



European Federation of Inland Ports

Amending the Combined Transport Directive (92/106/EEC)

General position of EFIP on the proposed amendment of the Combined Transport Directive based on EFIP's contributions to the public consultation in 2014 and 2017:

- EFIP welcomes the proposal from the European Commission on the amendment of the Combined Transport Directive as it aims to increase the competitiveness of combined transport compared to long-distance road freight and therefore strengthen the shift from road freight to other modes of transport like inland waterways.
- EFIP stresses that it is not very clear if the directive is only applicable to new traffic flows or that also existing traffic flows fall within the scope of the directive. This is important in case Member States or ports want to create incentives for using combined transport.
- EFIP emphasizes that it is not enough to unlock the potential of multimodal transport as a uniform legal basis is needed and definitions have to be clear enough to maximise the changes that the largest part of the transport operation is done by rail, inland waterways or short sea shipping.
- EFIP states that we need to have a clear legal basis at the EU level whether limitations should be mandatory or optional / harmonized or non-harmonized. There is a need to secure an equal level playing field and not promoting distortion of competition between modes. We need to guarantee the effectiveness of the CTD by simplifying, modernizing and harmonizing at the EU level the pre-existing limitations, in order to avoid different interpretations, implementation and monitoring by the Member States.
- EFIP states that the existing limitation of 150 km for the road leg has to be preserved, so as not to water down the concept of combined transport in the directive. The directive should provide measures to stimulate stakeholders to choose other modes of transport rather than to introduce only limitations for road transport. In addition, EFIP stresses that there are combined transport operations not involving road transport; such combinations (e.g. Rail/IWT) should be covered by the definition as well.
- EFIP believes it is very important to obtain better data and validation information on combined transport operations in order for ports to be able to stimulate combined transport operations. EFIP asks for a workable solution, which does not create more administrative burdens for the industry and builds upon the current possibilities for data sharing. EFIP stresses the importance of the digitalisation of (logistic) information and ITS applications to optimize combined transport operations. EFIP underlines that a stronger reference to digitalisation (current and future developments) is needed in the directive.

However EFIP would like to address the following remarks and proposals to the proposed revision text 2017/0290 (COD)

1. Definition of 'combined transport' (Art. 1.2)

EFIP welcomes the removal of the distance limitation of 100 km for inland waterways as requested as numerous operations on the inland waterways are taking place below 100km and would otherwise be excluded for the purposes of combined transport operations. This will provide a better coverage of daily port operations in the hinterland and supports operations that contribute strongly to the regional/ local GDP, support the decongestion on the road and reduce the environmental impact on urban nodes.

2. Non-road legs (Art. 1.2 b)

EC text:

Non-road legs using inland waterway or maritime transport for which there is no equivalent road transport alternative or which are unavoidable in a commercially viable transport operation shall not be taken into consideration



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EFIP suggests:

Non-road legs using inland waterway or maritime transport for which there is no equivalent road transport alternative or which are ~~unavoidable in a commercially viable transport operation~~ shall not be taken into consideration.

Reasoning:

The wording is very ambiguous. The intention of COM is the removal of minimum distance of 100km but keep exclusion of certain operations such as deep sea shipments or short-distance ferry crossings.

3. Definition of 'as the crow flies' and exceeding the road leg distance limit (article 1.3 a/b)

EC text:

Article 1.3

Each road leg referred to in paragraph 2 shall not exceed the longest of the following distances in the territory of the Union:

(a) 150 km in distance as the crow flies;

EFIP suggests:

(a) 150 km in distance ~~as the crow flies~~

Reasoning:

Definition of 'as the crow flies' should be made clear since roads rarely run in a straight line. Better to align with Directive 2015/719 "distance" instead of "as the crow flies".

EC text:

(b) The road leg distance limit may be exceeded for combined road/rail, operations when authorized by the Member States in order to reach the geographically nearest transport terminal which has the necessary, operational transshipment capability

EFIP suggests:

The road leg distance limit may be exceeded **but shouldn't be discriminatory for other types of** ~~for~~ combined **transport** ~~road/rail~~, operations when authorized by the Member States in order to reach the geographically nearest transport terminal which has the necessary, operational transshipment capability

Reasoning:

Exception is allowed for rail/road transport, but not for waterborne transport combinations, rail/road/iwt operations or short-sea shipping; this leads to a discriminatory approach between modes (rail/waterborne) and will not support the main objective of the Directive.

