

AmCham EU's response to the DG Move consultation on the review of Directive 96/53/EC on the Weights and dimensions of heavy- duty vehicles

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5 March 2012

Information about participant

- (1) Please provide your name, surname and email address. A notification of receipt will be sent to this address. If the email address is not valid, the contribution will not be taken into account. *(mandatory question)*

Leah Charpentier (on behalf of the American Chamber of Commerce to the EU)

Leah.charpentier@amchameu.eu

- (2) In what capacity are you completing this questionnaire?
(mandatory question)

Answer (please tick as appropriate):

- ☐ As a citizen (if so, please skip to section 5.2)
☐ As a private sector enterprise
☒ As an industry association or non-governmental organisation (NGO)
☐ As a public authority

- (3) Is your organisation registered in the Transparency Register of the European Commission? *(mandatory question)*

Answer (please tick as appropriate):

- ☒ Yes
☐ No

If yes, please indicate the identification number

Answer (free text):

5265780509-97

- (4) What is the name of the organisation or authority? *(mandatory question)*

Answer (free text):

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American Chamber of Commerce to the EU (AmCham EU)

- (5) Please provide details of the activities of your organisation. In the case of multiple activities, please indicate the relative importance of each. (*mandatory question*)

Answer (please tick as appropriate):

- ☐ Road transport operator
- ☐ Rail or combined transport operator
- ☐ Waterborne transport operator
- ☐ Other transport activity (please specify below)
- ☐ Industry carrying out specialised transport (please specify below)
- ☐ Freight forwarding or shipping
- ☐ Infrastructure or network manager
- ☐ Research and development sector
- ☐ Public administration
- ☐ Heavy-duty vehicle manufacturer
- ☒ Other economic activity (please specify below)

If your organisation carries out other transport activities, special transport or other economic activities, please specify which activities or type of transport below.

Answer (free text):

AmCham EU is a trade association representing companies active in most of the sectors listed above.

Energy and CO2 efficiency

Road transport is extremely dependent on oil and a strong contributor to emissions of greenhouse gases and other pollutants. The White Paper on Transport states that 71.3% of transport emissions in the EU in 2008 came from road transport. It is therefore crucial to improve the energy efficiency and CO2 efficiency of these vehicles.

Two approaches can be used to reduce emissions and fuel consumption from heavy duty vehicles (HDVs): the first is to increase the load of vehicles and

reduce empty returns, or in other words to improve logistic efficiency. Fair and efficient charging for the use of infrastructure, or other measures recommended in the White Paper to eliminate the remaining restrictions in the internal market, such as further opening of cabotage, can contribute to this. Some stakeholders have also suggested increasing the payload so as to use fewer vehicles to move the same amounts. An increase in loading capacity of heavy duty vehicles is however not the aim of the considered revision. Although the introduction of heavier and/or longer vehicles could potentially increase the efficiency of road transport, the analysis of the Commission's services is that discussions are not mature enough on the other implications of such a move, including: reverse modal shift, empty runs, road safety.

The second approach is to increase the individual efficiency of vehicles on the road through action towards the automotive industry. EU coordinated support can improve the individual energy efficiency of vehicles and spur innovation. Action has been taken to improve the performance of tyres¹. Previous research also shows that reducing the air resistance of the vehicle, which accounts for 20% to 30% of HDV fuel use, may also reduce fuel consumption up to 5% or 6%. An appropriate increase in length of vehicles should therefore be considered to allow improvements in aerodynamics, without however increasing the payload of vehicles. Progress in electrification and hybridisation of engines also impacts positively on the energy performance of vehicles. Adaptations to maximum weights of certain categories of vehicles (in keeping with current maximum axle weights and payload) may however be needed to accommodate for the extra load represented by electric batteries.

- (1) Do you have any evidence that the provisions of Directive 96/53 are limiting innovations to improve fuel consumption and energy efficiency of vehicles? If so, which provisions?
(mandatory question)

Practices in different EU Member States (Nordics, Netherlands, UK et al) and various studies (TML, JRC, NEA et al) are showing that the boundaries of Directive 96/53 have been reached.

