Multimodal and Combined Freight Transport


This briefing is one in a series of 'implementation appraisals', produced by the European Parliament Research Service (EPRS), on the operation of existing EU legislation in practice. Each briefing focuses on a specific EU law which is likely to be amended or reviewed, as envisaged in the European Commission's annual work programme. ‘Implementation appraisals’ aim to provide a succinct overview of publicly available material on the implementation, application and effectiveness to date of an EU law, drawing on input from EU institutions and bodies, as well as external organisations. ‘Implementation appraisals’ are provided by the EPRS Ex-Post Evaluation Unit, to assist parliamentary committees in their consideration of new European Commission proposals, once tabled.

Summary
Council Directive 92/106/EEC lays down rules applicable to combined transport of goods. Various resources show that there are currently several challenges linked with the implementation of the directive. These include, for instance, a broad and ambiguous definition of combined transport, outdated provisions of the directive, the need to align these provisions with the new economic reality and a need for a unified combined transport document. These challenges influence harmonisation of combined freight transport and limit the fulfilment of the directive's goals. The European Parliament has called on the European Commission to update the directive to respond to these challenges. Similar recommendations have come from the European Economic and Social Committee and from representatives of various stakeholder groups. Finally, the European Commission itself has expressed its intention to revise the directive as part of the enhancement of the social legislation in the area of road transport. It is expected that the European Commission will submit this proposal in the fourth quarter of 2017.

1. Background

Road freight transport is an important part of the common transport policy. In 2014, road transport accounted for 49% of total goods transport activities in the EU-28.1 According to the European Commission's web portal road transport strategy for Europe, road transport directly contributes to the Commission's priorities, namely Priority 1: jobs and growth, Priority 2: the digital single market, and Priority 3: energy union and climate. The positive impact of road freight transport on the European economy and GDP growth cannot therefore be underestimated. Despite its positives, road transport inevitably contributes to air pollution and greenhouse gas emissions, noise, congestion and accidents.

In the 2011 white paper: 'Roadmap to a single European transport area', the European Commission expressed its intentions to make European transport more integrated and to limit its negative impacts. In order to do so, the Commission would adopt various initiatives of a fiscal, technical, administrative and social nature. The white paper, among other things, highlighted the need for 'optimising the performance of multimodal logistics chains, including by making greater use of inherently more resource-efficient

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modes, where other technological innovations may be insufficient (e.g. long distance freight). The white paper promoted 'modal shift towards multimodal transport that uses in major part modes of transport that cause less negative externalities such as rail, inland waterways and maritime transport'. It set the goal that 30% of road freight over 300 km should shift to these less polluting modes by 2030, and more than 50% by 2050. The adverse effects of road freight transport can be potentially decreased by using carriage of goods by at least two different modes of transport i.e. a multimodal transport. Combined transport is a multimodal transport where a major part of journey is carried out by rail, inland waterways or sea and the initial and final part is carried out by freight road transport.

Despite potential positive effects of combined transport, its present market share is rather limited. In 2014 the market share of combined transport was only equal to 12% of total road freight, and 9% of all surface freight transport. Furthermore, in 2015, road transport accounted for approximately 75% of total inland freight transport, while rail freight transport and inland waterway freight transport accounted for only approximately 18% and 6.5% respectively. Member States with the highest percentage of rail freight transport are Latvia (80%), Lithuania (66%) and Estonia (53%). Member States with the highest percentage of inland waterways transport are the Netherlands (46%), Romania (30%) and Bulgaria (28%). Because of their geographical circumstances, Malta and Cyprus use exclusively road freight transport. According to Eurostat, between 2010 and 2015 there was a noticeable change in the modal split in Estonia, Luxembourg, Lithuania, Sweden and Italy. Since 2010, inland freight transport performance in the EU remains stable with an increase of 1.3%.

This briefing concentrates on the directive that is considered to be 'the only EU legal instrument that directly supports multimodal transport' – Council Directive 92/106/EEC on the establishment of common rules for certain types of combined transport of goods between Member States.


The aim of Directive 92/106/EEC is to reduce road transport by developing a combined transport that brings it together with rail, inland waterway and sea transport. According to the directive's third recital, combined transport should be perceived as an alternative to road transport, especially because of increasing problems related to road congestion, the environment and road safety.

