



Opinion of the European Economic and Social Committee on the 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

(COM(2023) 445 final — 2023/0265 (COD))

(C/2024/895)

Rapporteur: **Dumitru FORNEA**

Referral	European Parliament, 14.9.2023 Council of the European Union, 21.9.2023
Legal basis	Articles 91, 100(2) and 304 of the Treaty on the Functioning of the European Union
Section responsible	Transport, Energy, Infrastructure and the Information Society
Adopted in section	6.10.2023
Adopted at plenary	26.10.2023
Plenary session No	582
Outcome of vote (for/against/abstentions)	165/2/7

1. Conclusions and recommendations

1.1. The previous amendment of the Directive had a limited impact, as it lacked adequate incentives to adopt alternative-fuel vehicles and use aerodynamic devices and resulted in fragmented enforcement across Member States, particularly in the utilisation of heavy-duty vehicles (HDVs) and European Modular Systems (EMS).

1.2. The Committee appreciates the consultation conducted by the European Commission prior to the release of the current proposal for a Directive, as well as the comprehensive impact assessment and the evaluation covering 1997 to 2021.

1.3. The European Economic and Social Committee (EESC) supports the objectives of greening of transportation modes by using cleaner road transport vehicles. The EESC however takes note of the worries expressed by the railway community, workers and some NGOs that the adoption of this Directive would generate a reverse modal shift.

1.4. The EESC suggests expanding the scope of the Directive to encompass additional critical elements, such as increasing the comfort of the driver by allowing longer cabins and the implementation of appropriate training and control equipment for authorities. This could help address the driver shortage challenge in the EU.

1.5. The Committee endorses the proposal to allow a maximum additional weight of 4 tonnes for zero-emission (ZE) lorries only, but calls for a rigorous monitoring policy post-adoption, including immediate policy change should the desired impact not be achieved.

1.6. Significant investment and extensive infrastructure modifications will be necessary to support the increased volume of traffic while maintaining current safety standards and installing the essential charging infrastructure for ZE vehicles.

1.7. The EESC asserts that the successful implementation of ZE EMS requires robust support from both EU and national policies to ensure the availability of accessible and cost-effective specialised driver training.

1.8. The EESC welcomes the suggestion for Member States to set a mandatory minimum level of controls, including conducting appropriate night-time inspections. Nevertheless, the Committee was expecting a more precise, standardised and uniformly executed approach to the number of night-time inspections across all Member States.

1.9. The Committee emphasises the difficulties posed by intersections of primary and secondary roads, including junctions and roundabouts, as existing road construction regulations and criteria are based on the dimensions of the 'standard vehicles' currently in use.

1.10. Boosting and promoting the production of electric trailers is crucial, with a particular emphasis on adhering to the maximum permitted gross weight, and the EESC draws attention to the need to prevent any technical specifications, such as extra metal reinforcements, from leading to an increase in the allowed maximum gross weight.

1.11. Increasing road tolls for ZE vehicles could add financial strain to operators, including numerous SMEs in the sector.

1.12. The EESC understands the Commission's arguments for facilitating the EMS combinations in international operations between neighbouring Member States who allow their circulation on their territories. This approach allows the varying infrastructure standards and operational conditions between Member States to be taken into account, as for example, the practices that have been in place since Finland and Sweden joined the EU for transport between the two countries. However, the Committee does not deem it appropriate to ease cross-border operations for heavier and longer fossil-fuel EMSs, as it undermines the initiative's climate goals

1.13. The EESC emphasises the need to implement distinct measures to ensure that all cross-border EMSs eventually reach ZE and that EMSs avoid routes posing risks to cyclists and pedestrians when possible. Furthermore, the Committee is worried that additional EMSs on the EU's roads could place an additional unnecessary burden on road parking infrastructure.

1.14. Achieving equitable conditions necessitates standardising maximum weights and dimensions across Member States, incorporating digitalised border-crossing protocols and allocating resources to adapt national road infrastructure to heavier and longer ZE vehicles, particularly along the extensive TEN-T network. The Committee suggests including onboard equipment, such as weight sensors connected to tachographs, which would ensure continuous monitoring throughout the entire journey and across the entire road network.

1.15. The Committee finds it challenging to ascertain exactly how Member States should enact particular measures to detect vehicles or vehicle combinations in use that are likely to have surpassed the approved maximum weight, and would have expected a standardised procedure to be established.

