

How vans avoid EU regulation

Reform can prevent further freight market distortion

February 2018

Summary

Vans are falling through the cracks of EU regulation. And the failure to adequately regulate vans has led to a transport system in Europe whereby it's perversely cheaper to operate a van than a small truck. This negatively impacts the working conditions of van drivers who are insufficiently protected by law from exploitation. Other negative impacts of higher van use on European roads include increased congestion, accidents, and emissions.

A CE Delft analysis for T&E (published with this briefing) points to the amount of EU regulation successfully created for trucks which is not applied to vans. The ongoing revision of the so-called "social" and "market" transport files must redress this discrepancy and extend the scope to include vans. Such a simple extension would ensure a safer and fairer market for van drivers, as well as positively influence the efficient selection of vehicle type to perform a freight movement.

This market distortion would be largely solved if the EU:

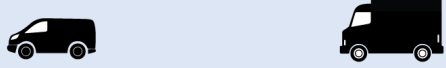
- Extends the scope of the **Eurovignette Directive** (Directive EC No 2011/76) to vans so that any toll for trucks beginning from 3.5 tonnes is also applicable to large vans used for the professional carriage of goods.
- Extend the **Access to the Profession** (Regulation EC No 1071/2009) and the **Access to the Market** (Regulation EC No 1072/2009) rules to include vans. The Commission proposal somewhat extends the scope to include vans but trucks still have much stricter administrative requirements.
- Extend the **Driving and Rest Times** (Regulation EC No 561/2006) and **Tachograph** requirements (Regulation EU 165/2014) to include vans. The Commission proposal does not extend the scope to include vans and this is needed to prevent the exploitation of van drivers.
- The Commission should include mandatory Automatic Emergency Breaking Systems and Intelligent Speed Assistance for vans in the upcoming revision of **the General Safety Regulation** (Regulation EC No 661/2009 and Regulation EC No 78/2009).








Van use is increasing and is expected to increase further over the coming decades. This should be managed efficiently so that vans are optimally loaded and used only in cases where they are the most efficient means of transport. Market distortions that encourage the downsizing of truck operations to vans – essentially to avoid regulation - can have grave social and environmental impacts, on which the EU must take action.


1. Introduction

T&E commissioned a report¹ from CE Delft on the structure, emissions and technological opportunities for vans across Europe, which is published alongside this briefing. The report looks into the reasons for increases in the use of vans,² beyond the growing economy which is relevant for all transport modes. It concludes that compared to trucks, vans often face either less strict - or are completely exempt from - EU safety, environmental and other regulation. The table below provides some examples of laws applicable to trucks but not vans.

Vans falling through the cracks of EU regulation
Comparison of regulations for vans (N1) and trucks (N2)



Regulation	Vans (≤ 3.5 tonne)	Trucks (≥ 3.5 tonne)
Driving and rest time 	None	Mandatory
Tachograph 	None	Mandatory
Cabotage 	Not included	Mandatory
Eurovignette 	Not covered	Covered
Driving license 	Standard (B license)	Specialised (C/CE license)
Speed limits 	Standard (same as cars)	Specialised (90 km/h)
Air pollution limits 	Unambitious and unmet	Stringent real world testing (since EURO VI)

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2. Legislative Discrepancy between Vans and Trucks

2.1. Road charging

The so-called “Eurovignette Directive” (Directive EC No 2011/76) establishes a framework on how trucks can be tolled on European roads. If a Member State chooses to implement a system of road charging for trucks then the system must adhere to what’s allowed in this legislation. The existing directive does not include vans. Vans have increased in countries which toll trucks from 3.5 tonnes. Belgium introduced a toll for trucks starting from 3.5 tonnes in 2016 and “a year after the introduction of the toll for vehicles over 3.5 tonnes in Belgium, transport show[s] a marked increase in the number of vans on the road, reported BTB (Belgium’s socialist transport workers union)”³.

¹ CE Delft, Van use in Europe and their environmental impact, September 2017

² Some Member State data shows large growth in van use, e.g. a 17% increase in Belgium and a 23% increase in the UK between 2006 and 2016, while the increase in other Member States has been smaller, e.g. 6% increase in France from 2010 to 2015: see https://mobilit.belgium.be/nl/mobiliteit/mobiliteit_cijfers/kilometers_door_belgische_voertuigen; http://www.statistiques.developpement-durable.gouv.fr/fileadmin/documents/Produits_editoriaux/Publications/Datalab/2017/datalab-11-cc-du-transport-edition-2017-fevrier2017-c.pdf; https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/576095/tsgb-2016-report-summaries.pdf.

³ De Morgen, Fors meer bestelwagens na invoering kilometerheffing voor vrachtwagens, 29 March 2017

In its proposal to review the Eurovignette Directive, the Commission proposes that van charges must be higher than car charges by 2024. This does not sufficiently address the discrepancy. Therefore, the Directive should be amended so that tolls for trucks starting from 3.5 tonnes must also apply to large vans. This charge should be differentiated based on the environmental performance of the vehicle. The benefits of including large vans in road tolls would be on reducing congestion and improving the efficient selection of the right vehicle for a freight movement, which has positive climate impacts.

