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## **IRU OBSERVATIONS ON THE EUROPEAN COMMISSION PROPOSAL ON WEIGHTS AND DIMENSIONS OF HEAVY DUTY VEHICLES**

*Approved by the IRU Passenger Transport Council (CTP) and IRU Goods Transport Liaison Committee (CLTM) on 10 May 2013.*

### **IRU Observations on the new European Commission proposal to modify Directive 96/53 on weights and dimensions of heavy duty vehicles.**

#### **I. INTRODUCTION**

The European Commission (EC) announced in its 2011 Transport Policy White Paper that urgent action was required to make road transport more resource-efficient and to further integrate the various transport modes to create an EU multimodal transport network.

In keeping with these objectives, the EC presented a new proposal to modify Directive 96/53 on weights and dimensions (COM(2013) 195) on 15 April 2013 to consider new circumstances and technologies to facilitate intermodal transport and overall the reduction of energy consumption and emissions.

#### **II. IRU POLICY**

The IRU has proactively committed to driving towards achieving sustainable development, and has developed [the 3 "I" Strategy](#) based on innovation, incentives and infrastructure as the most effective way to achieve sustainable development.

- Innovation: to develop and implement ever more effective "at-source" technical measures and operating practices to reduce transport's environmental impact, such as cleaner and less fuel consuming vehicle technologies, alternatives to fossil fuels and eco-driving;
- Incentives: to encourage the faster introduction by transport operators of the best and cleanest available technology and practices;
- Infrastructure: to ensure free-flowing traffic through adequate investment in new infrastructure, to remove bottlenecks and missing links and to make full use of existing infrastructure.

In 2009, the IRU and its Member Associations voluntarily committed on the basis of innovative technologies and practices, [to reduce CO<sub>2</sub> emissions by 30% by 2030](#) through a mix of investments in innovative technologies, driver training and better use of innovative concepts in logistics. Vehicle and tyre manufacturers and telematics and energy providers were invited to ensure that their products achieve a minimum 10% reduction in fuel consumption and CO<sub>2</sub> emissions and use the latest innovative technologies to improve aerodynamic design. The aim is to dramatically reduce the CO<sub>2</sub> emissions of the road transport sector in absolute terms while respecting technological neutrality. Competent authorities were invited to provide real business

incentives to facilitate the penetration of innovative technologies, best practices and training and to promote innovation. This includes legal certainty on investments made by road transport operators in innovative, efficient, clean and safe technologies to ensure they provide a return on investment over an adequate period of time and sufficient means to allow further innovation, greening at source and productivity. More harmonisation of vehicles, transport units and weights and dimensions was also requested.

In addition, the IRU continuously emphasises the advantages of the [European Modular System \(EMS\)](#) such as increased efficiency, environment and infrastructure friendliness, while identifying challenges that this system raises. It calls for EU Member States to test EMS vehicle combinations on their roads as well as cross-border and in intermodal transport to choose the best options available and further harmonise and standardise vehicle weights and dimensions.

Following the [conclusion of a scientific study on the weights of buses and touring coaches](#), the IRU launched a campaign to increase the maximum authorised weight of 2-axle buses and coaches from 18 tons to 19.5 tons in order to take into account additional road safety devices and environmental technology on board these vehicles and not loose passenger carrying capacity.

The IRU has also called on several occasions [for harmonised interpretations, enforcement and appeals requirements for all aspects of road transport legislation](#), but has always questioned remote enforcement on the grounds of the reliability of available technology, information to be transferred and concerns relating to data protection. Strong concerns have been voiced about any non-harmonised approach to the introduction of risk-rating systems.

Furthermore, in the framework of the [2012 Resolution on “Driving the Europe 2020 Growth Strategy”](#), the IRU has called for the introduction of a regime of joint liability of the forwarder and shipper in case of infractions against EU road transport rules.

### **III. IRU OBSERVATIONS ON THE EUROPEAN COMMISSION PROPOSAL**

In line with IRU policy, the IRU welcomes the new proposal to modify Directive 96/53 on weights and dimensions as far as the modified provisions respect technological neutrality, lead to tangible benefits in terms of reduced fuel consumption and CO<sub>2</sub> emissions and do not reduce the load capacity of road freight vehicles, buses and coaches. The new proposal should not lead to an accelerated depreciation of the existing vehicle fleet due to additional weight and length allowances. In this respect, the IRU has a number of observations on the different elements of the new proposal:

#### **1. Energy efficiency**

##### **a) Aerodynamics of Heavy Duty Vehicles (HDVs)**

The IRU confirms that providing length allowances for aerodynamic devices could contribute to the reduction of fuel consumption and CO<sub>2</sub> emissions of HDVs. This solution is optimal for long or medium distance operations. However, there could be increased costs for operators, such as workshop maintenance, due to inadaptable infrastructure when loading, circulating and unloading goods.

