



Position Paper

To: ESTA members
From: ESTA Director
Date: August 7th , 2023
Subject: ESTA analysis and observations on the new EC proposals to amend directive 96/53/EC on weights and dimensions.

A. Background:

On 11 July 2023, the EC tabled a new legislative proposal to amend Directive 96/53/EC on weights and dimensions. This proposal is part of the EC's Greening Freight Package.

According to the EC, the proposal aims to address three issues:

- Low uptake of zero-emission heavy-duty vehicles (HDVs)
- Fragmentation of the market for longer and heavier vehicles
- Ineffective and inconsistent enforcement

This document aims to summarise the content of the proposal and to provide ESTA 's preliminary observations on the proposed adaptations.

B. Main content of the proposal

The document contains a multitude of proposals which can be roughly divided into eight categories:

1. Alternative fuel and zero emission vehicles

This section contains weight derogations for vehicles equipped for use of alternative fuels or as zero emission vehicle. The different derogations relate to weight of motor vehicles, weight of vehicle combinations, axle weights and vehicle lengths.

2. Combined and intermodal transport

Vehicle combinations in intermodal or combined transport will receive higher maximum authorised weights - up to 44 tons.

3. Cross-border operations with standard vehicle combinations

Maximum allowed weight remains 40 tonnes, but until 1-1-2035, 44 tons will be allowed between member states applying it in national operations. After this date only zero emission vehicles will be allowed 44 tons in cross border operations.

4. Vehicle logistics

For vehicle transport a loaded length of 20,75 m. is proposed in combination with a

maximum allowed front and rear overhang.

5. European Modular Concept (EMS)

Cross border operations are allowed between member states having national rules for EMS circulation. The lowest common denominator in terms of max weight and length will define the allowance. Information about the network has to be made available and network connections will have to be made between neighbouring countries.

6. Vehicles and combinations not complying with the weights and dimensions of Annex1 can be used for cross border operations between Member states as long as both allow these maximum weights and sizes on their territory.

7. Indivisible loads

The facilitation and harmonisation of the authorisation procedures is introduced with a possibility for the commission to prescribe certain electronic permitting systems to be used. Member states shall cooperate to the alignment of signalling and marking of abnormal transports.

8. Proof of compliance and enforcement

The vehicles and combinations included in the scope of the directive shall carry proof of compliance – when doing road legs of combined or intermodal transport operations they shall prove compliance using specific documents mentioned in the Combined transport directive.

Proof will have to be provided for additional weight of alternative fuel vehicles, and for additional length of zero emission vehicles

Member States shall take action to identify vehicles that are likely to have exceeded maximum authorised weights (weighing in motion)

Member States may deploy Intelligent Access Policy schemes to regulate, monitor and ease the access for HGV to specific roads.

C. Preliminary ESTA observations

1. General:

ESTA welcomes the new proposal to amend the weights and dimensions rules. It contains many positive elements that can give road transport operators new opportunities to further improve operational efficiency, better cooperate with other transport modes and reduce environmental footprint.

However in some areas of interest to ESTA's membership we see that the commission has refrained from implementing all measures proposed by ESTA in recent years.

In this position paper we will not address all sections of the proposal but limit ourselves to those topics that are of particular importance to ESTA's members.

For those sections not addressed in this paper we would like to refer to the analysis and observations document on the new EC proposal to amend Directive 96/53/EC, published by IRU on July 20th (CLTM/BR9017/MBI)

The viewpoints and observations set out by IRU in this document are endorsed by ESTA with regard to these issues.

2. European Modular concept:

a. Use

- Positive: The proposal creates the possibility for Member States to allow the national and cross-border use of EMS on their territory providing a number of conditions are fulfilled relating to the maximum weights and dimensions allowed on their territory and relating to the accessible network. Where national use of EMS is allowed, cross-border operations can no longer be refused. This extends the scope of what is currently allowed and should further optimise the use of EMS over longer distances and achieve more benefits in terms of the reduction of the number of vehicles on the road and of fuel consumption against a certain freight volume transported.
- Questionable: It is not clear if Member States will be allowed to authorise EMS in ways which differ from the newly proposed conditions and if Member States will still be allowed to add conditions such as driver qualifications before cross-border EMS operations will be allowed on their territory. ESTA is not against additional driver qualification for EMS vehicles but strongly advises against regulating this at a national level. Member States should not only publicly provide information about the items currently listed in the proposal but should provide information in a transparent way about all rules to be complied with to operate an EMS on their territory.

b. Trials with EMS combinations

- Positive: The proposal extends the scope to undertake trials with new vehicle concepts and technologies to cross-border operations, including with EMS. This will allow more thorough live testing of vehicle concepts under several circumstances and over a wider variety of distances.
- Questionable: A trial period is limited to five years. A five-year period may not be sufficient to determine the level of maturity of a trial in all circumstances. A prolongation of the period should be possible subject a proper justification be provided to the relevant national competent authorities.