1.16. The proposal set out in various sections of the Directive to grant the Commission the authority to adopt delegated acts is highly delicate because of its potential infringement on subsidiarity principles, and the EESC had anticipated that the Commission would address most of these concerns in this legislative proposal, having deliberated with the European Parliament and the Council.

1.17. Finally, considering the impact of this Directive on the multimodal framework, the EESC deems it appropriate for the discussions on this Directive to proceed concurrently with the upcoming proposal for the Combined Transport Directive.

2. Background and introductory comments

2.1. During emergency situations, such as the COVID-19 pandemic and Russia's war of aggression against Ukraine, the transport sector has showcased its vital role in ensuring the distribution of essential supplies, delivering humanitarian aid and facilitating personal mobility.

Nevertheless, road transport brings about various socioeconomic and environmental consequences, encompassing greenhouse gas emissions, air and noise pollution, congestion, road safety risks and road infrastructure wear and tear.

2.2. The impact of the previous amendment of the Directive ⁽¹⁾ on sustainability was relatively modest since the incentives to encourage the adoption of alternative-fuel vehicles and aerodynamic devices were deemed insufficient, and enforcement of the rules remains fragmented across Member States. Furthermore, the Directive only partially succeeded in promoting efficient intermodal operations. This is mainly attributed to internal and external inconsistencies within the Directive, including conflicts with the Combined Transport Directive ⁽²⁾, which hindered its ability to fully support seamless intermodal transportation practices.

2.3. The decarbonisation of the HDV segment requires accelerated efforts. As of 2022, battery electric HDVs accounted for just 0,6 % of new lorry registrations in Europe, while diesel vehicles constituted 96,6 % of the segment ⁽³⁾. Since zero-emission (ZE) lorries, such as electric vehicles, are heavier than their diesel-powered counterparts due to factors like battery weight, the Commission suggests that an additional weight allowance be implemented in order to effectively decarbonise the HDV segment.

2.4. Three policy options (PO-A, PO-B and PO-C) have been formulated to tackle the issues and challenges identified during the evaluation and impact assessment. PO-B is considered the most balanced one, introducing additional economic incentives, establishing a target date beyond which heavier HDVs (44 tonnes) must be ZE, and harmonising the authorisation requirements and administrative procedures for cross-border transport involving certain longer/heavier vehicles.

It also mandates the installation of weight-control equipment, such as weigh-in-motion (WIM) systems, in road infrastructure to facilitate more efficient enforcement. However, it does not consider the installation of onboard equipment like weight sensors linked to tachographs, which would ensure continuous monitoring throughout the entire journey and across the entire road network.

2.5. The EESC takes note of fears that reduction in road freight costs could result in increased demand, especially for goods transported over longer distances, contributing to reverse modal shift. The reduction of transport costs might also contribute positively to the overall competitiveness of European companies. However, the efficiency gains should not come at the expense of environmental goals.

3. General comments

3.1. The Committee appreciates the consultation conducted by the European Commission prior to the release of the current proposal for a Directive, the thorough impact assessment ⁽⁴⁾ and the evaluation for the period 1997–2021 ⁽⁵⁾ accompanying the Directive. While the Directive successfully facilitated cross-border transport and addressed certain technical hurdles, the existence of national derogations and ambiguities in certain provisions resulted in varying national rules and practices.

This fragmentation in the internal market was particularly evident concerning the utilisation of HDVs and EMS.

3.2. The EESC takes note of the worries expressed by the railway community, workers and some NGOs that the adoption of this Directive would generate a reverse modal shift. Only by enabling a fair framework for all modes of transport can sufficient transport capacity be guaranteed. The long-term goal of greening the commercial road transport can, however, be further incentivised. The EESC also reminds that continuous efforts will need to be taken to improve road safety and working conditions for drivers.

⁽¹⁾ Consolidated text: Council Directive 96/53/EC of 25 July 1996 laying down for certain road vehicles circulating within the Community the maximum authorized dimensions in national and international traffic and the maximum authorized weights in international traffic, 14.8.2019.

⁽²⁾ Council Directive 92/106/EEC of 7 December 1992 on the establishment of common rules for certain types of combined transport of goods between Member States (OJ L 368, 17.12.1992, p. 38)..

⁽³⁾ ACEA — Fuel types of new trucks.

⁽⁴⁾ SWD(2023) 445.

⁽⁵⁾ SWD(2023) 447.

