



2017/0290(COD)

21.3.2018

*****I**

DRAFT REPORT

on the proposal for a directive of the European Parliament and of the Council amending Directive 92/106/EEC on the establishment of common rules for certain types of combined transport of goods between Member States (COM(2017)0648 – C8-0391/2017 – 2017/0290(COD))

Committee on Transport and Tourism

Rapporteur: Daniela Aiuto

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the **■** symbol or ~~strikeout~~. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a directive of the European Parliament and of the Council amending Directive 92/106/EEC on the establishment of common rules for certain types of combined transport of goods between Member States (COM(2017)0648 – C8-0391/2017 – 2017/0290(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2017)0648),
 - having regard to Article 294(2) and Article 91(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0391/2017),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the reasoned opinion submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the Swedish Riksdag, asserting that the draft legislative act does not comply with the principle of subsidiarity,
 - having regard to the opinion of the European Economic and Social Committee of xx¹,
 - after consulting the European Committee of the Regions,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on Transport and Tourism and the opinion of the Committee on the Environment, Public Health and Food Safety (A8-0000/2018),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a directive
Title

¹ Not yet published in the Official Journal.

Text proposed by the Commission

Proposal for a
DIRECTIVE OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL
amending Directive 92/106/EEC on the
establishment of common rules for certain
types of combined transport of goods
between Member States

(Text with EEA relevance)

Amendment

Proposal for a
DIRECTIVE OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL
amending Directive 92/106/EEC on the
establishment of common rules for certain
types of combined transport of goods
between Member States **and amending
Council Directive 96/53/EC of 25 July
1996 laying down for certain road
vehicles circulating within the
Community the maximum authorized
dimensions in national and international
traffic and the maximum authorized
weights in international traffic**

(Text with EEA relevance)

Or. en

Amendment 2

**Proposal for a directive
Recital 5**

Text proposed by the Commission

(5) Directive 92/106/EEC should be
simplified and its implementation
improved by **reviewing** the economic
incentives to combined transport, with the
aim of encouraging the shift of goods from
road transport to modes which are more
environmentally friendly, safer, more
energy efficient and cause less congestion.

Amendment

(5) Directive 92/106/EEC should be
simplified and its implementation
improved by **developing** the economic
incentives to combined transport, with the
aim of encouraging the shift of goods from
road transport to modes which are more
environmentally friendly, safer, more
energy efficient and cause less congestion.

Or. en

Amendment 3

**Proposal for a directive
Recital 7 a (new)**

(7a) Road legs should be considered as an integral part of a single combined transport operation. Therefore, rules provided for under Regulation No 1071/2009^{1a} of the European Parliament and of the Council and under Regulation No 1072/2009^{1b} of the European Parliament and of the Council should only apply to hauliers carrying out initial and/or final legs which are part of a domestic combined transport operation, and not of an international combined transport operation.

^{1a} Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC, (OJ L300, 14.11.2009, p. 51).

^{1b} Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market, (OJ L300, 14.11.2009, p. 72).

Or. en

Justification

Article 4 of the existing Directive provides for an exemption from cabotage rules for the road legs of international combined transport. With this new recital, the rapporteur also makes clear that Regulations 1071/2009 and 1072/2009 should only apply to hauliers carrying out initial/final legs which are part of a domestic operation.

Amendment 4

**Proposal for a directive
Recital 7 b (new)**

(7b) It is also necessary to ensure the social protection of drivers performing activities in another Member State. Provisions on posting of drivers, provided for under Directive 96/71/EC ^{1a}, and on the enforcement of those provisions under Directive 2014/67/EU ^{1b}, should apply to hauliers operating on the road legs of combined transport operations. In particular, the provisions on international transport operations provided for under those directives should apply to the road legs which are part of an international combined transport operation. In addition, the provisions on cabotage transport provided for under those Directives should apply to the road legs which are part of a domestic combined transport operation.

^{1a} **Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services, (OJ L 18, 21.1.1997, p. 1).**

^{1b} **Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and amending Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System (‘the IMI Regulation’), (OJ L 159, 28.5.2014, p. 11).**

Or. en

Justification

It is necessary to ensure the social protection of drivers performing activities in an other Member State. Therefore, the provisions on international transport operations provided for

under the posting of drivers directive should apply to the road legs which are part of an international combined transport operation. And the provisions on cabotage transport provided for under this directive should apply to the road legs which are part of a domestic combined transport operation. See also the rapporteur's proposed new Article 4a to ensure the social protection of drivers.

Amendment 5

Proposal for a directive

Recital 11

Text proposed by the Commission

(11) The outdated usage of stamps in proving that a combined transport operation has occurred prevent the effective enforcement or the verification of eligibility for the measures provided for in Directive 92/106/EEC. The evidence necessary to prove that a combined transport operation is taking place should be clarified as well as the means by which such evidence is provided. The use and transmission of electronic transport information, which should simplify the provision of relevant evidence and its treatment by the relevant authorities, should be encouraged. The format used should be reliable and authentic. The regulatory framework and initiatives simplifying administrative procedures and the digitalisation of transport aspects, should take into consideration developments at Union level.

Amendment

(11) The outdated usage of stamps in proving that a combined transport operation has occurred prevent the effective enforcement or the verification of eligibility for the measures provided for in Directive 92/106/EEC. The evidence necessary to prove that a combined transport operation is taking place should be clarified as well as the means by which such evidence is provided. The use and transmission of electronic transport information, which should simplify the provision of relevant evidence and its treatment by the relevant authorities, should be encouraged ***with a view to phasing out the use of paper documents in the future***. The format used should be reliable and authentic. The regulatory framework and initiatives simplifying administrative procedures and the digitalisation of transport aspects, should take into consideration developments at Union level.

