By email and post

Brussels, 31 January 2019

IRU Observations on the proposals to modify the rules for the night time, sectoral and the Euro norm traffic bans in Tirol

Dear Madam, Sir,

In light of the consultation organised prior to the introduction of new rules for a number of traffic bans in Tirol, which will principally affect the free movements of goods by road with heavy goods vehicles, IRU and its member associations are strongly concerned about the measures aimed at enlarging the scope of the night time and Euro norm traffic bans and at further prohibiting the carriage of goods by road with heavy goods vehicles. They are insufficiently justified, contradict reality; are disproportionate to the objectives to be achieved and not compatible with EU Law.

IRU questions whether the challenges to meet the EU NO₂ air quality norms can be irrevocably linked to the traffic of heavy goods vehicles. Figures from the “Waldschutz” Unit of the Tirol Administration and from Austrian Toll provider ASFINAG demonstrate that despite a 4.3% increase in heavy goods vehicle traffic, NO₂ emissions on the A12 motorway continued to decrease from 54 to 51 µg/m³ between 2017 and 2018. Based on the same figures, IRU would also like to stress a systematic decrease of NO₂ emissions on the A12 since 2005.

IRU considers that drastically prohibiting the carriage of certain goods by road, even with Euro VI vehicles which are considered to be the cleanest vehicles in terms of toxic and carbon-dioxide emissions, is disproportionate to the aim of meeting the EU air quality norms. The envisaged measures will have a serious impact on the free movement of goods which is one of the fundamental principles of the Treaty on the Functioning of the European Union.

It should be considered that already on two occasions, in 2005 and 2011, Austria was condemned by the European Court of Justice for the introduction of the sectoral traffic ban on the A12. In 2016, the European Commission only accepted the current sectoral traffic ban on the condition that Euro VI vehicles were exempted. Ending this
exemption will undoubtedly lead to new actions from the European Commission against the sectoral traffic ban.

IRU considers the promised exemptions of electric and hydrogen vehicles insufficient, given that it is widely accepted that these technologies are currently insufficiently developed for deployment in long-haul heavy goods vehicles. Such vehicles are still not widely available on the market and are not yet purchasable at prices which would make them profitable from an operational perspective. Technological neutrality is also essential and the exemption of vehicles running on other alternative technologies and low-carbon fuels, including CNG, LNG and advanced biofuels blends, should also be considered in a non-discriminatory manner.

IRU would also like to point to the still insufficiently available alternative rail freight and combined transport capacity for freight transit through Austria, despite continued political promises and requests from the road freight transport and logistics industry and its customers. The absence of sufficient alternative carrying capacity could create serious bottleneck situations in the links to and from Italy and South-East Europe. It could incentivise the use of smaller vehicles (below 7.5 tonnes) to carry road freight through Austria because these vehicles would not be affected by the foreseen measures. This could lead to an even higher density of goods vehicles and more challenges related to congestion and emissions.

IRU questions whether Austria and Tirol will still be able to respect their commitments taken in the framework of the Alpine Convention. The proposed measures could induce heavy duty vehicle detours over longer distances, such as over the A10 Tauern motorway in Switzerland, instead of choosing the shortest and most environmentally useful route. This could increase fuel consumption and challenge other sensitive Alpine Regions.

IRU is convinced that Austria and Tirol can deploy a number of alternative, less restrictive measures to help achieve the EU air quality norms:

- The EU road user charging legislation provides a number of tools to charge heavy goods vehicles according to their environmental performance, the possibility to include external costs in the tolls and to charge markups for mountainous regions. A number of Member States such as Germany have decided to encourage the use of alternatively fuelled vehicles, including those running on CNG and LNG, and exempt them completely from road tolling as a means to spur market uptake of this environmentally friendly technology for both emission and noise reasons.

- It should also be noted that in a study on the impact of heavy goods vehicle speed limits on emissions, carried out by TU Graz for Tirol in January 2012, it was concluded that in terms of Euro III-VI vehicles, a continuous speed of 80 km/h would be most beneficial for reducing NO₂ emissions. A reduction of the speed limit to 60 km/h could increase NO₂ emissions by as much as 30%. It should also be noted that an impact study commissioned by Tirol and carried out by consultant Ökoscience, concluded in January 2015 that the contribution of a new sectoral traffic ban to improving air quality standards would be negligible.

- A Brenner corridor between Germany, Austria and Italy could be created to allow the cross-border use of European Modular Concept vehicles which are already successfully tested and used in a number of Member States including Germany, the Netherlands, Belgium, Spain, Denmark, Sweden and Finland. Scientific research shows that the wide use of such vehicle combinations could reduce the number of heavy goods vehicle kilometres by at least 10%.

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The use of combined transport should also be further encouraged by several means. The Rola-connection between Regensburg and Trento should be reopened. Heavy goods vehicles on route to and from combined transport terminals, including the one in Wörgl, should be more incentivised, including by being exempted from the Blockabfertigung measures.

The rules on night traffic bans should be considerably modified in order to increase the timeframe for infrastructure use by heavy goods vehicles to improve traffic fluidity.

Considering all the above-mentioned arguments, IRU and its member associations strongly oppose the new proposals for heavy goods vehicle traffic restrictions (night time driving, sectoral and Euro norm-based bans). The measures proposed by Tirol cannot be justified on logical or legal grounds.

IRU remains prepared to discuss the mentioned alternatives with the Austrian and Tirol competent authorities.

Yours sincerely,

[Signature]

General Delegate
IRU Permanent Delegation to the EU
Thank you for sharing your observations on the new Tyrolean traffic ban proposals with us. As you know, at the end of last year, the Austrian authorities notified the planned tightening of the sectoral driving ban to us in line with Decision 357/2009/EC. We are assessing the Tyrolean proposals and are currently drafting the Commission opinion on that notified measure, which should be adopted in March. In this context, the list of alternative measures in your paper is relevant and we are very grateful to you for sharing.

Kind regards.

The Tyrolean local authorities organised a public consultation on a number of proposals to modify their traffic ban rules for goods vehicles above 7.5 tonnes.

IRU is very strongly concerned about this new development and contributed to the public consultation. Please find our contribution attached for your information. In this contribution, we do not only express our concerns but table a number of alternative proposals which could help to reduce the environmental footprint of heavy goods vehicles.

This is not the first action we undertook. Already in 2016, we actively called on the European Commission to take legal action against the third attempt to introduce a sectoral traffic ban on the A12. Last year, together with a number of associations whose transport operators are strongly active in the Alpine Region,
we wrote the Commission again to restate our concerns about the new proposals. In November last year, we also had a very interesting and animated exchange of views with [Redacted] who is in charge of transport policy planning in the local administration.

Please do not hesitate to contact me if you have any questions or if you would wish to discuss the matter in more detail.

I will keep you posted on this issue.

Best regards,

[Signature]

RJ