The directive defines combined transport as transport of goods between Member States where a freight road transport is used on the initial or final leg of the journey, and rail or inland waterway or maritime services are used for the other leg, with the 'non-road' transport section having to exceed 100 km. Furthermore, the initial or final road transport leg of the journey must be between the point where the goods are loaded/unloaded and the nearest suitable rail loading station for the initial/final leg, or within a radius not exceeding 150 km from the inland waterway port or seaport of loading or unloading (Article 1).

Transport documents linked with combined transport have to fulfil the minimum requirements included in Article 3 of Council Regulation No 11 of 27 June 1960. In addition to general provisions, these documents have to specify the rail loading and unloading stations, the inland waterway loading and unloading ports or the maritime loading and unloading ports (Article 3). This has to be recorded before the transport operation begins. Furthermore, the directive establishes an obligation for Member States to take measures.

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2 White paper, p. 6.
4 White paper, p. 9, goal 3.
6 See, further, Table 1: Modal split of inland freight transport, 2015 (% of total tkm).
10 According to this provision, transport documents have to include: name and address of the consignor; nature and weight of the goods; place and date of acceptance of the goods for transport; place at which the goods are to be delivered; route to be taken, or distance to be travelled, if these factors justify a rate different from that normally applicable; and frontier crossing points, where appropriate. They have to be numbered and made out in duplicate.
proportionally decreasing or reimbursing taxes applicable to road vehicles when routed in combined transport. These tax cuts are to be granted by the Member State in which the vehicles are registered (Article 6).\(^\text{11}\) Article 4 of the directive allows all hauliers established in Member States and meeting the respective criteria to carry out the initial and/or final leg of haulage as a part of the combined transport operation which may or may not include the crossing of the national border.

**Table 1: Modal split of inland freight transport, 2015 (% of total tkm)**

<table>
<thead>
<tr>
<th>Country</th>
<th>Rail</th>
<th>Inland waterways</th>
<th>Road</th>
</tr>
</thead>
<tbody>
<tr>
<td>EU-28 (*)</td>
<td>18.3</td>
<td>6.4</td>
<td>75.3</td>
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<tr>
<td>Belgium (*)</td>
<td>11.1</td>
<td>15.9</td>
<td>72.9</td>
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<tr>
<td>Bulgaria</td>
<td>17.3</td>
<td>27.4</td>
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<td>Czech Republic</td>
<td>28.5</td>
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<tr>
<td>Denmark</td>
<td>19.6</td>
<td></td>
<td>80.4</td>
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<tr>
<td>Germany</td>
<td>19.3</td>
<td>5.7</td>
<td>71.5</td>
</tr>
<tr>
<td>Estonia</td>
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<tr>
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<td>50</td>
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<td>Greece</td>
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<tr>
<td>Spain</td>
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<td></td>
<td>94.1</td>
</tr>
<tr>
<td>France</td>
<td>11.7</td>
<td>2.9</td>
<td>85.4</td>
</tr>
<tr>
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<td>13.4</td>
<td>7.8</td>
<td>72.8</td>
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<td>0.1</td>
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<td>5.1</td>
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<td>Finland (*)</td>
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<td>Switzerland</td>
<td>37.4</td>
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<td>62.6</td>
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</tbody>
</table>

\(^*\) EU-28 includes rail transport estimates for Belgium, inland waterways transport estimates for Finland and does not include road freight transport for Malta (negligible). Figures may not add up to 100\% due to rounding.

\(^{(*)}\) Estimated values.