4. Evidence of operation (article 3.2 J (ii))

EC text:

When available a signature or seal of the relevant rail or port authorities in the relevant terminals (railway station or port) concerned along the non-road leg operation confirming that the relevant part of the non-road leg has been completed.

EFIP suggests:

When available a signature or seal of the **responsible** relevant rail or **port** authorities in the relevant terminals (~~railway station or port~~) concerned along the non-road leg operation confirming that the relevant part of the non-road leg has been completed.

Reasoning:

More administrative burden and red tape should be prevented for the port sector; unclear how this will work in practice and who is in the end the owner of the data and best in place to do ex-post verification. Port authorities do not always have access to such (commercial) information; most likely port/terminal operators are best in place to provide information.

5. IWT International convention (article 3.5)

EC text:

The evidence may be provided through a transport document fulfilling the requirements laid down in Article 6 of Council Regulation No 11, or through other existing transport documents such as the Convention on the Contract for the



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International Carriage of Goods by Road (CMR) transport document, or the Uniform Rules Concerning the Contract of International Carriage of Goods by Rail (CIM) transport document.

EFIP suggests:

Art. 3 par. 5. The evidence may be provided through a transport document fulfilling the requirements laid down in Article 6 of Council Regulation No 11, or through other existing transport documents such as the Convention on the Contract for the International Carriage of Goods by Road (CMR) transport document, **the convention on the contract for the carriage of goods on inland waterways (CMNI)** or the Uniform Rules Concerning the Contract of International Carriage of Goods by Rail (CIM) transport document.

Reasoning:

The reference to Council Regulation no 11. is considered as a non-appropriate basis for such evidence, as the sector is trying to withdraw this regulation also as part of the e-freight transport document exercise within DTLF. Therefore this part should be deleted and only pointing to the international conventions. With regard to IWT the Convention on the contract for the carriage of goods on inland waterways (CMNI) should be added to the list of conventions listed under par. 5.

6. Tax measures (article 6.1)

EC text:

Member states shall take the measures necessary to ensure that the taxes listed in paragraph 3 which are applicable to road vehicles (lorries, tractors, trailers or semi-trailers) when routed in combined transport are reduced or reimbursed by standard amount.

EFIP suggests:

Member states shall take the measures necessary to ensure that the taxes listed in paragraph 3 which are applicable to road vehicles (lorries, tractors, trailers, ~~or~~ semi-trailers, **IWT containers, multi-modal loading unit**) when routed in combined transport are reduced or reimbursed by standard amount.

Reasoning:

The EC proposal makes it impossible to provide fiscal incentives for other types of applications to road vehicles for combined transport like an IWT container or multi-modal loading unit.

7. Terminal investments (Article 6.4 (a))

EC text:

Member States shall take the necessary measures to support investment in transshipment terminals as regards: (a) the construction and the expansion of transshipment terminals; (b) the increase of operational efficiency in existing terminals.

EFIP suggests:

Member States shall take the necessary measures to support investment in transshipment terminals as regards: (a) the construction and the expansion of transshipment terminals; (b) the increase of operational efficiency in existing terminals, **including ITS solutions**

Reasoning:

There are also other soft-infrastructure investments needed in ITS and further digitalizing of the logistic transport chain in order to facilitate intermodal transport and make the operations more efficient.

EC text:

(a) Member states shall ensure that any location in the Union is not situated at a distance farther than 150 km from such terminal.

EFIP suggests:

(a) Member states shall ensure that any location in the Union is not situated at distance **in principle** farther than 150 km from such terminal

Reasoning:

Investments should not be made to the disadvantage of existing terminals (every 150km), emphasizing the application of competition policy. Besides this will not lead to an equal level playing field and will not provide any flexibility taking into account the specific geographical and specific economic situation. This suggestion will leave possibilities for exceptional circumstances like dense populated areas.