

President Jean-Claude Juncker
President of the European Commission
European Commission
Rue de la Loi 200
1049 Brussels
BELGIUM



By email

Brussels, 1 February 2018

"BLOCKABFERTIGUNG" MEASURES FOR HEAVY GOODS VEHICLES IN TYROL

Dear President Juncker,

Since October 2017, IRU has been monitoring the impact of the recent "Blockabfertigung" measures that the Austrian state of Tyrol introduced for heavy goods vehicles driving south on the Austrian A12 motorway. The aim of the measures is to introduce a quota system for heavy goods vehicles during certain times of the day on given dates, whereby a maximum of 300 truck combinations can use the motorway per hour, in order to limit the impact of traffic on the environment due to excessive usage by heavy goods vehicles.

The Tyrolean government claims that the measures have been a success in improving traffic fluidity in the region. However, IRU and its member associations as well as the "Alpine Transit Group" of road haulage associations whose member companies are either established in the Alpine region or are very active in the region, are strongly concerned about the negative impact of the measures. Since implementation, enormous traffic jams on the approach routes to Kufstein/Kiefersfelden on the days when the "Blockabfertigung" is active have become a serious problem. Implementation of a possible extension of the measures could also block the Brenner Pass on the south-north route and see similar situations develop on the Italian side of the border in the Italian province of South Tyrol

IRU is aware that a number of neighbouring countries and regions have complained about the measures and that efforts are being made to set up a dialogue with Tyrol whereby the European Commission would play a mediating role. IRU welcomes and supports initiatives to try to find solutions, but is concerned about the delays being incurred in setting up a high-level meeting to discuss the issue. Serious problems continue to affect road users, especially road freight transport companies, on the days when "Blockabfertigung" is active.

Tyrol: Excessively restrictive measures

IRU must seriously question the intentions of Tyrol. It is correct to call Tyrol an essential transit route through the Alps to and from Italy. However, the majority of traffic does not originate in this region. Southern Germany, especially Bavaria, and the Italian province of South Tyrol equally have to cope with the same amount of transit traffic on their roads. Those regions also pursue objectives to reduce the environmental impact of road transport, but, unlike Tyrol, they do not use the same excessively restrictive measures for heavy goods vehicles such as traffic bans and special tolls.

Impact of the "Blockabfertigung"

The unilateral introduction of "Blockabfertigung" has a far reaching negative impact not only on road freight transport and logistics providers but also on the economy and citizens of the region as a whole.

In Southern Germany, huge traffic jams (20-30 km are not unusual) for long periods of time are caused by the measures which make it extremely difficult to estimate and guarantee delivery times for local distribution or long haul. There are also higher road safety risks as road accidents are more likely to happen where there is heavy congestion caused by the "Blockabfertigung".

Tyrol's demand for increased use of combined transport, for example through the "Rollende Landstrasse" from Wörgl to Trento, is also suffering a setback because the vehicles going to Wörgl are also stuck in traffic jams at the border and have trouble reaching the combined transport terminal in time. Unfortunately, currently there is no alternative terminal to access the "Rollende Landstrasse".

Such a situation leads to penalties from customers due to delivery delays and subsequent slowdowns in production processes, issues with working times, and driving and rest times of the drivers, challenges for drivers frequently blocked in traffic jams for long periods of time, and an additional negative impact on the environment due to vehicle engines that continue running in traffic jams, or regularly need to be switched on and off to keep refrigeration and airco systems active.

Tyrol is unable to provide evidence supporting its claims

Until now, Tyrol has not produced any tangible evidence of the so-called "detour transit" of about 800,000 trucks per year that would be passing through its territory. It should not be a problem to produce this information via statistics systematically collected by the toll provider ASFINAG. However, the statistics should show that the 800,000 trucks also include a high number of journeys originating or ending in Tyrol itself.

Inadequate alternative rail freight capacity

In addition, Tyrol and Austria are still not in a position to offer a sufficient alternative rail capacity. The timetables of Rail Cargo Austria, who runs the "Rollende Landstrasse", indicate that a maximum of 22 trains per day are available heading south from Wörgl to Trento. Every train heading south can carry 18 truck combinations providing a maximum capacity of 396 trucks per day or 17-18 per hour on average. Even when the maximum capacity is not used, because of certain trains being unable to run (see enclosed letter to customers from Kombiverkehr, in German), the potential to shift trucks to combined transport is extremely limited.

The capacity of unaccompanied combined transport from Munich or Nuremberg to Italy is also already saturated and for organisational reasons is only usable by a limited number of companies because substantial road freight transport capacity is also required in Germany and Italy to carry out legs of the combined transport journey by road and not all haulage companies have this service readily available, especially small and medium-sized enterprises (SMEs).

