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The President

301250 30.01.2013

Mr José Manuel Barroso
President of the European Commission
rue de la Loi, 200
B - 1049 Brussels

Dear President Barroso,

Over the past months Parliament and Commission have been exchanging views on the upcoming revision of Directive 96/53/EC, most recently during the debate with Vice-President Kallas in the Plenary on 15 January 2013. As you are aware, the question of cross-border use of heavier and longer lorries, so-called gigaliners, is a particularly sensitive issue in this context and we already exchanged letters in this regard following the unilateral reinterpretation of the Directive by Vice President Kallas last summer.

As President of the European Parliament I attach outmost importance to the respect of the legislative procedures that govern the interaction between our institutions and would therefore like to raise the aforementioned issue again.

In your letter of 26 July 2012 you stated that "the review would also be an opportunity to provide full legal clarity of the rules relating to cross-border use of longer modular trucks", confirming the position of Vice-President Kallas who admitted in his letter from 13 June 2012 that "the Directive is not completely unambiguous" and stated that "the revision of Directive 96/53 [...] will provide an opportunity for the legislator for review the issue of cross-border use of longer trucks".

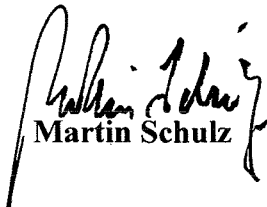
In the public consultation related to the revision of Directive 96/53/EC, the Commission again underlined that the discussions and experience so far have not produced a mature position as to the long-term impact of a move towards gigaliners, notably as regards infrastructure, road safety, the environment and modal split.

Despite these statements Vice-President Kallas announced during his intervention in the Plenary on 15 January 2013 that the Commission would not submit any proposals on the rules governing cross-border traffic of gigaliners in the upcoming revision although "this could of course be handled with this Directive". He furthermore added that "Parliament has full powers to make whatever amendment".

This announcement in my eyes is in contradiction with the above-cited statements and would mean that legal uncertainty would remain despite the revision. The Treaties clearly confer the right to take legislative initiatives to the Commission and normally the Commission is vigilant in defending the right of initiative given to it by the Treaties.

It is my firm belief that the Commission bears the responsibility for clarifying EU legislation on the issue of giganliners and I therefore urgently ask you to include these aspects in the proposal for the upcoming revision before submitting it to the co-legislators. I believe that the uncertainty on the implications of cross-border traffic of giganliners requires of course a proper impact assessment.

In light of the above, I would be grateful for clarification on the Commission's intentions and am convinced that it is in the interest of our citizens and our industry that the Commission seize the opportunity to provide full legal clarity on this issue through the Ordinary Legislative Procedure. This would also help alleviate concerns there may be over Parliament proceeding with this proposal if it does not address this important element.



Martin Schulz