3. Indivisible loads (Abnormal Road Transport)

Noted amendments:

- Paragraph 3 reflects the fact that the transport of indivisible loads can also lead to excess in weights as well as excess in dimensions. Further on, it requires Member States to simplify and streamline the procedures for the issuance of national permits or the adoption of similar arrangements for the transport of indivisible loads in order to minimise the administrative burden for operators and avoid delays. It also introduces the obligation of cooperation between Member States with regard to the requirements on vehicle signalling or markings, and prevents disproportionate barriers in the form of national language requirements;
- A new Article 4a is inserted, according to which Member States must set up and manage a national electronic information and communication system that provides a single point of access for operators to obtain all the necessary information to carry indivisible loads, and submit applications for obtaining permits for the transport of indivisible loads. To further facilitate the

administrative procedures, this rule also sets out that the Commission may establish a common standard application form for operators of indivisible loads and further harmonise rules and procedures for the issuance of permits.

- The proposed text in the amendment reads as follows:

Article 4a (to be inserted)

1. Member States shall establish and manage an electronic information and communications system with at least the following 'one-stop-shop' functions:

- (a) a single national entry point through which the applicant shall submit its application for the special permit or similar arrangement as laid down in Article 4(3) in a standardised format;
- (b) a single national access point for the applicants to obtain the information on the requirements for applying for special permits or similar arrangements as laid down in Article 4(3) and to the necessary information to plan their routes in a clear, accessible, and transparent manner;
- (c) a single national access point for the operators of European Modular Systems to the information referred to in Article 4(4a), points (a) and (b), where relevant.

2. The Commission may adopt implementing acts establishing a common standard application form and harmonising the rules and procedures for the issuing of national permits or similar arrangements referred to in paragraph 1 of this Article and in Article 4(3). Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 10i(2).

ESTA's comments to the amendments related to Abnormal Road Transport:

- ESTA welcomes the above proposed amendments to the Directive that we think are badly needed and long overdue for introduction. Most of the adaptations now proposed were already mentioned in the 'Best Practice Guide for Abnormal Road Transport' published in 2008 ! ESTA welcomes the proposals for the introduction of a one-stop-shop for permits, the compulsory introduction of a standardised application form (relates to the SERT document) and the obligation for Member states to cooperate with regard to the requirements for vehicle signalling or transport markings and to prevent barriers in the form of national language requirements.

We see all this as a good start, but we would like to have seen a more detailed addressing of some remaining issues of concern:

- A more prescriptive text for member states regarding the introduction of electronic permitting systems;
- directions regarding the speed of permit issuance;
- directions regarding the establishment of mandatory checks on road transports other than now only for weight. We know from experience that permitting systems without related enforcement are meaningless;
- harmonisation of the outfitting of escort vehicles and pilot cars.

We also noted that after conducting an impact assessment, the Commission chose to draft her proposal in accordance with policy option 2 - this means that ESTA's proposed introduction of "corridors" for Abnormal Road Transport is not in these proposals because it is part of policy option 3.

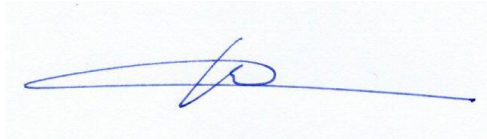
We think this omission is a missed chance. Introduction of Abnormal Transport corridors could have had a considerable impact in helping to get the Abnormal Transport "back on the road" in countries with rickety infrastructure and at the same

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time reduce the costs and time needed to execute infrastructure improvement programmes by national governments.

While we are optimistic about most of the changes outlined in the committee's proposals, some caution is also in order - these proposals have yet to be debated by the EU parliament (in the TRAN committee) and thereafter they are still subject to the tripartite consultations between Commission, Parliament and Council.

We will of course follow these developments to determine which measures will eventually be included in the Directive.

A handwritten signature in blue ink, consisting of a long horizontal stroke with a loop and a small flourish at the end.

Ton Klijn
ESTA Director