2.2. Profession requirements

European-wide profession requirements are only imposed on truck drivers. Operators using vans (N1) are not affected. Operators with trucks (N2 and N3) also face extra administrative procedures, including extra financial requirements, the duty to train personnel and must appoint a transport manager.

According to the 2017 Commission proposal reviewing the Access to the Profession⁴ Regulation, the requirements regarding appointing a transport manager, good reputation, and professional competency would not be made mandatory for vans. Member States would keep the possibility to apply them though. By contrast, the requirements regarding effective and stable establishment and appropriate financial standing are proposed to apply to vans in all Member States. Furthermore, it is proposed to require that Member States report to the Commission information about the activities of hauliers operating with vans in their territory by the end of 2024.

The Parliament and Council must ensure that professional requirements for trucks are sufficiently applied to vans used for the carriage of goods to ensure that market distortions are remedied.

2.3. Driving & Rest times and Tachograph requirements

Driving and Rest Times (Regulation EC No 561/2006) for truck drivers are mandated by law across Europe. These rules ensure that truck drivers are not exploited and are not overworked, which has safety implications in addition to the negative social impact.

For trucks, a tachograph is required (EC, 2006). Tachographs record information about driving time, speed and distance. They are used to make sure drivers and employers follow the rules on drivers' hours⁵. As long as no trailer or semi-trailer is used, vans do not require a tachograph.

The EU is in the process of reviewing both Regulation EU 561/2006 and Regulation EU 165/2014. The Commission did not extend the Regulations to include vans in their proposals. The Parliament and Council has the opportunity to extend the legislation to protect the working conditions of van drivers.

2.4. Driving license requirements

The same driving license used to drive a car (standard type B) is sufficient to operate a van. Pulling a trailer having a gross vehicle weight which does not exceed 750 kg is allowed, but the combination may not exceed 3.5 tonnes. Exceeding this combined mass would require a BE license, which entails passing a test and additional training. Trucks require a driving license type C (or CE for trailer combinations). The additional cost to gain a C driving license differ per Member State but is roughly between 3,000 and 4,000 euro, giving vans a competitive advantage.

Driving vans should require a driving license more tailored to that vehicle than passenger car licenses. There would be clear safety benefits of requiring a more specialised driving test in order to be legally allowed to

⁴ <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52017PC0281&from=EN>

⁵ The main EU rules on driving hours are that you must not drive more than: 9 hours in a day - this can be extended to 10 hours twice a week; 56 hours in a week; 90 hours in any 2 consecutive weeks. In addition EU driving hour rules prescribe rests and breaks: at least 11 hours rest every day; an unbroken rest period of 45 hours every week; a break or breaks totaling at least 45 minutes after no more than 4 hours 30 minutes driving; weekly rest after 6 consecutive 24-hour periods of working, starting from the end of the last weekly rest period taken.

drive a van. The development of a better driving test would also help to level the playing field between trucks and vans.

2.5. Speed limits and limiters

In general, speed limits on EU Member State roads are equal for vans (N1) and passenger cars (M1). Vans towing a trailer have to adhere to a lower speed limit nearly everywhere. Speed limiters are obligatory only for trucks, meaning type N2 and N3 and consequently not for vans. Trucks have a special speed limit of 90 km/h on most European primary roads. Vans can go as fast as 120-130 km/h on such roads.

The option to drive at higher speeds with a van compared to a larger truck offers travel time savings. The negative impact of such a lack of speed limiters means that vans are driving at dangerous speeds by unspecialised drivers. The upcoming revision of the General Safety Regulation⁶ should ensure that vans must be fitted with Automatic Emergency Breaking Systems, as well as ISA whereby there is a warning signal and pedal pushback once the driver is exceeding the speed limit. Unique speed limits for vans must also be considered by Member States to improve road safety. This reduced speed limit would also have a positive impact on reducing emissions as fuel use would decrease as a result of the slower travel speeds.

3. T&E recommendations

The use of vans to avoid EU laws applicable to trucks is an issue that must be addressed in the ongoing revision of social and market rules for the transport sector. Trucks are subject to extensive social legislation (driving and rest times, tachograph), professional training requirements, road infrastructure charging, speed limiters (max. 90 km/h), among other law. Vans are subject to none of these restrictions, and as a result, can be operated at a competitive advantage. This creates distortions of competition, reduces transport efficiency (stimulates use of smaller freight vehicles) and has grave social and safety implications.

This market distortion would be largely solved provided the EU:

1. Extend the scope of the **Eurovignette Directive** (Directive EC No 2011/76) to vans so that any toll for trucks beginning from 3.5 tonnes is also applicable to large vans used for the professional carriage of goods.
2. Extend the **Access to the Profession** (Regulation EC No 1071/2009) and the **Access to the Market** (Regulation EC No 1072/2009) laws to be applicable to vans.
3. Extend the **Driving and Rest Times** (Regulation EC No 561/2006) and **Tachograph** requirements (Regulation EU 165/2014) to include vans.
4. The Commission should include mandatory Automatic Emergency Breaking Systems and Intelligent Speed Assistance for vans in the upcoming revision of the **General Safety Regulation**.

Vans are falling through the cracks of EU legislation while their emissions and numbers continue to grow. If Europe wants to decarbonise its road transport effectively and protect transport workers, laws have to be established to ensure both.

Further information

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⁶ Commission proposal expected 2nd May 2018