Or. en

Amendment 6

Proposal for a directive

Recital 13

(13) The main infrastructure bottleneck hampering the shift from road freight to other modes of transport is at the transshipment terminal level. The current distribution and coverage of transshipment terminals in the Union, at least along the existing TEN-T Core and Comprehensive network, is insufficient yet the capacity of existing transshipment terminals is reaching its limit and will need to develop in order to cope with overall freight traffic growth. Investing in transshipment terminal capacity may reduce overall transshipment costs, and hence produce a derived modal shift, as demonstrated in some Member States. Member States should therefore ensure, in coordination with the neighbouring Member States and with the Commission, that more combined transport transshipment terminals and transshipment capacity are constructed or made available to transport operators. This would incentivise the use of freight transport alternatives and increase modal shift, thus making combined transport operations more competitive than road transport alone. The increased coverage and capacity of transshipment terminals should, at the very minimum, be established along the existing TEN-T Core and Comprehensive networks. There should be on average at least one suitable transshipment terminal for combined transport located no further than 150 km from any shipment location in the Union.

(13) The main infrastructure bottleneck hampering the shift from road freight to other modes of transport is at the transshipment terminal level. The current distribution and coverage of transshipment terminals in the Union, at least along the existing TEN-T Core and Comprehensive network, is insufficient yet the capacity of existing transshipment terminals is reaching its limit and will need to develop in order to cope with overall freight traffic growth. Investing in transshipment terminal capacity may reduce overall transshipment costs, and hence produce a derived modal shift, as demonstrated in some Member States. Member States should therefore ensure, in coordination with the neighbouring Member States and with the Commission, that ***existing transshipment terminals are, where necessary, extended and that*** more combined transport transshipment terminals and transshipment capacity are constructed or made available to transport operators ***in areas where they are needed***. This would incentivise the use of freight transport alternatives and increase modal shift, thus making combined transport operations more competitive than road transport alone. The increased coverage and capacity of transshipment terminals should, at the very minimum, be established along the existing TEN-T Core and Comprehensive networks. There should be on average at least one suitable transshipment terminal for combined transport located no further than 150 km ***as the crow flies*** from any shipment location in the Union. ***Combined transport should benefit from revenues generated from the levy of external-costs charges provided for under Article 2 of Directive 1999/62/EC^{1a}***.

^{1a} ***Directive 1999/62/EC of the European Parliament and of the Council of 17 June 1999 on the charging of heavy***

goods vehicles for the use of certain infrastructures, (OJ L187, 20.07.1999, p. 42).

Or. en

Justification

Revenues generated from the levy of external-costs charges provided for under the eurovignette directive should be, among other purposes, earmarked to the development of combined transport by Member States.

Amendment 7

Proposal for a directive Recital 14

Text proposed by the Commission

(14) Member States should implement additional economic support measures in addition to the existing ones, targeting the various legs of a combined transport operation, in order to reduce the road freight and to encourage the use of other modes of transport such as rail, inland waterways and maritime transport, thereby reducing air pollution, greenhouse gas emissions, road traffic accidents, noise and congestion. Such measures may include the reduction of certain taxes or transport fees, grants for intermodal load units effectively transported in combined transport operations, or the partial reimbursement of transshipments cost.

Amendment

(14) Member States should implement additional economic support measures in addition to the existing ones, targeting the various legs of a combined transport operation, in order to reduce the road freight and to encourage the use of other modes of transport such as rail, inland waterways and maritime transport, thereby reducing air pollution, greenhouse gas emissions, road traffic accidents, noise and congestion, *as well as to boost the digitalisation of the sector*. Such measures may include the reduction of certain taxes or transport fees, grants for intermodal load units effectively transported in combined transport operations, or the partial reimbursement of transshipments cost.

Or. en

Amendment 8

Proposal for a directive Recital 15

Text proposed by the Commission

(15) Support measures for combined transport operations should be implemented in compliance with the State aid rules contained in the Treaty on the Functioning of the European Union (TFEU).

Amendment

(15) Support measures for combined transport operations should be implemented in compliance with the State aid rules contained in the Treaty on the Functioning of the European Union (TFEU). ***State aid facilitates the development of economic activities when it does not affect trading conditions to an extent contrary to the common interest within the meaning of Article 107(3)(c) TFEU, and it is a useful tool to promote the execution of an important project of common European interest within the meaning of Article 107(3)(b) TFEU. Therefore, in such cases, the Commission should consider exempting Member States from the requirement to inform the Commission provided for in Article 108(3) TFEU.***

Or. en

Justification

State aids facilitate the development of economic activities when they do not affect trading conditions and they promote the execution of an important project of common European interest . The rapporteur proposes that the Parliament requests the Commission to revise state aid rules to make them easier for investments in combined transport by including those in the block exemption regulation.

Amendment 9

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 92/106/EEC

Article 1 – paragraph 2 – point a

Text proposed by the Commission

(a) in a trailer or semi-trailer, with or without a tractor unit, swap body or container, identified in accordance with the identification regime established pursuant to international standards ISO6346 and

Amendment

(a) in a trailer or semi-trailer, with or without a tractor unit, swap body or container, identified in accordance with the identification regime established pursuant to international standards ISO6346 and

EN13044, where the load unit is transhipped between the different modes of transport; or

EN13044, where the *unaccompanied intermodal* load unit is transhipped between the different modes of transport (*unaccompanied combined transport operation*); or

Or. en

Justification

It is useful to make a distinction between vehicles / load units accompanied or not by their drivers for more clarity in the definition.

