



16.9.2019

NOTICE TO MEMBERS

Subject: Petition No 0222/2019 by M.K. (German) on the introduction of specific provisions and toll payments for heavy goods vehicles applicable throughout Europe

1. Summary of petition

The petitioner calls for special regulations to be adopted at European level regarding heavy goods vehicles, including fines for exceeding a 30-second overtaking time limit on motorways or uniform tolls, the proceeds being channelled into measures to encourage freight transport by rail.

2. Admissibility

Declared admissible on 14 June 2019. Information requested from Commission under Rule 227(6).

3. Commission reply, received on 16 September 2019

The Commission's observations

1) On a time limit for overtaking

The proposal by the petitioner concerns traffic rules which in the absence of EU legislation in this area, are established by Member States. The existing Member State rules are in accordance with international agreements, in particular the Vienna Convention for Road Traffic of 1968 for the majority of Member States, including Germany, which applies also to neighbouring third countries.

2) On traffic jams created by trucks

Concerning this proposal to regulate the behaviour of truck drivers confronted with a traffic jam, the observations made in the previous point are also pertinent.

3) On the recording device

Currently most of the trucks and buses circulating on European roads are equipped with digital tachographs, which allow for recording, among others, driver's activities, such as driving times, other work, availability periods, breaks and rest periods. They also allow for speed and distance measurements.

The new smart tachographs, to be installed in trucks and buses registered for the first time in any Member State as of 15 June 2019, record also the position of the vehicle after every three hours of accumulated driving time, as well as at the beginning and at the end of the daily working period. National authorities may use this feature to enforce the minimum wage laws.

In addition, the Council and Parliament are currently discussing the proposal for an enhanced type of smart tachograph, which would also enable recording the position of the truck when crossing a border, as well as every time the truck is involved in a loading/unloading activity. This additional feature, if finally approved, would provide additional information to enforcement authorities for the control of compliance with the minimum wage laws as well as with the rules on cabotage.

4) On tolls for lorries

In 2017, the Commission made a proposal to revise EU rules on road pricing¹, with the objective of addressing problems related to the road transport sector as a whole. These include Carbon Dioxide (CO₂) and harmful emissions leading to climate change and air pollution respectively, the pressure on parts of the trans-European road network leading to regular congestion, or the discrimination of foreign road users.

Since time-based user charges (vignettes) are not an adequate means to address the problems mentioned above – and are often the source of discrimination against occasional users –, according to the proposal, existing vignette schemes would have to be phased out. Still, Member States would retain the choice of whether or not to introduce a distance-based tolling scheme, and if so, on which part of their road network.

The proposal would specifically allow Member States to apply congestion charging on sections of their road networks that are regularly congested, or to apply mark-ups in areas that

¹ COM (2017) 275 final.

are affected by significant environmental damage or acute congestion. According to the proposal, the revenues from such additional charges would have to be used to finance the development of alternative transport infrastructure or services.

The proposal is currently in the legislative process². In October 2018, Parliament adopted its position on the Commission proposal in first reading³, including provisions that would require Member States to use revenues generated from tolls to optimise the entire transport system. Discussions in Council are still ongoing.

Conclusion

Regarding the proposals for a time limit for overtaking and for specific rules applying to the behaviour of truck drivers when confronted with a traffic jam, the Commission considers that any such problem can appropriately be addressed by traffic rules (to be) established by Member States, in accordance with the international agreements to which they are parties.

As regards the requirements related to the recording equipment and the rules on tolls applied to heavy goods vehicles, the Commission considers that the amendments of existing legislation, as proposed by the Commission in 2017, would be sufficient. To be noted however that the final text emerging from the discussions of the Commission's proposal will depend in essence on the respective positions of Parliament and of the Council.

² <https://eur-lex.europa.eu/legal-content/EN/HIS/?uri=CELEX:52017PC0275>

³ [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=EP:P8_TA\(2018\)0423](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=EP:P8_TA(2018)0423)