Source: Eurostat, 2017

\(^{11}\) This provision also enumerates the Member States’ taxes which can be reduced or reimbursed.
2. European Commission’s implementation reports

According to Article 5 of Council Directive 92/106/EEC, and based on the data provided by Member States, the Commission is obliged to submit a report to the Council every two years. At present, however, only two implementation reports have been submitted by the Commission to the Council: the 1997 'report' from the Commission to the Council on the application during the years 1993 to 1995 of Council Directive 92/106/EEC of 7 December 1992 on the establishment of common rules for certain types of combined transport of goods between Member States and the 2002 'report' from the Commission on the application during the years 1996 to 1999 of Council Directive 92/106/EEC of 7 December 1992 on the establishment of common rules for certain types of combined transport of goods between Member States. No other implementation reports have been published. Nonetheless, the Commission's final report analysing the EU combined transport (2015) noted that 'the reporting provisions have not been effective' and that 'the [Commission] has not complied with the requirement to deliver a report on a biannual basis'. As the abovementioned reports cover the years between 1993 and 1999, and thus do not reflect a current situation, they were not described in further detail.

European Commission white paper: Roadmap to a Single European Transport Area – Towards a competitive and resource efficient transport system (March 2011)

The Commission's white paper took 'a global look at developments in the transport sector, at its future challenges and at the policy initiatives that need to be considered'. It set an objective to reduce greenhouse gases by 60 % by 2050 compared to 1990 levels. The white paper defined 10 goals for a competitive and resource efficient transport system that require certain actions, such as 'optimising the performance of multimodal logistic chains, including by making greater use of more energy-efficient modes' and 'a fully functional and EU-wide multimodal TEN-T "core network" by 2030', but also 'by 2020, establish the framework for a European multimodal transport information, management and payment system'.

Annex I of the white paper included a list of initiatives, which the Commission intended to adopt. With regard to multimodal transport of goods, the Commission proposed to 'create [an] appropriate framework to allow tracing goods in real time, ensure intermodal liability and promote clean freight transport', 'to create and deploy a single transport document in electronic form' and 'to ensure that liability regimes promote rail, waterborne and intermodal transport'. Furthermore, the Commission promised to 'create in the context of the "core network" multimodal freight corridor structures to synchronise investments and infrastructure works and support efficient, innovative and multimodal transport services, including rail services over medium and long distances' and 'to support multimodal transport and single wagon load business, stimulate the integration of inland waterways into the transport system and promote eco-innovation in freight transport'.

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14 See further in the text.
15 Final report, p. 271.
16 COM(2011) 144, p. 5.
17 ibid., p. 3.
18 ibid., pp. 9 - 10.
19 Trans-European transport network (TEN-T) is the set of road, rail, air and water transport networks in the EU. TEN-T contributes to the achievement of the objectives set in the Europe 2020 Strategy and the 2011 white paper on transport, namely the smooth functioning of the internal market and the strengthening of economic, social and territorial cohesion. Its guidelines are the instruments of the trans-European networks policy (transport, energy and telecommunication) established by Regulation (EU) No 1315/2013 on Union guidelines for the development of the trans-European transport network.
20 ibid., p. 9.
21 ibid., p. 19 - 20.
22 ibid., p. 28.
European Commission final report analysing the EU combined transport (January 2015)

The report noted that despite the wishes of policy makers for a greater role for combined transport, this type of transport was relatively unattractive and underused by the customers.23 The report described as main challenges for combined transport: failures to recognise, adopt and improve performance benchmarks established by the road haulage industry; failure of rail industry liberalisation; infrastructure for intermodality, without interoperability; the lack of electronic infrastructure and poor quality and depth of data on freight moved by combined transport services.24

The report expressed the need to update Council Directive 92/106/EEC in order to (1) reiterate the principles of the EU support for combined transport, (2) ensure the alignment of the directive with the changes in the EU policies since 1993, (3) improve the clarity of the text and reduce scope for misinterpretation and (4) reflect the consensus of stakeholders.25 It assessed relevance, effectiveness, efficiency, coherence and added value of all the directive's provisions. The report noted that some provisions were not relevant anymore (Article 2, Article 8 and Article 9) or that they needed to be amended (Article 5). Effectiveness of several provisions (Article 5, Article 6, Article 7, Article 8 and Article 9) was also questioned. The report did not discover any specific problems with regard to coherence of the directive. A limited efficiency of several provisions was also discovered (Article 2, Article 3 and Article 8). Last, but not least, the report argued that some of the provisions no longer brought added value (Article 2, Article 3, Article 7, Article 8, Article 9).26