Amendment 10

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 92/106/EEC

Article 1 – paragraph 2 – point b

Text proposed by the Commission

(b) by a road vehicle that is carried by rail, inland waterways or maritime transport for the non-road leg of the journey.

Amendment

(b) by a road vehicle that is ***accompanied by its driver and*** carried by rail, inland waterways or maritime transport for the non-road leg of the journey (***accompanied transport operation***).

Or. en

Justification

It is useful to make a distinction between vehicles / load units accompanied or not by their drivers for more clarity in the definition.

Amendment 11

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 92/106/EEC

Article 1 – paragraph 3 – point b

Text proposed by the Commission

(b) 20% of the distance as the crow

Amendment

(b) 20% of the distance as the crow

flies between the loading point for the initial leg and the unloading point for the final leg, when it amounts to more than the distance referred to in point (a).

flies between the loading point for the initial leg and the unloading point for the final leg, ***covering the whole combined transport operation within the Union***, when it amounts to more than the distance referred to in point (a).

Or. en

Amendment 12

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 92/106/EEC

Article 1 – paragraph 3 – subparagraph 3

Text proposed by the Commission

The road leg distance limit ***may be exceeded*** for combined road/rail transport operations, ***when authorised*** by the Member State or Member States on whose territory the road leg takes place, in order to reach the geographically nearest ***transport*** terminal which has the necessary operational transshipment capability for loading or unloading in terms of transshipment equipment, terminal capacity and appropriate rail freight services.

Amendment

Exceeding the road leg distance limit ***specified in this paragraph*** for combined road/rail transport operations ***shall be allowed*** by the Member State or Member States on whose territory the road leg takes place, in order to reach the geographically nearest ***transshipment*** terminal which has the necessary operational transshipment capability for loading or unloading in terms of transshipment equipment, terminal capacity, ***terminal opening times*** and appropriate rail freight services, ***in the absence of a transshipment terminal fulfilling all of these conditions within the distance limit.***

Or. en

Justification

In order to avoid discrimination among operators and competition problems between Member States, it should be mandatory for all Member States to allow as a general rule to exceed the maximum road leg distance limit but under very clear conditions and criteria applying to the whole Union.

Amendment 13

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 92/106/EEC

Article 1 – paragraph 4

Text proposed by the Commission

4. A combined transport operation shall be deemed to take place in the Union where the operation or the part thereof taking place in the Union fulfils the requirements laid down in paragraphs 2 and 3.

Amendment

4. A combined transport operation shall be deemed to take place in the Union where the operation or the part thereof taking place in the Union fulfils the requirements laid down in paragraphs 2 and 3. ***For the purpose of this Directive, the road leg and/or non-road leg or the part thereof taking place out of the territory of the Union shall not be considered part of the combined transport operation.***

Or. en

Justification

More clarity is needed to define combined transport operations with third countries, especially for the calculation of the distance limit for each road leg. Legs out of the territory of the Union should not be taken into account.

Amendment 14

Proposal for a directive

Article 1 – paragraph 1 – point 3

Directive 92/106/EEC

Article 3 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that road transport is considered forming part of a combined transport operation covered by this Directive only if the carrier can produce clear evidence that such road transport constitutes a road leg of a combined transport operation, including the transport of empty load units before and after the transport of goods.

Amendment

1. Member States shall ensure that road transport is considered forming part of a combined transport operation covered by this Directive only if the carrier can produce ***information providing*** clear evidence that such road transport constitutes a road leg of a combined transport operation, including the transport of empty load units before and after the

transport of goods.

Or. en

Amendment 15

Proposal for a directive

Article 1 – paragraph 1 – point 3

Directive 92/106/EEC

Article 3 – paragraph 2

Text proposed by the Commission

2. *The* evidence referred to in paragraph 1 shall comprise the following details for each combined transport operation:

Amendment

2. *In order to be considered to be clear* evidence, *the information* referred to in paragraph 1 shall comprise the following details for each combined transport operation:

Or. en

Justification

For consistency with rapporteur's amendment to Article 3(1) and better clarity.

Amendment 16

Proposal for a directive

Article 1 – paragraph 1 – point 3

Directive 92/106/EEC

Article 3 – paragraph 2 – point aa (new)

Text proposed by the Commission

Amendment

(aa) if different from the shipper, the name, address, contact details and signature of the operator responsible for the routing of the combined transport operation;

Or. en

Justification

Shippers and operators responsible for the whole combined transport operations are not

always the same operators, it is therefore useful to make this distinction.

Amendment 17

Proposal for a directive

Article 1 – paragraph 1 – point 3

Directive 92/106/EEC

Article 3 – paragraph 2 – point f

Text proposed by the Commission

(f) a description, ***signed by the shipper***, of the combined transport operation routing including at least the following details for each leg, including for each mode of transport which constitutes the non-road leg, of the operation within the Union:

Amendment

(f) a description of the combined transport operation routing, ***signed by the responsible operator for the planning***, including at least the following details for each leg, including for each mode of transport which constitutes the non-road leg, of the operation within the Union:

Or. en

Justification

Linked to rapporteur's amendment for Article 3(2) (aa) (new).

