

Newsletter

June – July 2019

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ECJ: German Car Toll

After Austria brought an action against Germany before the European Union Court of Justice (ECJ) on 12 October 2017 regarding the planned German car toll (Case C-591/17), the ECJ defined the toll as discriminatory on 18 June 2019. The Netherlands had joined the Austrian complaint.

Austria's main objection was indirect discrimination on grounds of nationality by compensating infrastructure costs through tax relief for owners of motor vehicles registered in Germany. As German drivers are relieved by the reduction of the motor vehicle tax, only foreign drivers would actually be burdened by the infrastructure levy.

The ECJ ruled that "the infrastructure use charge, in combination with the relief from motor vehicle tax enjoyed by the owners of vehicles registered in Germany, constitutes indirect discrimination on grounds of nationality and is in breach of the principles of the free movement of goods and of the freedom to provide services. As regards the prohibition of discrimination on grounds of nationality, the Court finds that the effect of the relief from motor vehicle tax enjoyed by the owners of vehicles registered in Germany is to offset entirely the infrastructure use charge paid by those persons, with the result that the economic burden of that charge falls, de facto, solely on the owners and drivers of vehicles registered in other Member States."

As recently as February, Advocate General (ECJ) Nils Wahl declared the planned toll to be legal and argued that the plans of the German infrastructure levy were lawful. He advised the judges to reject Austria's complaint. Wahl explains that Austria's complaint is based on a "fundamental misunderstanding of the concept of 'discrimination'." The Opinion of the Advocate General is to be understood as a recommendation to the Judges. They do not have to follow the opinion.

In a first statement, the German Minister of Transport, Andreas Scheuer (CSU), stated that

the toll in its current form was "off the table" and that the judgement "should be respected and accepted."

Further Links:

- [Press release of the ECJ](#)
- [Comments of the German Minister of Transport \(Video, German\)](#)
- [Case C-591/17](#)
- [Opinion of the Advocate General](#)
- [EAC Position Paper: Uniform Car Toll Rules](#)

Future of Road Transport

On 23 June 2019, The Joint-Research Center of the European Commission released a new report on the future of road transport elaborating the implications of automated, connected, low-carbon and shared mobility by looking at the main enablers of the transformation of road transport, such as data governance, infrastructures, communication technologies and cybersecurity, and legislation.

The authors describe impacts on the economy, employment and skills, energy use and emissions, the sustainability of raw materials, democracy, privacy and social fairness, as well as on the urban context. New technologies and business models, such as shared cars, bikes and scooters, are fundamentally changing how we get around. Future transport can be more efficient, safer, eco-friendly and accessible transport systems. Although car-centered personal transport has essential negative impacts, road transport will continue to be the main mode of transport and private cars will remain dominant. Reducing the role of private cars is should, thus, be higher prioritized.

The authors formulate two main recommendations for future road transport: Firstly, our current transport systems and policies must be upgraded to the 21st century. Secondly, policymakers must improve governance systems and involve citizens in the rollout of innovative mobility solutions. The latter could be done with a network of European living labs where

innovative mobility solutions are introduced and tested with direct participation of citizens.

Further Links:

- [Full report](#)
- [Executive summary](#)

ECJ: “Use of a vehicle”

In August 2013, a vehicle parked in the garage of a detached house, which had not been driven for more than 24 hours, caught fire due to a technical defect in the circuit. The fire caused damage to the house amounting to around 45,000 euros, which was covered by the building insurance company. However, the insurance company wanted to have the money reimbursed by the motor vehicle liability insurance, as the damage was caused by the “use of the vehicle”. The case went to court. However, the Spanish courts could not finally decide how Article 3 of Directive 2009/103/EC relating to insurance against civil liability in respect of the use of motor vehicles, and the enforcement of the obligation to insure against such liability should be interpreted and what falls under the term “use of a vehicle”.

In February 2019, Advocate General (ECJ) Yves Bot stated in his Opinion that a vehicle parked for more than 24 hours also falls under the term “in use”. A time limit for vehicle accidents and their occurrence was not defined by legislators. Only vehicles that were not used for transport were to be excluded. Even if the Opinion of the Advocate General can only be seen as a recommendation to the judges, the ECJ agreed with this opinion. The ECJ ruled on 20 June 2019 that the Directive “must be interpreted as meaning that a situation such as that at issue in the main proceedings, in which a vehicle parked in a private garage of a building, used in accordance with its function as a means of transport, has caught fire, giving rise to a fire which originated in the electrical circuit of that vehicle and caused damage to that building, even though that vehicle has not been moved for more

than 24 hours before the fire occurred, falls within the concept of ‘use of vehicles’ referred to in that provision.”

Further Links:

- [C-100/18: Application](#)
- [C-100/18: Opinion Advocate General](#)
- [C-100/18: ECJ Judgement](#)

EAC supports #ProjectEDWARD

As signatory of the European Road Safety Charter the European Automobile Clubs asbl is happy to be partnering with Project EDWARD (European Day Without A Road Death – 26 September 2019), which was initiated by the European Traffic Policy Network TISPOL. We highly recommend you follow #ProjectEDWARD on the campaign's social media channels, in particular Twitter and Facebook, and get the dedicated experts' valuable insights into topical road safety issues.

Let's join hands and make roads safer in and beyond #Europe! The EAC has already made its #ProjectEDWARD road safety for 2019:

- Remind my family, friends and colleagues to take extra care on the roads.
- Put my lights on for safety.
- Drive as safely as I can and follow the rules when behind the wheel or riding a motorbike or bicycle.
- Be extra vigilant and attentive to the needs of pedestrians, cyclists, children, older people and horse riders.
- Drive at speeds that are both legal and safe.
- Carry out proper safety checks on my tyres.
- Pay particular attention when driving near schools, and where there are lots of children.
- Never drive after drinking alcohol or taking drugs/medicines that could impair safety.
- Look as far ahead as possible and not tailgate other drivers.
- Always wear my seat belt and ensure that everyone with me wears theirs.
- Not use my mobile phone while driving.
- Ensuring I am not distracted by anything inside or outside the car, or inside my head.

- Set a good example to my passengers by driving calmly and safely.
- If I'm a passenger, make sure that the driver is fit and legal to drive.

Further Links:

- projectedward.eu
- [Road Safety Pledge](#)

EAC's EventIP: IETL's XXth European Traffic Law Days

This autumn all the roads will be leading to... Athens. Take a look at the promising programme of the XXth European Traffic Law Days, which will be hosted by the Institute for European Traffic Laws (IETL) on 3-4 October 2019 at the premises of Grand Hyatt Athens.

Further Links:

- [Registration](#)

Calendar

Meeting Dates

Council

Transport, Telecommunications and Energy Council	20/09/2019
Competitiveness Council	26/09/2019
Council of Justice and Home Affairs	07/10/2019
Council of Environment	04/10/2019

Plenary

15-18/07/2019 ([Agenda](#))

Committees

Environment (ENVI)	10/07/2019 (Agenda)
Internal Market / Consumer (IMCO)	10/07/2019 (Agenda)
Justice & Home Affairs (LIBE)	10/07/2019 (Agenda)
Transport (TRAN)	10/07/2019 (Agenda n.a.) 24/07/2019 (Agenda tba)

Events (Brussels)

26/09/2019	Project EDWARD (European Day Without A Road Death)
3-4/10/2019	IETL's XXth European Traffic Law Days

EAC-Events

20/11/2019	EAC-Fall Meeting 2019 in Brussels
21/11/2019	EAC-Symposium 2019 in Brussels