The report recommended, for example, to withdraw the 100km distance threshold for the non-road leg for all combined transport sectors; to limit the road leg in inland waterway/road operations to a distance of 150km as covered by road; to take into account wider initiatives such as e-freight and to modernise and clarify the text.27


The ex-post evaluation28 focused on relevance, effectiveness, efficiency, EU added value and coherence of Council Directive 92/106/EEC. The directive was evaluated as being still relevant since EU transport policy was aimed at fostering the modal shift away from road transport, and the support for the use of alternative modes of transport was still needed. According to the evaluation, the directive was the only legal instrument directly contributing to a reduction of 'the share of road transport by shifting long-distance freight transport to alternative modes of transport'.29 While, in principle, the directive continued to be an effective tool, the evaluation argued that 'there is a significant margin for further improving the effectiveness of the directive' as some of its provisions are outdated, with limited scope and sometimes they include obsolete or ambiguous language.30 In this context, the evaluation also pointed to the directive's diverging transposition and incorrect application by Member States and the lack of its enforcement by the Commission leading to legal uncertainty.31

As to efficiency, the evaluation pointed to a growth of the combined transport operations that 'have quadrupled during the last two decades'.32 It also estimated that the shift from road transport to combined transport could bring annual savings of €2.1 billion. The evaluation concluded that the directive was efficient in relation to transport documents as it did not create any additional document requirements and related costs. According to the evaluation, the directive had an EU added value as it improved the functioning of the internal market and the competiveness of the combined transport industry. The

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23 The report was outsourced by the European Commission and carried out by KombiConsult GmbH, Intermodality Ltd, PLANCO Consulting GmbH and Gruppo CLAS S.p.A. in 2014.
24 Report, p. 12.
25 ibid., p. 261.
26 ibid., pp. 261 - 276.
27 ibid.
28 SWD(2016) 140 final.
29 ibid., p. 24.
30 ibid., p. 50.
31 ibid., p. 33.
32 ibid., p. 50.
evaluation noted that the EU level action allowed the removal of various barriers resulting from different legal systems that could make cross-border combined transport less competitive. The directive was also considered as coherent with other EU policy measures; however, the requirement to use paper documents was seen as potentially incoherent with the Commission’s key priorities.

European Commission communication on a European strategy for low-emission mobility (June 2016)

In the communication, the Commission presented a strategy for low-emission mobility intended to make an important contribution to modernising the EU economy. Recalling that transport represents almost a quarter of Europe's greenhouse gas emissions, and is the main cause of air pollution in cities, the Commission called for optimising the transport system and improving its efficiency, including by promoting multimodal transport which contributes to decarbonisation. The Commission noted a need to incentivise a shift towards lower emission transport modes, such as inland waterways, short-sea shipping and rail. In this context, the Commission promised to modernise incentives for combined transport with a simplification of Council Directive 92/106/EEC and a review of economic incentives for intermodal transport.


The inception impact assessment noted that this particular initiative intended 'to encourage the use of non-road transport modes on long distance freight transport'. Apart from this general objective, the amendment of Council Directive 92/106/EEC should also simplify the eligibility criteria for the support provided by the directive, review the support measures to enhance effectiveness and improve the implementation of the directive.

The document also pointed to the main shortcomings limiting effectiveness and efficiency of the directive. First of all, the definition of the term 'combined transport' as provided by the directive was seen as 'complex and somewhat ambiguous', giving rise to some legal uncertainty regarding various issues such as delays or fines. But the definition also did not reflect the existing economic realities. Secondly, the inception impact assessment highlighted the ineffectiveness of the support measures introduced by the directive, such as economic incentives. Furthermore, provisions relating to transport documents were described as outdated. Last, but not least, the inception impact assessment pointed to a lack of appropriate overview of market developments. Thus, the initiative sought to increase the effectiveness of the measures to promote the use of socially less costly modes of transport.

