Allowing the cross-border use of EMS without the need for a bilateral agreement or a restriction of only crossing one border, if a Member States allows EMS within its national territory, has the potential of increasing freight transport efficiency and CO<sub>2</sub> reduction.

However, BusinessEurope highlights the need for increased ambitions regarding the cross-border use of EMS and other vehicle combinations. The current proposal gives leeway to Member States to limit weight limits of EMS, and possibly introduce additional barriers for their cross-border use, such as professional qualifications of drivers. To prevent any such barriers to the cross-border operation of EMS and a tightening of driver shortages, the EU



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should establish a cooperation framework with Member States for mutual recognition of EMS driver certificates. In any case, the proposal should clarify that Member States cannot introduce any additional conditions before allowing cross-border EMS operations in their national territory as this would create per-conditions for further market fragmentation. Moreover, as outlined above, in cases where a Member State allows deviating dimensions in accordance with Article 4(2) of the Directive, EMS with the same capacity should be permitted in cross-border transport.

Furthermore, while the impact of EMS on road safety and the environmental impacts on the transport system should be assessed, BusinessEurope deems the currently proposed trial period limited to five years insufficient to determine the level of maturity of such vehicle concepts. An extension of the trial period, subject to a proper justification provided to the relevant national authorities, should be possible.

It is crucial to clarify and safeguard the use of vehicle combinations which are not based on EMS between those Member States which allow their use on their national territory without the need for a bilateral agreement. Efforts should be made to allow the use of extended trailers (long truck type 1, 17.88 m) beyond 2023 and - in standardised form - also across the entire EU. Harmonised rules for vehicle transporters exceeding maximum lengths as laid down in Annex I with a loaded length of 20.75 metres should apply to all vehicles, not only those with open bodies. Moreover, increased incentives for the use of longer and heavier vehicles (LHVs) at European level might be an efficient tool to tackle challenges faced by the transport sector, such as driver shortages and challenges in terms of capacity in the market. However, allowing vehicles to exceed the maximum authorised vehicle lengths should be conditioned upon ensuring driver comfort in the cabin.

**Enforcement and implementation.** As interpretations and enforcement of the current rules vary considerably between Member States, leading to a patchwork of national requirements, BusinessEurope welcomes the clarifications provided by the revised Directive to strengthen enforcement of the applicable rules effectively. BusinessEurope supports the establishment of electronic information and communications systems at national level. Member States should provide transparent and easily accessible information not only on the circulation of EMS, but of all types of vehicles exceeding the established maximum dimensions.

BusinessEurope welcomes the alignment with EU deployment requirements of weigh-in-motion systems as laid down in the Regulation on a Trans-European Transport Network (TEN-T Regulation), as well as the Combined Transport Directive and the proposed use of the Electronic Freight Transport Information Regulation (eFTI) for the proof of compliance for intermodal goods transport. Moreover, to ensure coherence with other EU legal instruments and incentivise the operation and market uptake of vehicles with new technologies and design parameters, such as additional weights, axle weights or additional lengths, it is crucial to simultaneously amend the respective EU type-approval rules under Regulation (EU) 2018/858.

In order to make a currently fragmented international road freight market more efficient, and remove regulatory obstacles to the cross-border provision of road freight services, BusinessEurope calls on the EU institutions to prioritise the adoption of the revised Directive and reduce the minimum time for transposition into national law to one year.