The alternative rail freight capacity also remains insufficient. The need for adequate alternative rail capacity was however an important argument raised by the European Court of Justice in its verdict in the first case related to the introduction of a sectoral traffic ban for the carriage of certain goods by heavy goods vehicles on the A12 motorway in 2005.

Use of counterproductive measures

Tyrol fails to introduce parallel measures that could alleviate the negative impact of the "Blockabfertigung". A night time traffic ban for heavy goods vehicles on the A12 motorway from 20:00-05:00 is in place, however, Euro VI vehicles are exempt. A wider exemption for heavy goods vehicles, such as Euro V ones, from this traffic ban could help to avoid congestion and the challenges posed by transit traffic. In addition, between 22:00-05:00 the toll rate at the Brenner Pass is twice as high as the rate during the day time. This is yet another reason why the heavy goods vehicles only start their transit through Austria after 05:00 in the morning. Local distribution traffic and transit traffic use the road network at the same time. This can be avoided.

To summarise, the "Blockabfertigung" in Tyrol, along with other restrictive measures for heavy goods vehicles such as the sectoral traffic and night time traffic bans, form a unilateral and disproportionate barrier to the free movement of goods and freedom to provide services that are fundamental rights embedded in the Treaty of the European Union. Tyrol has not yet produced any convincing evidence for the large number of "detour" trucks driving through its territory. Tyrol has also insufficiently considered the fall-out of these measures on neighbouring countries and regions. Using other modes of transport is not an option because of lack of capacity and due to repercussions of these measures that hamper the process. It must be repeated that there is no alternative route for the Brenner Pass traffic going from Southern Germany to Italy.

Therefore, IRU and the "Alpine Transit Group" call on the European Commission for support and to press for the following measures to alleviate the negative impact of the "Blockabfertigung":

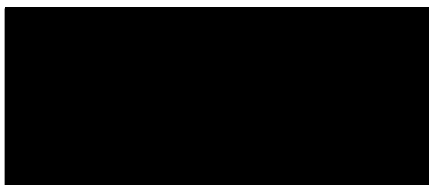
- Hindsight has shown that unilateral Tyrolean measures against the use of heavy goods vehicles have proven to be counterproductive. Austria and Tyrol should pursue a more constructive dialogue with all the stakeholders concerned, including the road freight transport industry and its customers. The introduction of unilateral measures must be avoided at all costs.
- Tyrol should justify its measures with more convincing evidence and statistics, including with traffic data from ASFINAG.
- Road freight transport to and from the combined transport terminal in Wörgl should be completely exempt from any traffic ban.
- Rail freight and combined transport providers should provide more service and more transparent information on guaranteed permanent capacity availability and on reserve capacity which could be deployed on short and medium term notice.
- Tyrol must consider abandoning the night traffic ban for heavy goods vehicles.
- More combined transport terminals should be considered, ensuring also adequate access for heavy goods vehicles.

At the high level meeting of 5 February 2018, should the concerned national, regional, and local governments not be able to come to an agreement on acceptable solutions to avoid the negative impact of "Blockabfertigung", the European Commission should undertake a further investigation of the compatibility of the measures with the principals of the Treaty of the European Union and EU law and undertake appropriate measures against Tyrol where considered necessary.

IRU and the "Alpine Transit Group" are entirely at your disposal to further discuss this issue with you or your competent services and provide additional information or evidence where deemed necessary. Please do not hesitate to contact me if you have any questions.

I look forward to hearing back from you regarding this important matter and I remain,

Yours sincerely,



General Delegate
IRU Permanent Delegation to the EU

Annexe 1

01.02.2018

An unsere Kunden im Brennerverkehr

Sehr geehrte Damen und Herren,

wir möchten Sie hiermit darüber informieren, dass wir auch über den Jahreswechsel hinaus mit erheblichen Problemen in der Durchführung der Brennerverkehre rechnen müssen.

Wie Sie vielleicht durch unsere Achsenbetreuung oder auch durch Presseveröffentlichungen erfahren haben, ist der Betrieb im Brennerverkehr seit mehreren Monaten nachhaltig gestört. Zum einen ist die Strecke aufgrund einer Nachtbaustelle mit Bauarbeiten zwischen 22:00 Uhr und 3:00 Uhr morgens, neben weiteren kurzfristig angekündigten Ad-hoc-Baustellen, ohnehin schon schwierig zu befahren. Hinzu kommt, dass nach wie vor in großem Umfang Grenzkontrollen stattfinden. Für unsere Eisenbahndienstleister bedeutet dies, dass Züge teilweise bereits vorab über mehrere Stunden im Raum München/Kufstein bis nach Südtirol zurückgehalten werden, ehe sie dann von den Behörden zu Grenzkontrollen zugelassen werden. Lokomotion ist es zwar gelungen, die Behörden davon zu überzeugen, die Kontrollen vom Platz Raubling nach Rosenheim zu verlegen, da dort die Infrastrukturen besser für derartige Kontrollen geeignet sind. Dadurch hat sich die Situation zwar leicht verbessert, aber die betrieblichen Probleme sind immer noch enorm.