While AmCham EU is of the opinion that the transport sector must take part in efforts to reduce green house gases (GHG) and tackle climate change, it should be emphasised that (road) transport is a core enabler of future economic recovery and growth. All modes of transport, and each irrespective of the other, should be able to develop further on the basis of its own benefits. Manufacturers should be given opportunities and incentives to optimise their

¹ Regulation (EC) No 661/2009 of the European Parliament and of the Council of 13 July 2009 concerning type-approval requirements for the general safety of motor vehicles, their trailers and systems, components and separate technical units intended therefore; Regulation (EC) No 1222/2009 of the European Parliament and of the Council of 25 November 2009 on the labelling of tyres with respect to fuel efficiency and other essential parameters.

vehicles. Vehicle innovations, such as the modular concept, are a quick win in terms of vehicle efficiency and fuel consumption.

Earlier quoted studies have shown that there is already a societal benefit amounting to between € 5 and 30 billion per annum in deploying only the modular concept/ecocombis. That is without taking into consideration other truck combinations which are higher, heavier and longer than the maximum criteria set by the current Directive.

The current Directive's scope should be broadened to enable and foster the above and other innovations.

- (2) Is the aerodynamic performance of heavy-duty vehicles an efficient way to achieve savings in energy and fuel consumption? (*optional question*)

Answer (please tick as appropriate):

- ☒ **Yes**
☐ **No**

If so, please specify your answer and provide references of evidence where possible.

Answer (free text):

- (3) What measures and devices can be used to improve the aerodynamic performance of heavy goods vehicles? (several answers possible – please rate each answer selected on a scale of 1 to 4, 1 being the lowest level and 4 the highest, according to a cost/benefit ratio) (*optional question*)

Answer (please tick as appropriate):

•Lateral wings

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☐ ☐ ☐ ☐

•Aerodynamic tails (guiding vanes, boat tails)

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☐ ☐ ☐ ☐

•Collapsible tails

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<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
•Inflatable tails 1234 <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
•Side skirts 1234 <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
•Improved cabin design 1234 <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

If other measures or devices should be used, please specify which ones and rate each answer selected on a scale of 1 to 4, 1 being the lowest level and 4 the highest, according to a cost/benefit ratio.

Answer (free text):

- (4) What impact will the measure above with the highest cost/benefit ratio have? (several answers possible, please rate each answer selected on a scale of -4 to 4 according to level of impact, 4 being the highest positive impact and -4 the highest negative impact) (*optional question*)

Answer (please tick as appropriate):

•Cost -4-3-2-101234 <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
•Infrastructure (geometry) -4-3-2-101234 <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
•Road safety -4-3-2-101234 <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
•Intermodality (interoperability of intermodal units) -4-3-2-101234 <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
•Modal share of rail and waterborne transport

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☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐

•Fuel/carbon efficiency

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☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐

•Competitiveness of European vehicle manufacturing industry

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☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐

Please indicate the likely impacts on the above aspects of other measures not ranked with the highest cost/benefit ratio, but worth considering. If you consider that other types of impact should be taken into account, please specify which ones and rate each answer selected on a scale of 1 to 4, 1 being the lowest level and 4 the highest, according to the cost/benefit ratio.

We would favour trials of cross-border operations with the modular system/ecocombis between two consenting EU Member States.

This would contribute to a better understanding of the use and benefits of the modular system/ecocombis.

- (5) What length of tails, width of lateral wings and type of cabin design would you recommend? Please explain why and provide reference to studies where relevant. *(optional question)*

Answer (free text):

- (6) Could the aerodynamic aspects of buses and coaches be improved? *(optional question)*

Answer (please tick as appropriate):

☐ Yes

☐ No

Please explain your answer.

Answer (free text):

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- (7) What is the expected cost/benefit of aerodynamic improvement compared to the cost/benefit of other measures to improve the energy efficiency of heavy vehicles such as better engines, energy and fuel optimisation, and eco-driving? Please justify your answer and provide references where possible. (*optional question*)

Answer (free text):

- (8) Can you provide an estimate of the benefit in terms of fuel consumption (e.g. % reduction according to type of travel, e.g. traffic conditions, type of network, distance, weather conditions)? Please justify your answer and provide references where possible. (*optional question*)

Answer (free text):

- (9) Should a special derogation for maximum weights be introduced for vehicles using electric batteries? (*optional question*)

Answer (please tick as appropriate):

☒ Yes

☐ No

If so, up to which total load?