3. European Parliament position / MEPs' questions

3.1 Resolutions of the European Parliament

European Parliament resolution of 19 January 2017 on logistics in the EU and multimodal transport in the new TEN-T corridors

This resolution stressed that the implementation of the trans-European transport network would improve interoperability between the various modes of transport and contribute to delivering integrated
multimodal freight transport in the EU (point 5). Parliament pointed out the role of multimodality in freight logistics, and called 'for increased involvement of multimodal platforms in Member States' planning and in the further development of routes' (point 10). Parliament also called for an improved simplification and a new framework for digitalisation. In this context, it urged the Commission to propose (by the end of 2017) 'a digital framework for electronic information exchange and transport management in multimodal transport (e-freight)' (point 19). Furthermore, it called on the Commission to assess 'a proposal for a specific call on logistics in 2017, including multimodal transport and freight' (point 28). Subsequently, Parliament urged for an efficient integration of transport modes including the revitalisation of railways and the strengthening of inland waterways (point 35). It called on the Commission to make rail freight service more competitive and urged it to promote multimodal and intermodal transport (point 36). According to Parliament, a shift to rail and water transport should be incentivised (point 41). Notably, Parliament underlined the need to strengthen combined transport and modernise current EU rules. It urged the Commission to submit the revision of Council Directive 92/106/EEC without delay (point 39).

It appears that the Commission's follow-up document with regard to this resolution has not yet been published.

**European Parliament resolution of 9 September 2015 on the implementation of the 2011 white paper on transport: taking stock and the way forward towards sustainable mobility**

In this resolution Parliament emphasised the need to complete the Trans-European Transport Network, which remained 'one of the preconditions for a more sustainable, efficient, seamless multimodal transport system and a more balanced distribution of freight and passengers among transport modes' (point 9). With regard to EU transport policy, Parliament also stressed the importance of energy efficiency and emphasised the need to improve air quality and reduce greenhouse gas emissions (point 19). Furthermore, Parliament called for standardisation of intermodal loading units and for uniform provisions on loading safety, in order to optimise multi-modal transport and improve safety (point 47). It also called for reduction of administrative burden for all modes of transport and for simplification and harmonisation of documents and procedures for all parties along the logistics chain (point 48). In this context, the Commission was called upon to submit 'a proposal for establishing an electronic framework for multimodal transport of goods (e-Freight)'. In addition, Parliament called to integrate inland waterway transport into multimodal transport and logistics and to develop an efficient, multimodal, sustainable transport system along Europe's main inland waterways (point 67).

In its follow-up to the Parliament's resolution, the Commission noted that its 2011 white paper promoted the multimodality as the combination and optimal use of all modes of transport. According to the Commission, a major challenge was to find 'a policy mix to create an optimal and sustainable multimodal transport system'. The Commission noted that it would aim for a better 'integration of the different transport modes through the multimodal freight corridors, infrastructure funding (hubs) and an electronic framework for information exchange and transport management along the logistics chain (e-freight)' . It also suggested that it would consider the standardisation of intermodal loading units and reducing unnecessary administrative burden. It intended to continue the work towards 'the completion of seamless multimodal freight corridors' and take measures to integrate inland waterway transport into multimodal transport and logistics.

**European Parliament resolution of 15 December 2011 on the roadmap to a single European transport area – towards a competitive and resource efficient transport system**

In this resolution, Parliament stressed, notably, 'that transport modes must complement one another' (point 8). It also underlined the need to provide sustainable multi-modality for passengers and goods with

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43 SP(2015)748.
intermodal connection points and terminals (point 21). Furthermore, Parliament supported the need to reduce bureaucratic hurdles for all forms of transport. In this context, it called for greater simplification and harmonisation of transport and logistic documents, particularly for goods transport. Parliament also called for 'a proposal on the standardisation of freight and e-documents, also with a view to promoting multimodal freight' (point 23), and for 'a proposal on a 20% increase in the number of multi-modal connections (platforms) for inland waterways, inland ports and rail transport by 2020, as compared with 2010' (point 30).

The Commission, in its 2012 follow-up, agreed with the importance of intermodal connections such as multimodal platforms. In this respect, the Commission claimed that it had proposed specific instruments, the multimodal corridors, to implement the core network. Furthermore, the Commission supported the simplification and harmonisation of freight transport and logistics documents and announced that it was examining possible actions on the standardisation of these documents in a single electronic transport document 'with a view to promote multimodal transport'.

