

22 March 2002

Dear Member of Parliament,

UNICE has examined carefully the amended Commission proposal for a directive on a “transparent system of harmonised rules for restrictions on heavy goods vehicles involved in international transport on designated roads”.

UNICE would like to draw your attention to its position paper dated 10 February 1998 (attached), which deals with this issue extensively. Our main conclusions at the time were the following:

- UNICE's first priority was to ask for abolition of lorry bans in their present general form at international and member-state level
- As a second priority, UNICE supported the initiative then being elaborated by the Commission, aiming at reducing detrimental effects of uncoordinated national lorry bans on the EU economy and the Internal Market. These conclusions, as well as the arguments they were based on, are still valid in our view.

Therefore we would like to stress again that driving restrictions as such are in conflict with the EU principle of the free movement of goods, and that the arguments on which such bans are based are not generally valid and need to be judged against the obvious and considerable costs they induce, for example in terms of traffic congestion and barriers to trade in Europe. UNICE furthermore underlines that business has to meet increasing consumer requirements to deliver and distribute goods and services in the common market and in third countries 24 hours a day and 7 days a week all over Europe. This development is further stimulated by the growth of e-business. Additionally, driving bans also affect transport chains to overseas countries, thereby harming European competitiveness in a global market.

Nevertheless, UNICE welcomes the recognition by the Commission that uncoordinated driving restrictions negatively influence the functioning of the internal market in road transport, and supports harmonisation initiatives to reduce their detrimental effects. The proposed notification system is very welcome in that respect. Concerning the exemptions that are allowed, we would like to include flowers & plants and returning traffic, the latter facilitating the possibility for drivers in long-distance transport to enjoy rest periods with their family.

However, we do consider that the proposal does not adequately balance the perceived need for driving restrictions with the general economic interests of the EU. The notion of harmonisation in the current proposal is that a member state that may want to establish a ban in the future will have to respect the limits set in this proposal. UNICE would prefer

the more limited restriction from the original proposal (only Sundays and public holidays, from 7.00 to 22.00 hours) but, if political reality dictates otherwise, UNICE would at least urge the European Parliament to return to the original proposal as regards the winter period.

Furthermore, UNICE would like you to consider to extend the scope of article 3, part 6 to all new driving restrictions that a member state wants to introduce. In other words, driving restrictions have to be justified at all times (be it on environmental, safety or social grounds).

I thank you for the attention you may give to our views.

Yours sincerely,

(Original signed by)

Daniel Cloquet
Director Industrial Affairs

To: Members of the European Parliament

**UNICE POSITION PAPER REGARDING
A TRANSPARENT SYSTEM OF HARMONISED RULES FOR DRIVING
RESTRICTIONS AFFECTING HEAVY DUTY VEHICLES IN
INTERNATIONAL TRANSPORT ON SUNDAYS AND PUBLIC HOLIDAYS**

1. INTRODUCTION

Divergent national driving restrictions during weekends and on public holidays are increasingly affecting European transport. Each such national restriction has substantial economic consequences not only for the affected national company but also for the single market economy as a whole.

Free movement of goods is one of the four fundamental freedoms within the single market and national driving restrictions are an obstacle to full implementation of the single market and the development of intra-European trade.

UNICE, the voice of all business active in Europe, composed of 33 central industrial and employers' federations from 25 European countries with the mission of promoting continued improvement of the competitiveness of European business, is concerned about growing use of international transport driving restrictions in Europe. The issue is, however, complex. Some member countries are now used to weekend driving restrictions which prompt two UNICE member federations to take a more cautious attitude than that expressed below. However, this position paper represents the opinion of the vast majority of UNICE members.

UNICE is pleased to note the interest now being shown by EU legislative bodies in the issue.

We are also pleased with the idea of a Council regulation in order to obtain a transparent system of harmonised rules.

2. LORRY BANS, THE ECONOMIC DIMENSION

Driving restrictions prohibit the use of road infrastructure, for increasingly doubtful reasons, during periods which are unnecessarily long and are not co-ordinated between the Member States. These restrictions have detrimental economic and social effects, in long-distance transport in particular.

Road transport is the productivity driver in the transport industry. As a single mode of transport, it moves more than 80 % of all goods in inland transport, most of which cannot be carried efficiently, if at all, by the other modes of transport. Intermodal concepts equally, however, depend on productivity and efficiency in road transport.

Restrictions on road use by goods vehicles, especially in long-distance traffic, mean :

2.1. Higher costs

Substantially higher logistics costs for industry and, ultimately, for the European citizen. The higher logistics costs stem from under-utilisation of the European road transport network during weekends and public holidays, and corresponding additional congestion on the other days. Equally, bans adversely impact on Just-In-Time concepts, forcing industry to invest more capital in goods and in local stocks and warehouses.

For all international relations between Member States, the total cost amounts to billions of ECU¹, and further substantial direct transport costs arise in long-distance domestic transport. These direct transport costs are just a part of the extra burden on industry. Storage capacity, goods handling and interest add other large burdens. Research and statistics are at present not sufficiently advanced accurately to determine the cost of lorry bans. However, it is beyond all doubt that the burden to the EU economy caused by traffic restrictions amounts to many billions of ECU.

2.2. Reduced service to customers and industry

Driving restrictions lead to reduced service to customers and industry in an age when consumers want products, when and where they need them, and when competition is forcing industry to focus capital costs and increasingly employ its installations around the clock.

