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By email and post

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**Inclusion of vehicles below 3.5 tonnes in the scope of the upcoming Road Initiatives**

Dear Mr Hololei,

IRU and Transport & Environment (T&E) are strongly concerned about the increase of cross-border long distance road freight transport for hire and reward in the EU with vehicles below 3.5 tonnes and the subsequent negative impact on fair competition.

The use of vehicles below 3.5 tonnes (vans, light commercial freight vehicles) is not subject to the same EU legal framework as vehicles above 3.5 tonnes. Heavy goods vehicles (+3.5 tonnes) are subject to extensive social legislation (driving and rest times, tachograph), professional training requirements, road infrastructure charging, speed limiters (max. 90km/h), access to the profession rules as well as effective air pollution regulation.<sup>1</sup> Light commercial freight vehicles are subject to none of these restrictions (as a result, vans can be operated with a competitive advantage). This creates distortion of competition, reduces transport efficiency (stimulates use of smaller freight vehicles) and has grave social and safety implications.

The shift to vehicles below 3.5 tonnes has been going on for two decades<sup>2</sup>. Initially, this shift primarily impacted the domestic road freight transport markets but over the last five years, the use of such vehicles for cross-border intra-EU freight transport, including over longer distances, has increased substantially. There has been a clear change in the situation since the publication of the European Commission study of 2009; today, vehicles below 3.5 tonnes are used much more frequently for long distance cross-border road freight transport in the EU and there is an increasing number of complaints by professional haulage companies in various Member States about these practices. According to a recent study by the French Government, the number of light duty vehicles below 3.5 tonnes is increasing, and so are their shares in

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<sup>1</sup> Euro VI limits for trucks are tested in real driving circumstances. Hence, Euro VI for trucks actually delivers.

<sup>2</sup> According to the [2010 Shell LKW study](#), the number of 3.5-7.5 tonne trucks declined by 2.5-5% annually between 2000-2010 in Germany. In the same period the number of vans (<3.5t) doubled. The [2016 Shell LKW study](#) confirms that this trend continues.

road freight transport for hire and reward. Their average distance of operation is estimated around 1000km which means they are performing long distance cross-border freight transport. Further evidence shows that, of the 26775 freight vehicles checked with respect to their weight in Poland in 2014, 25% were vehicles below 3.5 tonnes and more than 91% of those received a penalty. Reports from France also reveal that most offences are related to overload and cabotage. Information from Hungary underlines that these freight vehicles are increasingly violating speed limits and working times rules.

As a result, some individual Member States including Sweden, Germany, Finland, Netherlands, and Czech Republic are considering or have already started to introduce legislation to further regulate the use of vehicles below 3.5 tonnes for commercial road freight transport. Unilateral Member State action could lead to many divergent approaches, a lack of legal transparency and further distortions of competition.

Therefore, IRU and T&E call for commercial road freight transport carried out for hire and reward with vehicles below 3.5 tonnes to be included in the scope of the EU rules on access to the profession (Regulation (EC) No 1071/2009), access to the market (Regulation (EC) No 1072/2009) and road user charging (Directive 2011/76/EC) in the upcoming Road Initiatives. Vehicles used for own account freight transport should remain excluded from the scope. More alignment of the various existing national rules at EU level could reduce distortion of competition, especially for intra-EU cross-border long distance transport. In addition, it could create further legal clarity on the rules which need to be complied with for the use of vehicles below 3.5 tonnes for freight transport for hire and reward throughout the EU and reduce the unnecessary administrative burden of having to comply with different national rules.

IRU and T&E remain available to further discuss this issue and will provide additional information to the European Commission as it becomes available.

Yours sincerely,



Jan Nemeč  
General Delegate Ad Interim  
IRU Permanent Delegation to the EU



Jos Dings  
Executive Director  
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