Amendment 18

Proposal for a directive

Article 1 – paragraph 1 – point 3

Directive 92/106/EEC

Article 3 – paragraph 2 – point f – point ii

Text proposed by the Commission

- (ii) name, address and contact details of the carrier;

Amendment

- (ii) name, address and contact details of the carrier(s);

Or. en

Amendment 19

Proposal for a directive

Article 1 – paragraph 1 – point 3

Directive 92/106/EEC

Article 3 – paragraph 2 – point h – point iii

Text proposed by the Commission

- (iii) if the initial road leg is completed, a signature of the **carrier** confirming that the transport operation of the road leg has been carried out;

Amendment

- (iii) if the initial road leg is completed, a signature of the **haulier** confirming that the transport operation of the road leg has been carried out;

Or. en

Justification

Carrier should be replaced by haulier for greater clarity and consistency with Regulation No. 1072/2009 on common rules for access to the international road haulage market.

Amendment 20

Proposal for a directive

Article 1 – paragraph 1 – point 3

Directive 92/106/EEC

Article 3 – paragraph 4

Text proposed by the Commission

4. The evidence referred to in paragraph 1 shall be presented or transmitted upon the request of the authorised inspecting officer of the Member State where the check is carried out. In case of road side checks, it shall be presented within the duration of such check. **It** shall be in an official language of that Member State or in English. During a roadside check, the driver shall be allowed to contact the head office, the transport manager or any other person or entity which may support him in providing the **evidence** referred to paragraph 2.

Amendment

4. The evidence referred to in paragraph 1 shall be presented or transmitted upon the request of the authorised inspecting officer of the Member State where the check is carried out. In case of road side checks, it shall be presented within the duration of such check. ***If not available at the time of the road check, the signatures referred to in point (h)(iii) and point (j) of paragraph 2 shall be presented or transmitted within 15 days following the check to the competent authority of the Member State concerned. The evidence*** shall be in an official language of that Member State or in English. During a roadside check, the driver shall be allowed to contact the head office, the transport manager or any other person or entity which may support him in providing the **information** referred to **in** paragraph 2.

Or. en

Justification

Signatures proving the road leg operation has been carried out can't possibly be obtained until the road leg in question has been completed, therefore some flexibility needs to be introduced as regards those signatures.

Amendment 21

Proposal for a directive

Article 1 – paragraph 1 – point 3

Directive 92/106/EEC

Article 3 – paragraph 5 – subparagraph 1

Text proposed by the Commission

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

Amendment

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 **consignment notes provided for under the** Convention on the Contract for the International Carriage of Goods by Road (CMR) or **under** the Uniform Rules Concerning the Contract of International Carriage of Goods by Rail (CIM).

Or. en

Justification

This amendment is aimed to make clearer that the evidence required for combined transport operations can be provided through already existing consignment notes under the international road and rail conventions.

Amendment 22

Proposal for a directive

Article 1 – paragraph 1 – point 3

Directive 92/106/EEC

Article 3 – paragraph 5 – subparagraph 2

Text proposed by the Commission

Such evidence may be presented or transmitted electronically, using a revisable structured format which can be used

Amendment

Such evidence may be presented or transmitted electronically, using a revisable structured format which can be used

directly for storage and processing by computers, including supplementing the electronic consignment note under the Convention on the Contract for the International Carriage of Goods by Road (eCMR) for the road part

directly for storage and processing by computers, including supplementing the electronic consignment note under the Convention on the Contract for the International Carriage of Goods by Road (eCMR) for the road part, *or the electronic consignment note under the convention concerning international carriage by rail (COTIF/CIM 1999) for the rail part (E-CIM). Member States authorities shall be required to accept electronic information related to the evidence. When exchanges of information between authorities and operators are made by means of electronic tools, such exchanges and the storage of such information, shall be made using electronic data-processing techniques.*

Or. en

Justification

Digitalisation will considerably increase the efficiency and competitiveness of combined transport operation. The rapporteur suggests to make the acceptance of electronic information by Member States mandatory as the impact assessment accompanying the proposal showed such a measure would reduce costs by minimum 2.7%. She also proposes a set of measures to encourage the shift to digitalisation in Article 6. Furthermore, the use of electronic tools should be technologically neutral in line with other regulations.

Amendment 23

Proposal for a directive

Article 1 – paragraph 1 – point 3

Directive 92/106/EEC

Article 3 – paragraph 6

Text proposed by the Commission

6. For the purposes of road side checks, a discrepancy of the transport operation with the provided evidence, notably as regards the routing information in *point (g)* of paragraph 2 shall be permitted, if duly justified, in case of exceptional circumstances outside the control of the *carrier(s)* causing changes in the combined transport operation. To that

Amendment

6. For the purposes of road side checks, a discrepancy of the transport operation with the provided evidence, notably as regards the routing information in *points (f), (h) and (i)* of paragraph 2 shall be permitted, if duly justified, in case of exceptional circumstances outside the control of the *haulier(s)* causing changes in the combined transport operation. To

end, the driver shall be allowed to contact the head office, the transport manager or any other person or entity which may provide additional justification on this discrepancy between provided evidence and actual operation.

that end, the driver shall be allowed to contact the head office, the transport manager or any other person or entity which may provide additional justification on this discrepancy between provided evidence and actual operation.

Or. en

Justification

Reference to point (g) was a mistake in the Commission proposal.