Finding aerodynamic devices which would allow vehicles to drive on the road network in 27 Member States may be a challenge, as roads, intersections and roundabouts are conceived differently in each Member State. The IRU welcomes the approval procedures and the requirement to mutually recognise devices which have been approved by one Member State. Yet, there is a potential danger that local or municipal authorities may prohibit vehicles with additional aerodynamic features on parts of their network. This would strongly limit the benefits of the new proposal on aerodynamic devices. It should be considered that loading and unloading infrastructure should be compatible with vehicles with additional aerodynamic devices.

It is also important that EU registered heavy goods vehicles carrying out intra-EU transport operations transiting a third country can also use additional aerodynamic devices. Therefore, the

IRU calls for a speedy updating of the national weights and dimensions rules of transit countries like Switzerland which are important for intra-EU road transport.

A potential barrier to the use of aerodynamic devices is the obligation to make all trailers and semi-trailers compatible for use in intermodal transport operations, because this would considerably limit the range of devices to be used. In 2010, one type of intermodal transport, notably combined rail-road transport, only represented 42 billion tonne-km in the EU, which is only a very small fraction of total road freight transport in the EU. Reducing the range of usable aerodynamic devices to those compatible with intermodal transport for the entire EU heavy goods vehicle fleet is unacceptable to the IRU.

The IRU also notes that the new proposal should not only consider aerodynamic devices to be added to vehicles and the aerodynamics of the cabin, but already take into account possible evolutions in more aerodynamic complete vehicle design to ensure that any new design does not lead to the reduction of carrying capacity.

#### b) Weight exemptions for electric and hybrid vehicles

According to the IRU, the proposal should be technologically neutral. Additional weight allowances for electric and hybrid vehicles to compensate for battery weight and dual propulsion are welcomed. It should however be noted that the additional weight of batteries may not only have an impact on the total maximum authorised weight of the vehicle but, depending on their placement in the vehicle, also on the maximum authorised weight per axle. The new proposal does not provide an exemption for maximum axle weights. So, any weight exemptions should not only consider the total maximum authorised weight but also the positioning in the vehicle in order to respect the maximum authorised per axle weight if any reduction in load capacity is to be avoided. In addition, other alternative fuels such as hydrogen and LNG may also have a negative impact on the loading capacity of vehicles and it should be examined if other weights and/or dimensions allowances should be considered for vehicles running on other alternative fuels than electricity or dual propulsion with hybrid technology.

#### c) Increasing the maximum authorised weight of buses and coaches

Considering the maximum authorised weight of 2-axle buses and touring coaches, any proposal to increase the maximum authorised weight should not only be justified from an environmental perspective, but also from a safety perspective. Since 1996, additional safety devices and the introduction of new Euro norms have increased the empty weight of vehicles and thus reduced their carrying capacity. Therefore, the IRU is strongly concerned about the proposal to increase the maximum authorised weight for 2-axle buses and coaches by 1 ton, instead of 1.5 tons, as some classes of vehicles could completely disappear in the future due to this lack of adaptation, even if the proposal increases the weight to 19 tons for two-axle buses and coaches.

The IRU already indicated that the maximum permitted weight of two-axle buses and coaches should be increased to 19.5 tonnes – in order to respond to the increase in the empty weight of buses and coaches due to all the additional safety features implemented during the last decade (*cf.* “Research on the weight of buses and touring coaches”, NEA, 2007).

## 2. Intermodal transport

Reducing the administrative burden on the use of 45ft containers is likely to increase their use in Europe, currently impaired due to the high cost and administrative burden linked to obtaining a permit to transport these containers.

Furthermore, transport operations using these containers can be more energy efficient than those using their smaller counterparts. As 45ft containers allow the carriage of two additional pallets, the fuel consumption per pallet would decrease. Moreover, the total number of container movements could be reduced, assuming constant freight volumes.