Answer (free text):

3,5 tonnes

- (10) If you are the manager of a heavy duty fleet and provided that the directive on weights and dimensions is adapted, would you update your fleet with the following elements: (*optional question*)

Answer (please tick as appropriate):

☐ With aerodynamic devices

☐ With electric and hybrid vehicles

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- ☐ **With other devices**
- ☐ **With electric and hybrid vehicles**

If so, to what extent would you update your fleet with the chosen elements (including on which vehicles: size, age, type of use, etc):

Answer (free text):

- (11) Do you know of any studies or reports analysing the impact of the use of longer and/or heavier vehicles on energy and CO2 efficiency of vehicles? (*optional question*)

Answer (please tick as appropriate):

- ☒ **Yes**
- ☐ **No**

If so, please provide relevant references including links for online download where possible.

Answer (free text):

Various reports have been published, the most recent being: *Longer and heavier vehicles in practice, Economic, logistical and social effects*, July 2011, Directorate General for Public Works and Water Management (Nederlandse Rijkswaterstaat.)

Intermodality and innovation in transport needs

Intermodal transport refers to a transport operation using an intermodal unit and two or more transport modes. Since the drafting of Directive 96/53/EC the conditions for intermodal transport have been subject to developments at global level. In particular the use of 45 foot containers has increased, which have been standardised by the International Standardisation Organisation. Transport of such containers on the national road legs of intermodal operations in the EU is however currently permitted only under certain conditions such as the deliverance of a special permit as foreseen in Article 4(3) of the Directive: The needs of the industries using transport services have also evolved. In order to foster innovation and support free movement of goods with an adequate transport offer, the Commission is now evaluating the needs of specific industries such as those transporting chemicals, cars and of passenger transport services.

- (1) Do you have any evidence showing that there is a case for adapting Directive 96/53/EC to evolutions in intermodal transport? (*mandatory question*)

Answer (please tick as appropriate):

☒ Yes

☐ No

If so, please indicate which evolutions.

Answer (free text):

- (2) What would be the advantages or disadvantages of adapting the Directive to allow transport of 45 foot containers without restrictions? (*optional question*)

Answer (free text):

- (3) What would be the advantages or disadvantages of adapting the Directive to allow transport of 45 foot containers with restrictions based on geographical, time or intermodal criteria? (*optional question*)

Answer (free text):

- (4) Is it necessary to adapt the maximum length of vehicles to allow for the transport of 45 foot containers, and with which additional length? (*optional question*)

Answer (free text):

- (5) Should the transport of 45 foot containers by road be authorised: (*optional question*)

Answer (please tick as appropriate, several answers possible):

☐ Only for combined transport as defined in Directive 92/106/EEC²

² Council Directive 92/106/EEC of 7 December 1992 on the establishment of common rules for certain types of combined transport of goods between Member States. For the

- ☐ **For multimodal journeys combining modes outside of the scope of Directive 92/106/EEC**
- ☐ **For single mode transport by road**
- ☐ **With route restrictions**
- ☐ **With time restrictions**

Please justify your answers.

Answer (free text):

- (6) What would be the impacts of generalising the transport of such containers by road (including on traffic and modal split)? Please justify your answer and provide references whenever possible. *(optional question)*

Answer (free text):

- (7) If the directive on weights and dimensions is adapted to allow the transport of 45 foot containers and if you are the manager of a heavy duty fleet, how much of your transport will be of 45 foot containers (in absolute figures in units or in %)? *(optional question)*

Answer (free text):

- (8) Should the Directive be adapted to allow for the transport without special authorisations of other types of containers and swap bodies? If so, which ones and why? *(optional question)*

Answer (free text):

- (9) Do you know of any recent developments and innovations in freight transport needs which are incompatible with the provisions of the Directive for maximum weights and dimensions? *(optional question)*

purpose of this Directive, combined transport is defined as the transport of goods between Member States where the initial or final part of the journey uses the road, and the other leg uses rail or inland waterway or maritime services for a distance of over 100 km. The road leg should be less than 150 km if combined with a maritime leg.

Answer (please tick as appropriate):

☒ **Yes**

☐ **No**

If so, please explain.

