

Proposal for a directive amending Directive 96/53/EC laying down authorised dimensions and weights in national and international traffic

CLECAT is the Brussels based organisation representing the interests of **freight forwarders, transport and customs related services** in Europe. Neutral towards transport modes, freight forwarders are also large **users of road freight services** and, hence, very interested in **efficient road transport**.

Executive Summary

CLECAT welcomes the Commission's proposal (COM(2013) 195) amending Directive 96/53/EC published on 15.04.2013) and fully supports its aim to reduce greenhouse gas emissions. A review of the rules defining the maximum weights and dimensions is needed in view of the development of technology and the new ecological and economic challenges in the EU. We welcome the proposal as far as the modified provisions respect technological neutrality, lead to real and demonstrated benefits in terms of reduced fuel consumption and CO2 emissions and do not reduce the load capacity of road freight vehicles.

We recognise that the transport sector and logistics industry must take its responsibility to significantly increase its carbon dioxide emission efficiency. We, therefore, welcome any measure increasing the efficiency and sustainability of transport in accordance with the principle of "co-modality". As regards freight transport, innovative solutions, completion of the Internal Market and new logistic approaches are required in order to further improve the efficiency of all transport modes including road transport; one approach is optimizing the transport chain by using intermodal solutions for greater quantities of goods.

CLECAT welcomes in particular the provisions that seek to:

- facilitate the use of **45-foot containers** in intermodal transport without the need for special permits,
- increase the maximum weight of lorries taking part in intermodal **transport** operations to **44 tons**, and to
- confirm that cross-border operation of the **European Modular System** (EMS) is possible between countries who already decided to allow its use on their territory.

CLECAT is in favour of the transport of 45 foot containers without restrictions in Europe. 45 foot containers are the standard in short sea shipping and opening this up to other cross border transport would increase multimodal transport. If co-modal logistics solutions are to be facilitated with increased utilisation of rail freight, the most efficient way to optimise the access to the rail network and combined transport facilities for other modes is to encourage the use of the EMS and 45 foot containers, which can both be used in a co-modal supply chain. However CLECAT is concerned about the unjustified limitation of the use of 45ft containers in road transport operations within intermodal transport operations only, and where the road part of the transportation is maximum 300km.

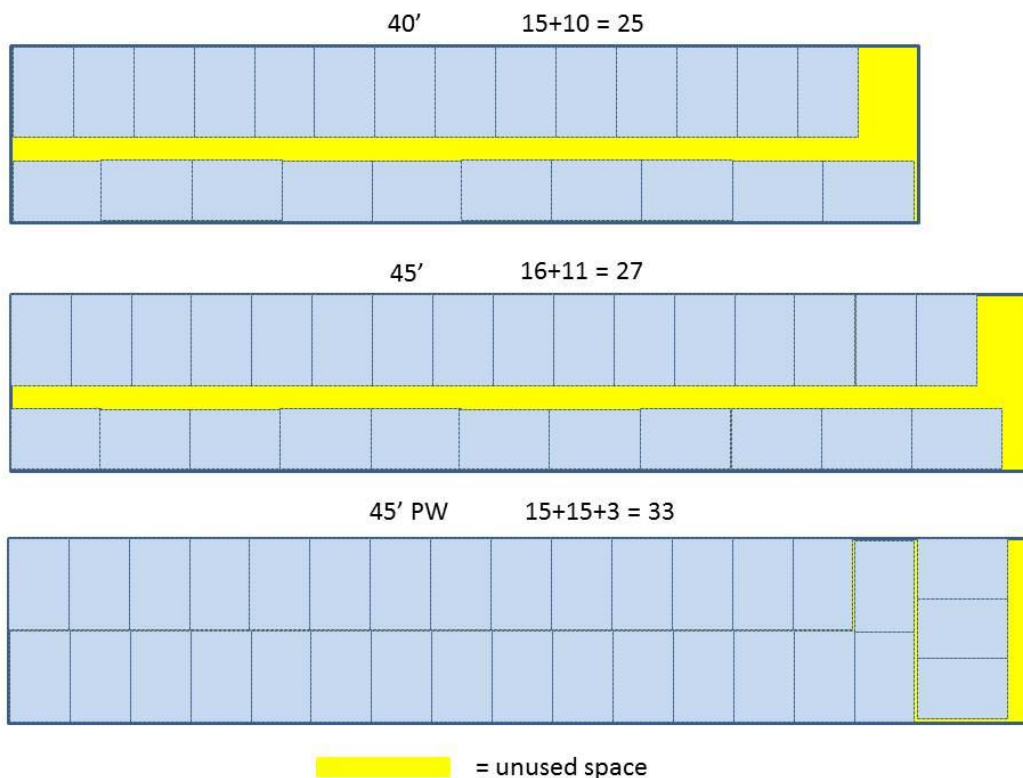
45-foot containers

Reducing the administrative burden on the use of 45ft containers is likely to increase their use in Europe. This is currently made difficult due to the administrative burden linked to obtaining a permit to transport these containers.