3.3. Furthermore, a decrease in the amount of fuel consumed per unit of goods would be countered by an increase in fuel consumption per vehicle-kilometre ⁽⁶⁾. The Commission proposal includes facilitating cross-border operations for EMS combinations. The EESC understands the Commission's arguments for facilitating the use of such vehicles in international operations between neighbouring Member States who allow their circulation on their territories. This allows the varying infrastructure standards and operational conditions between Member States to be taken into account. However, the Committee does not deem it appropriate to ease cross-border operations for heavier and longer fossil-fuel EMSs, as it undermines the initiative's climate goals.

3.4. The EESC calls for improved and immediate harmonisation of enforcement rules, as there is significant variation among Member States regarding the number of controls, effectiveness in detecting infringements, control tools and practices. The Committee appreciates the proposal that Member States should establish a mandatory minimum level of controls based on the level of traffic by the vehicles covered under this Directive, including a suitable number of controls during night hours. However, it was expecting the number of night controls to be specified, harmonised and implemented in a coherent manner in all Member States.

3.5. Ensuring safer and cleaner vehicles should be the primary focus, along with the introduction of supplementary enforcement provisions, such as regulations on overloading. The EESC considers that the scope of the Directive should be broadened to cover other important aspects, such as increasing the comfort of the driver by allowing longer cabins and the implementation of appropriate training and control equipment for authorities. This could help address the driver shortage challenge in the EU.

3.6. The adoption of ZE vehicles equipped with advanced safety features and enhanced cabin comfort may contribute to improving the profession's image and attracting young people to work in the sector. The EESC considers that R & D funds must be directed towards the development of lighter and smaller ZE technologies as soon as possible.

3.7. The EESC believes that, for the deployment of ZE EMS to be successful, strong EU and national policy support is essential to ensure that dedicated driver training is accessible and affordable.

Currently, some Member States permit EMSs to cross borders. The Commission aims to facilitate these agreements without extending EMSs usage to Member States that do not allow them. The EESC stresses the need for specific safeguards to ensure that EMSs avoid to the greatest possible extent roads where they pose risks to cyclists and pedestrians, with concerns arising in particular when EMSs leave the motorway to access logistics centres. At the same time, the Commission must ensure that measures adopted to facilitate the international EMS transport operations do not erode efforts at European level to promote greener modes of transport.

3.8. The announced cost for the European Commission of establishing the technical and operational standards for information exchanges concerning the transportation of indivisible loads is under EUR 900 000, including an initial study and a two-day workshop. Roughly the same amount is calculated for the development of IAP standards. The EESC finds that acceptable.

3.9. The proposal made in several paragraphs of the Directive to empower the Commission to adopt delegated acts is very sensitive due to the subsidiarity aspects it may infringe. The EESC would have expected the majority of these issues to have been clarified in this legislative proposal and debated with the European Parliament and the Council.

4. Specific comments

4.1. The new proposals will guarantee that lorries no longer need to compromise on cargo weight during long-haul journeys, where larger batteries are essential. The EESC welcomes the decision to promote eco-friendly lorries by raising weight limits under the EU Weights and Dimensions Directive. The Committee supports the proposal to allow a maximum

⁽⁶⁾ ETSC position on Longer and Heavier Goods Vehicles on the roads of the European Union.

additional weight of 4 tonnes for ZE lorries only, regardless of the weight of the ZE technology used, but calls for a rigorous monitoring policy post-adoption, including immediate policy change should the desired impact not be achieved.

4.2. The EESC believes that achieving a level playing field requires aligning maximum weights and dimensions among Member States, including by adopting digitalised border-crossing procedures. Member States must invest in their road infrastructure, enabling it to accommodate heavier and longer ZE vehicles, especially along the comprehensive TEN-T network. The EESC also notes an increase in traffic in some Member States due to Russia's invasion of Ukraine, which is not taken into consideration in the Commission documents, and which creates additional pressure on the infrastructure in Member States bordering Ukraine.

4.3. The EESC considers that there are no significant technical barriers to handling heavier containers weighing up to 34–36 tonnes in combined transport operations. However, it calls for further studies and analysis to assess whether there are any new technical challenges concerning infrastructure and lifting capabilities at terminals.

4.4. Further analysis is also necessary to take into account infrastructural aspects, especially since existing roads in Europe have been designed to meet the prevailing weight and dimension standards, with a long-term perspective of over 45 years. EU roads are not equipped to accommodate the longer and heavier ZE vehicles the Commission aims to introduce, including bridges and bearing structures. Therefore, substantial investment and extensive infrastructural adjustments will be needed to accommodate the additional traffic and uphold the current safety standards and to build the necessary charging infrastructure.

