Revision of the Directive 96/53/EC on Weights & Dimensions

ESC POSITION

I. Background:

1. On the 22nd of December 2011 the European Commission (the Commission) launched a public consultation (with a reply deadline of the 27th of February 2012) regarding the revision of the Directive 96/53/EC on Weights & Dimensions ([1]) (the Directive).
2. The Directive regulates the weights and dimensions of heavy-duty vehicles operating as international and national transport within the EU. This Directive aims to enable fair competition between hauliers by ensuring transport operations may not be refused between two Member States on the basis of the dimensions of the vehicle used.
3. Under certain circumstances, and in line with the principle of subsidiarity, the Directive also permits Member States to provide derogations from the provisions for weight and height of vehicles carrying out national transport within their own borders, and to deviate in some specific cases from the provisions for length and width.
4. These rules were established in the 1990s and more recently the Commission has decided the time has come to update them. It announced in its White Paper on Transport([2]) (the White Paper), presented on the 28th of March 2011, that urgent action is needed to make road transport more resource-efficient and to further integrate the various transport modes to achieve a Single European Transport Area.
5. In keeping with the Commission's objectives, the White Paper announced that the legislation on weight and dimensions should be reviewed to ***(i)*** adapt it to new technologies and needs, and to ***(ii)*** facilitate intermodal transport and the overall reduction of energy consumption and emissions.
6. In consideration of the scope of the desired revision, which will eventually be adopted by the European Parliament and the Council, it is in the interests of the ESC and its members to provide the Commission with adequate input.

II. Scope of the Commission's questionnaire:

7. The Commission's questionnaire (the Questionnaire) seeks considered input for the Directive's revision. An impact assessment will be carried out before changes are made.
8. The Questionnaire has addressed issues relating to: the energy and CO^2 performance of heavy-duty vehicles; inter-modality and innovation in transport needs; specific legal issues raised by the Directive; and improvement of compliance with regulations through controls and enforcement.

[1] COUNCIL DIRECTIVE 96/53/EC, of 25 July 1996, las down for certain road vehicles circulating within the EU the maximum authorised dimensions of national and international trafic and the maximum authorised weights of international trafic (OJ L 235, 17.9.1996, p. 59).

[2] WHITE PAPER Roadmap to a Single European Transport Area – Towards a Competitive and Resource Efficient Transport System, COM/2011/0144 Final

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9. The Questionnaire's scope mentions that a considerable number of studies have also been carried out on the potential of vehicle combinations (such as the European Modular System) to increase the efficiency of road transport, whereas several Member States have performed or intend to perform trials on the use of such vehicles, or use them for national transport operations within the framework provided by the Directive.
10. Nevertheless, the Commission holds that the discussions and experience so far have not produced a mature position concerning the long-term impact of a move towards such vehicles, notably as regards infrastructure, road safety, the environment and modal split.
11. In conclusion, the Commission notes that, although it will take stock of all relevant information on this subject, it does not intend to provide the framework for a general introduction of heavier and/or longer vehicles, or for their mandatory use by Member States.
12. In this context it is in the ESC's best interest to present a full-scope position regarding the revision of the Directive.

III. ESC's position:

III.1. General Introduction:

13. Currently the pressure is on: ***(i)*** fuel price increases which inflate the price of goods and materials; ***(ii)*** a shortage of drivers (averaging between 5 and 15%) across Europe; ***(iii)*** growing levels of road congestion; ***(iv)*** rising levels of greenhouse gases from transport; and ***(v)*** stricter EU targets set to reduce emissions.
14. But above all, and probably motivating the Commission's action on this issue, is the pressure on the economy and society to change the way business is done and lives conducted to combat the threat of damaging and irreversible climate change. That means all opportunities to reduce emissions of greenhouse gases (GHGs) must be considered.
15. In the first instance, there is no escape from the fact that road freight remains the most important means of transporting goods and materials around Europe, and in some cases is irreplaceable.
16. It is imperative ways are found to maximise its use, improve its efficiency, and also reduce its GHGs emissions, but not while neglecting road's safety and security.
17. Also, in the process of creating a true Single European Transport Area, with substantial benefits to Member States in terms of market efficiency, and so enhancing industrial growth, it is essential for freight industries' survival and competitiveness.
18. The White Paper states that the elimination of the remaining restrictions on cabotage in road freight transport should be pursued as part of the creation of a Single European Transport Area and the White Paper also specifically refers to the necessity to review the market situation in EU road freight transport as well as the degree of convergence in related fields.
19. The ESC believes that, as part of the market situation assessment, an adequate review of the Directive 96/53/EC is essential.