Beides zusammen führt dazu, dass wir kaum noch in der Lage sind die Fahrpläne einzuhalten, denn die Züge werden teilweise bis zu sieben Stunden zurückgestaut, ehe sie ihre Weiterfahrt Richtung Norden antreten können. Dadurch geraten Lokumlaufpläne, Schichtpläne und Werkstatttermine außer Takt, sodass eine geregelte Zugplanung nicht mehr möglich ist. Wir versuchen in enger Abstimmung mit unseren Eisenbahndienstleistern, die negativen Folgen dieser Fahrtunterbrechungen so gering wie möglich zu halten. Dennoch müssen wir leider darauf hinweisen, dass eine kurzfristige Lösung dieser Situation nicht in Sicht ist.

Sowohl die Geschäftsführung von Kombiverkehr als auch die von Lokomotion haben versucht, mit Schreiben an die zuständigen Ministerien in Bayern und in Berlin auf diese unhaltbare Situation aufmerksam zu machen, leider bisher nur mit mäßigem Erfolg.

Wir würden uns freuen und erachten es als außerordentlich wichtig, wenn auch Sie die für Ihren Kreis zuständigen und / oder Ihnen bekannte politische Repräsentanten ansprechen könnten. Es muss gelingen, im Brennerverkehr wieder eine Planbarkeit herzustellen, damit wir die mit Ihnen vereinbarten Leistungszeiten wieder erreichen können.

Für Ihre Unterstützung danken wir Ihnen.

Mit freundlichen Grüßen

Geschäftsführung

Geschäftsführung





Brussels, 28. 02. 2018
Ares(2018)

VIOLETA BULC

Member of the European Commission

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General Delegate
IRU permanent Delegation to the EU
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Dear Mr [REDACTED]

Thank you for your letter of 1 February to President Junker, to my colleague Elzbieta Bieńkowska and to me on recent measures taken by Tyrol to restrict HGV traffic on the Brenner corridor. The President and Ms Bieńkowska asked me to reply to you also on their behalf.

On days with expected higher volumes of heavy goods vehicles (HGV) due to a driving ban on the day(s) before, Tyrol has recently started to limit the amount of lorries able to pass a control point on the A12 motorway in the Inn valley to at most 300 vehicles per hour. This way, Tyrol wants to avoid total gridlock on its motorways as was the case on 3 June 2017.

I fully understand your concerns about the impact which the ensuing artificial traffic jams in Bavaria have on the road haulage business. They are not only a nuisance for the hauliers involved, they are also bad for the environment and they pose a risk to road safety.

As you write in your letter, an earlier end to the night driving ban on the A12 motorway and, above all, an earlier end of the period during which the double night toll is charged on the neighbouring A13 motorway (between Innsbruck and the Brenner crossing) would be measures which could alleviate the surge in HGV traffic at 5 am in the morning following days with HGV driving bans.

None of these measures would however address the underlying issue which is the growing volume of HGV traffic along the Brenner corridor, which has reached a new record level of 2.25 million in 2017. One region on its own cannot address this underlying issue, let alone by adopting unilateral measures. A close co-operation between all regions and countries concerned is needed to effectively shift more traffic from road to rail.

This is why I have asked Pat Cox, the co-ordinator of the Scandinavian-Mediterranean TEN-T core network corridor, to which the Brenner corridor belongs, to convene a meeting between the countries and regions along the Brenner corridor and to look for common solutions. As you know, that meeting took place on 5 February in Munich.

I am pleased to inform you that the meeting proved to be constructive. All participants agreed on the need to take measures to shift more freight traffic from road to rail. It was agreed that a Memorandum of Understanding on the implementation of the Brenner Action Plan 2017 should be signed soon by the members of the Brenner Corridor Platform, a forum which brings together the countries and regions along the corridor. This Action Plan contains a number of measures which help make rail more competitive, increase rail freight capacity, including combined transport terminals, and hence incentivise modal shift - measures which you also mention in your letter. The Action Plan also contains measures to reduce the incentives for detour traffic. To ensure the implementation of the Action Plan it was agreed that a meeting in the format applied in Munich (i.e. with the transport ministers of Germany, Austria and Italy and high-level representatives of the concerned regions) should be convened on a yearly basis.

I can assure you that we will continue to closely follow the situation along the Brenner corridor and will not hesitate to take appropriate measures should we have the impression that Tyrol is infringing EU law.

Yours sincerely,



Violeta BULC