

COM-3/030

Brussels, 1 October 1999

**OPINION**

of the Committee of the Regions

of 16 September 1999

on the

**Proposal for a Council Directive on a transparent system of harmonised rules  
for driving restrictions on heavy goods vehicles involved in  
international transport on designated roads**

COM(1998) 115 final - 98/0096 COD ex-SYN

**The Committee of the Regions,**

**HAVING REGARD TO** the list of Commission proposals pending on 1 May 1999 for which the entry into force of the Treaty of Amsterdam involves a change in the legal basis and/or procedure (SEC(1999) 581 final);

**HAVING REGARD TO** the Proposal for a Council Directive on a transparent system of harmonised rules for driving restrictions on heavy goods vehicles involved in international transport on designated roads (COM(1998) 115 final - 98/0096 COD ex SYN)<sup>1</sup>;

**HAVING REGARD TO** the decision taken by the Council, notified by its letter of 14 June 1999, to consult the Committee of the Regions, under Articles 265, first paragraph and Article 71 of the Treaty establishing the European Community, on the above matter;

**HAVING REGARD TO** its Bureau decision of 15 September 1999 to appoint **Mr Weingartner** (A, PPE) as rapporteur-general to draw up the relevant opinion under Rule 39 of the COR Rules of Procedure;

**HAVING REGARD TO** its Resolution on a European Charter of regional and local authorities for a progressive and sustainable transport policy (CdR 347/97 fin)<sup>2</sup>;

**IN VIEW OF** the Economic and Social Committee Opinion of 9/10 September 1998 on the Proposal for a Council Directive on a transparent system of harmonised rules for restrictions on heavy goods vehicles involved in international transport on designated roads (CES 1135/98);

**unanimously adopted the following opinion at its 30<sup>th</sup> plenary session of 15/16 September 1999 (meeting of 16 September).**

## **1. Introduction**

1. The Commission draft directive points out that there are currently no European rules on transport restrictions for heavy goods vehicles. Up to now these matters have been governed by national legislation, which explains the lack of coordination and the considerable variations.
2. The draft directive seeks to facilitate intra-Community international road transport of goods by attempting to harmonise existing driving bans on major roads (the TEN road network). These driving bans mainly relate to weekends and public holidays, when 7 out of the 15 Member States currently operate such restrictions.
3. The new draft directive, which some Member States have requested from the Commission, deals with an area where economic interests clash with the need, in some Member States, for an appropriate solution to improving road safety, reducing traffic density, protecting the environment and taking account of social considerations in the transport industry.

## **2. Comments**

1. There are no Community rules for this area because responsibility for road traffic management lies with the national, and sometimes also with the regional governments, of the Member States. The European Commission argues that a Community directive can be adopted because both the Community and the Member States are jointly responsible for this area (Article 75<sup>\*</sup> (1) (a)(c)(d) of the EC Treaty). The COR takes the view that irrespective of this argument, it must be stressed that adopting this directive will reduce national responsibilities (and in many Member States regional responsibilities also) and will thus run counter to the subsidiarity principle.
2. It is noteworthy that those Member States which currently operate driving restrictions - i.e. Germany, France, Italy, Luxembourg, Austria and Portugal - are traditionally holiday countries with heavy traffic density during peak periods due to leisure and holiday traffic. Switzerland, a non-EU country, and a large number of the central and eastern European countries, which are without exception holiday destinations, also have such restrictions on goods transport by road.
3. While substantial areas of southern European countries are only affected by summer holiday traffic, the ever increasing number of short breaks tends to transfer leisure and holiday traffic to the spring and autumn months also; as a result the central European countries and the Alpine countries are also considerably affected by peak leisure and holiday traffic during the low season and in winter.
4. Limiting the weekend driving ban to Sundays, as is proposed in the draft directive, would cause massive traffic disruption in all holiday countries on Saturdays, as that day is still the main arrival and departure days for holidaymakers. The same also goes for the proposed restriction of the public holiday driving bans. For this reason, the automobile clubs ADAC, ACI, FFAC, and ÖAMTC have issued a joint statement calling for the existing driving bans for heavy goods vehicles to be maintained.
5. A key question is whether the proposed harmonisation of regulations on the driving

bans in international goods transport would alter the "modal split", i.e. the breakdown between the different modes of transport. The European Commission emphasises that there is no evidence to suggest that the current weekend driving restrictions had shifted goods transport from road to rail.