4.5. It is also crucial to take into account access and capacity limits in rest areas and car parks, as compliance with driving periods and rest obligations is mandatory. The proposed Directive might increase the number of EMSs being used in road transport, which could in turn lead to significant challenges in terms of providing sufficient secure parking capacity across the EU. There are currently 300 000 parking spaces for lorries in the EU, with a need for 100 000 more parking spaces to meet the total demand. More importantly, only 3 % of parking spaces have the necessary certification for safety and security⁽⁷⁾. Having more EMSs on the EU's roads could place an additional unnecessary burden on road parking infrastructure.

4.6. The Committee stresses the need to continue to invest in R & D for the safety-oriented and aerodynamic redesign of lorry cabs to enhance safety and fuel efficiency and bring down CO₂ emissions. In the long run, it is evident that blind-spot elimination and lorry electrification complement each other effectively. The EESC considers it important to capitalise on the advantages of innovative electric lorry designs, ensuring the elimination of all blind spots in new lorries for good. Gradually, lorry design should transition from the traditional cab-over-engine with drivers positioned high up, to a modern setup with batteries placed between the axles and drivers, situated at eye level with pedestrians and cyclists, eliminating the causes of most accidents.

4.7. To facilitate a successful transition towards ZE mobility, the EESC considers it crucial to gradually phase out the use of heavier lorries that rely on fossil fuels and to ensure that more operationally efficient and affordable ZE technologies are coming on the market which are usable in all mission profiles of heavier lorries.

4.8. The Committee also highlights the challenges arising from connections between primary and secondary roads, such as junctions and roundabouts. The current regulations and parameters for road construction are based on 'standard vehicles' that are currently in operation. Any change in dimensions could have major safety repercussions across the EU.

⁽⁷⁾ Promoting safe parking areas with the European Truck Parking Award.

4.9. The production of electric trailers must be enhanced and incentivised, given their energy-saving potential. Specific attention must be paid to respecting the maximum allowed gross weight, especially since electric trailers may require the use of heavier equipment. The EESC considers that, in order to enhance the efficiency of combined transport, new trailers must be craneable. Furthermore, it is essential to ensure that any technical specifications for these trailers, such as additional metal reinforcements, do not result in an increase of the allowed maximum gross weight.

4.10. Furthermore, the harmonisation and simplification of administrative procedures for the requirements for permits to transport abnormal or indivisible loads outlined in PO-B are an important step forward. The EESC appreciates the proposed simplification, as well as the administrative cost savings for road transport operators, estimated at EUR 1,2 billion in present value terms over 2025–2050 compared to the baseline.

4.11. The EESC advocates the establishment of clear deadlines to expedite the implementation process of transitioning to ZE vehicles. This will empower manufacturers to attain the recently proposed HDV CO₂ reduction targets more efficiently. Considering that the viability of long-haul ZE vehicles hinges significantly on predictability, legal certainty and harmonised conditions across the EU, it is crucial to establish explicit time limits for both national transposition and the inclusion of any new weight allowances in type-approval law.

4.12. Implementing higher ZE vehicle road tolls would impose an additional financial burden on operators, including many SMEs, potentially discouraging the adoption of such vehicles. Therefore, it is essential to rule out additional weight allowances for ZE vehicles when determining road charging rates, regardless of whether or not they are differentiated by CO₂ as per the Eurovignette Directive.

4.13. The Commission suggests that Member States should implement specific measures to identify vehicles or vehicle combinations in circulation that are likely to have exceeded the maximum authorised weight, but the Committee finds it rather difficult to assess how that will be done and would have expected a harmonised procedure to be followed.

4.14. The EESC calls for the wording in Article 10da(1) of the proposal for a Directive to be changed to 'Member States **shall** implement Intelligent Access Policy (IAP) schemes within their territories to regulate ...'.

The EESC expresses its full support for the Commission's proposal for indicators of performance to measure progress in removing barriers to the internal market, success in boosting the uptake of ZE HDVs and energy-saving devices, and progress in promoting intermodal operations.

It appreciates the detailed set of indicators proposed for each objective of the Directive and considers that they will provide important insights into how to further improve the legislative framework in the future.

4.15. Finally, considering the impact of this Directive on the multimodal framework, the EESC deems it appropriate for the discussions on this Directive to proceed concurrently with the upcoming proposal on the Combined Transport Directive.

Brussels, 26 October 2023.

The President
of the European Economic and Social Committee
Oliver RÖPKE