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**European Parliament resolution of 4 September 2008 on freight transport in Europe**

Parliament expressed its view that that co-modality and intermodality are 'key factors in creating sustainable and efficient freight transport in Europe' (point 2). Parliament also urged the Member States and the Commission to offer strong incentives to boost the environmental performance of all transport modes and to 'support the most efficient combinations of modes of transport with a view to achieving the lowest possible impact on the environment' (point 9). Furthermore, it called on the Commission to 'concentrate EU co-financing on the efficiency, interoperability and upgrading of rail infrastructure, intermodal hubs as well as all other modes of freight transport' (point 13). Parliament reiterated 'the idea of a single transport document and "single points of interface" for all modes of transport' (point 22). In this regard, Parliament also stressed 'the need to standardise and to simplify the administrative procedures of the authorities involved in the freight transport market' (point 29).

In its 2008 follow-up, the Commission provided only a general reply to the above-mentioned requests by Parliament.

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**3.2 Written questions by MEPs**

**Written question by Mercedes Bresso (S&D, Italy), 29 May 2015**

The Member asked about the Commission's planned measures with the aim to promote intermodality of freight transport, in particular, about the planned measures promoting rail/road links between Italy and France.

**Answer given by Violetra Bulc on behalf of the Commission, 7 September 2015**

The Commissioner answered that despite the decline of the rail-road transport following the 2008-2009 crisis, intermodal transport in the EU recovered already in 2011. Recognising the importance of intermodal transport, the Commissioner pointed to TEN-T guidelines supporting the 'establishment of multimodal infrastructure, seamless intelligent management systems and efficient multimodal transport corridors'.

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44 P7_TA(2011)0584.
45 Multimodality of transport or combined transport was also, for instance, supported in the European Parliament resolution of 25 October 2016 on EU strategy for liquefied natural gas and gas storage, European Parliament resolution of 13 September 2016 on an EU strategy for the Alpine region and European Parliament resolution of 10 September 2013 on promoting a European transport-technology strategy for Europe's future sustainable mobility. In addition to the resolutions dealing with combined/multimodal freight transport, Parliament has also adopted resolutions on multimodal passenger transport, including European Parliament resolution of 7 July 2015 on delivering multimodal integrated ticketing in Europe, its resolution of 29 October 2015 on new challenges and concepts for the promotion of tourism in Europe and its resolution of 23 October 2012 on passenger rights in all transport modes.
46 SP(2012)162.
Furthermore, the Commissioner reported on the on-going evaluation of Council Directive 92/106/EEC. With regard to the connection between Italy and France, the Commissioner referred to the Commission’s website on the Mediterranean Core Network Corridor.

**Written question by Richard Seeber (EPP, Austria), 3 June 2013**
The Member asked the Commission about the relationship between Directive 92/106/EEC and Regulation (EC) No 1072/2009 on common rules for access to the international road haulage market. He pointed to a seizure of Austrian vehicles used for combined transport by the Italian authorities in response to breaches of the rules of cabotage. In this context, he asked whether there was a time restriction on intermodal pre- and post-transport under Directive 92/106/EEC, whether it fell under the cabotage ban set by Regulation (EC) No 1072/2009, and whether the Commission was planning to prevent similar issues in the future.

**Answer given by Siim Kallas on behalf of the Commission, 11 July 2013**
The Commissioner informed the Member that Directive 92/106/EEC did not impose time restrictions on execution of combined transport operations and confirmed that road haulage operations that comply with the conditions of the directive are not covered by Regulation (EC) No 1072/2009.

4. Court of Justice

The Court of Justice of the European Union (the Court) has also reacted to preliminary questions from national judiciaries and provided interpretation for several included in Council Directive 92/106. For example, in Case C-96/94 Centro Servizi Spediporto the Court ruled that the directive does not apply to combined transport of goods between third countries and Member States.

With regard to the directive, the Court also dealt with cases where the Commission started legal proceedings against Member States for a failure to transpose it within the prescribed period. This was, for instance, in Case C-444/99 Commission v Italy. The Court found that Italy had failed in its obligations under the directive as it had kept in force a system of authorisations and quotas for combined transport operations between Member States.