6. Nevertheless, goods transport by road can be expected to increase sharply as a result of the proposed Community rules extending the permissible time periods for international goods transport by road during weekends and public holidays. This undermines the Community's objective of a consistent transport policy geared to comprehensive consideration of environmental aspects, a better distribution of transport between the different modes of transport, increased use of environment-friendly modes of transport and shifting goods transport by road over to rail and shipping. International transport involves travel over longer distances and is therefore best suited to a shift towards other modes of transport.
7. The argument that extending time periods for international transport of goods by road is of little consequence as it accounts for only a small percentage of overall goods transport by road, is not completely accurate. It is true that international transport accounts for only a small proportion of overall goods transport by road. However, international road transport primarily uses the network of major roads (the TEN road network) and accounts for a very significant proportion of the traffic on these roads (50% and over). And it is exactly the TEN that is affected by the proposed reduction in driving bans.
8. Road safety is another factor which must be carefully researched and documented. There is insufficient evidence to support the European Commission's contention that at first sight it was not clear that heavy goods vehicle (HGV) driving bans had reduced accidents during these periods.
9. It can be assumed that an easing of the HGV driving bans would entail additional international goods transport by road; traffic relief during the remaining week days could scarcely be expected and it is therefore difficult to argue that this measure will improve road safety. It is much more likely that the additional HGV traffic, combined with existing leisure and holiday traffic at weekends and on public holidays, will adversely affect road safety.
10. Also significant are the environmental protection issues linked to expanding international HGV traffic. In this respect, the priority is to critically assess the problem of air pollution. i.e. the increased emissions of harmful substances. Irrespective of whether easing restrictions on Saturdays could reduce HGV traffic on the other days of the week, it must be expected that there would be considerably higher congestion on major roads (the TEN road network) on Saturdays. The Commission's explanatory memorandum stresses that in traffic congestion fuel consumption may be doubled or trebled, with a concomitant increase in harmful substances emissions. A decrease in traffic-related air pollution is therefore not on the cards.
11. At least for sensitive areas like the Alpine region, there is already evidence that during HGV-free weekends, there is a dramatic reduction in noxious emissions and that pollution can therefore be reduced to more tolerable levels, at least for a short time. Ultimately this is also linked to the fact that heavy goods vehicles continue to make a disproportionate contribution to overall levels of traffic related pollutants in the air. HGV traffic, which constitutes 15-20% of total traffic, produces around 50% of NOx emissions, which are particularly damaging to the environment.

12. Addressing the consequences of noise emissions, the Commission itself refers to justifiable restrictions during night-time hours in the form of driving bans on noisy HGVs and the consequences under critical geographic conditions, such as in mountainous regions. The proposal to introduce driving restrictions on roads where noise pollution poses a real problem is acceptable, along with the proposal to take account of noise pollution from all types of vehicles in these cases. However, the latter measure in particular requires further research.
13. The Commission's explanatory memorandum states that all those countries currently operating driving restrictions on HGVs provide for exemptions which are by no means uniform. We endorse the call for strict criteria for establishing a harmonised list of goods which may also be transported at weekends and on public holidays. The COR can also support uniform rules for vehicles to be covered by the exemption requirements (for example, vehicles which already meet the highest standard under the EURO classification).
14. Driving bans also of course have a social impact, as they restrict driving time and impose rest periods. Curtailing the existing driving bans would put further unreasonable pressures on people working in road transport.

### 3. Conclusions and recommendations

1. The COR rejects the draft directive on harmonised driving bans for HGVs engaged in international goods transport on designated roads, as the arguments for maintaining the current rules are stronger. Moreover, the fact that easing the existing driving bans would generate additional HGV traffic gives fresh unilateral advantages to goods transport by road and therefore would run completely counter to the EU's current aim of skewing transport policy towards better distribution of transport i.e. increasing the share of transport modes such as rail and shipping.
2. The unchecked growth in road transport provides further grounds for rejecting this draft directive. Firstly, all forecasts point to a further increase in road transport overall - with goods transport set to grow even more than transport as a whole - and international goods transport by road, to which this regulation relates, records the very highest growth rates. On the other hand, there is a current shift towards a leisure society, with shorter working hours and more leisure time. The result is that in addition to an annual holiday, more and more Community citizens also take short breaks and trips at weekends and on public holidays. For example, the central Alpine region currently has only around two months in the year in late autumn without significant leisure traffic. Consequently, the combination of expanding leisure traffic and the additional goods transport on Saturdays is causing more and more problems from year to year, making countermeasures all the more urgent.
3. There is a need for a fundamental improvement in research into the links between the above traffic conditions at weekends and on public holidays and their impact on road safety and the environment. This also applies to the economic repercussions at national level, an issue which has not been adequately addressed to date.
4. The suggestion in the explanatory memorandum that in future the aim will be a further limitation of driving bans seems to be very clearly targeted at the needs of the road transport industry. A scientifically-based approach, however, requires a global view.
5. Strict criteria should be used to establish a harmonised list of goods which may also be transported at weekends and on public holidays. It would also make sense to

harmonise the types of vehicles covered by the exemption rules, taking account of environmental considerations in particular.

6. In order to safeguard the subsidiarity principle, the Committee of the Regions takes the view that national and regional authorities should retain the same responsibility as before for road traffic management, since they are best qualified to assess the need for HGV driving bans. However, existing or proposed restrictions should be notified to the European Commission in good time.
7. Although easing the driving bans may seem justifiable from the transport industry's point of view, the considerations relating to road safety, environmental protection and social tolerability militate in favour of maintaining the current provisions. The discussions on the draft directive ultimately come down to a fundamental choice between values, in which the Committee of the Regions, in its capacity as representative of citizens, categorically opts for protecting the interests of the people affected.

Brussels, 16 September 1999.

The President

The Acting Secretary-General

of the

of the

Committee of the Regions

Committee of the Regions

**Manfred Dammeyer**

**Vincenzo Falcone**

<sup>1</sup> OJ C 198 of 24.6.1998, p. 17

<sup>2</sup> OJ C 251 of 10.8.1998, p. 7

\* Art. 71 (Treaty of Amsterdam)

- -

CdR 333/99 fin D/SD/P/nm

CdR 333/99 fin D/SD/P/nm