This type of ISO-containers has a length of 13.716m, equalling 45 feet – thus their name. They are somewhat longer than the conventional 40-foot containers, which have a length of 12.192m.

45-foot containers, offering 12% more freight capacity, have become equally popular in northern America and Europe.

A slightly broader version of the 45-foot container can accommodate 33 instead of merely 27 EUR-Pallettes. This so called “pallet wide” (PW) version is only about 5cm broader than the standard containers, but allows two **EUR-Pallettes** to be loaded side by side, tremendously increasing the effective use of space (see graphic below).



With the ability to accommodate 30 EUR-Pallettes cross and 3 along the axis, pallet-wide 45-foot containers can be loaded the same way as the semi-trailers commonly used in Europe for the purpose of pallet transport. The fact that the fork lifter-capable EUR-pallets are being massively used in European transport operations is one of the reasons for the significant increase in the demand for pallet-wide (PW) 45-foot containers. In addition, being standardised intermodal ISO-containers, 45-foot containers can be handled, stacked and in general shipped more easily than semi-trailers. Reportedly, European shipping companies therefore even envisage phasing out conventional semi-trailers in favour of 45-foot containers.



As a result pallet-wide 45-foot containers combine the advantage of the huge pallet loading capacity of semi-trailers and swap-bodies with the convenient handling of intermodal ISO-containers.

As 45ft containers allow the carriage of two additional pallets, the fuel consumption per pallet would decrease.

The main obstacle for 45-foot containers is of legal nature: While technical issues are solved and more and more shipping lines allocate capacities for their shipment, 45-foot containers encounter problems on the “first and last mile” i.e. the road leg of the transport operation. Due to slightly exceeding the limits set by the Weights and Dimensions Directive, they require special permits for overhangs or extendible cargo platforms when transported on road.

A minimal extension of the allowed length would allow the free circulation of 45-foot containers without the need for special permits. Such an increase by 15 cm would not constitute any danger to road traffic or require the adaptation of infrastructure. Consequently, **CLECAT welcomes the proposed derogation** allowing 15 cm longer vehicles carrying 45-foot containers in combined transport.

44t gross weight-allowance of trucks taking part in Combined Transport operations

Consequently, Directive 96/53/EC **already now** contains an exemption for the total weight of lorries engaged in **combined transport** operations, allowing **44 tons**. The only problem is, that the derogation in No 2.2.2 of Annex I to the Directive hitherto only grants the increased 44 ton limit to operations with **40-foot ISO containers**. Therefore, theoretically, a 45-foot container engaged in exactly the same sort of combined transport operation and also keeping the 44 ton limit would not be allowed under the current wording. Equally all other transport units (swap-bodies, semi-trailers, 20-foot containers) used in combined transport do not benefit from the 44 ton derogation. To alleviate the problem, some Member States tolerate already now the application of this derogation to 45-foot containers and other units used for intermodal transport too. However, a clear and simple extension of the derogation taking into consideration that not only 40-foot containers are used in intermodal transport would be beneficial.

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. Fortunately, the new proposal foresees to grant this exemption for “intermodal transport units [with] a total **maximum length of 40 or 45 foot**”.

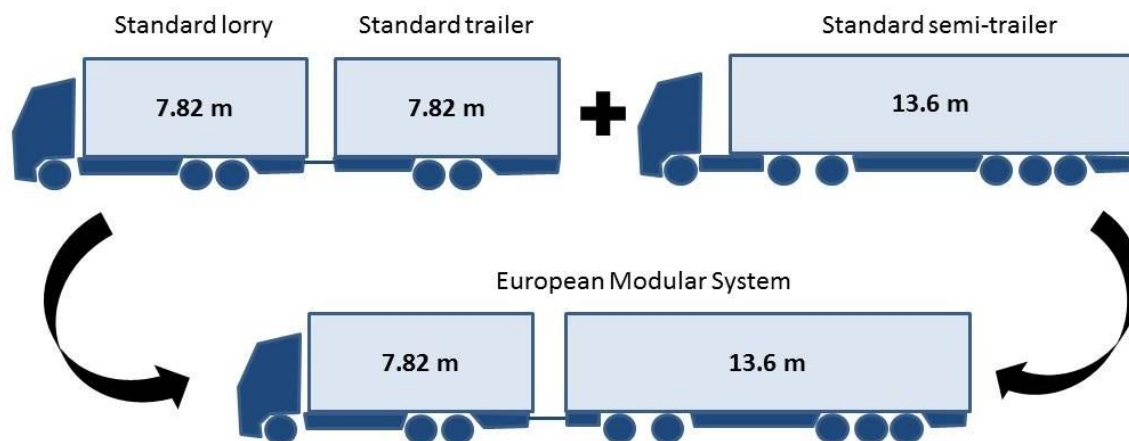
CLECAT welcomes this simple and logical provision which removes another hindrance to the use of 45-foot containers. In general, the new provision will benefit intermodal transport by facilitating the transport of any typical intermodal unit including as much the shorter 20-foot and the longer 45-foot containers as swap bodies and trailer, semi-trailers etc.

