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Mega trucks

Commission's planned u-turn on gigaliners incompatible with EU law

EU transport commissioner Siim Kallas is set to announce a reversal of EU policy on heavier and longer trucks, so-called gigaliners, with a view to legalising their cross-border use. The commissioner is set to propose a completely new interpretation of the existing EU legislation (Directive 96/53/EC) at the next meeting of the European Parliament transport committee (26 March) (1). Commenting on the plans and independent research calling them into question, Green transport spokesperson **Michael Cramer** said:

"The Commission's planned u-turn on gigaliners, with a view to permitting their cross-border circulation, is incompatible with EU law according to independent experts. Research from the German Bundestag's scientific services and a legal opinion authored by the renowned law firm Sherman & Sterlin LLP conclude that not only the content, but also the purpose of Directive 96/53/EC unambiguously prohibits the cross-border use of gigaliners. Both reports also underline that the current legislation can only be amended through the ordinary legislative procedure, involving the Parliament and the Council as co-legislators. The Commission cannot just implement such a fundamental change via the backdoor."

"Instead of caving to pressure from the road transport lobby, the Commission should be upholding EU legislation and should not push ahead with these plans. It needs to adhere to its previously stated position, which ruled out any cross-border traffic of gigaliners (2).

The Commission's role is to defend the treaties, not to break them. Only the Parliament and Council have the right to adopt or amend legislation. According to the Bundestag's legal opinion, an infringement procedure under Article 258 and 259 of the EU Treaty can be launched if the Commission proceeds as announced."

Notes:

(1) The new interpretation, prepared by the Commission's legal services, would allow EU member states to conclude bilateral agreements permitting the cross-border traffic of gigaliners.

(2) See the Commission's response to the written question by Michael Cramer on 21/03/2010 at <http://www.europarl.europa.eu/sides/getAllAnswers.do?reference=E-2010-0200&language=EN>

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Michael Cramer

Member

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