

Ms Ursula von der Leyen  
President of the European  
Commission  
Rue de la Loi 200  
1049 Brussels  
BELGIUM

1 March 2021

### **Cancellation of exception for Euro VI-trucks from night driving ban on the Inntal motorway as of 1 January 2021/Euro class driving ban/sectoral driving ban/block clearances**

Dear President von der Leyen,

In a letter dated 3 December 2020, the undersigned transport associations turned to you regarding the existing difficulties in handling the transalpine traffic through Tyrol.

In this letter, it was noted that the numerous measures adopted by Tyrol were leading to severe hindrances when crossing the Alps and causing considerable problems with the maintenance of supply chains within the European Union.

Difficulties are caused on the one hand by the night driving ban on the Inntal motorway, from which the exemption for Euro VI trucks was abolished on 1 January 2021, and on the other hand by the tightening of the Euro class driving bans, according to which Euro V trucks, which were previously generally exempted, are no longer allowed to drive through Tyrol during the day. Furthermore, the sectoral driving ban, which was already tightened as of 1 January 2020, according to which certain groups of goods may no longer be transported by road through Tyrol, causes considerable problems. In addition, the night toll for the use of the A13 motorway from Innsbruck to the Brenner border has been increased by 100%, which is not in line with EU regulations. Due to the night driving ban and the excessive night toll, there is regular congestion in the morning hours, which in turn leads to block clearances at the German-Austrian border, resulting in long backlogs and dangerous traffic situations on the German side.

In the meantime, the undersigned associations have gained initial practical experience in connection with the recent tightening of the ban on night driving on the Inntal motorway as of 1 January 2021. The option of shifting road freight traffic to the railways, as promised by Tyrol, is reaching its limits, both quantitatively and qualitatively. Contrary to Austria's promise to provide sufficient train capacity to ensure freight transport within the EU, the hourly nighttime RoLa connections shown in the timetable of Rail Cargo Austria (RCA) are often cancelled at short notice without replacement on the grounds of insufficient demand.



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Wirtschaftsverband Handwerk und Dienstleister  
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Uniunea Națională  
a Transportatorilor Rutieri din România



However, regular and reliable RoLa connections are essential for plannable logistics. Otherwise, it is no longer possible to guarantee the supply of time-sensitive goods on both sides of the Alps at night.

The RoLa connection is currently the only alternative to handle goods in transalpine traffic at night. In the transport and logistics sector, reliable and punctual connections are essential in order to maintain supply chains in the European Union.

Furthermore, Tyrol regularly carries out block clearances at the Kufstein border crossing. This means that on certain days from 5:00 onwards, only a small number of trucks are allowed to enter Austria every hour. This led to traffic chaos on the access motorways A93 and A8 on the German side at the beginning of December, as well as on 7 and 14 January 2021 with queues of up to 80 km. The congestion on the A93, for example, only cleared at around 20:00 on 14 January 2021. On this day, there was also a serious traffic accident in connection with the block clearance, in which an employee of the motorway maintenance department was seriously injured while securing the truck traffic jam. It is also inhumane for truck drivers to remain in a traffic jam on the motorway for up to 9 hours, without access to basic food and sanitary facilities.

On 11 February 2021, a study by Professor Hilpold of the University of Innsbruck on the EU compatibility of the sectoral driving ban in Tyrol was published on behalf of the Bolzano Chamber of Commerce. It states that the current sectoral driving ban on one of the most important European traffic arteries is still disproportionate and consequently contrary to EU law. Equally unacceptable is the discriminatory effect of the regulation of destination or source traffic for the central zone of Tyrol, which gives companies in Tyrol a considerable competitive advantage over all other European-based competitors. The study also concludes that the adequate reasonable alternatives by rail required by the European Court of Justice (ECJ) are not available. Considerable expansion and qualitative improvements would be required for the rail offer to meet EU legal requirements.

The transport associations represented here were astonished to learn that the Tyrolean government – with reference to the massively improved air quality – has now lifted the 100 km/h speed limit for passenger cars introduced in 2014 on the A12 Inntal motorway between Zams and Imst and raised it to 130 km/h. This clearly disregards EU requirements. Tyrol is thus clearly disregarding the requirements of the ECJ. One of the main reasons for Austria's condemnation by the ECJ in 2011 was that the sectoral driving ban was only justified if more lenient measures had been exhausted. These include the 100 km/h speed limit for passenger cars. The Tyrol authorities repeated statements that the tightening against truck transit traffic is unavoidable due to the poor air quality in the Inn Valley, while at the same time mitigating the "lesser means" of a speed limit recognised as such by the ECJ, appear implausible against this background.

The transport and logistics companies we represent have repeatedly called on the European-Commission in the past to finally do justice to its task as guardian of the treaties and to take measures that would restore the free movement of goods within the European Union and accordingly to take decisive action against the Tyrolean measures such as the night driving ban, the excessive night toll, the sectoral driving ban, the Euroclass driving ban on the Inntal motorway and the block clearance. Unfortunately, the European transport industry has not yet received a qualified response from the European-Commission to our letter of 3 December 2020.

Many small and medium-sized enterprises and their employees are increasingly disappointed that the EU Commission continues to stand idly by while Austria violates the freedom of movement of goods as one of the four fundamental freedoms of the European Union on a daily basis.

We are sending a copy of this letter to Commissioner Adina Vălean and Commissioner Thierry Breton.

Yours sincerely

**IRU (the world's road transport organisation representing nearly one million transport companies in the EU)**

International Road Transport Union, Geneva



Secretary General Umberto de Pretto

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Arbeitsgemeinschaft Internationaler Straßenverkehrsunternehmer Österreich, Vienna



Chairman Alexander Klacska

**ANITA (Italy)**

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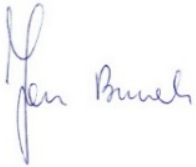
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Secretary General Radu Dinescu

**ZMPD (Poland)**

Zrzeszenie Międzynarodowych Przewoźników Drogowych w Polsce, Warsaw



President Jan Buczek