Amendment 24

Proposal for a directive

Article 1 – paragraph 1 – point 3 a (new)

Directive 92/106/EEC

Article 4 a (new)

Text proposed by the Commission

Amendment

(3a) The following Article is inserted:

"Article 4a

Member States shall apply Directives 96/71/EC and 2014/67/EU for the entire period of posting, to their territory, of drivers employed by undertakings in the road transport sector and carrying out an initial and/or final road leg which is part of a combined transport operation as referred to in Article 1(1) of this Directive."

Or. en

Justification

To ensure the social protection of drivers performing activities in a different Member State, provisions on posting of drivers in Directives 96/71 and 2014/67 should also apply to road legs in both international and domestic combined transport operations.

Amendment 25

Proposal for a directive

Article 1 – paragraph 1 – point 4

Directive 92/106/EEC

Article 5 – paragraph 1

Text proposed by the Commission

1. Member States shall submit to the Commission in the first instance by [xx/xx/xxxx - **18** months after transposition of the Directive] and every two years thereafter a report providing the following information related to the combined transport operations covered by this Directive on their territory:

Amendment

1. Member States shall submit to the Commission in the first instance by [xx/xx/xxxx - **12** months after transposition of the Directive] and every two years thereafter a report providing the following information related to the combined transport operations covered by this Directive on their territory:

Or. en

Amendment 26

Proposal for a directive

Article 1 – paragraph 1 – point 4

Directive 92/106/EEC

Article 5 – paragraph 1 – point a

Text proposed by the Commission

(a) national and cross-border transport network **links** used in combined transport operations;

Amendment

(a) national and cross-border transport network **corridors** used in combined transport operations;

Or. en

Justification

Clarification of wording

Amendment 27

Proposal for a directive

Article 1 – paragraph 1 – point 4

Directive 92/106/EEC

Article 5 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) the volume in twenty-foot equivalent unit (TEU) and in tonne kilometres of combined transport operations by type of operation (rail, **road/inland** waterways, *etc...*) and by geographic coverage (national and intra-Union);

(b) the **yearly** volume in twenty-foot equivalent unit (TEU) and in tonne kilometres of combined transport operations by type of operation (**road leg/non-road leg, namely by rail, inland waterways and maritime routes**) and by geographic coverage (national and intra-Union);

Or. en

Justification

A more precise data collection will help assessing the effects of the implementation of the directive on the development of combined transport.

Amendment 28

Proposal for a directive

Article 1 – paragraph 1 – point 4

Directive 92/106/EEC

Article 5 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) the number and geographic coverage of terminals servicing combined transport operations and the yearly number of transhipments **on those** terminals;

(c) the number, **the location** and geographic coverage of terminals servicing combined transport operations **with a breakdown by type of operations per terminal (road leg/non-road leg, namely by rail, inland waterways, maritime routes)** and the yearly number of transhipments **and an assessment of the capacity used in** terminals;

Or. en

Justification

A more precise data collection will help assessing the effects of the implementation of the directive on the development of combined transport.

Amendment 29

Proposal for a directive

Article 1 – paragraph 1 – point 4

Directive 92/106/EEC

Article 5 – paragraph 1 – point d

Text proposed by the Commission

(d) an overview of all national support measures used and envisaged, including their respective uptake and assessed impact.

Amendment

(d) an overview of all national support measures used and envisaged, including their respective uptake and assessed impact ***on the development of combined transport, on health and the environment, on road congestion and on transport safety;***

Or. en

Justification

It is necessary to link national measures more closely to the objectives of the directive for more efficiency.

Amendment 30

Proposal for a directive

Article 1 – paragraph 1 – point 4

Directive 92/106/EEC

Article 5 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) the number and the geographical location of the operations exceeding the road leg distance limit referred to in Article 1(3).

Or. en

Justification

More precise data on areas where road legs distance limits are exceeded will help planning combined transport investments especially as regards transshipment terminals.

Amendment 31

Proposal for a directive

Article 1 – paragraph 1 – point 4

Directive 92/106/EEC

Article 5 – paragraph 1 – point d b (new)

Text proposed by the Commission

Amendment

(db) national development targets to be achieved for the elements referred to in points (a), (b), (c), (d) and (da);

Or. en

Justification

An explicit reference to national targets will help ensure more efficiency of targeted measures and their consistency with the directive objectives. It will also serve the purpose of more transparency.

Amendment 32

Proposal for a directive

Article 1 – paragraph 1 – point 4

Directive 92/106/EEC

Article 5 – paragraph 1 – point d c (new)

Text proposed by the Commission

Amendment

(dc) from the second report after transposition of this Directive, a comparison between the national development targets set under the previous report and the actual development figures for the elements referred to in points (a), (b), (c), (d) and (da).

Or. en

Justification

A check that targets were met will help ensure more efficiency of targeted measures and their consistency with the directive objectives. It will also serve the purpose of more transparency.

Amendment 33

Proposal for a directive

Article 1 – paragraph 1 – point 4

Directive 92/106/EEC

Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The Commission shall publish the data transmitted by Member States in a form that makes comparisons between Member States possible.

Or. en

Justification

More transparency is needed to make sure that national data can be consulted and compared at European level.

Amendment 34

Proposal for a directive

Article 1 – paragraph 1 – point 4

Directive 92/106/EEC

Article 5 – paragraph 3 – point a a (new)

Text proposed by the Commission

Amendment

(aa) an evaluation of the impact of the development of combined transport on health, the environment, road congestion and transport safety;

Or. en

Justification

Data on the economic development of combined transport alone is not enough to show that measures put in place fit with the objectives of the directive.