20. The ESC's position is focused upon our member's interests and concerns, and thus the eventual increase of weights and dimensions for road freight vehicles, a crucial part of the review of the Directive, must be "front and centre" in this process, although there are other complementary options to be considered too.
21. The ESC believes that longer trucks and trucks able to carry heavier payloads are key elements in the revision of the Directive.
22. In fact, the ESC believes that these changes can be achieved by two (complementary) ways:
    i. The European Modular System (EMS); and,
    ii. By increasing, as a general rule, the authorised maximum weight for single-compartment articulated vehicles to 44 tonnes for road transport and 50 tonnes for intermodal transport. Member States will continue, as is the case today, to have option of allowing higher weights.
23. The combination of these options would result in:
    - A decrease of the number of road freight journeys;
    - A decease of the number of trucks on the road;
    - A decrease of the number of drivers needed;
    - A reduction in the amount of congestion on European roads;
    - A decrease in transport costs;
    - An improvement in the competitiveness of European industry; and, most critically,
    - A reduction in fuel consumption and emissions.
24. The ESC considers that following these options does not mean taking freight from rail or other modes, but gaining more efficiency to help fight climate change and keep the European economy moving.

III.2. Performance-Based Standards

25. Additionally, the ESC believes that Performance-Based Standards (PBS) are an alternative approach to traditional prescriptive regulations on weight and dimensions. Such an approach defines certain safety-related objectives for attainment while leaving the means for achieving them unspecified. This approach will allow industry to increase productivity and at the same time meet sustainability and safety goals.

Commercial vehicle PBS are a set of metrics, traditionally intended to assess vehicle compatibility with the infrastructure used and to quantify the dynamic characteristics of particular configurations. They are also used to assess vehicle performance in terms of fuel use and emissions produced for particular freight tasks or services. Performance-based regulations focus on what the truck can do on the roads, its performance and includes, for instance, rollover, yaw instability and lane encroachment.

III.3. European Modular System (EMS):

26. In the past the ESC has called for a wider use of the EMS for road transport. EMS has significant advantages, including it:
    - Can significantly help accommodate the growth of needed road transport volume;
    - Increases efficiency over existing road freight operations;
    - Delivers additional loading capacity and fewer trips and subsequently reduced fuel consumption for the same amount of goods (per tonne-kilometre);
    - Provides more opportunities for combined transport (combined use of rail and road) solutions, using modular combinations;
    - Helps in the fight to reduce road congestion, emissions, noise, and road accidents.

27. All this has been proven in trials in, amongst other countries, Denmark, Norway, Finland and the Netherlands, and where the full operation of such modular combinations is already permitted, such as in Sweden and Finland.

28. Another option discussed regarding how to apply the EMS concept in a limited form would be to allow the existence of specific corridors for bigger trucks through a bi- or multilateral agreement between Member States.
29. The ESC would, as a priority, strongly recommend including allowing cross-border traffic with EMS in the revised Directive. It should be subject only to agreement between the concerned Member States.
30. The ESC considers that these proposals would be a good compromise and help improve the economic situation.

III.3. Increase of the authorised maximum weight for single-compartment articulated vehicles to 44 tonnes for road transport and 50 tonnes for intermodal transport:

31. In addition the ESC believes the Directive's revision should enable single compartment articulated vehicles with an upper limit of 44 tonnes for road transport (on five axles) and 50 tonnes (on six axles) for intermodal operations across Europe.
32. Currently France, Germany and Spain only allow a maximum authorised vehicle weight of 40 tonnes for road transport operations and 44 tonnes for intermodal transport operations.
33. However several other countries (e.g. Belgium, UK, Italy, Luxemburg) already allow 44 tonnes for any road freight transport operation, whether intermodal or not.
34. In the Netherlands, Denmark, Norway and the Czech Republic, 50 tonne trucks are permitted, and in Sweden and Finland, 60 tonne limits are permitted.
35. The ESC considers that several years of experience with these heavier vehicles in those countries has not revealed any particular safety issues or infrastructure problems.
36. Furthermore, in those countries where the maximum weight for road transport is limited to 40 tonnes, the currently authorised intermodal road operations at 44 tonnes also do not seem to create any problems with their existing road infrastructure.