Answer (free text):

- (10) Would the above mentioned changes to adapt the Directive to developments in intermodal transport and innovation, notably 45 foot containers, have an impact on infrastructure? If not, please skip to question 12. (*optional question*)

Answer (please tick as appropriate):

☐ **Yes**

☐ **No**

- (11) If so, what would be the impact on construction, maintenance and operation of (several answers possible, please explain your answers and rate each of them on a scale of 1 to 4, 1 being the lowest impact and 4 the highest) (*optional question*)

Answer (please tick as appropriate, several answers possible):

•**Roads**

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☐ ☐ ☐ ☐

•**Tunnels**

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☐ ☐ ☐ ☐

•**Bridges**

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☐ ☐ ☐ ☐

•**Parking and rest areas**

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☐ ☐ ☐ ☐

•**Urban infrastructure**

1234

☐ ☐ ☐ ☐

If any other types of impact should be taken into account, please explain which ones below and rate each of them on a scale of 1 to 4, 1 being the lowest impact and 4 the highest.

Answer (free text):

- (12) Would changes to adapt the Directive to developments in intermodal transport and innovation have an impact on road safety, particularly of vulnerable users? (*optional question*)

Answer (please tick as appropriate):

- ☐ Yes
☐ No

If yes please explain which one, if no please explain why.

Answer (free text):

- (13) Do you have any evidence that road safety developments justify specific treatment for two-axle coaches? (*optional question*)

Answer (please tick as appropriate):

- ☐ Yes
☐ No

If so, please explain.

Answer (free text):

- (14) Would an increase in the maximum weight of two-axle coaches have an impact on (several answers possible, please explain your answers and rate each of them on a scale of -4 to 4, -4 being the highest negative impact and 4 the highest positive impact) (*optional question*)

Answer (please tick as appropriate):

•Road safety

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☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐

•Infrastructure

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•Passenger comfort

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☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐

•The coach transport market

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☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐

•The rail market

-4-3-2-101234

☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐

If other types of impact should be taken into account, please specify which ones and rate each answer selected on a scale of 1 to 4, 1 being the lowest level and 4 the highest

Answer (free text):

- (15) If the directive on weights and dimensions is adapted to allow heavier two-axle coaches and if you are the manager of a coach fleet, what proportion of your fleet would you replace with heavier two-axle vehicles? (*optional question*)

Answer (free text):

- (16) Do you know of any studies or reports analysing the effects of innovative transport concepts with impacts on weights and dimensions (EMS, automatic transshipment systems, or other) on intermodal transport? (*optional question*)

Answer (please tick as appropriate):

☐ Yes

☐ No

If so, please provide relevant references including links for online download where possible.

Answer (free text):

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Legal clarifications

Art. 3(1) of Directive 96/53/EC sets down the principle of "mutual recognition", by which Member States cannot reject or prohibit the use in their territory in international traffic of vehicles from other Member States on the basis of their weights and dimensions, provided that these comply with the maximum standards laid down in the Directive. However the Directive also foresees the possibility for Member States to deviate from the maximum weights and dimensions for certain vehicles and transport operations. Such deviations are subject to:

- to an authorisation to circulate for the national transport of good or passengers within their own territory for vehicles which are not in conformity with maximum weights and certain maximum dimensions (Art. 4.2)
- to an authorisation procedure which takes the form of special permits (Art. 4.3), or
- to authorisations granted to national transport operations which do not significantly affect international competition in the transport sector (Art. 4.4), or
- to authorisations which allow trials of vehicles or vehicles combinations incorporating new technologies or concepts under certain conditions (Art. 4.5).

Experience has shown that the provisions above are unclear. The Commission intends to use the answers to this section to identify where clarifications are needed and can be done either directly by the Commission itself or as part of the legal review of the Directive

- (1) The Directive is currently understood as prohibiting in general the cross border transport with vehicles deviating from the maximum weights and dimensions between two Member States each allowing this type of transport. Does this cause particular problems? (*optional question*)

Answer (please tick as appropriate):

☒ **Yes**

☐ **No**

Please explain your answer.

Answer :

There is an urgent need to complete the single market, and this is particularly true for the transport sector.

Just as it is key to lift road cabotage restrictions, further liberalise the railway sector and complete the blue belt project, it is of paramount importance that road transport be further harmonised throughout the EU. Today, maximum weight and dimensions for cross-border traffic as defined in the Directive restrict the potential gains in the fields of efficiency gains, fuel consumption reduction and environmental performance.

- (2) If so, for which type of transport do these problems arise?
(*optional question*)

Answer (please tick as appropriate, several answers possible):

- ☐ Logging and forestry-related transport
- ☐ Transport of chemicals
 - ☐ Transport of other dangerous goods
 - ☐ Transport of cars
 - ☐ Transport of refrigerated goods

If problems arise for other types of transport, please explain which.