Amendment 35

Proposal for a directive

Article 1 – paragraph 1 – point 4

PE619.311v01-00

26/37

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Text proposed by the Commission

(d) possible further measures, including a revision of the definition of combined transport as defined in Article 1 and an adaptation of the list of measures provided for in Article 6.

Amendment

(d) possible further measures, including a revision of the definition of combined transport as defined in Article 1, ***improvements to data collection and publication of such data at Union level***, and an adaptation of the list of measures provided for in Article 6, ***including possible amendments to State aid rules***.

Or. en

Justification

Transparency should be guaranteed and comparable data should be published at Union level. Therefore, it would be useful that the Commission looks at further ways to improve data collection and publication, including via Eurostat. Furthermore, in line with the amendment made to recital (15), the rapporteur proposes to ask the Commission to consider adding state aids for combined transport to the block exemption regulation.

Amendment 36

Proposal for a directive

Article 1 – paragraph 1 – point 5

Directive 92/106/EEC

Article 6 – paragraph 4 – point a

Text proposed by the Commission

(a) the construction ***and, where necessary, the expansion of such*** transshipment terminals for combined transport;

Amendment

(a) ***in areas where no suitable facilities are available under a distance of 150 km as the crow flies***, the construction of transshipment terminals for combined transport ***unless there is no need of such facilities due to a lack of economic relevance or for reasons related to the geographic or natural features of a given area***;

Or. en

Justification

It is necessary to distinguish between the construction of new terminals and the expansion of existing ones as needs are different according to geographical areas.

Amendment 37

Proposal for a directive

Article 1 – paragraph 1 – point 5

Directive 92/106/EEC

Article 6 – paragraph 4 – point a a (new)

Text proposed by the Commission

Amendment

(aa) in areas where additional terminal capacity is needed, the expansion of existing transshipment terminals and, where necessary, the construction of new combined transport terminals;

Or. en

Amendment 38

Proposal for a directive

Article 1 – paragraph 1 – point 5

Directive 92/106/EEC

Article 6 – paragraph 4 – subparagraph 2

Text proposed by the Commission

Amendment

Member States shall coordinate with neighbouring Member States and with the Commission and ensure that, when such measures are implemented, priority is given to ensuring a balanced and sufficient geographical distribution of suitable facilities in the Union, and notably on the TEN-T Core and Comprehensive networks, allowing that any location in the Union is not situated at a distance farther than 150 km from such terminal.

Member States shall coordinate with neighbouring Member States and with the Commission and ensure that, when such measures are implemented, priority is given to ensuring a balanced and sufficient geographical distribution of suitable facilities in the Union, and notably on the TEN-T Core and Comprehensive networks, allowing that any location in the Union is not situated at a distance farther than 150 km ***as the crow flies*** from such terminal. ***In addition, Member States shall take due account of the need to:***

(a) reduce congestion, in particular near urban and sub-urban areas or in areas

- with natural constraints;*
- (b) improve cross-border connections;*
- (c) improve accessibility and connectivity in particular as regards the access infrastructure to transshipment terminals;*
and
- (d) accelerate the shift to digitalisation;*

Or. en

Amendment 39

Proposal for a directive

Article 1 – paragraph 1 – point 5

Directive 92/106/EEC

Article 6 – paragraph 4 – subparagraph 3

Text proposed by the Commission

Member States shall ensure that the supported transshipment facilities are accessible to all operators without discrimination.

Amendment

Member States shall ensure that the supported transshipment facilities are accessible to all operators without discrimination *and that State aid provided for the construction of new facilities does not create competition distortions affecting existing facilities.*

Or. en

Justification

Before opening State aids tenders, Member States should check that constructing new terminals will not affect existing ones, including by conducting economic equilibrium tests if necessary.

Amendment 40

Proposal for a directive

Article 1 – paragraph 1 – point 5

Directive 92/106/EEC

Article 6 – paragraph 5 – subparagraph 1

Text proposed by the Commission

Amendment

Member States **may** take additional measures, to improve the competitiveness of combined transport operations as compared to equivalent alternative road transport operations.

Member States **shall** take additional measures, to improve the competitiveness of combined transport operations as compared to equivalent alternative road transport operations.

Or. en

Justification

More pro-activeness is needed to make the combined sector more competitive and attractive if the EU really wants to meet its objectives as regards the shift to more sustainable means of good transport.

Amendment 41

Proposal for a directive

Article 1 – paragraph 1 – point 5

Directive 92/106/EEC

Article 6 – paragraph 5 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

With a view to reducing the time and costs involved in combined transport operations, such additional measures shall include one or more of the following incentives :

(a) exempting hauliers from the infrastructure charges, external-cost charges and/or congestion charges referred to in Article 2 of Directive 1999/62/EC, especially in the case of vehicles powered by alternative fuels as referred to in Article 2 of Directive 2014/94/EU ^{1a};

(b) exempting rail undertakings from the charges for the use of railway infrastructure;

(c) exempting hauliers from the limitations imposed under national traffic bans.

^{1a} Directive 2014/94/EU of the European Parliament and of the Council of 22 October 2014 on the deployment of alternative fuels infrastructure, (OJ L 307, 28.10.2014, p. 1).

