

Press Release
Brussels, 15 June

Kallas rule-change decision against objectives of EU transport policy

The decision of the European Commissioner for Transport, Siim Kallas, to unilaterally reinterpret EU law in order to permit international use of 'megatrucks' has been condemned by a coalition of transport organisations, who also warn that the decision is now open to legal challenges.

The Commissioner has written to European Parliament Transport Committee chairman Brian Simpson to tell him that he intends to reinterpret the existing law, Directive 96/53, to allow adjacent member states to draw up their own agreements regarding cross-border use of vehicles that are longer or heavier than current Europe-wide limits. This change reverses the Commission's position held since the directive was originally agreed.

The transport organisations, which include the Campaign for Better Transport, the Community of European Railway and Infrastructure Companies, the European Cyclists' Federation, and European Automobile Clubs, had previously asked Shearman & Sterling, a law firm with widely recognised expertise in EU and transport law, to consider the legality of the possibility of the Commission reinterpreting the law in this way. Shearman & Sterling stated:

*"It is clear from the text of the Directive, and is apparent from the negotiating history and its implementation since adoption, that derogations for vehicles exceeding the stated weights and dimensions maxima are restricted to national territories. There is nothing in the text that suggests otherwise ... A failure by the Commission to follow the ordinary legislative procedure would breach essential procedural requirements and could be challenged before the European Courts."*¹

In a joint statement on today's decision from the Commissioner, representatives of the groups said:

"We believe that encouraging greater use of such 'megatrucks' runs against the overall objectives of EU transport policy: it will lead to increased emissions of greenhouse gases by increasing the total amounts of road freight. It undermines the Commissioner's own transport objectives of reducing emissions and increasing rail freight, and effectively passes control of international use of these vehicles from the Commission to Member States."

"Any changes to existing law should be made as a result of a fair and open discussion through the codecision process - not through unilateral changes by Commissioners that are then open to legal challenges. Commissioner Kallas himself has said that the Commission will propose a revision of Directive 96/53 in late 2012 which will provide an opportunity for Parliament and Council to review the issue. If this is the case, it clearly does not make sense to reinterpret the law now, 16 years after it was originally passed and only six months before a revision is to be proposed."

¹ 'Assessment of cross-border transport of long and heavy vehicles under Directive 96/53/EC', 17.03.12

Notes to Editors

The European Commission had previously specifically excluded such a ‘modification through reinterpretation’. Commissioner Kallas himself stressed in a letter in 2010 that: “only amending the Directive 96/53/EC with respect to permitting international circulation of the European Modular combinations (...) can change [the] current situation and open the possibility for cross-border circulation” (Letter from Siim Kallas to Leonardo Sorgetti, former Director General of CLECAT - see <http://alturl.com/xvf6e>).

CER

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The Community of European Railway and Infrastructure Companies (CER) brings together more than 70 European railway undertakings and infrastructure companies. CER represents the interests of its members towards the European institutions as well as other policy makers and transport actors. CER's main focus is promoting the strengthening of rail as essential to the creation of a sustainable transport system which is efficient, effective and environmentally sound. For more information, see www.cer.be