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37. For international transport, industry is often limited by the lowest authorised vehicle weight on the route (*e.g.* transport from the Netherlands to Denmark via Germany is limited to 40 tonnes) resulting in under-utilization of available assets (drivers, vehicles).
38. Several research studies have proven the benefits of increasing the tonnage of heavy vehicles ([3]).
39. Industry sectors such as chemicals, steel, building, paper, wood and petroleum are affected most by weight restrictions because they transport mainly heavy goods.
40. High-volume, low-weight sectors such as electronic, consumer product manufacturers and retailers, and flower markets, are affected most by truck length restrictions.
41. In the majority of cases, road freight services are (perceived) less expensive, practical, versatile and reliable, giving motivation to continue making road freight cleaner and more efficient.
42. Also, by maintaining a weight difference between road transport (44 tonnes) and intermodal transport (50 tonnes) for single-compartment vehicles, there is no risk of a reverse modal shift from intermodal to road transport.
43. Transport is an indispensable element for European trade which in turn is the basis of the welfare and standard of living for European citizens, and the Lisbon Treaty aims at maintaining and enhancing Europe's competitive position in global trade.
44. In considering these points, the ESC believes that the Directive should be revised to enable industry to respond these pressures and in such a way that fosters growth and competitiveness in the European transport sector.
45. The ESC urges the Commission to consider strongly the options as proposed by the ESC, and to engage in a comprehensive dialogue with all stakeholders to find the best ways to implement them.

III.4. Aerodynamic performance of cargo transport vehicles:

46. Another important issue that should be included in the revision of the Directive is the improvement of the aerodynamic performance of cargo transport vehicles.
47. The ESC considers improving the aerodynamic performance of these vehicles is an additional solution to improving energy efficiency and environmental performance.
48. The Directive contains several limitations to the innovation and improvement of heavy goods vehicles' energy efficiency, in particular those relating to aerodynamic efficiency.
49. To maximise load capacity, trailers usually assume a parallelepiped form (one of the less aerodynamically solid forms) which severely diminish aerodynamic performances, especially in the rear section.

3 - A study from the Logistics Research Centre (UK) showed more than 100,000 tonnes of CO2 saved by increasing weight limits to 44 tonnes and 134 million less vehicle-kms.
- A study from the Comité National Routier (CNR) (France) showed that 224,000 tonnes of CO2 would be saved with a reduction of 395 million vehicle-kms (6490 fewer trucks) if the weight limit in France would be increased to 44 tonnes. This would result in a decrease of the transport costs between 9.1 and 11.6% for heavy goods transports (estimation CNR).

50. Aerodynamic improvements have not been tested in practice on a large scale in the EU and therefore it is not possible (for now) to say whether the expected cost/benefit of aerodynamic improvements would be higher compared to other measures.
51. Considering the lack of assessment of aerodynamic improvement costs, the ESC asks the Commission, within the scope of the Directive's revision, to consider how to allow greater improvements on the aerodynamic performance of cargo transport vehicles and, if necessary, to perform the relevant impact assessment studies.

III.5. Electrification:

52. Although (full or part) electrification of heavy-duty vehicles is not completely ready for immediate use, the ESC will certainly support the introduction of these vehicle types. The ESC and its members is willing to give input about their considerations when, amongst others, it comes to payload issues. Electrical vehicles will weigh much more and this factor has a direct impact on the gross vehicle weights as allowed in the Directive. Smart thinking should anticipate the Directive's revision when considering this subject.

III.6. Need for uniform, stable and long-term legislation:

53. The Commission assembled a group of experts who published the Report of the High Level Group on the Development of the EU Road Haulage Market (the Report). The Report stated: *"[c]urrently, a very complex system of regulations, policies and enforcement practices in the 27 Member States hinders the smooth operation of supply chains, increases costs and adds to the negative environmental impact."*
54. This observation is a serious difficulty for the functioning of the Single European Market. To provide stakeholders with a steady business environment and constant legislation, legislative changes must be made in a wide-ranging and comprehensive way. Furthermore, consideration should be made of all the options presented options with the aim of developing long-term, well-elaborated policies.
55. Intermodality, including weight and dimensions, also needs a comprehensive and stable regulation to provide its stakeholders with the necessary stable framework within which to operate.
56. Therefore, when revising the Directive, the ESC asks the Commission, whatever path it chooses to follow, to provide uniform, stable and long-term framework conditions for the Single European Market to facilitate the necessary investments required for the freight transport system of the future.

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IV. Conclusions:

57. The ESC believes the Directive should be revised having in mind changes that can allow industry to respond to these pressures and in a way that can foster growth and competitiveness in the European transport sector.
58. The ESC's position includes a series of changes to the Directive, all intended to improve efficiency and environmental standards of the road transport of goods while pursuing the goal of a true Single European Transport Area.
59. The alternatives supported by the ESC would achieve a decrease in the number of road freight journeys and the number of trucks on the road. At the same time they would result in a reduction in the number of drivers needed as well as less congestion on Europe's roads.
60. Also, and considering the economic crisis faced by Europe, these options would signify a decrease in transport costs while improving European industry's competitiveness.
61. These suggestions would also mean the reduction of fuel consumption and emissions, following the environmental improvements recognised by the Commission.
62. In conclusion the ESC urges the Commission to engage in a comprehensive dialogue with all stakeholders to find the best ways to implement the necessary changes to the Directive.

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