5. European Economic and Social Committee

In its 2007 opinion on freight transport logistics, the European Economic and Social Committee (EESC) noted that 'modern management of complex transport flows is necessary in order to achieve efficiency and cooperation between different modes' (point 1.1). The EESC also underlined the role of transport logistics and development of infrastructure. Furthermore, according to the EESC, the interoperability of rail transport had to be dealt with in order to create a dedicated network for freight transport (point 1.11). The EESC deemed that it was important to broaden the involvement in the Commission’s drafting of the action plan (point 1.13). The Committee also noted that proper complementarity of transport modes is necessary for ‘effective planning, management, control and execution of unimodal and multimodal transport chains’ (point 3.5).

The EESC in its 2011 opinion on the white paper: roadmap to a single European transport area, welcomed the Commission’s white paper and its goal of reducing greenhouse gas emissions by 60% by 2050. However, the EESC criticised the adopted ‘one-size-fits-all’ approach with regard to combining modes of transport and a modal shift objectives for road freight transport. According to the EESC, this approach 'lacks adequate scientific basis' and the rationale of the thresholds mentioned in this regard are not explained (point 1.8). Furthermore, the EESC also noted that 'it is essential for all stakeholders to work together to

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48 See, for example, Dinu A., Schrefler L., Access to the occupation of road transport operator and to the international road haulage market, EPRS, 2016.
49 Case C-96/94 Centro Servizi Spediporto, judgment of 5 October 1995, paragraph 52.
50 Case C-444/99 Commission v Italy, judgment of 10 May 2001, paragraph 12.
produce standards that are fully compatible between all modes of transport to create genuinely barrier-free transport' (point 4.35).

The EESC’s [opinion on a European strategy for low-emission mobility](2017) endorsed this strategy and its goals. It particularly welcomed the efficiency-enhancing measures and underlined ‘the importance attached to promoting multimodality and incentivising a shift toward lower emission modes, including rail, and combined transport’ (point 1.7). In this regard, the EESC highlighted that preference should be given to the most resource-efficient transport solutions. Furthermore, the EESC expressed its hope for a useful update of Council Directive 92/106/EEC so that sufficient flexibility to ensure maximum efficiency can be achieved (point 4.3). Under the same point, the EESC underscored the need to incentivise ‘a shift towards low emission modes including rail and combined transport’.

6. European Court of Auditors

In its special reports, the European Court of Auditors (ECA) dealt with freight transport and combined transport. For instance, in its special report entitled ‘Rail freight transport in the EU: still not on the right track’ ([2016/08](#)), the ECA noted that rail freight, including combined rail-road transport, must be made economically attractive so that the EU’s transport policy objectives can be achieved.51 The ECA also observed that there are various measures that can promote rail freight transport, including ‘road traffic restrictions for lorries and subsidies for companies carrying out rail–road combined transport’.52 In its other special report on Marco Polo programmes53 ([03/2013](#)), the ECA assessed the effectiveness of these programmes financing transport service projects shifting freight transport from road to rail, inland waterways or short sea shipping. In this context, the ECA noted that in order to design a successful transport services support programme, it is necessary to analyse why ‘multimodal transport services were not being created, or developed, under normal market conditions, and how to overcome the potential obstacles or barriers hampering or preventing the creation or development of such services.’54

7. European Commission public consultation

Between January and April 2017, the European Commission carried out a [public consultation](#) on the amendment of Council Directive 92/106/EEC. The public consultation received 79 submissions. So far, the Commission has published the [results](#) of this public consultation but no analysis or summary of these results has yet been published.

Another [public consultation](#) on combined transport was carried out between May and August 2014 and received 109 submissions. According to the [report on the contributions received](#), two third of respondents claimed that the directive had helped their business. The most useful measure brought by the directive was the exemption from cabotage rules (Article 4) followed by tax exemptions (Article 6). However, the respondents noted that they were not receiving the benefits envisaged by the directive in all Member States where they operated.55 This pointed to an uneven implementation of the directive in Member States. Respondents described the creation of a framework for combined transport operations on European level, and easier cross-border combined transport operations, as being the main advantages offered by the directive. The challenges of the directive were linked with its implementation by Member States, various definitions and transport documents. Limited impact of financial incentives and various obsolete parts of the directive were also noted.

