



2 September 2008

Mr Jonathan Scheele  
Director  
DG TREN, Directorate B  
DM24 8/153  
European Commission  
Rue de Mot 24  
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Dear Mr Scheele

On 10<sup>th</sup> July 2008, the Consortium of Consultants, headed by “Transport and Mobility Leuven” presented their preliminary final report on the “Effects of adapting the rules on weight and dimensions of heavy commercial vehicles as established within Directive 96/53/EC” in Brussels.

A number of EU level industry organizations, representing the interests of road hauliers, shippers, truck manufacturers, logistics service providers and freight forwarders were present at this event as key stakeholders in this area of EU legislation. They all welcomed the preliminary results of the study, which showed a “window of opportunity” for innovation and efficiency, should a revision of Directive 96/53/EC take place.

This group of industry stakeholders would like to jointly thank the European Commission for promoting and funding this long awaited study and use the opportunity to present a preliminary note on the political priorities of a large number of stakeholders, who directly or indirectly control and manage more than 90% of EU internal and external trade. Please note that the following comments are based on the preliminary results of the study as presented on 10 July 2008 and may be complemented by more complete and constructive comments as soon as the final study is published in its final format.

The preliminary results of the study concluded that the introduction of LHV's is overall beneficial for the European society. Road freight transport would not only become more efficient, altogether safer and more environmentally friendly but also highlight potential challenges such as those related to infrastructure use. We wish to further comment on this once the final report is available.

Rather than extending the discussion to all LHV's, we would like to limit it to the use of the European Modular System (EMS) to promote co-modality.

After this preliminary assessment of the study, let us elaborate on the reasons why this group of stakeholders has such a keen interest in this area. We wish to highlight the reasons why the EMS could contribute to fully accomplish the continental dimension of EU transport services.

Efficient transport solutions are essential for the continuous growth and development of the economy of the European Union, which is based on the free trade principle. Efficient transport is also an important parameter for the European Union's competitiveness in the global economy, in order to achieve the goals of the Lisbon Agenda. Efficient transport solutions do not only support economic growth, they are also one of the most important variables to succeed in meeting the environmental challenges including health effects, emissions and global warming as well as congestion and traffic safety.



The mid-term review of the EU White Paper on Transport Policy, “Keep Europe Moving” defines "co-modality" as the mindset for the development of the transport system in Europe. Co-modality is defined as efficient use of all transport modes operating individually or in intermodal integration in the European freight transport system to reach optimal efficiency of resources.

No single freight transport mode can solve the transport challenges of Europe. All transport modes need to be further developed and optimised, and further cooperation is needed. We need to make even better use of what we already have. Taken into account the expected high growth of transportation needs in the near future the need for higher capacity in all transport modes is strengthened.

Taking full account of the above statements, it is necessary to clarify that the policy point we wish to make is not concerned with the issue of longer and heavier vehicles as such, but it is focused on the concept of modularity. Allowing cross-border use of the EMS is the consequence and not the intention of the policy action.

The Modular Concept (or System) may consist of longer and heavier vehicles, but it is a concept based on modularity and the possibility to adapt vehicle combinations to different local infrastructure and business situations. Modular Concept combinations can be both long and short depending on where and how they are used.

We understand that the question on whether a revision of Directive 96/53/EC is required is currently on the table. Directive 96/53/EC has served Europe well but some updating, in order to take account of and keep pace with technology, innovation and business requirements, is an option many are contemplating. Whilst we understand that the directive still faces a series of challenges of various nature, it is impossible to ignore that in some cases it does fall short of providing a reasonable level of EU harmonisation, which should be one the goals of EU legislation. You are certainly aware that not even the 44 tons carrying capacity criterion has been fully implemented in an harmonised way all over the Union. In addition to the problems that were identified concerning the cross border use of 45’ containers, another major shortcoming of this directive consists in its failure to provide clear legal certainty for cross-border EMS operations.

We are all the more keen to appreciate the full span of the study which is about to be published in its final edition. The full appreciation of the result will help us ascertain the best political options ahead of us.

The options we have in front of us are therefore more than one, as the Leuven study underlines. However we believe it is urgent that the cross-border use of the EMS is facilitated where the EMS is used (or will be used) nationally. In order to achieve this result it may suffice that the European Commission clarifies article 4, 4 (b) of the directive by explaining that Member States which already allow EMS and wish to introduce cross-border EMS may do so, by notifying the Commission accordingly.

This interpretation may give two different benefits: it would allow operations between Member States with the same transport philosophy and it would allow for more trials, thus gathering more evidence on cross-border traffic, which is at the moment still quite scarce. This small step forward would also give us the possibility to decide more consistently whether a complete revision of this Directive is necessary and urgent or not.



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We wish to close this preliminary message by renewing our thanks to the European Commission for promoting this extensive exercise and by re-encouraging our policy makers in their attempt to dismantle and abolish all obstacles that remain in the accomplishment of the transport internal market, not only on the road, but also in other transport modes.

Sincerely

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