

Schaan, 16 July 2026

Press release on the Advocate General's Opinion in the Brenner Transit case

Interim ruling in the legal dispute over Alpine transit

On 16 July 2026, the Advocate General of the Court of Justice of the European Union (CJEU) delivered his Opinion in the legal dispute between Italy and Austria concerning trans-Alpine freight transport via the Brenner Pass. This Opinion is regarded as an important guide to the subsequent judgment, which is expected to be handed down by the end of the year.

There is a great deal at stake for the Alpine region: the CJEU's ruling will have a decisive influence on the extent to which countries will in future be permitted to take measures to reduce transit traffic and protect people and sensitive Alpine habitats. Paul Kuncio, an environmental lawyer and policy officer at CIPRA International, offers an initial assessment of the Advocate General's opinion:

“The Advocate General takes the view that the night-time driving ban, the sectoral driving ban and the winter driving ban contravene EU law, and has therefore asked the ECJ to uphold Italy's action on these three points. By contrast, he considers the traffic management measures ("dosing") to be justified and compatible with the right to the free movement of goods. If the ECJ follows the Advocate General's Opinion – which is usually the case – the measures in question will be struck down and the federal state of Tyrol will have to repeal them. Similar measures on other Alpine transit routes would then also be at risk, leading to a further increase in road freight traffic. At the very least, the traffic management measures appear to be holding up before the ECJ. This can be seen as a sign that cross-border traffic management and a quota system for Alpine transit might represent a sustainable solution, provided that politicians return to dialogue.”

In previous statements, CIPRA, together with other organisations, has highlighted the importance of effective measures to reduce traffic and warned of the potential negative consequences of a court ruling:

- Press release dated 26 May 2026

[**Reducing transit traffic: planned Brenner demonstration sends a strong message**](#)

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- Press release dated 20 April 2026

[Legal dispute over Alpine transit: environmental organisations fear a domino effect](#)

CIPRA will closely monitor the outcome of the proceedings and continue to campaign for a sustainable transport policy that is compatible with the Alps.

This release and print-ready photographs are available for downloading from <http://www.cipra.org/en/press/press-releases>

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CIPRA, for a good life in the Alps

CIPRA, the International Commission for the Protection of the Alps, is a non-profit, non-governmental umbrella organisation with representatives in seven Alpine countries and a member network of over 100 associations. CIPRA works on a scientific basis with diverse communication, political education and in practical projects for sustainable development. It is committed to the preservation of the natural and cultural heritage, the strengthening of regional diversity and joint solutions to cross-border challenges in the Alpine region. www.cipra.org