51 ECA Special report (2016/08), p. 28.
52 Ibid., p. 47.
53 With regard to Marco Polo programmes see, for example, EACI, Lightening the load: Marco Polo leads the way, 2009 or the European Commission, Marco Polo - New ways to a green horizon, accessed on 2 June 2016.
55 Report, p. 3.
The majority of respondents were not convinced that the objectives of the directive had been achieved; nonetheless, they claimed that combined transport operations would not have been viable and competitive without the directive and that the EU should continue supporting these operations.56 They also called for a change of the definition of 'combined transport'.57 Furthermore, the vast majority of the respondents (73 %) argued that documentation requirements included in the directive had caused problems and called for a use of electronic clearing systems.58 According to the respondents, cabotage liberalisation for combined transport operations and financial incentives (tax reductions) should be retained in the reviewed directive.59 In general, the public consultation noted the need to harmonise the combined transport policy among Member States, improve application and enforcement of the directive and increase the support of the combined transport services.

8. Stakeholders' comments

The 2014 European Association of Craft, Small and Medium-sized Enterprises (UEAPME) Transport Forum position paper on combined transport called, for instance, for harmonisation of application of Council Directive 92/106/EEC, establishment of a single transport document for all combined transport operation and for the directive to be linked with Regulation 1072/2009 with regard to cabotage rules. Similarly, the European Association for Forwarding, Transport, Logistics and Customs Services (CLECAT), in its 2017 comments on the EU low emission mobility strategy, called on the Commission to modernise Council Directive 92/106/EEC and 'to ensure that it works flexibly and realistically.' CLECAT specifically pointed at reviewing distance limitations included in the directive so that adverse effects of the 'nearest suitable terminal requirement' are avoided. The 2016 position paper on intermodal transport, by the International Union for Road-Rail Combined Transport (UIRR), called for a top to bottom revision of the directive. Among other things, the UIRR pointed to a need to improve temporary benefit rules included in the directive, to optimise the infrastructure of combined transport and to improve rules supporting the daily operation of combined transport.

BUSSINESSEUROPE, in its position paper on the future of transport in Europe (2015), called for more efficient use of the existing transport infrastructure, including optimisation of 'the performance of multimodal logistic chains by promoting the use of the most efficient [transport] mode' for each transport step.60 Also, the International Union of Railways (UIC), the Community of European Railway and Infrastructure Companies (CER) and the European Rail Industry (UNIFE), in their 2014 position paper called, for example, for alignment between road and rail infrastructure charges to be ensured for freight; for technical requirements to be harmonised between modes, for the ensuring of cross-modal compatibility and for the promotion of harmonised working and social condition between transport modes, and effective monitoring of their application by all transport operators. CER and various other associations in their press release (2014) noted that 'support for intermodal/combined transport is a horizontal challenge' going beyond the scope of Council Directive 92/106/EEC. The press review also pointed to specific areas, such as infrastructure, ITC issues, the need for a level playing field across transport modes and support for combined transport on a Member State level, all of which need a horizontal policy approach.

56 ibid., p. 5.
57 ibid., p. 7.
58 ibid., p. 11.
60 See, also the UIC reports on combined transport in Europe, the UIRR annual reports on combined transport or the 2016 annual report of the International Union of Wagon Keepers.
9. Other sources of reference

Modal share of freight transport to and from EU ports, Policy Department for Structural and Cohesion Policies, European Parliament, March 2015
Pape, Marketa, Logistics in the EU and multimodal transport in the TEN-T corridors, EPRS, European Parliament, 2017


| EP committee responsible at the time of adoption of the EU legislation: | Committee on Transport and Tourism (TRAN) |
| Date of adoption of original legislation in plenary: | 20 November 1992 |
| Planned date for review of legislation: | The European Commission is obliged to report on the economic development of combined transport and the application of EU law in this area. According to Article 5 (1) of the directive, the Commission presents this report to the Council at two-year intervals. The report should be based on the information provided by Member States. |

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61 Also the Commission’s list of points prévus of 30 May 2017 (SEC(2017)258 final) notes that this is 'a possible item for September - December 2017'.
