



Position Paper

Date: September 4th, 2023

Subject: ESTA analysis and observations on the Proposal for a directive 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.

ESTA is the leading European association for the abnormal road transport and mobile crane rental industry. It has members in 27 countries and represents national trade associations whose members are mobile crane rental and abnormal road transport companies. ESTA also welcomes affiliate members from relevant clients, government departments, regulatory bodies, service companies and all organisations active in our markets.

ESTA strives to improve safety and efficiency in the heavy transport industry, by encouraging and disseminating best practices and advocating harmonisation of relevant rules and regulations in the EU.

A. Background:

On 11 July 2023, the European Commission 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 changes.

B. Main content of the proposal

The draft directive 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 tonnes.

3. Cross-border operations with standard vehicle combinations

Maximum allowed weight remains 40 tonnes, but until 1-1-2035, 44 tonnes will be allowed between Member States applying it in national operations. After this date only zero emission vehicles will be allowed 44 tonnes 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 European 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 importance to operators the Commission has refrained from implementing key 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.

2. European Modular concept:

a. Use

- **Positive:** The Commission 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 until 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 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 under a condition, that a proper justification be provided to the relevant national competent authorities.

3. Indivisible loads (Abnormal Road Transport)

Important changes:

- 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 proposed amendments related to Abnormal Road Transport:

Positive: ESTA welcomes the above proposed amendments to the Directive that 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.

ESTA sees all this as a good start, but we would like to see more detailed proposals addressing some remaining issues of concern:

- A more prescriptive text for Member States regarding the introduction of electronic permitting systems;
- proposals regarding the speed of permit issuance;
- proposals regarding the establishment of mandatory checks on road transports: the proposal now only contains mandatory checks for vehicle and axle weights. ESTA favours the inclusion of a specified number of checks on all parameters mentioned in an abnormal transport permit, such as length, width, height and signalisation requirements, related to the number of permits issued. Experience shows, that permitting systems without related enforcement are meaningless;
- harmonisation of the outfitting of escort vehicles and pilot cars.

ESTA has also noted that after conducting an impact assessment, the Commission chose to draft the proposal in accordance with policy option 2. This means that

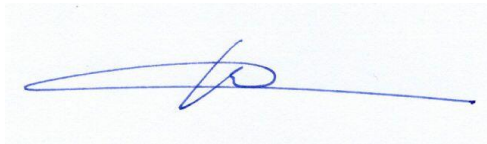
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ESTA's proposal to introduce "corridors" for Abnormal Road Transport has not been included, as it was part of policy option 3.

ESTA believes, that 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 time reduce the costs and time needed to execute infrastructure improvement programmes by national governments.

While ESTA is optimistic about most of the changes outlined in the Commission proposal we are also committed to work together with EU legislators to further improve the legislative text to make sure that it will truly improve competitiveness of the sector, guarantee enforceability and reduction of CO2 emissions.

ESTA's services stay at the disposal of EU decision makers in case of further questions.

A handwritten signature in blue ink, appearing to read 'Ton Klijn', is centered on a light blue background.

Ton Klijn
ESTA Director