2.3. Reduced European competitiveness

The high logistic costs caused by lorry bans adversely affect the competitive strength of Europe. According to a World Bank study, logistics costs in Europe, are more than 20 % more expensive than in USA. In order to maintain and develop a strong European industrial base the cost for European industry to reach its customers should not be higher than that of our main competitors. Restrictions on European industry in creating efficient logistical chains therefore seriously threaten long-term European competitiveness beyond the issue of transport costs.

Since they affect all, driving bans for international transport may, at first glance, be judged as neutral with regard to national industry competitiveness in Europe but in reality they reduce competitiveness more for industry in peripheral member countries.

2.4. Obstacles to implementation of the single market

¹In its discussion on "Driving restrictions in Europe", the Commission has calculated the immediate cost of a general weekend ban on some commercial trade routes between Member States. For 3 country relations (UK-Italy, Portugal-Germany and Germany-France) additional direct transport costs amount to ECU 765 mln, the volume of goods moved being 43.8 mln tonnes.

By creating a barrier to the free movement of goods, lorry bans and blockades are an obstacle to full implementation of the single market. Its effects are felt in the national as well as in the international market. The most affected economies are those of the peripheral Member States. Uncoordinated lorry bans in transit countries, imply successive unproductive waiting times and add costs to the price of the goods to the final customer.

3. LORRY BANS, FOR WHAT REASON ?

Driving restrictions on goods vehicles are generally based on considerations regarding road safety, congestion, pollution, noise and social implications.

The other side of the coin is that lorry bans, over and above huge direct extra costs, also severely interfere in the logistical chain from transporting raw materials through production to distribution of commodities. Lorry bans in Central Europe contribute to making the workload in harbours and terminals, all over Europe, unbalanced over the week.

For UNICE, some of these reasons in favour of lorry bans no longer apply while the others would need to be weighed against the huge cost of lorry bans.

In particular, certain minor parts of total goods traffic are disproportionately damaged by lorry bans. National derogations recognise this for some small parts of goods traffic by road, but not for others.

UNICE observes :

3.1. With regard to road safety

Developments over the last decades reduce the validity of this argument. Road users today are better trained, and more accustomed to driving every day of the week. Vehicles and infrastructure have improved, contributing to a continuous reduction in road accidents. Motorway infrastructure in particular, which is the main infrastructure used by goods vehicles in long-distance traffic, has a good road safety record. During weekends the main routes used by trucks are under-utilised and lifting of lorry bans may well improve safety instead of the contrary.

3.2. With regard to congestion and to gaseous emissions :

Lorry bans in their present general form are counterproductive. On most weekends and public holidays road use is less than during the week. In this latter period congestion and emissions are aggravated by the lorries that were not allowed to move during weekends. Since a 1 % increase in vehicles on a congested road leads to much higher increases in time losses and pollution, it would be better to abolish blanket driving restrictions.

3.3. With regard to noise :

The local character of the problem should be recognised. Major logistical improvements and cost reductions which are possible when goods vehicles use part of the infrastructure during weekends and on public holidays should not be refused on the grounds of a real but local inconvenience that actually occurs on only a very small part of the motorway infrastructure.

3.4. With regard to social implications

A growing part of employment is outside the traditional Monday-to-Friday 8-5 frame. Flexibility is explicitly recognised by the Commission and by the social partners as a means to create more jobs and to fight unemployment, making around-the-clock use of capital invested in plants, infrastructures and indeed, people.

Lorry bans, as a measure to secure that rest is taken during weekends, are diametrically opposed to these new developments and hinder, instead of facilitating, the possibility for drivers in long-distance road transport to enjoy rest periods with their families.

In any event, Reg. 3820/85 on driving and rest hours in road transport provides adequate weekly rest periods, and compliance with that Regulation should as such be promoted, instead of superimposing national lorry bans.

4. COMMISSION WORKING DOCUMENT ON A PROPOSAL FOR A COUNCIL REGULATION

The present Commission working draft to a proposal for a Council regulation is in the opinion of UNICE clearly a step forward.

UNICE has some specific points it wants to underline.

UNICE appreciates:

- the proposal to have a regulation instead of a directive
- given the reservation above, the proposal to limit weekend bans to parts of Sundays
- the definition of "trunk roads"

UNICE suggests that

- the document should state that European roads in general should be open to international transport and that this regulation deals with exemptions.
- the regulation not should discriminate trade with neighbouring countries i.e. EFTA or CEEC.
- the legal reference should be linked to the fundamental right to free movement of goods within the European Union.

- in annex 1, the exemptions from bans should be extended to include flowers.

5. CONCLUSIONS

UNICE considers that the arguments on which such bans are based are not generally valid and need to be judged against the obvious and considerable costs they induce. It is the opinion of UNICE that a new consideration of the issue at EU level is urgent.

Based on the above analysis, the first priority of UNICE is to ask for abolition of general lorry bans at the international and member state level. UNICE is prepared to participate in a dialogue aiming at solutions which avoid the major disadvantages of the present traffic restrictions, while maintaining the beneficial effects when and where they actually exist.

However as a second priority, UNICE supports the initiative at present being elaborated by the EU Commission, which aims at reducing detrimental effects of uncoordinated national lorry bans on the EU economy and the Internal Market.

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