

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

February 25, 2021

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

Dear Madam President,

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

As already pointed out in our letter of December 3, 2020, the numerous measures adopted by Tyrol lead to severe hindrances when crossing the Alps and cause 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 exception for Euro VI trucks was abolished on January 1, 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 daytime. Furthermore, the sectoral driving ban, which has already been 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-time ban and the excessive night-time 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-time 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 here, both quantitatively and qualitatively. Contrary to Austria's promise to provide sufficient train capacities to ensure freight transport within the EU, the RoLa connections shown in the timetable of Rail Cargo Austria (RCA) every hour at night were cancelled at short notice without replacement - often on the grounds of insufficient demand.



#### Ansprechpartner:

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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 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 the 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 a.m. onwards, only a small number of trucks are allowed to enter Austria every hour. Most recently, 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 and to congestion of up to 80 km. The congestion on the A93, for example, only cleared up 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. For truck drivers, it is also inhumane to remain in a traffic jam on the motorway for up to 9 hours, without food facilities and without access to basic hygienic care.

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 Tyrolean core zone, which gives companies which are established in Tyrol a considerable competitive advantage over all other European competitors in the rest of Austria and abroad. The study also concludes that the adequate reasonable alternatives by rail required by the ECJ are not available. A 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 the requirements of the EU. 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's 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 had repeatedly called on the EU 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 EU 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 Valean and Commissioner Thierry Breton.

Yours sincerely

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International Road Transport Union, Geneva



Secretary General Umberto de Pretto

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**ANITA (Italy)**

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Herr Tivadar ARVAY, Acting Secretary General MKFE

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Chairman Erik Østergaard

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Transport en Logistiek Nederland, Zoetermeer



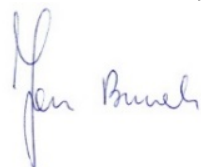
CEO Elisabeth Post

**UNTRR (Romania)**  
Uniunea Națională a Transportatorilor Rutieri din România, Bucharest



Secretary General Radu Dinescu

**ZMPD (Poland)**  
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President Jan Buczek