Allowing a total weight of vehicles of 44 tons when transporting 45ft containers as part of intermodal transport operations will lead to harmonisation of divergent national rules.

Therefore, the IRU welcomes the proposal to increase the total length of vehicles or vehicle combinations carrying 45ft containers in intermodal transport by 15 cm and their maximum authorised weight to 44 tons. However, there are considerable concerns among road freight transport operators that this proposal could accelerate the depreciation and possibly even complete disappearance of existing vehicle modules complying with the different existing national rules on the carriage of 45ft containers. Therefore, the IRU proposes to include measures which can allow continued use of existing vehicles and vehicle combinations carrying such containers in national and intra-EU intermodal transport operations.

### **3. The European Modular System**

The IRU welcomes the clarification of Article 4 relating to the use of and trials with the European Modular System (EMS) as it is compatible with the written clarifications presented by the European Commission on 13 June 2012.

### **4. Enforcement**

The IRU is strongly concerned about the other proposed measures to facilitate enforcement for the following reasons:

Intelligence lead enforcement, based on a risk rating system can only be successfully implemented if all Member States decide to follow the same approach to such a system, especially in relation to the interpretation and weighing of infringements, their proportionality, sanctioning, appeal procedures and the liability of drivers, transport managers, undertakings and third parties in the logistics chain, as differences could lead to distortions of competition. The IRU questions whether the new proposal provides the necessary guarantees for a harmonised approach by Member States. So, the introduction of any intelligence lead enforcement for the rules on weights and dimensions should be considered with a great deal of caution. The exchange of information between competent authorities should be done via proven solutions such as the European Electronic Register of Road Transport Undertakings (ERRU).

An on-board weight sensor can only provide real benefits if the technology is accurate and reliable and when applied in a harmonised manner by all Member States. If not, they will have the opposite effect of delaying compliant vehicles. Possible IRU support for any proposal to install such a weight sensor is conditional on the inclusion of the following additional safeguards in a legal text to act as guarantees for the way the technology will develop and later be used in the field:

- Legal compliance or non-compliance cannot be established via data transfer alone. The information shall only be used to determine if a vehicle should be stopped for inspection.
- Data transfer must not extend to information to determine maximum authorised weight compliance which is not applied uniformly across the EU. Data transferred should be strictly limited to indicators which cannot be misinterpreted.
- The use of malfunctioning equipment shall not constitute an offence unless the driver is proved to have damaged the equipment with deliberate intent to break the rules.
- The enforcement authorities should have the necessary interoperable equipment available to read and correctly interpret the information communicated by the weight sensor.

Prior to implementation, it should be demonstrated that the technology is accurate following rigorous field tests. This is essential to prevent controls becoming less efficient and the administrative burden on compliant companies and enforcers being increased.

As the new proposal does not provide sufficient guarantees that these conditions will be met, the IRU cannot support the encouragement of the installation of weight sensors in commercial vehicles.

## **5. Harmonisation of infringements**

The IRU welcomes the proposal to introduce a system of joint liability with shippers and freight forwarders in cases of overweight vehicles, especially when it concerns the transport of containers where it is very difficult for the transport company or driver to know the exact weight of the container and the possible overweight implications.

In addition, the IRU welcomes the European Commission's intention to publish guidelines on enforcement procedures to ensure harmonisation of inspection methods in all Member States. It is also essential that conformity is ensured between the general work undertaken on the categorisation of infringements and the discussions on this proposal.

## **IV. CONCLUSION**

The new European Commission proposal to modify Directive 96/53 on weights and dimensions of heavy duty vehicles is positive where it can provide tangible benefits in terms of fuel consumption and CO2 emissions by introducing additional vehicle length for the installation of aerodynamic devices. However, it is essential that the proposal is technologically neutral in allowing weight derogations for all alternative fuel vehicles. The proposal to increase the maximum authorised weight of 2-axle buses and coaches to 19 tons is not sufficient; an increase to 19.5 tons is absolutely necessary. In terms of the transport of 45ft containers, measures should be included which can allow continued use of existing vehicles and vehicle combinations carrying such containers in national and intra-EU intermodal transport operations. The clarifications on the use of and trials with the EMS are welcomed as they are compatible with the existing legal interpretation. Lastly, the proposals to introduce technology to facilitate enforcement are questioned as currently there are insufficient guarantees that this will lead to more harmonised, transparent and non-discriminatory enforcement.

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