Answer (free text):

- (3) Can the procedures for derogations laid out in Art. 4.3 and Art. 4.4 be improved? (*optional question*)

Answer (please tick as appropriate):

- ☐ Yes
- ☐ No

Please explain your answer.

Answer (free text):

- (4) Can the provisions for trials in Art. 4.5 be improved?
(*optional question*)

Answer (please tick as appropriate):

- ☐ Yes
- ☐ No

Please explain your answer.

Answer (free text):

- (5) What role should the European Commission play in these procedures? (*optional question*)

Answer:

The EC should define a framework of harmonized procedures and technical requirements in order to ensure smooth traffic throughout the EU.

- (6) Should guidelines on common criteria to authorise transport of vehicles deviating from the maximum weights and dimensions be issued? (*optional question*)

Answer (please tick as appropriate):

- ☐ Yes
☐ No

If yes, in relation to which criteria should these guidelines be issued?

Answer (please tick as appropriate, several answers possible):

- ☐ Link to combined transport operation
☐ Specific driver training
☐ Use of corridors designated for use by such vehicles
☐ Transport of specific goods
☐ Other criteria

If other criteria should be taken into account, please specify which.

Answer (free text):

Controls, checks and enforcement

The White Paper on Transport underlines the importance of a harmonised enforcement of rules for professional transport as a way to further integrate the road freight market. Proper enforcement and control of compliance with rules on the maximum weights and dimensions is particularly important to ensure fair competition between transport modes and transport companies; to increase road

The current regulations on access to the market and admission to the profession³ foresee the creation of an EU-wide register of road transport undertakings to allow exchange of information on infringements committed by non resident undertakings. A legislative proposal on harmonisation of sanctions is also under preparation. The review of Directive 96/53/EC provides an opportunity to link it to the exercise of improving enforcement of the rules for professional transport.

- (1) Do you believe that current checks, enforcement policy and means are effective to ensure compliance with the rules on weights and dimensions of Directive 96/53/EC? (*mandatory question*)

Answer (please tick as appropriate):

- ☐ Yes
☐ No

Please explain your answer.

Answer (free text):

- (2) What can be done to improve the cost/effectiveness of the enforcement policy? (*optional question*)

Answer (please tick as appropriate, several answers possible):

- ☐ Increase the number of checks (please specify and explain how this should be funded below)
- ☐ Modify control procedures to limit the cost and increase the quality of checks (please specify below)
- ☐ Harmonise controls and checks (please specify below)
- ☐ Harmonise sanctions related to infringements in the field of weights and dimensions rules
- ☐ Other (please explain below)

Please specify your answers and explain any other means to improve the cost/effectiveness of the enforcement policy below.

Answer (free text):

³ Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC

- (3) Are weigh-in-motion systems and systems to measure length in motion a cost-efficient solution to improve enforcement on the rules on weight and length? If not, please skip to question 5. (*optional question*)

Answer (please tick as appropriate):

- ☐ Yes
☐ No

Please explain your answer.

Answer (free text):

- (4) If so, should their deployment along TEN-T roads be encouraged? (*optional question*)

Answer (please tick as appropriate):

- ☐ Yes
☐ No

Please explain your answer.

Answer (free text):

- (5) What are the 5 most serious infringements to the rules on weights and dimensions? (*optional question*)

Answer (free text):

- (6) What are the other very serious infringements to the rules on weights and dimensions? (*optional question*)

Answer (free text):

- (7) Should companies be encouraged to self-monitor the enforcement of rules on weights and dimensions in their own work, and if so how? (*optional question*)

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Answer (free text):

Other questions

- (1) Please list references to any studies or documents of relevance to the review of the Directive in the box below, with links for online download where possible (*optional question*)

Answer (free text):

- (2) Do you agree that the Commission publishes your response? (*mandatory question*)

Answer (please tick as appropriate):

* ☐ **Yes**

☐ **No**

AmCham EU speaks for American companies committed to Europe on trade, investment and competitiveness issues. It aims to ensure a growth-orientated business and investment climate in Europe. AmCham EU facilitates the resolution of transatlantic issues that impact business and plays a role in creating better understanding of EU and US positions on business matters. Aggregate U.S. investment in Europe totalled €1.4 trillion in 2009 and currently supports more than 4.5 million jobs in Europe.

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