Or. en

Justification

Saving time and costs is the main priority to make combined transport more competitive than other modes. Therefore, Member States shall take measures in order to reduce the charges to be paid by operators, and shall provide for derogations from traffic bans.

Amendment 42

Proposal for a directive

Article 1 – paragraph 1 – point 5

Directive 92/106/EEC

Article 6 – paragraph 5 – subparagraph 2 b (new)

Text proposed by the Commission

Amendment

When taking additional measures, Member States shall also take due account of the need to accelerate the shift towards the digitalisation of the combined transport sector and shall in particular:

(a) foster the integration of connected systems and the automation of operations;

(b) improve the investments in digital logistics, information and communication technologies and intelligent transport systems; and

(c) phase out the use of paper documents in the future.

Or. en

Justification

It is needed to specify that additional measures shall contribute to the shift towards digitalisation of the sector so as to make sure that the phasing out of the paper documents can be achieved when the time comes.

Amendment 43

Proposal for a directive

Article 1 – paragraph 1 – point 8

Directive 92/106/EEC

Article 10a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 5(2) shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this (amending) Directive]

Amendment

2. The power to adopt delegated acts referred to in Article 5(2) shall be conferred on the Commission for ***a*** period of ***five years*** from [date of entry into force of this (amending) Directive]. ***The Commission shall draw up a report in respect of the delegation of power no later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.***

Or. en

Justification

Amendment in line with the Parliament's usual line as regards the delimitation of delegated powers.

Amendment 44

Proposal for a directive

Article 1 a – title and paragraph 1 (new)

Text proposed by the Commission

Amendment

Article 1 a

Directive 96/53/EC is amended as follows:

Or. en

Amendment 45

Proposal for a directive

Article 1 a – paragraph 1 – point 1 (new)

Directive 96/53/EC

Article 2 – paragraph 1 – indent 15 – point a

Present text

(a) the combined transport operations defined in Article 1 of Council Directive 92/106/EEC **engaged in the transport of one or more containers or swap bodies**, up to a total maximum length of 45 feet; or

Amendment

(1) In indent 15 of the first paragraph of Article 2, point (a) is replaced by the following:

"(a) the combined transport operations defined in Article 1 of Council Directive 92/106/EEC , up to a total maximum length of 45 feet; or

Or. en

(<https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1521042204736&uri=CELEX:01996L0053-20150526>)

Justification

This amendment to the Weight and Dimension Directive 96/53 (in the definition of 'intermodal transport operation') is aimed to allow for the use of all semi-trailers of 44 tonnes for combined transport operation, with a view to give a supplementary competitive advantage to that sector.

Amendment 46

Proposal for a directive

Article 1 a – paragraph 1 – point 2 (new)

Directive 96/53/EC

Annex 1 – point 2.2.2 – point c

Present text

(c) two-axle motor vehicle with three-axle semi-trailer **carrying**, in intermodal transport operations, one or more containers or swap bodies, up to a total maximum length of 45 feet

Amendment

(2) Point (c) of point 2.2.2 of Annex I is replaced by the following:

"(c) two-axle motor vehicle with three-axle semi-trailer, in intermodal transport operations, **including when carrying** one or more containers or swap bodies, up to a total maximum length of 45 feet"

(<https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1521042204736&uri=CELEX:01996L0053-20150526>)

Justification

This amendment to the Weight and Dimension Directive 96/53 (in the definition of 'intermodal transport operation') is aimed to allow for the use of all semi-trailers of 44 tonnes for combined transport operation, with a view to give a supplementary competitive advantage to that sector.

Amendment 47

Proposal for a directive

Article 1 a – paragraph 1 – point 3 (new)

Directive 96/53/EC

Annex 1 – point 2.2.2 – point d

Present text

(d) three-axle motor vehicle with two- or three-axle semi-trailer carrying, in intermodal transport operations, one or more containers or swap bodies, up to a total maximum length of 45 feet

Amendment

(3) Point (d) of point 2.2.2 of Annex I is replaced by the following:

"(d) three-axle motor vehicle with two- or three-axle semi-trailer **including when** carrying, in intermodal transport operations, one or more containers or swap bodies, up to a total maximum length of 45 feet"

(<https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1521042204736&uri=CELEX:01996L0053-20150526>)

Justification

This amendment to the Weight and Dimension Directive 96/53 (in the definition of 'intermodal transport operation') is aimed to allow for the use of all semi-trailers of 44 tonnes for combined transport operation, with a view to give a supplementary competitive advantage to that sector.

EXPLANATORY STATEMENT

Commission proposal

Directive 92/106/EEC (the Combined Transport Directive) sets common rules for certain types of combined transport of goods. It aims at reducing road freight transport by bringing together rail, inland waterway and sea transport. The Combined Transport Directive is the only legal instrument at Union level to directly incentivise the shift from road freight to lower emission transport modes. Intermodal transport largely uses modes of transport – such as rail, inland waterways and maritime transport – that cause less negative externalities (emissions, noise and accidents).

The revision of the present rules follows a fitness check of the existing legislation by the Commission, including consultations with Member States and stakeholders. This check showed that, although the impact of the Combined Transport Directive has been modest, it is one of the instruments enhancing the uptake of intermodal freight transport. Its effectiveness and efficiency could be improved by addressing identified shortcomings. In the current situation, the main problems are: 1) less advantageous conditions compared to road transport; and 2) insufficient capacity and density of the intermodal infrastructure. The revised directive will, in particular:

- clarify and extend the definition of combined transport;
- improve the monitoring of eligibility and enforcement conditions;
- improving the reporting and monitoring conditions of the Directive; and
- increase the effectiveness of incentives.