On a more critical note CLECAT fails to understand why the Commission proposal restricts the possibility for vehicles to be heavier to two-axle vehicles with electric and hybrid-engines. Users of vehicles of three or more axles should also be given this incentive to have cleaner engines. Those vehicles should be included in the use of alternate propulsion technologies in order to save fuel and greenhouse gas emissions.

European Modular System

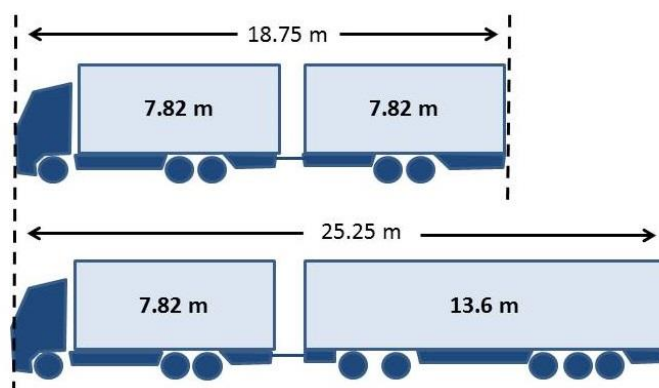
The European Modular System (EMS) – simply referred to as the “modular concept” in the Directive – allows Member States to permit motor vehicles, trailers and semi-trailers which already **comply with the dimensions** laid down in the Directive, “to be **used in such combinations** as to achieve at least the loading length authorized in that Member State”.

In other words, EMS allows road hauliers to couple a **standard trailer** to a **standard truck**.

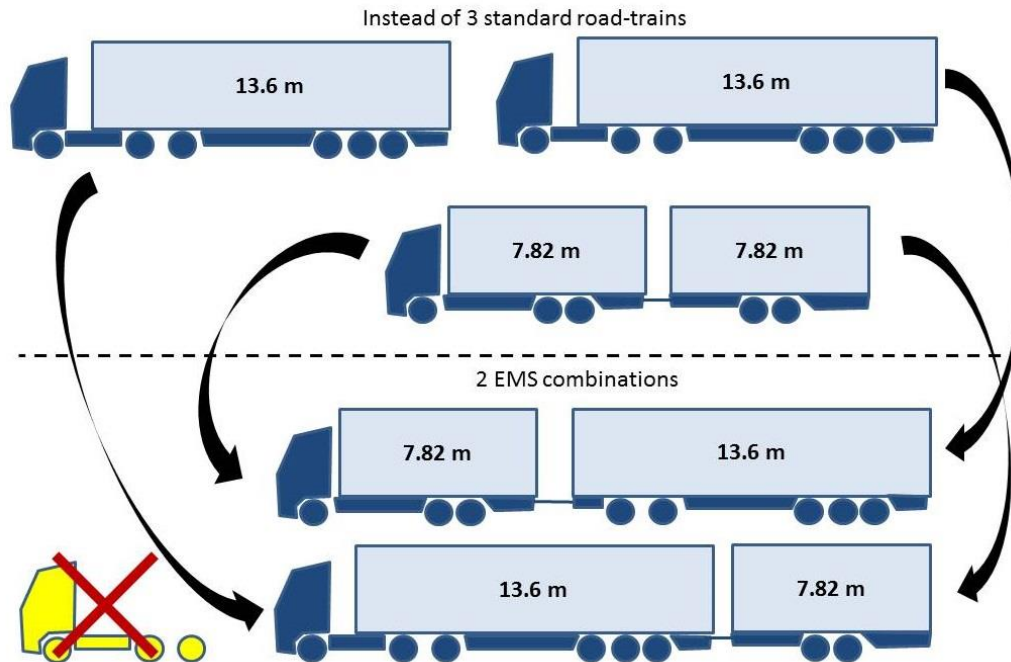


The European Modular System, therefore, does neither mean that the lorries are longer (“mega-trucks”), nor that the trailers are longer. EMS uses **standard modules only**.

The only difference is that EMS combinations exceed the standard maximum **length of the overall road-train**.



The main advantage of EMS is that in cases where the amount of freight to be transported would require two or more standard lorries to be used, the use of an EMS vehicle would allow to reduce the number of trucks by 1/3.



This means an overall reduction of the number of trucks on the road by as much as 33%. **The EC has introduced the principle of subsidiary when it comes to the use of the modular concept.** In accordance to Article 4 Number 4 “Member States **may** allow” vehicles or vehicle combinations with deviating dimensions.

The revised proposal clarifies that EMS may be also used for **cross-border operations** between two neighbouring Member States who both allow its use in their own territory. As a users’ organisation CLECAT is of the opinion that the use of EMS vehicles has undeniable economical and environmental advantages. Therefore CLECAT is of the opinion that the use of EMS should not be limited to two neighbouring Member States but should be allowed between those Member States that allow their use and trials in their own territory.

CLECAT would want to highlight that EMS

- **supports intermodal solutions:** By using existing standardized EU modules, compatible with maritime and rail freight transport, unlike many existing articulated road freight vehicles and trailers, the EMS will support an enhanced interaction with other transport modes. The EMS will therefore have a positive effect on the development of intermodal road-rail transport solutions, short sea shipping and inland waterway transport.
- **Flexible and easy to implement:** The EMS provides sufficient flexibility to enable vehicle and trailer combinations to adapt to different trade situations, volumes and fluctuating demand: it offers the possibility to use long combinations when possible and shorter combinations when necessary. As it is based on existing equipment (vehicles and load units), it is very easy to rearrange to shorter combinations and adapt to local conditions, customers’ requirements, timing of delivery, etc.

CLECAT believes that the wider and cross-border application of EMS in road freight will contribute to improved efficiency and reduced environmental impact through increased fuel efficiency and accompanying CO2 reductions. This will help operators and customers alike, optimising the utilisation of trucks and trailers, road infrastructure capacity, and integration with rail, air, inland and short-sea shipping for the door-to-door total logistics solutions.

Joint liability for overweight

Article 1 Paragraph 13 inserts a new Article 14 into the Directive. This new provision stipulates that for the transport of containers, the shipper shall give the road haulier to whom it entrusts the transport of a container a **statement indicating the weight** of the container moved. Moreover, the article states that “if this **information is missing or incorrect**, the shipper shall incur liability in the same way as the haulier if the vehicle is overloaded.”

The second sentence establishes a **joint liability** of the shipper and the haulier in cases of overload. CLECAT accepts that such a provision may be suitable in order to combat the common problem of overloading. However, because of different capabilities of parties in the chain to actually weigh the cargo, and in view of consolidation done by the freight forwarder, CLECAT is of the opinion that the provision **should allow hauliers and their customers** – shippers or freight forwarders – **to arrange by contract who is responsible** for ensuring that the allowed weight is not exceeded. Consequently, CLECAT calls upon the European Parliament to include an amendment allowing such arrangements.

Aerodynamic cabs and rear devices

The current Directive 96/53 is limiting the introduction of innovations that improve fuel consumption since it limits the possibility for vehicle manufacturers to design the most fuel efficient cabs according to their use. This includes an aerodynamic design but should also include improved cooling, waste heat recovery solutions, and other measures that have positive effects on fuel consumption and CO2 emissions. CLECAT believes that the current cab length limitations should be removed, under the condition that they comply with certain performance-based criteria. In this framework, CLECAT supports the performance based approach with essential requirements regarding safe use of the vehicles (manoeuvrability, handling requirements...) that the Commission is proposing. It is very important that the resulting new vehicles **may not be less suitable for loading and unloading nor for piggyback transport** on rail or ship.

The obligation to make all trailers and semi-trailers compatible for use in intermodal transport operations may become a barrier for the development of aerodynamic devices, because this would considerably limit the range of devices to be used. Therefore CLECAT would not be supportive of the proposal to reduce the range of usable aerodynamic devices to those compatible with intermodal transport for the entire EU heavy goods vehicle fleet.

Enforcement

With regards to the proposed measures to facilitate enforcement CLECAT would note that any proposal should need to address a harmonised approach by Member States. CLECAT believes that innovative ways should be developed, and therefore the installation of weight sensors in commercial vehicles, could be a possible way forward. The exchange of information between competent authorities should be done via proven solutions such as the European Electronic Register of Road Transport Undertakings (ERRU).