The Commission proposes to extend the scope to domestic transport. Each road leg of the combined transport operation shall not exceed 150 km in distance as the crow flies, or 20% of the distance as the crow flies of the whole combined transport route, when it amounts to more than 150 km. Member States may allow derogation in certain cases. Cabotage exemptions shall apply only to vehicles carrying on road legs which are part of international combined transport operations.

Clear evidence shall be provided to define a combined transport operation. The Commission proposes a list of documents that the carrier should make available at road checks. Such evidence may be presented or transmitted electronically.

According to the Commission proposal, Member States shall submit to the Commission a report providing information related to the combined transport operations on their territory. The Commission shall draw up and submit a report assessing the economic development, the effects of the implementation of the Directive, the effectiveness and efficiency of the support measures adopted by the Member States, possible further measures, including a revision of the definition of combined transport.

Regarding the increase of effectiveness of incentives, Member States shall take the necessary measures to support investment in transshipment terminals, ensuring that any location in the Union is not situated at a distance farther than 150 km from such terminals.

Finally, Member States shall designate one or more competent authority to ensure the implementation of this Directive.

Rapporteur's position

Your rapporteur underlines the importance of favouring combined transport for the delivery of goods.

Combined transport can be an important way to reduce the impact of transportation on health and on environment, supporting the shift to less polluting modalities and helping to achieve the targets in terms of reducing greenhouse gas emissions.

Therefore, combined transport is an opportunity to modernise the transport sector and improve freight logistics, decongesting traffic and improving the management of transshipment terminals. There is a need of measures in terms of infrastructure investments and economic incentives.

Your rapporteur overall supports the Commission proposal and acknowledges the findings of the preceding REFIT evaluation, but she considers that there are a number of areas where the proposal needs to be strengthened and therefore amended. Further technical work to clarify the definition of combined transport should also facilitate the implementation of the updated rules in Member States.

Scope and definition

The rapporteur proposes to better define the vehicles included in the scope of the Directive, making a distinction between vehicles/load units accompanied or not by their drivers.

In order to avoid discrimination among operators and competition problems between Member States, it should be mandatory for all Member States to allow, as a general rule, to exceed the maximum road leg distance limit but under very clear conditions and criteria applying to the whole Union.

More clarity is needed to define combined transport operations with third countries, especially for the calculation of the distance limit for each road leg. Your rapporteur makes clearer that legs out of the territory of the Union should not be taken into account for the purpose of this Directive.

Evidence and digital means

The rapporteur welcomes the detailed list of information to be provided by carriers at road checks, and she provides for some clarification.

Nevertheless, it is necessary to allow for some flexibility for ex post controls in case of some evidence related to the initial road transport leg, and to the non-road leg.

Digitalisation will considerably increase the efficiency and competitiveness of combined transport operations. The rapporteur proposes a series of measures to help phasing out the use of paper systems and encourage operators and Member States to make the shift more quickly. Reductions of costs, less administrative burden and more efficiency will help boosting the advantages of combined transport, rather than other modalities.

Cabotage and posting of drivers

The rapporteur believes that the cabotage rules exemption for the international road legs helps boosting the combined transport sector, but she wants to make sure that the existing legislation is properly applied with a view to prevent illegal cabotage operations.

The cabotage exemption, as defined in Article 4, applies to cross-border transport operations,

but it will not apply to the road legs of the domestic combined transport operation. The first operations compete head-on with cross-border pure road haulage.

To ensure the social protection of drivers performing activities in a different Member State, provisions on posting of drivers in Directives 96/71 and 2014/67 should apply to road legs in all types of operations.

Furthermore, the rapporteur proposes more clarity regarding the application of cabotage exemptions, and the posting of drivers.

Member States' reporting and Commission's assessment

The rapporteur welcomes the reporting system proposed by the Commission, and she believes that a more precise data collection will help assessing the effects of the implementation of the directive on the development of combined transport.

The rapporteur proposes an explicit reference to national targets to ensure more transparency, efficiency and consistency with the directive objectives. Targets shall be linked in particular to the development of combined transport, the impact on health and the environment, the reduction of road congestion and the increase of transport safety.

Transparency should be guaranteed and comparable data should be published at Union level. Commission should consider to improve data collection and publication through the amendment of the Eurostat regulation.

Fiscal incentives

The rapporteur believes that further fiscal measures should be adopted by Member States in order to create an economic advantage for combined transport compared to other modes of transport. Possible exemptions from infrastructure charges (for both rail and road legs), external-costs charges, and congestion charges could be put in place, in particular for vehicles powered by alternative fuels.

Measures to support investment in infrastructures and operation

The rapporteur welcomes the proposal of the Commission to ensure a balanced and sufficient geographical distribution of suitable facilities in the Union, and notably on the TEN-T Core and Comprehensive networks. Member States shall take due account of the need to reduce congestion, improve cross-border connections, improve accessibility and connectivity, and accelerate the shift to digitalisation.

It is necessary to distinguish between the construction of new combined transport terminals and the expansion of existing ones as needs are different according to geographical areas. In areas where additional terminal capacity is needed, the expansion of existing transshipment terminals should be considered, and where necessary the construction of new terminals.

In case state aids are provided for the construction of new terminals, Member States should check that this will not affect existing ones, including by conducting economic equilibrium tests if necessary.